

Ordinance 09-09

**AN ORDINANCE APPROVING AMENDMENTS TO
THE PARK CITY LAND MANAGEMENT CODE
CLARIFYING FINANCIAL GUARANTEE LANGUAGE TO
CHAPTERS 1, 7.2, 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, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Staff saw a need to clarify and expand the ability of the City to Guarantee completion of public and site improvements and compliance with Historic Preservation Plans;

WHEREAS, Chapter 15- Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that appear on recorded plats and other documents that are not currently defined in the Code. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code;

WHEREAS, these amendments are changes identified during the 2008 annual review of the Land Management Code;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on January 7, 2009 and January 28, 2009, and forwarded a recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on February 12, 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 to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 15-1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 15-7 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 7 shall be resolved by the Planning Director.

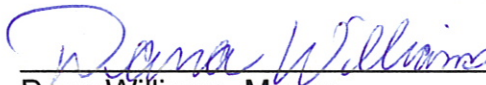
SECTION 3. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.


PASSED AND ADOPTED this 12 day of February, 2009

PARK CITY MUNICIPAL CORPORATION




Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney



EXHIBIT A

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) POLICY.

(1) **SECURITY**
GUARANTEE REQUIRED. In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements or Public Improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements or Public Improvements prior to occupancy, or if that is not possible, that adequate financial security Guarantees for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial security Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial

Guarantee to ensure compliance with a Historic Preservation Plan whenever a building project affects a Historic Building, Structure, Site or Object, as defined by this title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security Guarantee given by the Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, ~~and elimination of eliminating~~ conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer. ~~In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Planning, Building and Engineering Team.~~

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements and Public Improvements shown on the Site plan. Where applicable, the approved plans shall also include a Historic Preservation Plan. For purposes of this Code, the term "Site improvement Improvement" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and

similar improvements as shown on the set of plans on which the final approval and Building permits are based. The term “Public Improvements” is defined in Chapter 15 of this Title. The term “Historic Preservation Plan” means a plan approved by the Planning Director and Chief Building Official, or their designees, that specifies the Historic character of a Historic Building Structure, Site or Object, and the methods and means a Developer will use to preserve that Historic character during the Building project. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) SECURITY GUARANTEE FOR COMPLETION. No Certificate of Occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site or Public improvements Improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site or Public improvements Improvements. When the Site or Public improvements Improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site or Public

improvements Improvements work remains unfinished; and,

(2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site or Public improvements Improvements is safe and that Access for emergency vehicles is adequate with the Site or Public improvements Improvements unfinished; and,

(3) The Developer posts an adequate security Guarantee for the benefit of the City to insure completion of the Site or Public improvements Improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) AMOUNT OF SECURITY GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS.

The amount of the security Guarantee for Site or Public Improvements to be posted by the ~~Applicant~~ Developer , and shall be equal to 125% of the amount reasonably estimated by the ~~Engineering Department~~ City Engineer, or his designee, as being necessary to complete remaining Site or Public improvements Improvements as shown on the approved plans. In the event that the Developer disputes the City’s cost estimate ~~of the City~~, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not

satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) TERMS OF SECURITY

GUARANTEE. The terms of any security Guarantee arrangement offered to the City shall state a date certain by which the Developer agrees to have Site or Public improvements Improvements work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public improvements Improvements work by that date, the City may at its option and on its schedule, draw on the funds in escrow, or credit established, ~~or such other security device~~ Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the ~~escrow or other security arrangements~~ Guarantee.

(F) FORM OF SECURITY

GUARANTEE. Security Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public improvements Improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit ~~from~~ issued by a bank authorized to do Business in the State of Utah or

an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or,

- (2) A deposit of cash with a third party ~~escrow~~ Escrow, or,

- (3) ~~An Agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.~~ A deposit of cash with the City, or,

- (4) Some combination of the above as approved by the City or an approved equal.

(G) RETAINED AMOUNT. The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public improvement Improvement work by the City. ~~No retained amount shall be held for landscaping improvements once the installation of the required materials has been approved by the City.~~ The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a

new security instruments Guarantee within ~~thirty (30)~~ sixty (60) days ~~from prior to~~ the expiration of the security Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public improvements Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) MODIFICATION OF PLANS. A Developer may, at its option, request modifications to plans covering Site or Public improvement Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer security a Guarantee for the performance of the Site or Public improvement Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public improvements Improvements, additional

security Guarantee must be provided by the Developer to cover the increased costs.

(I) PAYMENT OF INTEREST. ~~Any interest accruing on funds in escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the~~ The City shall not be required to pay interest to the Developer on any funds in escrow ~~for this purpose.~~ or on cash held by the City as a Guarantee.

(J) DETAILED SITE PLANS. A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths or walkways that may be included or required under other provisions of the Land Management Code.

(K) SINGLE FAMILY HOMES. This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security Guarantee required for single family homes shall be the reasonably estimated cost to complete construction of any ~~retained amount and drainage works~~ Site or Public Improvements on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) PHASED PROJECTS. Site or Public improvements Improvements applicable to each phase of a phased project or Development shall be completed or security Guarantee for completion provided as each phase is constructed and either platted or occupied. Site or Public improvements Improvements on other phases of the project shall be completed or

security Guarantee offered as those phases are completed.

EXHIBIT B

CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

15-7.2-1. IMPROVEMENTS.

(A) COSTS OF IMPROVEMENTS.

All required improvements Site or Public Improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

(B) ESCROW DEPOSITS, CASH DEPOSITS, OR LETTERS OF CREDIT FOR LOT IMPROVEMENTS.

(1) **ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the season of the year any Lot improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary Certificate of Occupancy, provided there is no danger to health, safety, or general welfare, upon accepting as a Guarantee a cash an escrow deposit, a cash deposit, or a letter of credit in an amount to be determined by the ~~City Engineer~~ Chief Building Official or his designee, for the cost of said improvements. The ~~performance~~ Guarantee covering such Lot improvements shall remain in full force and effect.

(2) **PROCEDURES ON ESCROW FUND.** All required improvements for which ~~escrow monies or letters of credit have a~~ Guarantee has been accepted by the

Chief Building Official, or his designee, at the time of issuance of a Certificate of Occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary Certificate of Occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Chief Building Official, or his designee, shall give two (2) weeks written notice to the Developer requiring him to install the same, and in the event that the same are not installed properly ~~in the discretion of the Building Official~~ to the City's satisfaction, the Chief Building Official, or his designee, may request the City Council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the ~~escrow deposit or letter of credit~~ Guarantee. At the time of the issuance of the Certificate of Occupancy for which ~~escrow monies/letters of credit are being a~~ Guarantee is deposited with the Chief Building Official, or his designee, the Applicant shall obtain and file with the Building Official prior to obtaining the Certificate of Occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

Sections excluded from this report remaining unchanged:

(C) TEMPORARY IMPROVEMENTS.

(D) DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.

(E) INSPECTION OF IMPROVEMENTS.

(F) MAINTENANCE OF IMPROVEMENTS.

(G) COMPLETION OF IMPROVEMENTS.

(H) CERTIFICATE OF SATISFACTORY COMPLETION.

End of excluded sections.

(I) FAILURE TO COMPLETE IMPROVEMENT. For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Planning Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed ~~regardless of the extent of the Building Development at the time the Guarantee is declared to be in default.~~

15-7.2-2. PERFORMANCE GUARANTEE.

The City Council in its discretion may waive the requirement that the Applicant complete and dedicate all Site and Public Improvements prior to the signing of the Subdivision Plat, and that, as an alternative, the Applicant may post an acceptable Guarantee, in accordance with Section 15-7.2-1(B) of the Land Management Code, at the time of application for final Subdivision approval in an amount estimated by the City Engineer, or his designee, and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements Site or Public Improvements. The posting of Guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The ~~performance~~ Guarantee shall also secure all ~~Lot improvements~~ Site or Public Improvements on the individual Lots of the Subdivision as may be required. Such ~~performance~~ Guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the ordinance approving the final Subdivision Plat and shall be incorporated in the Guarantee and shall not in any event exceed two (2) years from date of final approval.

Such Guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Planning Director may, upon proof of difficulty, recommend to

the City Council extension of the completion date set forth in such Guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such Guarantee accept a substitution of principal or sureties.

(A) PERFORMANCE GUARANTEE TO INCLUDE LOT IMPROVEMENTS.

The ~~performance~~ Guarantee shall include an amount to Guarantee ensure completion of all requirements contained in Section 15-7.2-2 of these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other Lot improvements required by the Planning Commission. Whether or not a Certificate of Occupancy has been issued, at the expiration of the performance Guarantee, the City may enforce the provisions of the Guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

(B) REDUCTION OF PERFORMANCE GUARANTEE. A ~~performance~~ Guarantee may be reduced upon actual completion and/or acceptance of ~~public improvements~~ Site or Public Improvements and then only to the ratio that the ~~public improvement~~ Site or Public Improvements accepted bears to the total ~~public improvements~~ Site or Public Improvements for the plat. In no event shall a performance Guarantee be reduced below twenty-five percent (25%) of the principal amount until completion.

(C) GOVERNMENTAL UNITS. Governmental units to which these Guarantees and contract provisions apply may file in lieu of said contract or Guarantees a certified resolution or ordinance from officers or agencies

authorized to act in their behalf, agreeing to comply with the provisions of this ~~Article~~ Title.

(D) RECORDATION OF PLAT REQUIRED PRIOR TO GUARANTEE.

In the event the Applicant's ability to post an acceptable Guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the Applicant of an executed and acknowledged agreement signed by all Owners of fee, leasehold, contract and security interests in the subject Property, in the form of a restrictive covenant that the Applicant will not sell, lease or otherwise convey any Lot, Parcel or portion of a Lot of the subject Property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 15-7.2-1(B)(1) or 15-7.2-2. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on Applicant's successors and assigns, to install or Guarantee installation of all required ~~improvements~~ Site or Public Improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the Guarantee requirements of Section 15-7.2-2 have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the Applicant or his successors with the provisions of Section 15-7.2-1(G) or 15-7.2-2 hereof.

**15-7.2-4 ISSUANCE OF
BUILDING PERMITS AND
CERTIFICATE OF OCCUPANCY.**

completed and dedicated to
the local government.

**(A) PERFORMANCE GUARANTEE
FOR SUBDIVISION PLAT.** Where a
performance Guarantee has been required
for a Subdivision, no Certificate of
Occupancy for any Building in the
Subdivision shall be issued prior to the
completion of the improvements Public
Improvements and dedication of same to the
City, as required in the Planning
Commission's and City Council's final
approval of the Subdivision Plat.

Section excluded from this report:

**(C) CONSUMER
PROTECTION LEGISLATION
AND CONFLICTS OF
INTEREST STATUTES.**

End of excluded section.

(B) IMPROVEMENTS.

- (1) The extent of utilities and
Street improvements shall be
adequate for emergency response
and vehicular Access by the
prospective occupant and by police
and fire equipment, prior to the
issuance of any Building Permit.
The Developer shall at the time of
the dedication submit ~~monies in
escrow or an acceptable letter of
credit~~ a Guarantee to the City in a
sum determined by the City
Engineer, or his designee, for the
necessary final improvement of the
Street.
- (2) No Building Permits shall be
issued for the final ten
percent (10%) of Lots in a
Subdivision, or if ten percent
(10%) be less than two (2) for
the final two (2) Lots of a
Subdivision, until all ~~public
improvements~~ Public
Improvements required by
the Planning Commission for
the plat have been fully

EXHIBIT C

CHAPTER 11 - HISTORIC PRESERVATION

15-11-9. PRESERVATION POLICY.

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

(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.

EXHIBIT D

CHAPTER 15 – DEFINED TERMS.

15-15-1. DEFINITIONS.

15-15-1.83. Escrow. A deposit of cash ~~with the City~~ or approved alternate in lieu of cash with a third party held to ensure a performance, ~~or a maintenance, guarantee~~ or other Guarantee.

15-15-1.106. Guarantee. Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination of the above as approved by the City or an approved equal, including but not limited to a lien on the property.

Ordinance No. 09-08

**AN ORDINANCE APPROVING THE 395 CENTENNIAL CIRCLE PLAT AMENDMENT
LOCATED AT 395 CENTENNIAL CIRCLE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 395 Centennial Circle has petitioned the City Council for approval of the 395 Centennial Circle 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 January 28, 2008, to receive input on the 395 Centennial Circle plat amendment;

WHEREAS, the Planning Commission, on January 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 395 Centennial Circle 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 395 Centennial Circle plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 395 Centennial Circle in the Residential Development (RD) zoning district and is part of the Deer Valley Master Planned Development.
2. One non-historic structure is located on the properties.
3. The subject properties encompass Lots 69 and 70 of the American Flag Subdivision.
4. The applicant intends on creating 1 lot from 2 lots.
5. The non-historic home located at 395 Centennial Circle is a legal non-conforming structure as the building straddles the lot lines separating Lot 69 and 70.
6. The non-historic home located at 395 Centennial Circle meets all setback requirements of the RD zoning district.
7. There are no maximum house size requirements on the American Flag Subdivision Plat.

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.

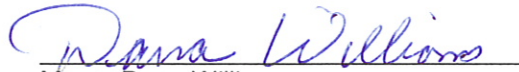
Conditions of Approval:

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. The remnant unit from combining these two lots cannot be utilized elsewhere within the Deer Valley Master Plan area.

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


PASSED AND ADOPTED this 12th day of February, 2009.

PARK CITY MUNICIPAL CORPORATION



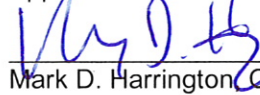
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



REPORT COVER

City of Park City, Utah, hereby certifies that the information herein is true and correct to the best of its knowledge and belief, and that it is a true and correct copy of the original as filed in the office of the County Recorder.



Date: _____

BOUNDARY DESCRIPTION

LOTS 69 & 70, AMERICAN FLAG SUBDIVISION, according to the plan and record, on file and of record in the office of the County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that I, CELESTINE COMBINATION, A PANAMA CORPORATION, the undersigned owner of the herein described tract of land, do hereby dedicate and consent to be dedicated, and do hereby consent to the recording of this subdivision map in the office of the County Recorder.

Also, the undersigned hereby irrevocably and exclusively authorizes the City of Park City to do all things necessary to record this subdivision map, to execute and file with the County Recorder all documents necessary to effectuate the same, and to do all things necessary to effectuate the same.

In witness whereof, the undersigned has hereunto set her hand and seal of office this _____ day of _____, 2008.

CELESTINE COMBINATION, Owner

ACKNOWLEDGMENT

Notary Public for the State of Utah

My commission expires _____

My commission expires _____

My commission expires _____

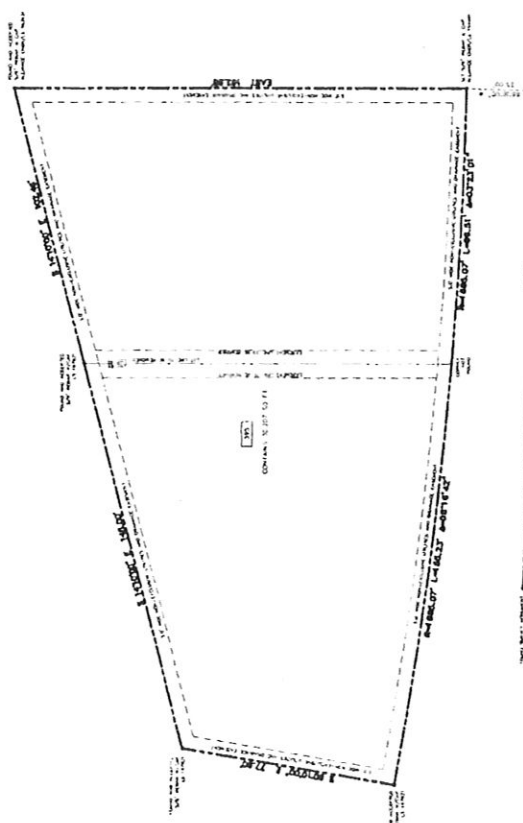
My commission expires _____

My commission expires _____

My commission expires _____

My commission expires _____

My commission expires _____



395 CENTENNIAL CIRCLE SUBDIVISION
A PARCEL COMBINATION PLAT
A COMBINATION OF LOTS 69 & 70, AMERICAN FLAG SUBDIVISION
LOCATED IN SOUTHWEST QUARTER OF SECTION 15 AND NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGEND

- 1. 1/4" = 100' SCALE
- 2. 1/4" = 100' SCALE
- 3. 1/4" = 100' SCALE
- 4. 1/4" = 100' SCALE



	CITY OF PARK CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2008 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I, _____ AND THE PARTY TO BE SIGNED BY ME AT OFFICE THIS _____ DAY OF _____, 2008 A.D. BY _____ BY PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2008 A.D. BY _____ BY PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I HEREBY REC'D AND ATTEST THE RECORD OF THIS SUBDIVISION OF _____ REC'D A.D. BY _____ BY PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2008 A.D. BY _____ BY MAYOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ THE _____ BOOK _____ PAGE _____ FEE _____ RECORD # _____
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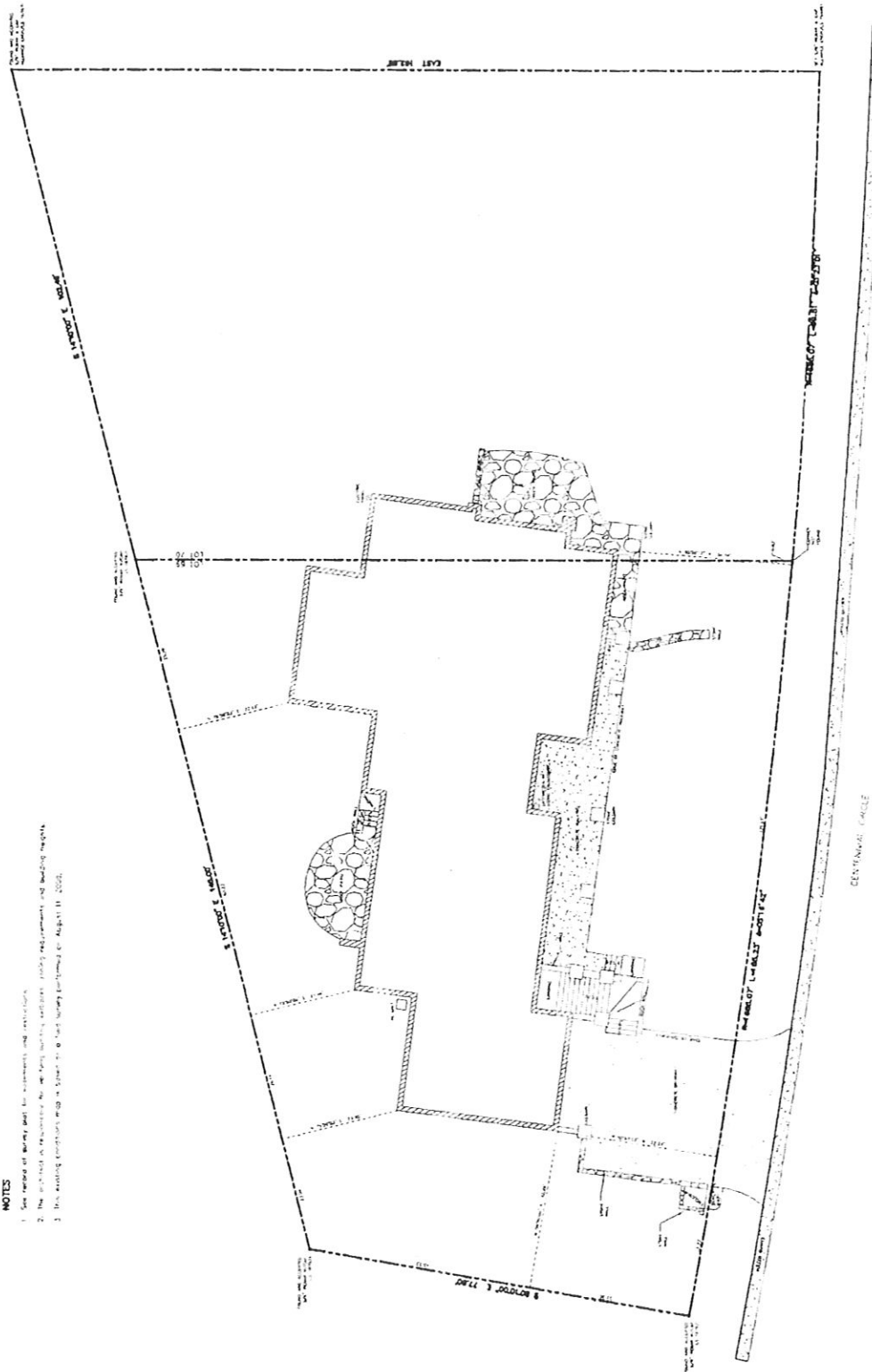
SURVEYOR'S CERTIFICATE

I, **WILLIAM A. WATSON**, being duly sworn, do hereby certify that the foregoing is a true and correct copy of the original map as shown to me by the client, and that the same has been prepared in accordance with the provisions of the Act of the Legislature of the State of New York, passed at the Session of 1892, and amended by the Acts of the Legislature of the State of New York, passed at the Sessions of 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025.

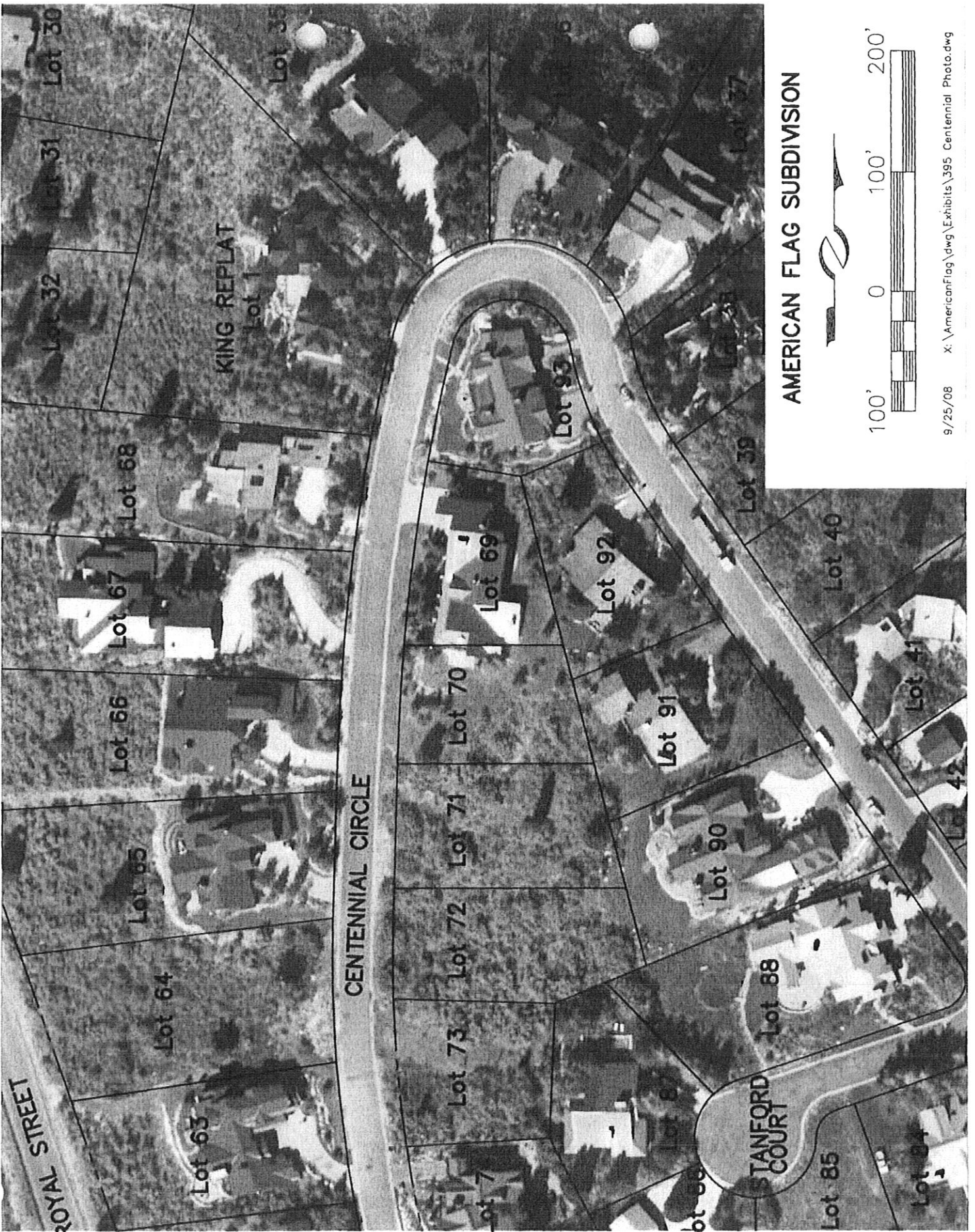


NOTES

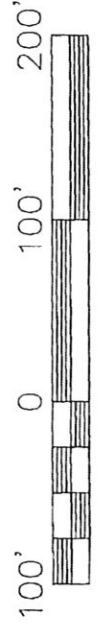
1. See report of survey and plat for instruments and conditions.
2. The plat is subject to the provisions of the Act of the Legislature of the State of New York, passed at the Session of 1892, and amended by the Acts of the Legislature of the State of New York, passed at the Sessions of 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025.
3. This existing conditions map is shown to the client by the client, and is subject to the provisions of the Act of the Legislature of the State of New York, passed at the Session of 1892, and amended by the Acts of the Legislature of the State of New York, passed at the Sessions of 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025.



		SHEET 1 OF 1
EXISTING CONDITIONS MAP AMERICAN FLAG LOTS 69 & 70 395 CENTENNIAL CIRCLE		
FOR: YOBIBRIGHT CORPORATION		
SURVEYOR WILLIAM A. WATSON No. 12345	DATE: 8/12/06	FILE: 123456789



AMERICAN FLAG SUBDIVISION



Ordinance No. 09-07

AN ORDINANCE APPROVING THE PARK MEADOWS NO. 5, LOTS 1 AND 2 AMENDED PLAT, PARK CITY, UTAH.

WHEREAS, the home owners of properties located at 2001 and 2009 Lucky John Drive have petitioned the City Council for approval of the Park Meadows No. 5, Lots 1 and 2 Amended Plat; and

WHEREAS, the properties were properly noticed and posted according to the requirements of the Land Management Code; and

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

WHEREAS, the Planning Commission held a public hearing on January 28, 2009, to receive input on the Park Meadows No. 5, Lots 1 and 2 Amended Plat;

WHEREAS, the Planning Commission, on January 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Park Meadows No. 5, Lots 1 and 2 Amended Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park Meadows No. 5, Lots 1 and 2 Amended Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The subject properties are located at 2001 and 2009 Lucky John Drive and are lots 1 and 2 of the Park Meadows No. 5 Subdivision.
2. The zoning is Single Family (SF).
3. The plat amendment will create two legal lots of record.
4. The plat amendment is being proposed in order to have the configuration of the two lots better represent how they were actually developed.
5. For the benefit of Lot 1 a 10' wide sewer easement has been placed through Lot 2.
6. An easement for the School District currently exists and will be located on proposed lot 1.

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 amendments 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 amendments 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 plats will be void.
3. A 10' sewer easement on Lot 2 for the benefit of Lot 1 will be approved by the SBWRD and recorded prior to recordation of the plat.
4. A deed will be recorded prior to recordation of the plat which reflects the ownership of the newly created lots.
5. A 15' wide utility and access easement will run along the South and East border of Lot 1.
6. For the benefit of Lot 2, a 20' wide driveway easement and access agreement is being proposed on the driveway leading up to Lot 1 and will be reflected on the plat.

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

PASSED AND ADOPTED this 12th day of February, 2009.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:

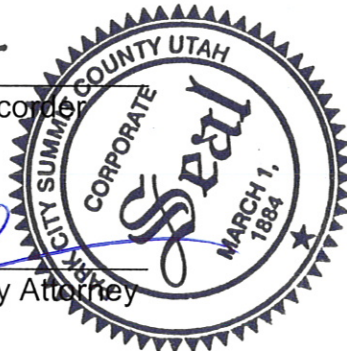


Janet M. Scott, City Recorder

Approved as to form:



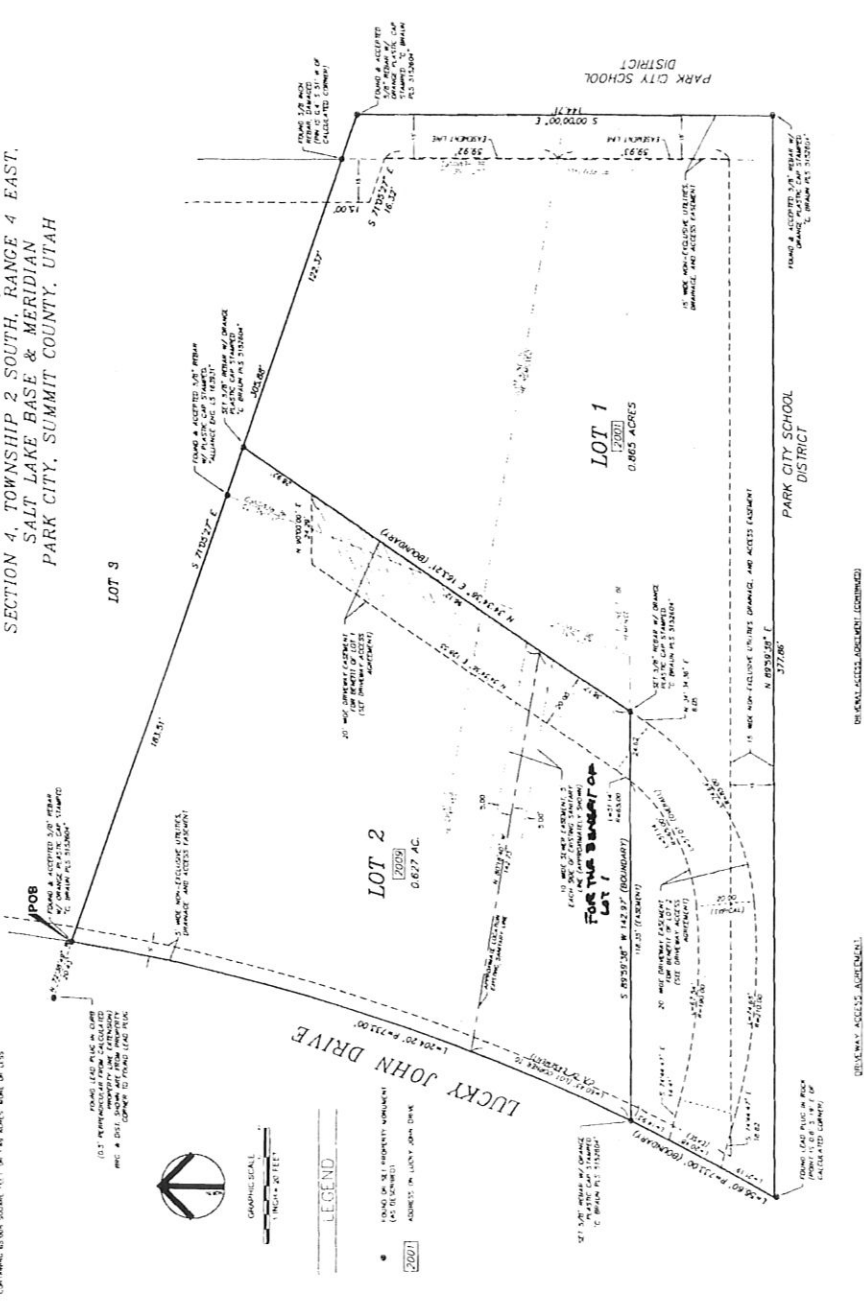
Mark D. Harrington, City Attorney



PARK MEADOWS NO. 5 SUBDIVISION LOTS 1 & 2 AMENDED PLAT

LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION:
 BEING ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, BEING PART OF THE PARK MEADOWS NO. 5 SUBDIVISION, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 865 ACRES



NOV 11 2008

ENGINEERS CERTIFICATE
 I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT I HAVE EXAMINED THE RECORDS OF THIS SURVEY AND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

ENGINEERS CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

ENGINEERS CERTIFICATE
 I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT I HAVE EXAMINED THE RECORDS OF THIS SURVEY AND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

Park City Surveying

PARK CITY PLANNING COMMISSION
 APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2008, A.D.
 CHAIRMAN _____ BY _____ PARK CITY RECORDER

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2008, A.D.
 BY _____ PARK CITY RECORDER

ENGINEERS CERTIFICATE
 APPROVED AS TO FORM AND ACCURACY OF INFORMATION ON THIS _____ DAY OF _____, 2008, A.D.
 BY _____ PARK CITY ENGINEER

ENGINEERS CERTIFICATE
 APPROVED AS TO FORM AND ACCURACY OF INFORMATION ON THIS _____ DAY OF _____, 2008, A.D.
 BY _____ PARK CITY ENGINEER

ENGINEERS CERTIFICATE
 APPROVED AS TO FORM AND ACCURACY OF INFORMATION ON THIS _____ DAY OF _____, 2008, A.D.
 BY _____ PARK CITY ENGINEER

COUNCIL APPROVAL AND ACCEPTANCE
 STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ TIME _____ BOOK _____ PAGE _____ DATE _____ RECORDER _____

COUNCIL APPROVAL AND ACCEPTANCE TO BE RECORDED
 I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT I HAVE EXAMINED THE RECORDS OF THIS SURVEY AND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

ACKNOWLEDGMENTS
 State of Utah
 County of Summit

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

COUNCIL APPROVAL AND ACCEPTANCE TO BE RECORDED
 I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT I HAVE EXAMINED THE RECORDS OF THIS SURVEY AND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

ACKNOWLEDGMENTS
 State of Utah
 County of Summit

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

COUNCIL APPROVAL AND ACCEPTANCE TO BE RECORDED
 I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT I HAVE EXAMINED THE RECORDS OF THIS SURVEY AND THAT THE SAME ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH ENGINEERING ACT AND THE UTAH ENGINEERING BOARD RULES AND REGULATIONS.

ACKNOWLEDGMENTS
 State of Utah
 County of Summit

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

UNENJOINABLES' CONSENT TO BE RECORDED
 My Commission Expires _____ 2008

Ordinance No. 09-06

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE BOOTHILL PARCEL PLAT, LOCATED NEAR THE CORNER OF MONITOR DRIVE AND KEARNS BLVD., PARK CITY, UTAH.

WHEREAS, the owners of the property located at the northeast corner of the Park City Cemetery between the Boothill Condominiums and the City's pump station, have petitioned the City Council for approval of the Boothill Parcel Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 24, 2007, to receive input on the Boothill Parcel Plat;

WHEREAS, the Planning Commission, on October 24, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 15, 2007, the City Council held a Public Hearing on the Boothill Parcel Plat and approved the proposed plat; and

WHEREAS, November 3, 2008, the received a completed application requesting a one year extension of the approved plat; and

WHEREAS, on January 8, 2009, the City Council held a public hearing on the Boothill Parcel Plat extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Boothill Parcel Plat extension.

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 Boothill Parcel Plat extension, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1) The property is located near the intersection of Monitor Drive and Kearns Blvd northeast of the cemetery and between the Boothill Condominiums and the City's pump station.
- 2) The zoning is General Commercial (GC), and surrounded by the cemetery and residential condominiums.
- 3) The proposed lot was previously part of the city owned property located in the Northwest Quarter of Section 9, Township 2, South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, and is 35,252 square feet in area.
- 4) Park City Municipal sold said property on March 20, 1986 with conditions imposed on the property.
- 5) The conditions were intended to apply to any future development of the property.

Conclusions of Law:

- 1) There is good cause for this plat amendment extension.
- 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 extension.
- 4) Approval of the plat amendment extension, 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 extension of approval.
- 3) If recordation has not occurred within one year's time, this extension of approval for the plat will be void.
- 4) The property can only be used for professional offices and parking associated therewith. No retail sales, food service, bar or tavern, warehouse, theater or place of public assembly, church, school or transient lodging may be done on the property for a period of fifty (50) years commencing March 20, 1986.
- 5) The total building footprint cannot exceed 7,000 square feet, and the floor area may not exceed 18,000 square feet.
- 6) The building height may not exceed thirty-five (35') above natural grade at any point.
- 7) The City retained an easement over the parcel to provide an access road to the Boothill Water tank. The location shall be specifically described on the final site plan for the building, but shall provide a road fifteen feet (15') wide that does not exceed 15% grade as it crosses the subject property. The road will be built and maintained across the property at the expense of the property owner and may be combined with parking area access roads.
- 8) Notes shall be placed on the plat memorializing Conditions 4, 5, 6 and 7.
- 9) All issues concerning access and utility easements will be resolved with the Snyderville Basin Water Reclamation District prior to recordation.

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

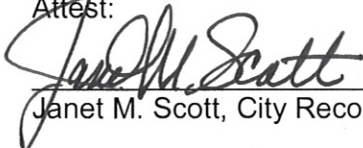
PASSED AND ADOPTED this 5th day of February, 2009.

PARK CITY MUNICIPAL CORPORATION



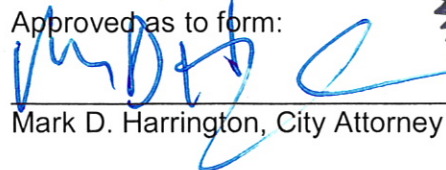
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



BOOTHILL PARCEL PLAT

LOCATED IN NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described premises, do hereby dedicate and consent to the recording of the above described plat and the same being a part of the public domain of the State of Utah.

WITNESSED AND SIGNED this 1st day of _____ 2008

BY: _____

BY: _____

LEGAL DESCRIPTION

THE ABOVE DESCRIBED PARCEL IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH. THE PARCEL IS BOUND BY THE MONITOR DRIVE TO THE NORTH, THE SALT LAKE BASE AND MERIDIAN TO THE SOUTH, AND THE PUBLIC DOMAIN TO THE WEST AND EAST. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT. THE PARCEL IS TO BE PLACED IN THE PUBLIC DOMAIN OF THE STATE OF UTAH.

ACKNOWLEDGMENT

I, the undersigned, being the owner of the above described premises, do hereby acknowledge the recording of the above described plat and the same being a part of the public domain of the State of Utah.

WITNESSED AND SIGNED this 1st day of _____ 2008

BY: _____

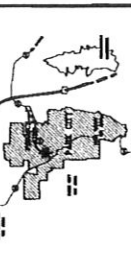
BY: _____

PLAT NOTES

1. THE ABOVE DESCRIBED PARCEL IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH.
2. THE PARCEL IS BOUND BY THE MONITOR DRIVE TO THE NORTH, THE SALT LAKE BASE AND MERIDIAN TO THE SOUTH, AND THE PUBLIC DOMAIN TO THE WEST AND EAST.
3. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
4. THE PARCEL IS TO BE PLACED IN THE PUBLIC DOMAIN OF THE STATE OF UTAH.
5. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
6. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
7. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
8. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
9. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.
10. THE PARCEL IS SUBJECT TO THE EASEMENTS AND RIGHTS DESCRIBED IN THE PLAT.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed and sworn surveyor, do hereby certify that the above described plat and the same being a part of the public domain of the State of Utah, was prepared and recorded in accordance with the laws and regulations of the State of Utah.



CERTIFICATE OF ATTEST

I, the undersigned, being a duly licensed and sworn surveyor, do hereby certify that the above described plat and the same being a part of the public domain of the State of Utah, was prepared and recorded in accordance with the laws and regulations of the State of Utah.

CITY COUNCIL APPROVAL

APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF _____ ON THIS _____ DAY OF _____ 2008.

CITY ENGINEER

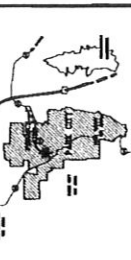
APPROVED AND ACCEPTED BY THE CITY ENGINEER OF THE CITY OF _____ ON THIS _____ DAY OF _____ 2008.

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF _____ ON THIS _____ DAY OF _____ 2008.

APPROVAL AS TO FORM

APPROVED AS TO FORM BY THE COUNTY CLERK OF THE COUNTY OF _____ ON THIS _____ DAY OF _____ 2008.



JACK JOHNSON COMPANY

NOV 03 2008

RECORDED PAGE NO. _____ DATE OF RECORDING _____ COUNTY OF _____

RECORDED AS TO FORM PAGE NO. _____ DATE OF RECORDING _____ COUNTY OF _____

Ordinance No. 09-05

**ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE OF PARK CITY, UTAH
TO ADDRESS REVISIONS TO CHAPTERS 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 Commission; and

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

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

WHEREAS, Chapter 15-Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code; and

WHEREAS, these amendments represent changes identified by the City Council in discussions held in 2008. Amendments to establish a Historic Sites Inventory, to broaden the criteria by which buildings, structures and sites are designated as historic, to modify the criteria and procedure for the designation of Landmark Sites and Significant Sites; and to define the criteria and procedure for removing a property from the Historic Sites Inventory are consistent with City Council goals to protect historic and cultural resources; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the special meeting held January 7, 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 January 22, 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 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 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 11.

Section 2. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 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 15.

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

PASSED AND ADOPTED this 22nd day of January, 2009

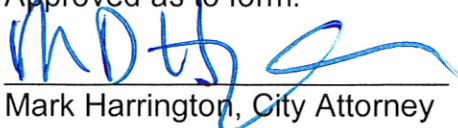
PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Jan M. Scott, City Recorder

Approved as to form:



Mark Harrington, City Attorney

EXHIBIT A

LMC, Chapter 11-HISTORIC PRESERVATION.

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

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

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

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

- ~~(1) The Building, Structure or Site is associated with events or lives of Persons Significant _____ to _____ our _____ past; _____ and/or~~
- ~~(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or~~
- ~~(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or~~
- ~~(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance _____ to _____ the _____ community; _____ and/or~~
- ~~(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or~~

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

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

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

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

15-11-12. 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 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:
(a) the change was made after the Period of Historic Significance, or

(b) the change is NOT due to any structural failure, or

(c) the change is NOT due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous owner.

(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 one that is Dissimilar 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 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.

(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 15-11-12(A)(1) or 15-11-12(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 15-11-12(A)(1) or section 15-11-12(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.

(1) CRITERIA FOR REMOVAL.

(a) The Site no longer meets the criteria set forth in 15-11-12(A)(1) or 15-11-12(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed,

(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(s), Accessory Building(s), and/or Structures on the Site do not comply with the criteria set forth in 15-11-12(A)(1) or 15-11-12(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, 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". If the HPB finds that the Application does not comply with the criteria set forth in section 15-11-12(A)(1) or section 15-11-12(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.

LMC, Chapter 15-DEFINITIONS.

Dissimilar Location. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

Essential Historical Form. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

Historic Integrity. The ability of a Site to retain its identity and, therefore, convey its significance in the history of Park City. Within the concept of historic integrity, Park City Municipal Corporation recognizes seven aspects or qualities as defined by the National Park Service that, in various combinations, define integrity. They are:

(A) Location. The place where the historic Site was constructed or the historic event took place.

(B) Design. The combination of physical elements that create the form, plan, space, structure, and style of a Site. Design includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

(C) Setting. The physical environment, either natural or manmade, of a historic Site, including vegetation, topographic features, manmade features (paths, fences, walls), and the relationship between Structures and other features or open space.

(D) Materials. The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic Site.

(E) Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history; including methods of construction, finishes (plain or decorative), painting, carving, joinery, tooling, and turning.

(F) Feeling. A Site's expression of the aesthetic or historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the property's historic character.

(G) Association. The direct link between an important historic era or person and a historic Site. A Site retains association if it is the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

Historic Sites Inventory. A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set forth in LMC Chapter 15-11.

Landmark Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Noteworthy. Deserving notice or attention because of uniqueness, excellence, or Significance.

Period of Historic Significance. A specific period of time that provides a context for Historic Sites based on a shared theme.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

15-15-1.207. **Significance.** The value placed on a Building relating to its architectural or Historical importance. The quality of having Historical consequence or being regarded as having great architectural value.

Significant Site. Any Site, including Buildings (Main, Attached, Detached or Public), Accessory Buildings, and/or Structures, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

Site. An area, Lot, or piece of land where a Building (Main, Attached, Detached or Public), Accessory Building(s), and/or Structure(s) were, are, or will be located.

Ordinance No. 09-04

AN ORDINANCE APPROVING THE FOUR'S COMPANY RE- PLAT, A RESUBDIVISION OF ALL OF LOTS 26-29 AND A PORTION OF LOTS 25 AND 30, BLOCK 73, ALL OF LOT A OF THE 187 DALY AVENUE REPLAT MILLSITE RESERVATION TO PARK CITY LOCATED AT 161, 167, 173, AND 187 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners the homes located at 161, 167, 173, and 187 Daly Avenue have petitioned the City Council for approval of the subdivision; and

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

WHEREAS, the applicant would like to reestablish the lot lines to reflect the property boundaries of the homes at 161, 167, 173, and 187 Daly Avenue into four lots of record; and

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

WHEREAS, the Planning Commission held a public hearing on December 10, 2008, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on December 10, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 8th, 2009, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Four's Company Re-Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Four's Company Re-Plat, as shown in the attachment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 161, 167, 173, and 187 Daly Avenue.
2. The zoning district is Historic Residential (HR-1).
3. The subdivision will include all of lots 26-29 and a portion of lot 25 and 30 of Block 73 of the Park City Survey and all of lot A of the 187 Daly Avenue Replat Millsite Reservation to Park City.

4. The proposed subdivision creates four lots of record.
5. The proposed subdivision dedicates 1153 square feet to Park City underlying paved Daly Avenue.
6. According to the Land Management Code, the minimum lot width in the HR-1 District is 25'. Each of the proposed new lots exceeds the 25' minimum width.
7. According to the Land Management Code, the minimum lot area in the HR-1 is 1,875 square feet. Each of the proposed four lots exceeds the 1,875 square foot minimum.
8. An existing historic home is located on each the properties at 161, 167 and 173 Daly Avenue.
9. Side yard setback as required within the HR-1 zone are not in compliance with the existing structures and proposed lot lines due to insufficient spacing between the existing structures. The structures are existing non-complying structures. All future modifications and/or additions on the properties must comply with the Land Management Code standards for non-complying structures.
10. Lot lines exist beneath the existing historic homes at 161, 167, and 173 Daly Avenue.
11. There are existing structures and improvements across the Easterly lot line into the City property. This property is deeded open space.
12. The proposed subdivision creates a snow storage easement 10 feet wide along the front property line off of Daly Avenue
13. No remnant parcels of land are created by this plat amendment.
14. Access to the lot is from Daly Avenue.
15. Existing Daly Ave is located along the west property line. Existing structures comply with the front yard setback requirements for the HR-1 zoning district.
16. No trails exist across the property.
17. All findings within the Analysis section of the staff report are incorporated within.

Conclusions of Law:

1. There is good cause for this Subdivision because it will create four legal lots of record for four existing homes.
2. The Subdivision is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Recorded encroachment easements for the existing improvements across the rear property line within the City open space shall be recorded between the City and the owners prior to plat recordation.
3. The applicant will record the Subdivision at the County within one year from the date

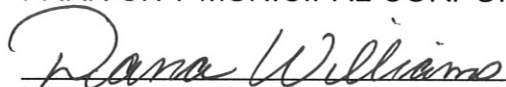
of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

4. A ten foot Snow storage easement shall be identified along the front property line on the subdivision plat.
5. Dedication of property to the City for the Daly Avenue street right-of-way shall be identified on the subdivision plat.
6. No remnant parcels are separately developable.
7. An encroachment agreement on Lot 2 for the encroachment of the structure from Lot 3 must be recorded prior to plat recordation.
8. Lot 1, 2, 3, and 4 of the Four's Company Replat must record snow shed and maintenance agreements with adjacent property owners within this application prior to plat recordation.

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

PASSED AND ADOPTED this 8th day of January, 2009.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



SECTION 1: SERVICE'S CERTIFICATE

Boundary Description: The north 1/2 of Lot 25, Block 73, Millie Reservation to Park City, according to the official plat thereof on the...

SECTION 2: A LOT LINE ADJUSTMENT PLAT

A RESUBDIVISION OF ALL OF LOTS 26-29 AND A PORTION OF LOTS 25 AND 30, BLOCK 73, ALL OF LOT A OF THE 187 DAILY AVENUE REPLAT...

SECTION 3: OWNER'S DECLARATION AND CONSENT TO RECORD

NOTE: ALL OF THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM...

SECTION 4: OWNER'S DECLARATION AND CONSENT TO RECORD

NOTE: ALL OF THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM...

SECTION 5: OWNER'S DECLARATION AND CONSENT TO RECORD

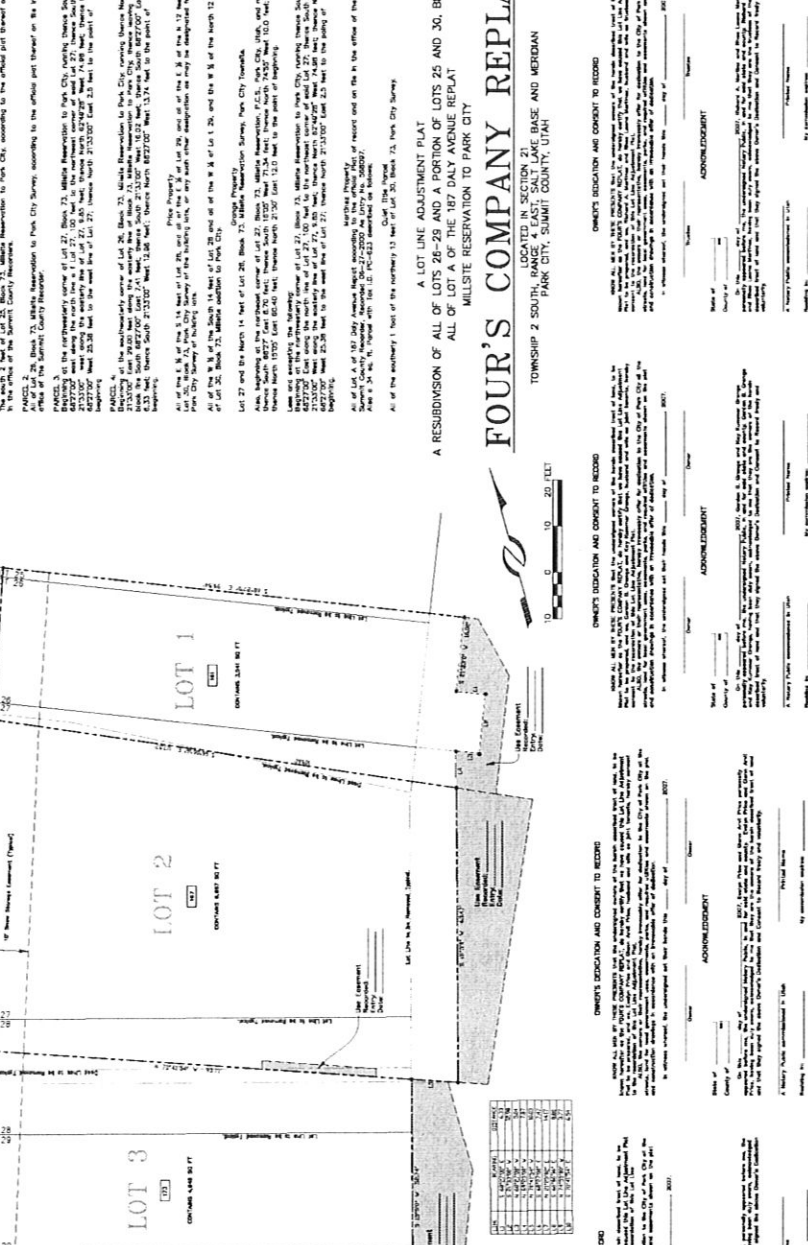
NOTE: ALL OF THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM...

SECTION 6: OWNER'S DECLARATION AND CONSENT TO RECORD

NOTE: ALL OF THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM...

SECTION 7: OWNER'S DECLARATION AND CONSENT TO RECORD

NOTE: ALL OF THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM...



Map of the area showing the location of the lots and the surrounding streets. The map includes a north arrow and a scale bar.

SECTION 8: COUNCIL APPROVAL AND ACCEPTANCE

APPROVED BY THE PARK CITY COUNCIL AND ACCEPTANCE OF THE CITY ENGINEER ON THIS DATE...

SECTION 9: CERTIFICATE OF ATTEST

APPROVED AS TO FORM AND CONTENT BY THE CITY ENGINEER ON THIS DATE...

SECTION 10: APPROVAL AS TO FORM

APPROVED AS TO FORM BY THE CITY ENGINEER ON THIS DATE...

SECTION 11: ENGINEER'S CERTIFICATE

ENGINEER'S CERTIFICATE OF ACCURACY AND CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING ACT...

SECTION 12: PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION ON THIS DATE...

SECTION 13: SINKVILLE BASIN WATER RECLAMATION DISTRICT

APPROVED BY THE SINKVILLE BASIN WATER RECLAMATION DISTRICT ON THIS DATE...

SECTION 14: RECORDING INFORMATION

FILED IN BOOK NO. 10000 PAGE 10000 OF THE RECORDS OF THE COUNTY OF SUMMIT, UTAH...

Ordinance No. 09-03

AN ORDINANCE APPROVING THE FISHER AMENDED SUBDIVISION A REPLAT OF LOTS 17 AND 18 BLOCK 74, PARK CITY, UTAH

WHEREAS, the owner of the properties known as 118 and 124 Daly Avenue, has petitioned the City Council for approval of a subdivision combining the existing lots of record with the vacated Anchor Avenue parcels adjacent to the lots; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 10, 2008, to receive input on the Fisher Amended Subdivision; and

WHEREAS, the Planning Commission, on December 10, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on January 8, 2009, the City Council approved the Fisher Amended Subdivision; and

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

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

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

Findings of Fact:

1. The property is located at 118 (Lot 17) and 124 (Lot 18) Daly Avenue.
2. The two lots are not of equal dimensions. The lot area of lot 17 is approximately 4602 square feet. The lot area of lot 18 is approximately 2750.7 square feet
3. The zoning is Historic Residential (HR-1).
4. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
5. The subdivision will create two lots of record.
6. The two lots currently have approved building permits for single family homes, approved design review applications, and approved steep slope conditional use permits.
7. Any change to the building permit to include an expansion of the footprint due to this plat amendment will require a new application.
8. Access to the property is from Daly Avenue.
9. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
10. The minimum lot width in the HR-1 zone is 25 feet.
11. Lot 17 and 18 comply with the minimum lot requirements for area and width.
12. Minimal construction staging area is available along Daly Avenue.

13. Attachment 1 includes Lot 16B and Lot 16A of the Fisher Subdivision. This is an error. The re-plat only includes changes to Lot 17 and Lot 18. Lot 16A and 16B will not be included in the final subdivision plat.
14. All findings within the Analysis section of the staff report are incorporated herein.

Conclusions of Law:

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


Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The constructed buildings will require 13-D fire sprinklers.
5. A hatched area must be added to the plat in the area of vacated Anchor Avenue and a note be added to the plat stating "The hatched area on the plat will not be included in future footprint calculations."

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

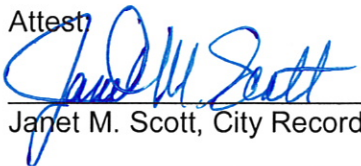
PASSED AND ADOPTED this 8th day of January 2009.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Fisher Subdivision Amended

Block 71, Park City School



OWNER'S OFFER TO BUY
I, **[Name]**, of the County of **[County]**, State of **[State]**, do hereby offer to sell to the **[City/County]** the above described premises, together with all the rights and interests therein, for the sum of **[\$ Amount]** in cash, or in such other consideration as may be agreed upon between the parties hereto, and to execute all such instruments as may be necessary to carry out the above intention.

OWNER'S DECLARATION AND CERTAIN
I, **[Name]**, the owner of the above described premises, do hereby declare that I am the lawful owner of the same, and that I have no knowledge of any claims or liens against the same, and that I have no interest in the same other than that which I am about to sell.

JANIS'S DECLARATION AND CERTAIN
I, **[Name]**, the owner of the above described premises, do hereby declare that I am the lawful owner of the same, and that I have no knowledge of any claims or liens against the same, and that I have no interest in the same other than that which I am about to sell.

PLANNING COMMISSION
I, **[Name]**, the member of the Planning Commission, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

ENGINEER'S CERTIFICATE
I, **[Name]**, the Engineer, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

APPROVAL AS TO TITLE
I, **[Name]**, the Attorney at Law, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

COUNCIL APPROVAL AND RESOLUTION
I, **[Name]**, the Council Member, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

RECORDS
I, **[Name]**, the Recorder, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

DEFINITIONS
As used in this plan, the following definitions shall apply:
1. Subdivision: Any division of land into lots, blocks, or other units.
2. Lot: A parcel of land bounded by streets or other public ways.
3. Block: A group of lots bounded by streets on three or more sides.
4. Street: A public way for travel, and the right to use it, which is owned by the public.

PLANNING COMMISSION
I, **[Name]**, the member of the Planning Commission, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

ENGINEER'S CERTIFICATE
I, **[Name]**, the Engineer, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

APPROVAL AS TO TITLE
I, **[Name]**, the Attorney at Law, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

COUNCIL APPROVAL AND RESOLUTION
I, **[Name]**, the Council Member, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

RECORDS
I, **[Name]**, the Recorder, do hereby certify that the above described premises are in compliance with the provisions of the zoning ordinance.

Ordinance No. 09-02

**AN ORDINANCE APPROVING THE 1910 PROSPECTOR AVENUE OFFICE
CONDOMINIUMS RECORD OF SURVEY
LOCATED AT 1910 PROSPECTOR AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1910 Prospector Avenue have petitioned the City Council for approval of the 1910 Prospector Avenue Office Condominiums record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 10, 2008, to receive input on the 1910 Prospector Avenue Office Condominiums record of survey;

WHEREAS, the Planning Commission, on December 10, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1910 Prospector Avenue Office Condominiums record of survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1910 Prospector Avenue Office Condominiums record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1910 Prospector Avenue, lots 23B and 23C of the Amended Plat Prospector Square.
2. The zoning is General Commercial (GC) within the Prospector Square overlay.
3. Each floor of the building becomes a unit, creating a total of three units in the building and two convertible spaces in the basement level.
4. Each of the three units will vary in size. Unit one is 4537 SF, unit two is 4797 SF, and unit three is 5149 SF. Total convertible space is 2627 SF. Convertible space #1 is 2312 SF, and convertible space #2 is 315 SF.
5. The levels are accessible through common stairways and a common elevator.
6. The lot line between 23B and 23C is removed.
7. The structure was built in the early 1980's.

8. Existing building height, setbacks, and floor area ratio of this building will not be altered.
9. The findings within the Analysis section of this staff report are incorporated within.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Amended Prospector Square Subdivision shall continue to apply.
4. Division of utilities will be addressed and included on the record of survey prior to recordation of the plat.

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

PASSED AND ADOPTED this 8th day of January, 2009.

PARK CITY MUNICIPAL CORPORATION



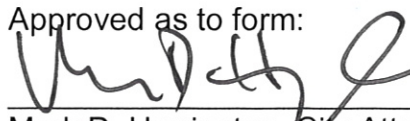
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

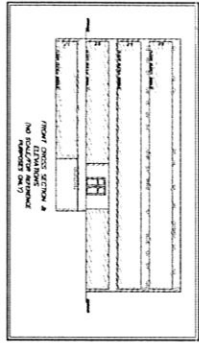


Mark D. Harrington, City Attorney



1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
 LYING WITHIN THE NORTHEAST QUARTER OF
 SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION
 ALL OF LOT 1 Lying within the "1910 PROSPECTOR AVENUE" MAP, IN THE EAST & WEST OF RECORD AT THE SUMMIT COUNTY RECORDS OFFICE.

NOTES:
 1. THE NUMBER OF THIS PLAN IS TO CONVERT THE EXISTING PLANNING ON LOT 1 INTO A CONDOMINIUM.
 2. ALL NOTES AND COMMENTS ON "APPROVED PLANNING" SQUARES, REMAIN IN EFFECT ON THIS PLAN.

GRANTS, RESERVATIONS AND CONSENT TO RECORD
 I, the undersigned, being the owner of the above described premises, do hereby grant, reserve, and consent to record the above described premises, together with the improvements thereon, to the persons named herein, to be held as a condominium project, to be known as the "1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS".

WITNESSED BY ME AND MY COUNSEL, this _____ day of _____, 2008.

 [Signature]

CONDOMINIUM ACKNOWLEDGMENT
 STATE OF UTAH
 COUNTY OF SUMMIT
 I, the undersigned, being the owner of the above described premises, do hereby grant, reserve, and consent to record the above described premises, together with the improvements thereon, to the persons named herein, to be held as a condominium project, to be known as the "1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS".

WITNESSED BY ME AND MY COUNSEL, this _____ day of _____, 2008.

 [Signature]

SECTIONAL CERTIFICATE
 I, the undersigned, being the owner of the above described premises, do hereby grant, reserve, and consent to record the above described premises, together with the improvements thereon, to the persons named herein, to be held as a condominium project, to be known as the "1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS".

WITNESSED BY ME AND MY COUNSEL, this _____ day of _____, 2008 A.D.

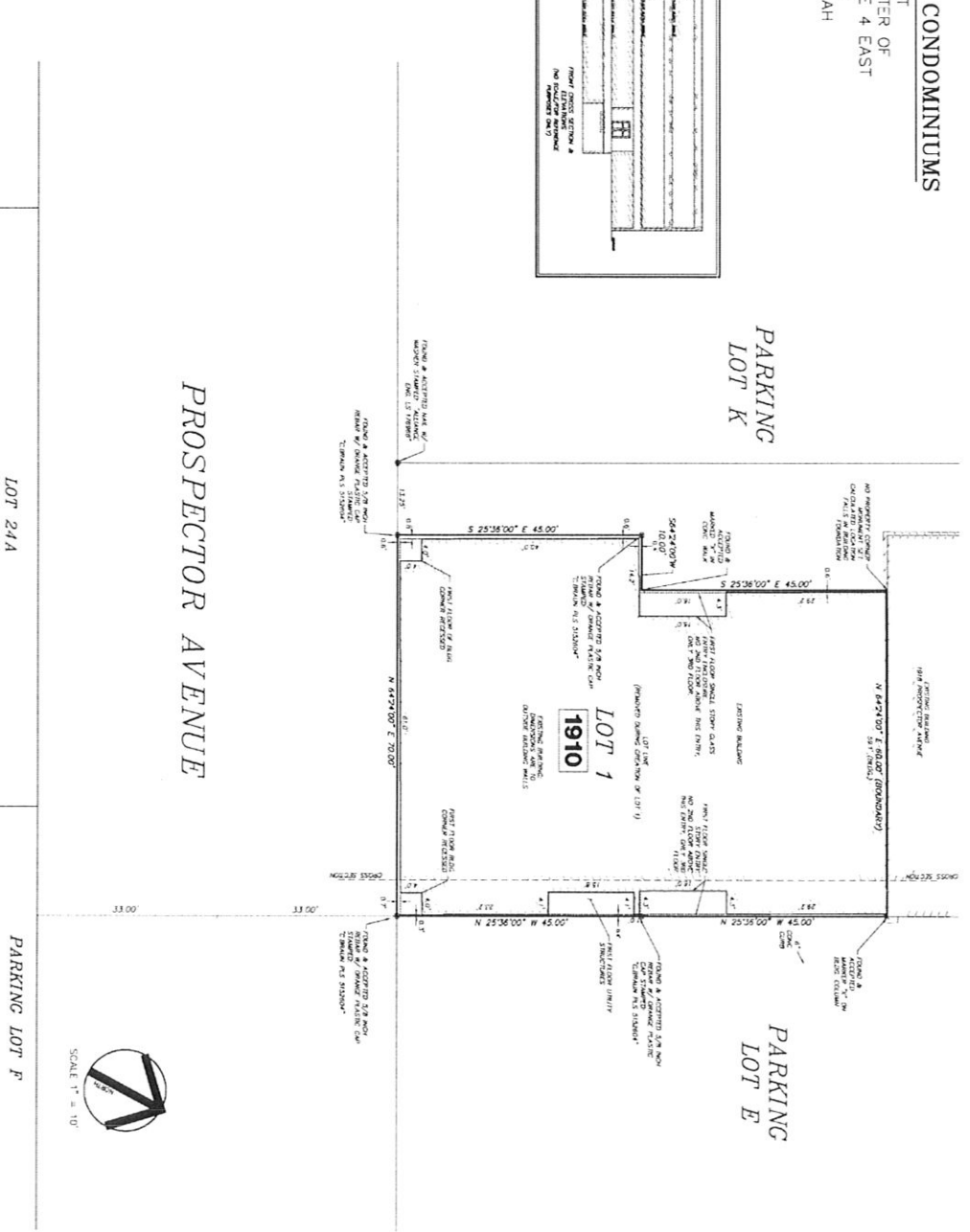
 [Signature]

PARK CITY PLANNING COMMISSION
 I, _____, Chairman of the Park City Planning Commission, do hereby certify that this plan has been approved by the Commission on this _____ day of _____, 2008 A.D.

CERTIFICATE OF ATTEST
 I, _____, Clerk of the Park City Planning Commission, do hereby certify that this plan has been approved by the Commission on this _____ day of _____, 2008 A.D.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	TOTAL SQUARE FOOTAGE	COMMON AREA	COMMON AREA PER UNIT
1	4,527	444	2897
2	4,792	459	0
3	5,149	469	0



ENGINEERS CERTIFICATE
 I, _____, Engineer, do hereby certify that this plan has been prepared in accordance with the provisions of the Utah Condominium Act, Chapter 10, Part 2, of the Utah Code, and that the same has been approved by the State Engineer on this _____ day of _____, 2008 A.D.

APPROVAL AS TO FORM
 I, _____, Attorney, do hereby certify that this plan has been prepared in accordance with the provisions of the Utah Condominium Act, Chapter 10, Part 2, of the Utah Code, and that the same has been approved by me on this _____ day of _____, 2008 A.D.

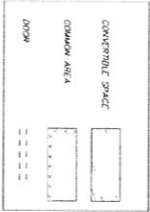
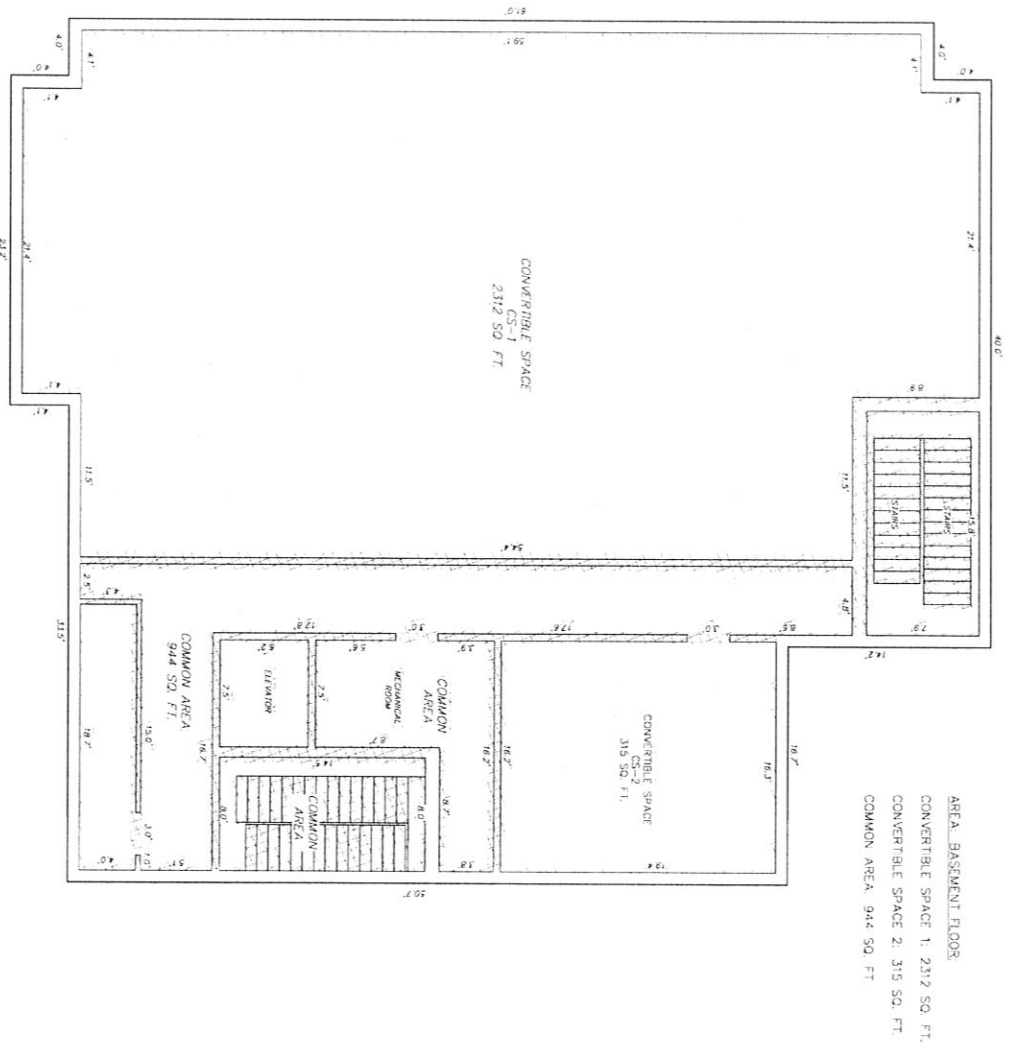
COUNCIL APPROVAL AND ACCEPTANCE
 I, _____, Mayor, do hereby certify that this plan has been approved by the Park City Council on this _____ day of _____, 2008 A.D.

RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE RECORDS OFFICE OF THE COUNTY CLERK ON _____ DAY OF _____, 2008 A.D.

 [Signature]

Park City Surveying
 100 West Main Street
 Park City, Utah 84301
 (435) 764-1111
 www.parkcitysurveying.com

1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS

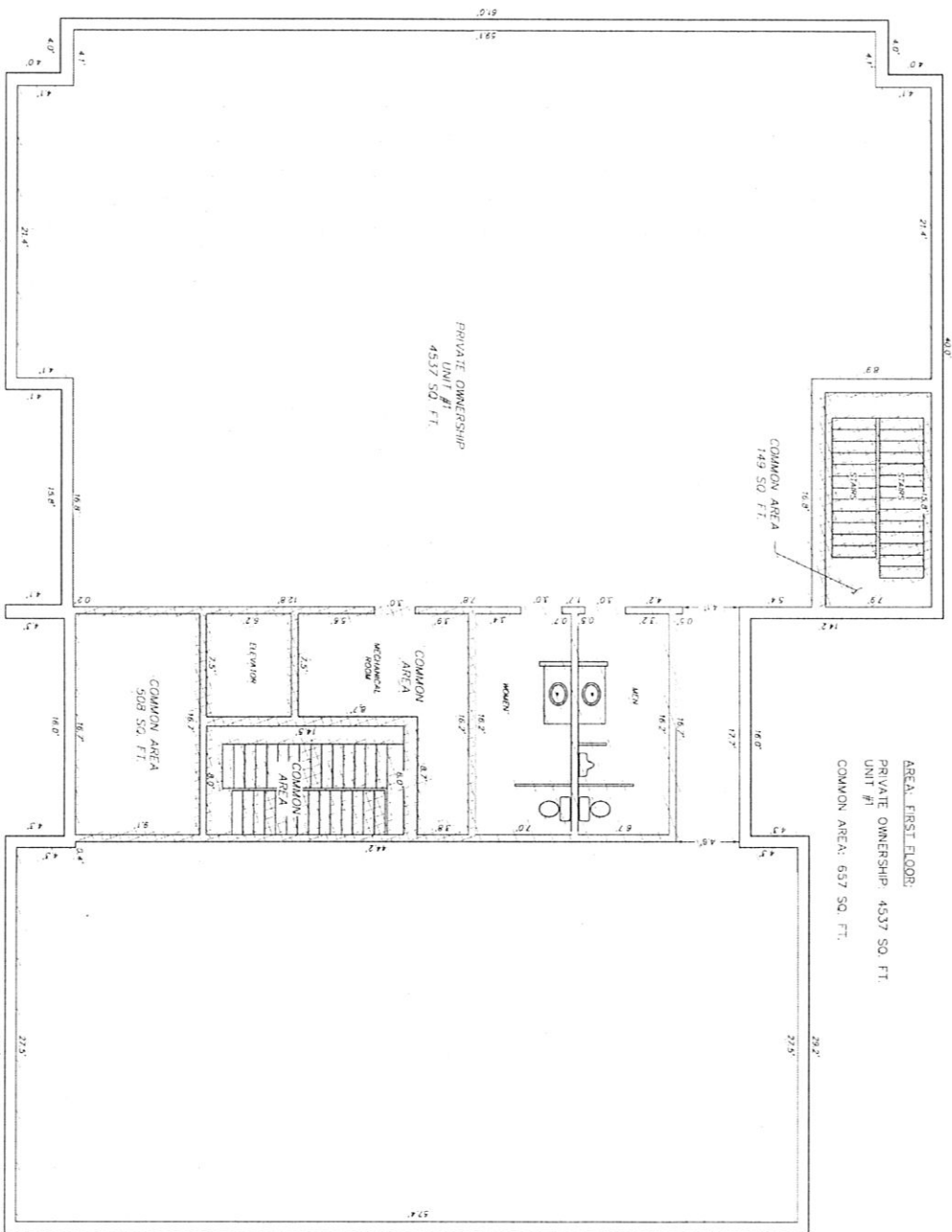


BASEMENT FLOOR
 SCALE: 1/8" = 1'-0"

Park City Surveying
 PROFESSIONAL SURVEYORS
 1000 N. 1000 E. SUITE 100
 DENVER, CO 80202

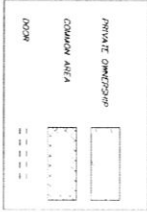
RECORDED
 SHEET 2 OF 3
 STATE OF COLORADO COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF _____ DOOR _____ PAGE _____
 DATE _____ TIME _____
 RECORDER _____

1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS



AREA: FIRST FLOOR:
 PRIVATE OWNERSHIP: 4537 SQ. FT.
 UNIT #1
 COMMON AREA: 657 SQ. FT.

FIRST FLOOR
 SCALE: 1/4" = 1'-0"

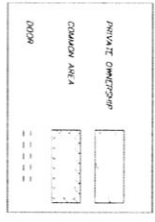
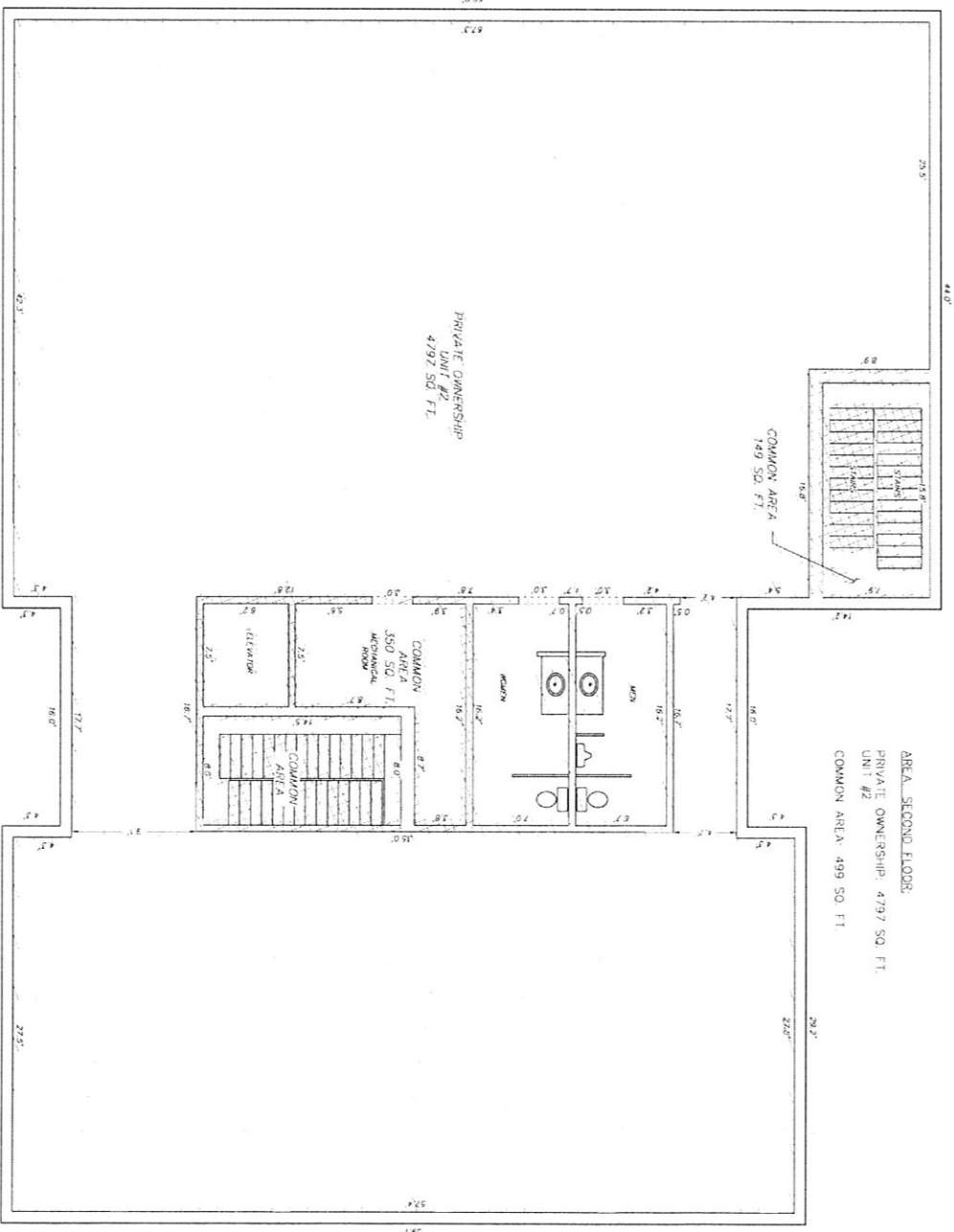


Park City Surveying
 Park City, Utah
 430 West 100 South
 84301-2000
 (435) 765-1111

RECORDED
 AT THE REQUEST OF _____
 DATE _____ TIME _____
 BOOK _____ PAGE _____
 118 RECORDED

SHEET 3 OF 5

1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS

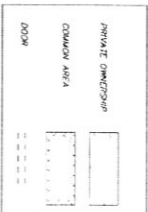
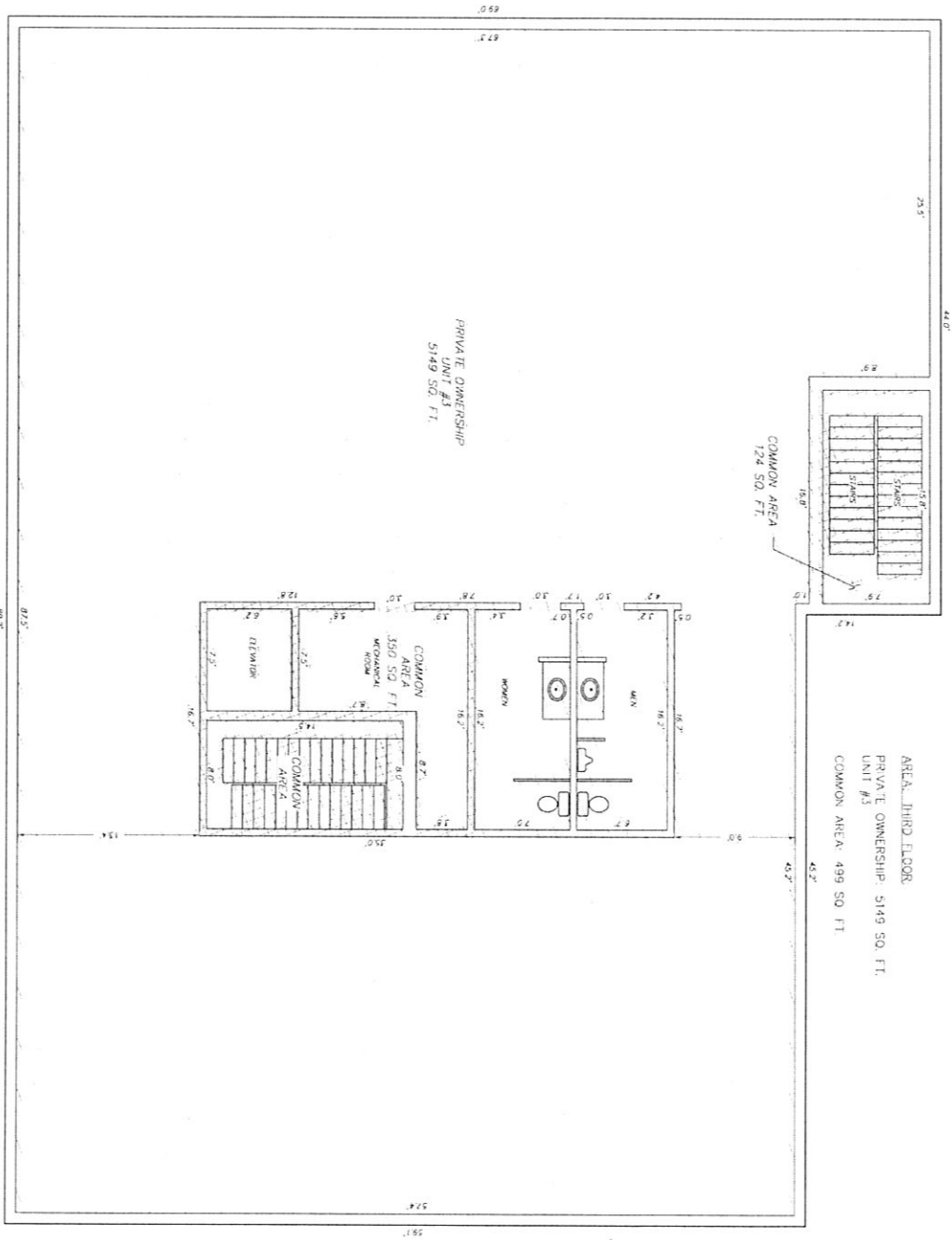


Park City Surveying
 Park City, Utah
 4300 S. Main Street
 Park City, Utah 84303
 (435) 765-1111

SECOND FLOOR
 SCALE 1/4" = 1'-0"

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

1910 PROSPECTOR AVENUE OFFICE CONDOMINIUMS



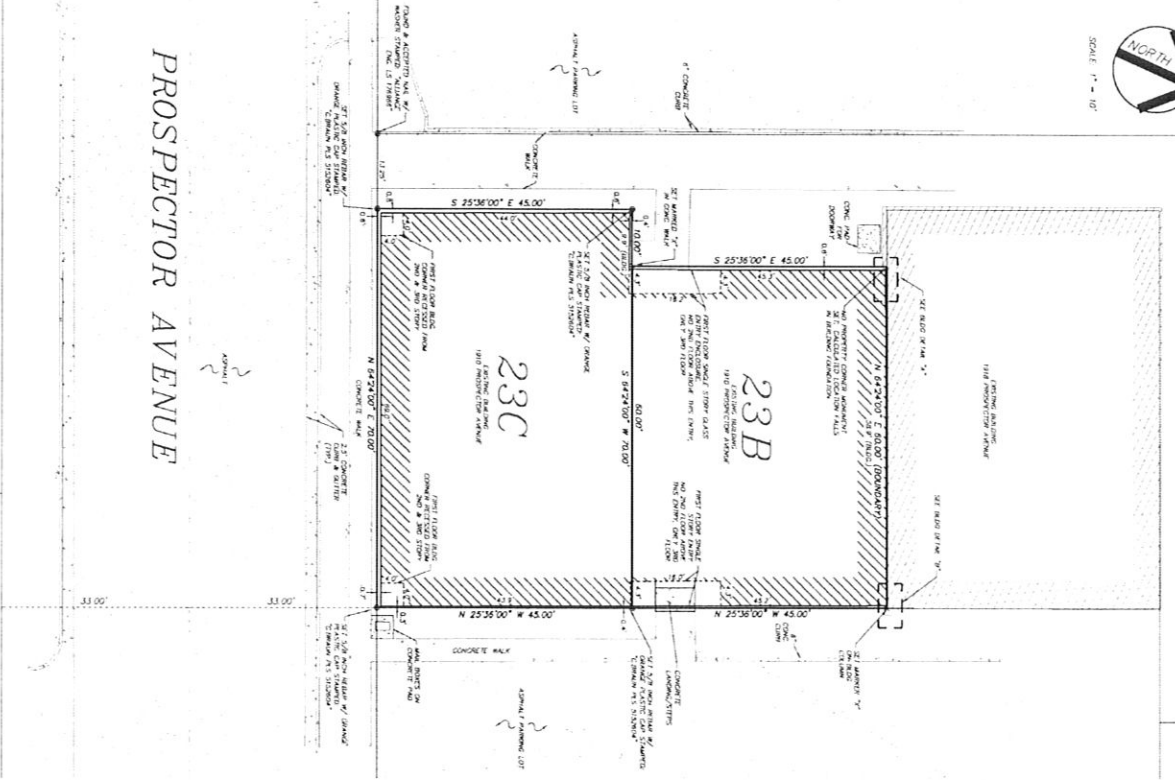
THIRD FLOOR
SCALE 1/4" = 1'-0"

Park City
Surveying
Professional Surveyors
1240 N. 1000 E.
P.O. BOX 1000
CANYONVILLE, OR 97523
(503) 265-1111

RECORDED
STATE OF OREGON COUNTY OF SUMMIT AND FIELD
DATE _____ TIME _____ BOOK _____ PAGE _____
118 RECORDED

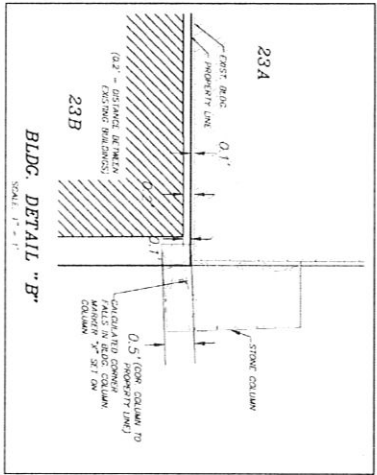
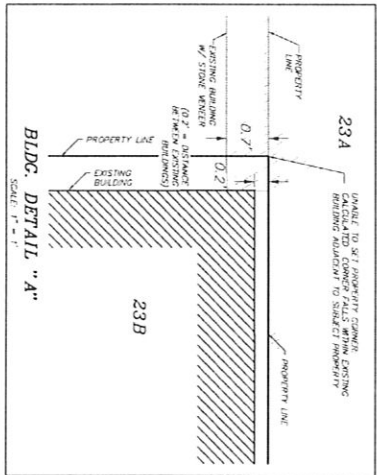
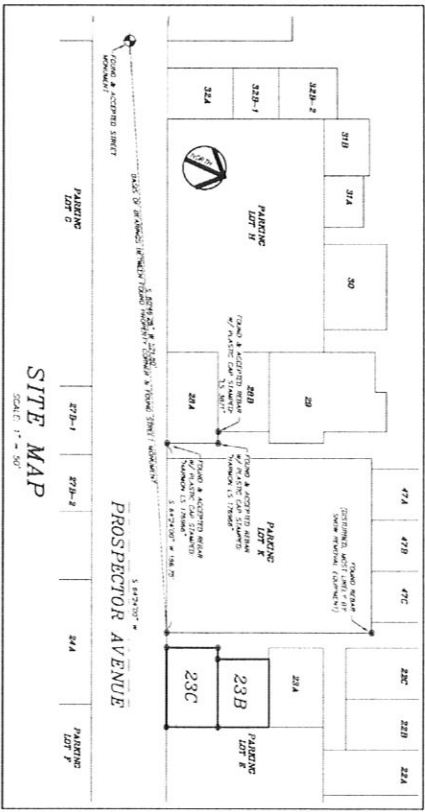


SCALE 1" = 10'



PROSPECTOR AVENUE

RECORD OF SURVEY & AS-BUILT MAP LOTS 23B & 23C OF THE AMENDED PLAT PROSPECTOR SQUARE SUBDIVISION LYING WITHIN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



SUBMITTAL:
 THE PARTIAL SURVEY AND AS-BUILT MAP IS TO BE SUBMITTED TO THE SUMMIT COUNTY PLANNING AND ZONING DEPARTMENT FOR REVIEW AND APPROVAL. THE PARTIAL SURVEY AND AS-BUILT MAP IS TO BE SUBMITTED TO THE SUMMIT COUNTY PLANNING AND ZONING DEPARTMENT FOR REVIEW AND APPROVAL. THE PARTIAL SURVEY AND AS-BUILT MAP IS TO BE SUBMITTED TO THE SUMMIT COUNTY PLANNING AND ZONING DEPARTMENT FOR REVIEW AND APPROVAL.

LEGEND:
 [Symbol] FOUND SETBACK MEASUREMENT
 [Symbol] FOUND OR SET MEASUREMENT BY CAP
 [Symbol] (AS DRAWING)
 [Symbol] SPOT ELEVATION

Ordinance No. 09-01

**AN ORDINANCE AMENDING TITLE 4, LICENSING, SECTION 4-2-23,
FEE AND TAX PAYMENTS, RENEWALS AND PENALTY, OF THE
MUNICIPAL CODE OF PARK CITY**

WHEREAS, the Park City Municipal Code requires licenses for all nightly rental units;
and

WHEREAS, Park City has allowed lodging management companies for over fifteen
years to only pay one administrative fee for all the nightly rental units they manage in error; and

WHEREAS, for 2009, Park City Municipal Corporation corrected this error and requires a
business license for each individual nightly rental unit; and

WHEREAS, the correction of this error will impact the lodging community by increasing
costs based on the administration fees due for each nightly rental unit; and

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

Section I. Amendment. Title 4, Licensing, Section 4-2-23, Fee and Tax Payments,
Renewals and Penalty, of the Municipal Code of Park City is hereby amended as follows:

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY. The annual business
license fee provided in this Title shall be due and payable to the City on or before the first day of
January of each year for renewals of licenses for businesses, which were licensed the previous
year. Business licenses for previously unlicensed businesses shall be issued for the unexpired
portion of the calendar year in which issued unless issued between October 1 and December
31, in which case the license shall be valid until December 31 of the year following the issuance
of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13
above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal
license is due, there shall be a business license enforcement fee imposed of twenty-five percent
(25%) of the license fee imposed by this Chapter or twenty-five dollars (\$25.00) whichever is
greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the
renewal fee is due, the business license enforcement fee shall be increased to fifty percent
(50%) of the license fee imposed by this Chapter or twenty-five dollars (\$25) whichever is
greater. If the renewal license fee is not paid on or before March 1st of the year in which the
renewal fee is due, the business license enforcement fee shall be increased to one-hundred
percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not
been conducted to date, the Director or his or her designee may waive the business license
enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, the licensed
business may be allowed to pay the business license fees due over a period of time not to

exceed three (3) months from the due date, with interest on the unpaid balance at the rate of eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within five (5) days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business, i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity, an additional license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional license fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

For the 2009 billing period, due 1/1/09, each local representative will be charged one \$46 administrative fee for a lodging license. If multiple \$46 administrative fees have been paid by a local representative prior to 1/8/09, a refund will be issued for the amount of the administrative fee greater than \$46. This Section shall supercede Section 4-2-6 Refund of Fee limited to refunds allowable by this Section. All other license fees are required to be paid in full according to the requirements of this Section for issuance of a business license.

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

PASSED AND ADOPTED this 8th day of January, 2009.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

