PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
February 8, 2022

PUBLIC NOTICE IS HEREBY GIVEN that the Board of Adjustment of Park City, Utah will hold its Regular Meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Tuesday, February 8, 2022. To participate virtually, follow the public meeting information at www.parkcity.org.

MEETING CALLED TO ORDER AT 5:00 PM.

1.ROLL CALL

2.MINUTES APPROVAL

2.A. Consideration to Approve the Board of Adjustment Meeting Minutes from August 17, 2021. Consideration to Approve the Board of Adjustment Meeting Minutes from August 24, 2021. Consideration to Approve the Board of Adjustment Meeting Minutes from December 7, 2021.
08.17.2021 Minutes - edited 02.07.2022
08.24.21 BOA Minutes - edited 02.07.2022
12.07.2021 BOA Minutes - edited 02.07.2022

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONSENT AGENDA

Adoption of 2022 Meeting Dates
2022 Annual Notice of Board of Adjustment Meetings

5.REGULAR AGENDA

5.A. 2704 Meadow Creek Drive – Appeal of a Code Enforcement Complaint Disposition- Third Party (non-owner/applicant) Appeal of a Building Department Code Enforcement outcome declining to take any action on a previously issued Building Permit for the Construction of a 361-Square-Foot Sauna, a Detached Accessory Building, for Lot 4 of the Willow Ranch Subdivision. PL-22-05126
(A) Public Hearing; (B) Action
Staff Report

Exhibit A: Ordinance No. 92-22 Annexing and Zoning the Willow Ranch Property
Exhibit B: Willow Ranch Subdivision
Exhibit C: Building Permit for the 361-Square-Foot Sauna
Exhibit D: September 10, 2021 Staff Response to Appellant Email
Exhibit E: November 10, 2021 Appellant Complaint
Exhibit F: Chief Building Official Response to the Appellant's Complaint
Exhibit G: Fox v. Park City
Exhibit H: January 28, 1993 City Council Meeting Minutes
Attachment 1 - Appellant's Submittal

6.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF AUGUST 17, 2021

BOARD MEMBERS IN ATTENDANCE: Chair Ruth Gezelius-Chair, Jennifer Franklin, Hans Fuegi, Dave Robinson, Stephanie Wilson, Mary Wintzer

STAFF: Rebecca Ward, Assistant Planning Director; Browne Sebright, City Planner

1. ROLL CALL

Chair Ruth Gezelius called the meeting to order at 5:00 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 26, 2021.

MOTION: Board Member Franklin moved to APPROVE the Minutes of January 26, 2021, as written. Board Member Fuegi seconded the motion. The motion passed with the unanimous consent of the Board.

3. PUBLIC COMMUNICATIONS

No ecomments were submitted and no hands were raised on Zoom.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director Ward said that because of a process error in publishing the legal notice, that Staff would be recommending that both items on the night's agenda be continued one week to August 24, 2021 for Final Action to ensure that the public receives proper notice.

5. CONTINUATIONS

There were no continuations.

6. REGULAR AGENDA

A. 45 Hillside Avenue – Variance – The Applicant Requests Variances to the Front Setback Requirements in the Historic Residential-1 (HR-1) Zoning District. PL-21-04861.

PENDING APPROVAL

City Planner, Browne Sebright, reported that he joined the Planning Department in April 2021. He presented the staff report and stated that the applicant is proposing a subterranean detached single-car garage on the front of the property. It is a non-historic single-family dwelling that does not have any existing off-street parking. The applicants are proposing to add parking to the property to bring it closer into compliance with the Land Management Code. They are requesting variances to the front setback, which is normally 10 feet and locate an accessory building in front of the primary structure. The proposal complies with the requirements of the HR-1 Zoning District with the exception of the variances being sought.

Mr. Sebright reported that the property is an uphill lot in Old Town at the intersection of Hillside and Daly Avenues. One of the features of the site is that the Hillside Avenue right-of-way is east of where the road is located. As a result, there is public right-of-way in what appears to be the front portion of the property. A photo showing the view of the property from the street was displayed. The proposal is to locate a partially subterranean single-car garage in the front setback. A 12-foot driveway will be located within the Hillside Avenue right-of-way. A separate Conditional Use Permit ("CUP") will be required for the addition of the driveway and the associated retaining walls. The existing elevation includes a small shed in front of the property. The proposal was found to comply with the variance criteria.

The five variance review criteria were identified as they appear in the staff report along with an analysis of the proposal. Staff recommended that the Board conduct a public hearing and continue the item to August 24, 2021, at which time final action should be taken. It was noted that a Conditional Use Permit will also be required for development on steep slopes as the front yard is quite steep. Mr. Sebright clarified that his understanding was that the applicants are pursuing the request since without it there would be nothing to pursue with the steep slope CUP. They would not otherwise be proposing any other changes to the right-of-way that require a separate CUP.

The proposed garage will be approximately 22 feet deep and 15 feet wide. Caitlyn Barhorst identified themself as the Project Manager and stated that the dimensions of the garage were not proposed to house the garbage cans. The 15-foot width, however, will allow for space for garbage cans to be stored inside if desired by the Board. Another option was to construct a small enclosure alongside the driveway. They explained that a variance will run with the property and a CUP is a more conditional use that has a different set of rules and requirements. As a result, they believed the variance process would be the best place to start.

A question was raised regarding the source of the information regarding the date the home was built. Mx. Barhorst stated that the property was not designated on the Historic Sites inventory. The source of the information was the Summit County Recorder's Office. There was also an inquiry regarding the location of the shed and whether it is adjacent to the City-owned property and/or on the adjacent lot. The question was whether the variance was granted or if it is on the subject property.

PENDING APPROVAL

Mr. Sebright's understanding was that the shed is located on the City right-of-way. It was requested that there be clarification prior to the next meeting regarding the location of the property line. Staff and the applicant were complimented on the quality of the photographs and drawings, which made it easy to understand the application.

Mr. Sebright stated that they spoke with the Development Review Committee who did not have concerns with the proposed location on the hillside. The potential need for an Encroachment Agreement was discussed. It would specify that if the road were ever extended to encompass the full platted right-of-way, the driveway would be the applicant's responsibility to remove.

Further clarification was desired as to whether there is a Utility Easement and if the power/phone line would need to be relocated. The image seemed to make it appear wider than looking at it from the right side. Mx. Barhorst stated that when they began the process, they engaged PacifiCorp and it appeared that the cost of relocating the power pole would be borne by the applicant. However, within the last three weeks, they have replaced the pole and identified the steps required to remove the old one as it is angled toward the property. The power pole to be installed is located further south and closer to the manhole on the site, which would leave more space for the proposed driveway.

Chair Gezelius opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Board Member Robinson moved to continue the matter to August 24, 2021. The motion was seconded by Board Member Fuegi. The motion passed with the unanimous consent of the Board.

B. 91 King Road – Variance – The Applicant Requests Variances to the Minimum Lot Size and Front and Side Setback Requirements in the Historic Residential – Low Density (HRL) Zoning District). PL-21-04829.

Chair Gezelius opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Board Member Fuegi moved to continue the matter to August 24, 2021. The motion was seconded by Board Member Robinson. The motion passed with the unanimous consent of the Board.

7. ADJOURN

MOTION: Board Member Wintzer moved to adjourn. The motion was seconded by Board Member Franklin. The motion passed with the unanimous consent of the Board.

PENDING APPROVAL

The Board of Adjustment Meeting adjourned at 5:30 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustments

PENDING APPROVAL

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF AUGUST 24, 2021

BOARD MEMBERS IN ATTENDANCE: Chair Ruth Gezelius-Chair, Jennifer Franklin, Hans Fuegi, Dave Robinson

STAFF: Rebecca Ward, Assistant Planning Director; Browne Sebright, City Planner; Mark Harrington, City Attorney.

1. ROLL CALL

Chair Ruth Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present.

2. MINUTES APPROVAL

3. PUBLIC COMMUNICATIONS

No ecomments were submitted and no hands were raised on Zoom.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Board communications or disclosures.

5. CONTINUATIONS

There were no continuations.

6. REGULAR AGENDA

A. 45 Hillside Avenue – Variance – The Applicant Requests Variances to the Front Setback Requirements in the Historic Residential-1 (HR-1) Zoning District. PL-21-04861.

Mr. Sebright reminded the Board that this item had been substantively discussed at the previous meeting on August 17, 2021, and that because of the legal noticing requirements, the Board needed to open another public hearing and take action on this application.

Chair Gezelius opened the public hearing. There were no public comments. The public hearing was closed.

MOTION: Board Member Fuegi moved to approve the new, subterranean single-car garage in the Front Setback moved to approve the variance request subject to the following:

Findings of Fact

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.

2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.

3. The property consists of 6,575 square feet.

4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.

5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.

6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.

7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.

8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.

9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)

10. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of

excavated materials, and (3) increasing the length of the driveway. (Criteria 2)

11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)

12. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)

13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.

14. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be setback from the edge of curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)

15. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.

2. No portion of the garage shall be used for additional living space.

3. No other structures including decks are allowed in the front setback.

4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garage.

5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.

6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.

7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.

8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).

9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

The motion was seconded. The motion passed with the unanimous consent of the Board.

B. 91 King Road – Variance – The Applicant Requests Variances to the Minimum Lot Size and Front and Side Setback Requirements in the Historic Residential – Low Density (HRL) Zoning District). PL-21-04829.

(**audio starts here) Dave Robinson raised a question regarding how granting the requested variances will help given that there is no definitive time frame in terms of new construction. Once the variances are granted, the property could be sold. He commented that there is nothing that requires the property to be developed or reconstructed to come closer into compliance. It would seem that granting the variances is putting the cart before the horse in that per the norm, an applicant will have a building design and go through the process. At that time, they will seek variances if needed. New construction will bring the property into compliance with the exception of the square footage. There was some uncertainty expressed as to how granting the variance improves the existing situation.

City Planner, Browne Sebright, reported that the application is also associated with the plat amendment. The plat amendment is for this property and the neighboring parcel. 95 King Road previously received a similar variance for lot size, specifically because the lots are smaller anticipated by the current zoning. Because there are residual lot lines, the applicants need to go through the plat amendment process prior to future development taking place. Once both of the properties have the correct variances in place prior to the plat amendment, the applicants can determine what kind of redevelopment is appropriate for the property.

A question was raised with regard to the side yard setbacks. It was noted that the rules have changed four times since the homes were built on the two lots and obviously the setback is inadequate at 1.3 feet. It is not useful for snow storage, privacy, access, or maintenance. It was suggested that the Board be sure that whatever is developed will be an improvement in the setback as it will benefit the neighbors. If the property is sold, the new owners will have to abide by the requirement. Mr. Sebright clarified that the variances for lot size and width will run with the land while the variance for setbacks is specific to the existing structure.

A question was raised regarding whether the current owners were aware of the inconsistencies with the Code. The understanding was that the owners were planning to rent up until the design work is complete. There was no indication that the applicants plan to “flip” the property.

Chair Gezelius noted that historically the Historic Residential-Low Density (“HRL”) was created with the existing varying lot sizes and was not vacant. As a result, there has been confusion regarding the goals of the HRL and that they were trying to reduce the

density in steeper, high neighborhoods and not have as many nightly rentals and high traffic on dangerous streets.

Board Member Franklin asked if the plat amendment should have remained in the appropriate zone with respect to lot size where it would be in compliance. It was noted that there are conditions in the Code for lots that are substandard. In the current Code it was acknowledged that there will be substandard lots. Nothing would have ever been required to be demolished because it was on an existing smaller parcel. At the same time, smaller parcels generally have not been granted size exceptions for dwellings. It was clarified that the home is eligible for demolition by virtue of its young age. The property is still the same square footage but in order to demolish a structure and build a new one, there must be a legal lot of record. Currently, there are 100-year old lot lines shown on the original plat. Those lot lines must go through the process of being removed so that there is one lot of record. Chair Gezelius commented that for years they have tried to clean up leftover lot lines and have made significant headway.

In studying the five variance criteria, a Board Member struggled with the idea that they are meeting the criterion based on some future action. He was not comfortable with that. It was noted that no future additions to the existing structure may encroach into the required setbacks. Any future owner will have to apply with the setback requirements. Mr. Sebright commented that lots that are unusually small or large will not appear specifically in the HRL zone and should be evaluated in the context of the street they are on. Condition number two also specifies that if anything has been demolished it must be rebuilt as it was previously.

Chair Gezelius opened the public hearing. There were no public comments. The public hearing was closed.

Board Member Fuegi commented that anything that is built there will likely be an improvement over what exists currently.

MOTION: Board Member Fuegi moved to approve the Variance from the minimum Lot size and Setbacks subject to the following:

<u>Findings of Fact</u>

1. The property is located 91 King Road in the Historic Residential – Low Density (HRL) Zoning District.
2. HRL Zoning District is characterized by historic and contemporary homes on one (1) and two (2) lot combinations.
3. The property consists of 2,298 square feet.
4. There is an existing 812 square foot Single Family Dwelling on the property. It is a non-historic site.

5. The existing house is setback from the front property line by approximately five (5) feet. The house is set back from the edge of asphalt on Ridge Avenue by approximately thirty-three (33) feet.
6. The Applicant is requesting a Variance to LMC Sections 15-2.1-3 for minimum Lot size, Lot Width, and Setbacks in the Historic Residential Low – Density Zoning District.
7. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the substandard Lot size of 2,298 square feet. Literal enforcement would not enable the owner to make substantial improvements to the Property.
8. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The Property does not meet the minimum lot size and width requirement for the HRL zone.
9. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to redevelop their property in a way other Properties in the same zone can.
10. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to mitigate development of an unusually small Lot by enabling future development on the Lot to adhere to Setback requirements.
11. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to redevelop the property so that it can become more compliant with the current requirements of the Land Management Code, while also reducing the impact of the non-historic existing structure that does not meet Setback requirements.
12. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HRL District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

1. The Variances are limited to the current dimensions and configuration of the Lot and the existing Structure, as indicated on the plans submitted with this application dated April 8, 2021, unless otherwise approved with an HDDR approval.

2. If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the existing Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the Setback regulations of the Zoning District in which it is located.

3. No future additions to the existing Structure may encroach into the required Setbacks.

4. No other structures including decks are allowed in the front, rear, or side Setbacks.

5. All future development on the Lot shall comply with the requirements of the Historic Residential Low – Density (HRL) Zoning District.

6. The applicant shall require a Conditional Use Permit for Development on Steep Slopes prior to the issuance of a building permit for future development on the rear portion of the Lot.

7. The applicant will need to submit an HDDR application for the proposed design of a new structure or additions to the existing structure to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.

8. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structure at their sole expense and in an expeditious manner (within 90 days of written notice).

9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

12. Development must commence within two (2) years.

The motion died for lack of a second.

MOTION: Board Member Franklin moved to grant Variances 2 and 3 addressing lot size and lot width. The motion was seconded by Board Member Robinson.

Board Member Franklin felt there were too many concerns with the side and front setbacks. City Attorney, Mark Harrington stated that the Board should still consider and discuss findings and reasons for the denial. A Board Member expressed discomfort with not addressing the entire request at one time. Chair Gezelius thought it made more sense from a planning standpoint to address the order outlined. She suggested that they work toward compliance with the Code. It was clarified that if the variances are not granted, the property remains the same. It was suggested that the conditions of approval include language to address the open-ended approval and perhaps require a condition that action be taken within a certain time period. Mr. Harrington stated that that is controversial in Utah due to the way state law governs the definition of variances. They have typically included a condition specifying that a Building Permit must be similar to the International Building Code and granted within one year for the variance to be effective. The rules for the existing structure do not change with respect to what they can and cannot do in terms of this approval. Mr. Harrington explained that this type of approval cleans up the title in a manner that makes the financing for the property owner for the remodel much more consistent with typical lending and resolves any status issues with the property.

Board Member Franklin was comfortable with variances 2 and 3. If it is truly new construction, what prohibits it from complying with the 2021 Land Management Code once it is constructed and then put the setbacks in place. Planner Sebright commented that any future additions or development on the lot must abide by the current Land Management Code setbacks.

Board Member Robinson expressed concern that they are basing the decision on something that will take place in the future rather than on the five criteria that the Board is supposed to follow. Planner Sebright explained that any future development on the lot is predicated on the plat amendment that will come after the variance. Because a dual lot line exists, there is currently no option for future development. The variance will make way for the removal of the residual lot line so that future development is possible.

Board Member Fuegi was uncomfortable with the fact that it could be indefinite. He suggested that a time limit be imposed. It was suggested that a condition be added to

specify that in order for the variance to be effective, a Building Permit must be granted within two years of approval of the variance request. Mr. Harrington did not want the plat amendment to be subject to that condition since it will have its own deadline for the minimum lot area. Chair Gezelius suggested that the condition apply to the side yard. Mr. Harrington stated that any new construction does not require the side yard setback so he considered the condition to be in conflict. Condition number 12 was restated to specify that in order for the side and front yard setback variances to be effective, development must commence within two years.

The motion was restated as follows:

MOTION: Board Member Franklin moved to approve the variance request subject to the following:

Findings of Fact

1. The property is located 91 King Road in the Historic Residential – Low Density (HRL) Zoning District.
2. HRL Zoning District is characterized by historic and contemporary homes on one (1) and two (2) lot combinations.
3. The property consists of 2,298 square feet.
4. There is an existing 812 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is setback from the front property line by approximately five (5) feet. The house is set back from the edge of asphalt on Ridge Avenue by approximately thirty-three (33) feet.
6. The Applicant is requesting a Variance to LMC Sections 15-2.1-3 for minimum Lot size, Lot Width, and Setbacks in the Historic Residential Low – Density Zoning District.
7. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the substandard Lot size of 2,298 square feet. Literal enforcement would not enable the owner to make substantial improvements to the Property.
8. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The Property does not meet the minimum lot size and width requirement for the HRL zone.
9. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to redevelop their property in a way other Properties in the same zone can.

10. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to mitigate development of an unusually small Lot by enabling future development on the Lot to adhere to Setback requirements.
11. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to redevelop the property so that it can become more compliant with the current requirements of the Land Management Code, while also reducing the impact of the non-historic existing structure that does not meet Setback requirements.
12. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HRL District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

1. The Variances are limited to the current dimensions and configuration of the Lot and the existing Structure, as indicated on the plans submitted with this application dated April 8, 2021, unless otherwise approved with an HDDR approval.

2. If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the existing Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the Setback regulations of the Zoning District in which it is located.

3. No future additions to the existing Structure may encroach into the required Setbacks.

4. No other structures including decks are allowed in the front, rear, or side Setbacks.

5. All future development on the Lot shall comply with the requirements of the

Historic Residential Low – Density (HRL) Zoning District.

6. The applicant shall require a Conditional Use Permit for Development on Steep Slopes prior to the issuance of a building permit for future development on the rear portion of the Lot.

7. The applicant will need to submit an HDDR application for the proposed design of a new structure or additions to the existing structure to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.

8. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structure at their sole expense and in an expeditious manner (within 90 days of written notice).

9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.

11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

12. Development must commence within two (2) years in order for the Side and Front Setback Variance to be effective.

Board Member Robinson seconded the amended motion. The motion passed with the unanimous consent of the Board.

7. ADJOURN

MOTION: Board Member Robinson moved to adjourn. Commissioner Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

The Board of Adjustment Meeting adjourned at _____p.m.

Approved by _____

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF DECEMBER 7, 2021

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius-Chair, Jennifer Franklin, Mary Wintzer

STAFF: Mark Harrington, City Attorney; Luke Henry, Assistant City Attorney; Gretchen Milliken, Planning Director.

1. ROLL CALL

Chair Ruth Gezelius called the meeting to order at 5:00 p.m. and identified the Board Members present.

2. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from August 17, 2021. Consideration to Approve the Board of Adjustment Meeting Minutes from August 24, 2021. Consideration to Approve the Board of Adjustment Meeting Minutes from November 16, 2021.

Chair Gezelius referenced the confusion about the minutes that was addressed at the last meeting and asked that going forward the person speaking identify him or herself for the benefit of the person preparing the minutes.

Chair Gezelius stated that there was still some confusion in the text of the August 17 and August 24 minutes and there is still repetition of the Findings of Fact on 45 Hillside. She was not finding similar findings for the King Road application. She suggested that approval of the minutes be continued again to correct the minutes. Board Member Franklin agreed and thought it might be helpful for the party preparing the notes to look at the minutes and compare the draft of the Findings of Fact.

MOTION: Board Member Wintzer moved to CONTINUE approval of the minutes of August 17 and 24, 2021 to allow for further text corrections. Board Member Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

MOTION: Board Member Franklin moved to APPROVE the minutes from November 16, 2021, as presented. Board Member Wintzer seconded the motion. The motion passed with the unanimous consent of the Board.

3. PUBLIC COMMUNICATIONS

No ecomments were submitted and no hands were raised on Zoom.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Board Member Wintzer asked that staff correct the August 24, 2021, minutes and remove her from the list of attendees as she was not present.

WORK SESSION

Board Member Training

City Attorney, Mark Harrington was accompanied by Assistant City Attorney, Luke Henry. Mr. Henry joined the City in September and has held several public interest positions including working for the Southern Utah Wilderness Alliance and as a Public Defender performing both Civil and Criminal work. He graduated from Tulane Law School and was raised in Sandpoint, Idaho.

Mr. Harrington showed a video clip to introduce the training and compared it to last year's training. He stated that there is a balance between interests and rights, which starts with the principles embodied in the Constitution and the Bill of Rights. He explained that the Bill of Rights is not a proclamation of rights but a limitation on government. The sixth amendment proclaims a right while the other amendments specify what government cannot do. The State's Open Meeting Sunshine Law is an extension of the due process principles of the 5th amendment and guarantees that the government's business is done in public. Because of property rights, certain procedures are followed to ensure that they are as fair and open as possible. Those principles represent fair and balanced governance, which is what the Board is asked to do.

Mr. Harrington stressed the importance of people and stated that they are under immense pressure to shift to Hearing Officers and trained judges to administer governance. The City has resisted that for good reason in part because they represent a second home community. He noted that it is difficult to have people participate if in-person meetings are not held. That was changing and the City is finding ways to be more inclusive. Electronic meetings, when held by laypeople, are more accessible to the public. Even though there are rules, they are part of the structure of governance.

Mr. Harrington explained that the Open and Public Meetings Rules are a limitation and a tool to ensure governance. The rules the Board follows allow for discretion. Ultimately, the Board has discretion and will be asked to make a judgment call. He stressed the importance of the Board and stated that any decision can be defended as long as the rules are followed, the Board acts in good faith and makes a decision based on the record in accordance with the substantive rules that are in place. Mr. Harrington explained that the goal is to ensure the right process and public confidence. He reported that in 1898,

Utah was the first state to adopt Sunshine legislation, which is a legacy to be proud of. Mr. Harrington reminded the Board of the overall principles and stressed that they are required to review the rules annually. He encouraged the Board Members to ask him and Mr. Henry questions when they arise, which is helpful in the event of a lawsuit.

Mr. Henry reported that the Open and Public Meetings Act ("OPMA") is about transparency. There are exceptions, but generally, the purpose of the Act is to make sure that public bodies act transparently. OPMA generally requires that meetings of a public body be open to the public unless an exception is available that allows the meeting to be closed. A meeting is the convening of at least a quorum to discuss, receive comment, or act on a manner over which the Board has jurisdiction or advisory power. A public meeting includes retreats, workshops, field trips, and electronic meetings. It does not include chance meetings where public business should not be discussed. It also does not include social gatherings or times when a quorum is not present.

A public body includes any local, administrative, advisory, executive, or legislative body consisting of two or more persons that spends, distributes, or is supported by tax money, or has the authority to make decisions about the public's business. The Act requires notice to the public before meetings. The notice must be posted at the principal office or where the meeting will be held except for an electronic meeting. It also requires that the notice be published on the Utah Public Notice Website. There are two categories of items that need to be posted. Once a year, an Annual Meeting Schedule needs to be posted. It must include all of the regularly scheduled meetings for the year as well as the date, time, and place of where they are to occur. At least 24 hours before each meeting, the date, time, place, and agenda must be posted. The agenda must include reasonable specificity. If something is not on the agenda, action cannot be taken.

Mr. Henry reported that the Act also allows for emergency meetings in the event there is no time to provide 24 hours' notice. There are specific requirements in such instances.

For open meetings, it is necessary to have a recording and written minutes. The minutes must include the date, time, and place of the meeting, the members present and absent, the substance of all matters proposed, discussed, or decided, a record of each vote, the name of anyone who provides testimony or comments, a summary of their comments, and any other information the Board requests be included in the record.

Mr. Henry indicated that those records need to be available to the public and recordings made available within three business days after the meeting. Written minutes before they are approved must be clearly marked as 'pending approval' and need to be made available for review within a reasonable period of time. Approved minutes, as well as any public materials, should be made available within three business days and posted on the Utah Public Notice Website, making a copy available at the primary office, and posting on a public body's website.

Closed meetings were next addressed. Mr. Henry reiterated that a meeting is open unless an exception is available under the Act that allows the meeting to be closed. The reason a meeting can be closed includes discussion of an individual's character, professional competence, physical or mental health, pending or reasonably imminent litigation, the appointment of security personnel devices, criminal misconduct investigations, or the advice of legal counsel. A meeting can be closed by starting the meeting as an open meeting with a quorum of members present with a vote of two-thirds of the members present to go into a closed meeting. The reason for going into the closed meeting must be publicly announced and entered into the minutes as well as the location of the meeting and a roll call vote to close the meeting.

The record-keeping for closed meetings is different. A recording must still be kept of a closed meeting and written minutes are optional. Written minutes should include the date, time, and place of the meeting and the names of those present and absent. There is also an exception to the recording requirement. If the character, professional competence, the physical or mental health of an individual, or the deployment of security personnel devices or systems, the recording can be turned off. That was the recommendation of Mr. Henry to prevent the recording from being made public. He explained that closed meeting records are protected under The Government Records Access Management Act ("GRAMA").

Mr. Henry reported that the rules for electronic meetings have changed. There are now two types. Both require a resolution or rule be passed by the Board. The first type of electronic meeting is one with an anchor location. It involves a physical location where the public can join the meeting but with an electronic component where the public or Board Members can join online. The other type is an electronic meeting without an anchor location. This option requires a Chair and for the Board to make a determination that there are health or safety reasons to not have a physical location. The notice must detail the Chair's determination, the facts supporting the Chair's determination, and information on how the public can connect to the meeting. The determination must be renewed every 30 days.

Mr. Henry next addressed public comment or participation. The public must be allowed to watch open meetings. There is no requirement allowing them to comment unless there is a public hearing. If the public wishes to comment on something that is not on the agenda, they can be directed to stay on track or allowed to talk about what they wish. It is at the discretion of the Chair to open the matter up to the rest of the Board to discuss. If not on the agenda, final action cannot be taken.

Mr. Henry reported that the public also has the right to record meetings as long as they do not disrupt the meeting. The Board does not have to tolerate disruptions and may remove an individual if they willfully disrupt the meeting and the order of the meeting is seriously compromised. Mr. Henry recommended a great deal of discretion be used in this regard. He explained that the purpose of the Open and Public Meetings Act is to allow individuals to express their viewpoints.

The consequences of violating the Act were described. Private individuals can bring a lawsuit for violations of the Act and action the body takes can be voidable if there are violations. There are also potential criminal sanctions for knowingly violating the closed meeting provisions of the Act.

5. REGULAR AGENDA

A. Resolution: Consideration of a Resolution Authorizing Electronic Meetings and Hybrid Meetings with an Anchor Location.

Mr. Harrington reported that the reference is very concise in the resolution and incorporates State law by reference. The intent was to avoid having to change the resolution each time State law is changed. He anticipated it being an annual and multi-annual exercise as COVID continues to have an impact. The rules discussed previously are embedded in State law and may be subject to change by the Legislature. He explained that the Chair makes the determination regarding health with regard to exceptions to the anchor location requirement. The Board has discretion, however, and can debate the rules and be more restrictive if desired in the future. For the time being, however, staff recommended the Board adopt the maximum flexibility allowed by the State.

MOTION: Board Member Wintzer moved to APPROVE the Resolution authorizing electronic and hybrid meetings with an anchor location. Board Member Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

6. ADJOURN

MOTION: Board Member Franklin moved to ADJOURN. Board Member Wintzer seconded the motion. The motion passed with the unanimous consent of the Board.

The Board of Adjustment Meeting adjourned at approximately 5:30 p.m.

Approved by _____
Ruth Gezelius, Board of Adjustment Chair

Notice of a Meeting Day, Time, and Location for Meetings of the Board of Adjustment of Park City, Utah, for 2022

The Board of Adjustment may convene on the second Tuesday of each month at 5:00 PM as needed. Meetings are held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, at 5:00 p.m., except when there is no quorum, no pending business or the regular meeting date falls on a holiday.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify planning@parkcity.org or 435-615-5060 at least 24 hours prior to the meeting.

1. Notice of Electronic or telephone participation:
   NOTICE OF POSSIBLE ELECTRONIC OR TELEPHONIC PARTICIPATION One or more members of the Planning Commission may participate electronically or telephonically pursuant to UCA 52-4-7.8. Electronic meetings without an anchor location will be individually noticed in accordance with state law and local rule.

2. A written agenda will be posted on the State Public Meeting Notice website at http://pmn.utah.gov no later than 24 hours before each meeting, except emergencies. Meetings in addition to those specified herein will be held as circumstances require. Appropriate notice will be given for such meetings.

January 11, 2022
February 8, 2022
March 8, 2022
April 12, 2022
May 10, 2022
June 14, 2022
July 12, 2022
August 9, 2022
September 13, 2022
October 11, 2022
November 8, 2022
December 13, 2022

Julie Schultz
Planning Department
Executive Office Administrator

Posted on https://www.utah.gov/pmn/, www.parkcity.org,

Planning Department

Board of Adjustment
Staff Report

Subject: **2704 Meadow Creek Drive**
Application: **PL-22-05126**
Author: **Planning Department**
Date: **February 8, 2022**
Type of Item: **Appeal**

Recommendation

Staff recommends that the Board of Adjustment review the Appeal, conduct a public hearing, and consider: 1) dismissing the Appeal for lack of jurisdiction; or 2) affirming the Building Department Code Enforcement outcome declining to take any action on a previously issued Building Permit for the construction of a 361-square-foot sauna, pursuant to Land Management Code Sections 15-1-18 and 15-10-7, for a Detached Accessory Building on Lot 4 of the Willow Ranch Subdivision.

Description

Appellant:	Bob Theobald
Location:	2704 Meadow Creek Drive
Zoning District:	Estate (E)
Adjacent Land Uses:	Residential
Reason for Review:	Appeal Filed by Third Party Neighbor regarding an Enforcement Complaint

Abbreviations

BOA Board of Adjustment
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

2704 Meadow Creek Drive is Lot 4 of the Willow Ranch Subdivision, located in the area identified as the Park Meadows neighborhood in the City's General Plan (p. 18). The Willow Ranch Subdivision is east of SR 224 (Park Avenue) and southeast of the City's McPolin Barn north entry corridor. On December 17, 1992, the City Council adopted Ordinance No. 92-22, annexing the Willow Ranch Subdivision and City-owned property under Estate and Recreation Open Space zoning (Exhibit A).

Willow Ranch Subdivision

In 1993, the Willow Ranch Subdivision, creating seven single-family lots, was recorded with Summit County (Exhibit B). Lots 1, 2, 6, and 7 are the larger lots within the subdivision and are considered the equestrian lots. The Willow Ranch Subdivision Plat outlines the following regulations for Lots 1, 2, 6, and 7:

- Note 1: Buildings shall be constructed within the limits of shown building pads (indicated on the legend as a pixeled shape)
- Note 2: The total impacted area for Lots 1 and 2, including building footprint and additional fill, shall not exceed 14,000 square feet
- Note 7: Up to three horses are allowed per lot for Lots 1, 2, 6, and 7 (with grazing prohibited on the designated wildlife corridor), subject to an animal management plan (Note 13)
- Note 8: Owners are required to install and maintain lot line fencing in accordance with the Willow Ranch CC&Rs and Design Guidelines of Willow Ranch
- Note 9: The home square footages for Lots 1, 2, 6, and 7 cannot exceed 8,000 square feet
- Note 10: The barn square footages for Lots 1, 2, 6, and 7 cannot exceed 1,800 square feet
- Limits of Disturbance are established for Lots 1, 2, 6, and 7 pursuant to the plat table:

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

The Willow Ranch Subdivision outlines different regulations for the remaining three lots, Lots 3, 4, and 5:

- Lots 3, 4, and 5 are excluded from the Limits of Disturbance table illustrated on the Willow Ranch Subdivision
- Note 9: Home square footages for Lots 3, 4, and 5 are capped to 4,400 square feet
- Lots 3, 4, and 5 include more restrictive setbacks for the residences (Single-Family Dwellings) than would otherwise be required for Single-Family Dwellings in the Estate Zoning District

2704 Meadow Creek Drive Sauna Building Permit Review Process

A Single-Family Dwelling is constructed on Lot 4 of the Willow Ranch Subdivision (2704 Meadow Creek Drive). On January 20, 2021, the property owner of 2704 Meadow Creek Drive submitted a building permit to construct a Detached Accessory Building – a 361-square-foot sauna. Building permits are submitted to the Building Department through the online My City Inspector system. Submittal of a building permit triggers Building Department, Planning Department, and Engineering Department review.

On April 26, 2021, Planning staff spoke with an owner representative regarding the plan review comments and clarified what details and documents were needed for the permit.

On May 17, 2021, Planning staff spoke with the Park City Municipal Engineering Department regarding the proposed work within a rear yard easement. Engineering confirmed that there are 5' public utility easements along the side lot line and a 10' easement along the rear lot line for the property. Engineering confirmed that the proposed location of the Detached Accessory Building was outside of those easements.

On May 28, 2021, the applicant uploaded revised plans to the permitting system for review with the details and documents previously requested from Planning and Engineering.

On June 3, 2021, the Planning Department verified compliance with the LMC and Willow Ranch Subdivision Plat and completed its review.

On June 9, 2021, the Engineering Department verified the building permit complied with its standards and requirements and completed its review.

On August 9, 2021, the Building Department completed its review and issued the building permit for the 361-square-foot sauna Detached Accessory Building (Exhibit C).

The Complaint

On September 10, 2021, the appellant sent an email to Planning staff regarding the sauna construction at 2704 Meadow Creek Drive. On September 10, 2021, Planning staff provided the appellant with the online Report a Code Violation Form and the Community Code Compliance webpage (Exhibit D). Over the course of other meetings and communications with the appellant, the Planning staff reiterated the status of the building permit to construct a sauna was valid.

On November 10, 2021, the appellant submitted a complaint regarding the sauna construction (Exhibit E).

On December 21, 2021, the Chief Building Official responded to the appellant's complaint stating that the permit was reviewed for compliance with the Land Management Code and International Building Code, as well as by the City Prosecutor, and the City found that no enforcement action was justified "based upon determinations that the LMC regulations were followed, and the detached accessory structure has been permitted in accordance with applicable PCMC codes and ordinances" (Exhibit F).

The Appeal

On December 30, 2021, the appellant submitted an appeal for the Board of Adjustment's review, outlined below in the Analysis Section. Please see Attachment 1 and subsequent exhibits to Attachment 1 to review the appellants submittal. On February 2, 2022, one day prior to the required publication of this staff report, the appellant submitted updated materials. As a result, staff reserves the right to supplement the information provided in this staff report as needed.

Analysis

(I) The Board of Adjustment Does Not Have Jurisdiction to Hear the Appeal

A. No Appeal of the Building Permit Was Filed in a Timely Manner. Building Permit Appeals are heard by the Building Code Board of Appeals or the Planning Commission depending upon the grounds.

Land Management Code (LMC) § 15-1-18(A) states that any decision by Planning staff regarding application of the Land Management Code to a property may be appealed to the Planning Commission. "All appeals must be made within ten (10) calendar days of Final Action . . ." (LMC § 15-1-18(E)). Any appeal of a setback determination by the Planning Department as part of the Final Action approving or denying the building permit had to be filed by August 19, 2021.

LMC § 15-15-1 defines Final Action as the later of the final vote or written decision on a matter. Final Action regarding the sauna at 2704 Meadow Creek Drive occurred on

August 9, 2021, when the Park City Building, Planning, and Engineering Departments found the building permit complied with relevant codes and regulations and issued the Building Permit. See ***Fox v. Park City*** case attached as Exhibit G.

The complaint does not allege violation of the applicable building codes, but if it did, any appeal pursuant to the International Building Code shall be within thirty (30) days of approval or denial of the permit and is heard by the Building Code Board of Appeals (Park City Municipal Code § 2-4-13).

B. The BOA Does Not Have Jurisdiction Over Enforcement Matters Which Are Neither Final Action nor Final Decisions on a Land Use Application

Had the Building Department taken enforcement action, the property owner's due process rights to a hearing or appeal would have been defined by what the action was. An Administrative Code Enforcement action provides the opportunity to request a hearing by an administrative law judge pursuant to Park City Municipal Code § 11-19-2(P). Class B misdemeanor prosecution is heard by a court of competent jurisdiction. Revocation of the permit would be appealable to either the Building Code Board of Appeals as outlined above, based upon Park City Municipal Code § 2-4-13, or the Planning Commission if based upon LMC § 15-1-18(A). No path to the Board of Adjustment is provided for.

There is no appeal path for a third party when a City declines to prosecute or take enforcement action on a complaint. Doing so would completely undermine the finality determination of the Fox case above. However, the LMC affirmatively confirms a party may file their own action directly in court. Pursuant to LMC §15-14-5 Penalties/Enforcement, a party may file their own enforcement action:

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

For these reasons, staff requests that the BOA dismiss the appeal.

II. The Complaint and Appeal

A. The Complaint

As outlined above, on September 10, 2021, the appellant sent an email to Planning staff regarding the sauna construction at 2704 Meadow Creek Drive. On September 10, 2021, Planning staff provided the appellant with the online Report a Code Violation Form and the Community Code Compliance webpage (Exhibit D).

On November 10, 2021, the appellant submitted a complaint regarding the sauna construction (Exhibit E).

On December 21, 2021, the Chief Building Official responded to the appellant's complaint stating that the permit was reviewed for compliance with the Land Management Code and International Building Code, as well as the City Prosecutor, and found that no enforcement action was justified "based upon determinations that the LMC regulations were followed, and the detached accessory structure has been permitted in accordance with applicable PCMC codes and ordinances" (Exhibit F).
On December 30, 2021, the appellant submitted an appeal of the enforcement decision. Please see Attachment 1 for the appellant's most recent materials, submitted on February 2, 2022.

Appellant Violation Allegations and Responses

Appellant Allegation – "Pivotal Question" – What is the meaning of the setback lines illustrated on Lots 3, 4, and 5 of the Willow Ranch Subdivision Plat, which is an Ordinance approved by the City Council?

Appellant Allegation – Construction outside the LODA without a variance/plat amendment.

City Response: (A) The Sauna Complies with the Willow Ranch Subdivision Plat and (B) The Sauna Complies with the Land Management Code Regulations

(A) The Sauna Complies with the Willow Ranch Subdivision Plat

The Willow Ranch Subdivision Plat was carefully conditioned to protect the City's northern entry corridor along SR 224 (Park Avenue), and to protect sensitive lands.

On November 18, 1992, the Planning Commission reviewed the Willow Ranch Subdivision (see Appellant's Submittal Attachment 1, Exhibit D1).

On December 2, 1992, the Planning Commission again reviewed the Willow Ranch Subdivision (see Appellant's Submittal Attachment 1, Exhibit D).

On December 15, 1992, the Planning Department issued a Final Action Letter outlining the Planning Commission's December 2, 1992 preliminary plat approval subject to:

- Establishing architectural standards, house sizes and height limitations, design elements including type and amount of fencing and outbuilding standards
- A wetlands mitigation plan to be approved by City staff
- And Accessory Apartment approval in the homes on the four larger lots (see Appellant's Submittal Attachment 1, Exhibit D)

On January 28, 1993, City Council approved the Willow Ranch Subdivision final plat as a consent agenda item, requiring that the Community Development Department and

City Attorney review and approve the CC&Rs "which shall include restrictions on architecture[1] and use [2]" (Exhibit H).

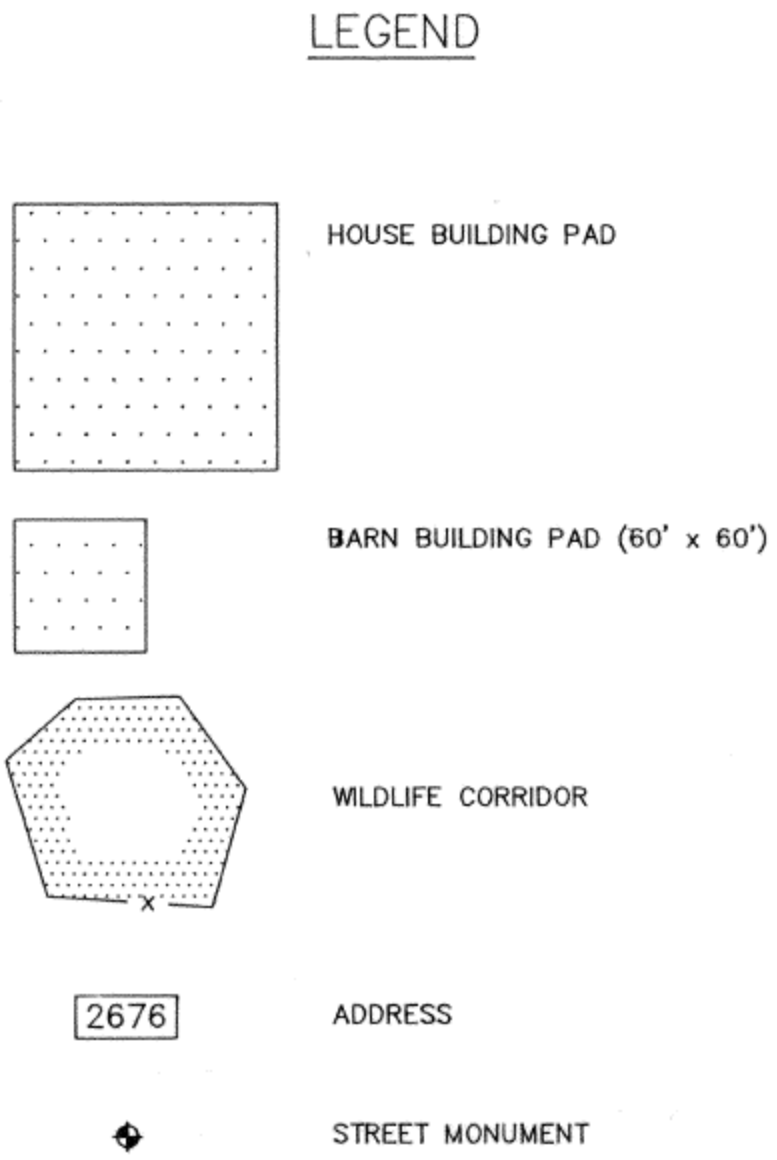
Note 1 of the Willow Ranch Subdivision states:

> BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Building pads are delineated on the Willow Ranch Subdivision under the legend below (please also see the legend in the context of the Willow Ranch Subdivision Plat, Exhibit B):

[1] Merriam-Webster defines Architecture as "1. the art or science of building, 2. formation or construction resulting from or as if from a conscious act; a unifying or coherent form or structure, 3. architectural product or work, 4. a method or style of building, 5. the manner in which the components of a computer or computer system are organized and integrated."

[2] Land Management Code Section 15-15-1 defines *Use* as: The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended. Note that Limits of Disturbance was not required to be addressed in the CC&Rs.



Lots 1, 2, 6, and 7 have Building Pads.

The subject of this Appeal, Lot 4, does not have a Building Pad.

Additionally, the Willow Ranch Subdivision establishes Limits of Disturbance for Lots 1, 2, 6, and 7 through a table indicated on the plat:

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

Limits of Disturbance are not established for Lot 4.

Rather, Lots 3, 4, and 5 have more restrictive setbacks for the residence (Single-Family Dwelling) on these lots. If a property owner proposed constructing their residence (Single-Family Dwelling) on the lot in an area outside of the more restrictive setbacks indicated on the Willow Ranch Subdivision Plat, the property owner would be required to apply for a plat amendment, requiring Planning Commission review and recommendation to City Council, and City Council final action, to reduce the restrictive Single-Family Dwelling setbacks.

The appellant argues the City should refer to the Willow Ranch Subdivision Covenants, Conditions, and Restrictions (CC&Rs) to interpret the plat. CC&Rs are a private contract between property owners. The City does not enforce CC&Rs, as outlined in Land Management Code § 15-1-3:

> *. . . . [T]he City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.*

However, even if the Willow Ranch CC&Rs are taken into consideration to determine site compliance, the CC&Rs clearly reflect what is shown on the Willow Ranch Subdivision Plat, indicating that the residence on Lot 4 must be constructed within more restrictive setbacks. The Willow Ranch CC&Rs Exhibit F states that the ***Residence*** Limits of Disturbance Area for Lot 4 is designated "per set backs" (please see Applicant's Submittal, Attachment 1 - Exhibit A).

Therefore, the sauna at 2704 Meadow Creek Drive complies with the Willow Ranch Subdivision Plat.

(B) The Sauna Complies with the Land Management Code Regulations

The sauna at 2704 Meadow Creek Drive is defined in LMC § 15-15-1 as an Accessory Building. 2704 Meadow Creek Drive is in the Estate Zoning District. Accessory Buildings are an Allowed Use in the Estate Zone per LMC § 15-2.10.2(11).

Land Management Code § 15-2.10-3 establishes the following setbacks for Accessory Buildings:

	Zoning District Requirement	Analysis of Proposal
Height	18' for Detached Accessory Buildings	***Complies*** – The roof of the Sauna is 13'4" in height with a chimney that is 16',8".
Side Setback	Minimum Setback of five feet (5') for Detached Accessory Buildings	***Complies –*** The structure maintains a minimum Side Setback of 16'.
Rear Setback	Minimum Setback of five feet (5') for Detached Accessory Buildings	***Complies –*** The structure maintains a minimum Rear Setback of 10'.
Rear Setback Coverage	Structures must not cover over twenty-five percent (25%) of the Rear Setback.	***Complies –*** The structure covers less than twenty-five percent (25%) of the Rear Setback.

Therefore, the sauna complies with the Land Management Code setback regulations for the Estate Zoning District.

Appellant Allegation – Owner Violated Permit Condition of Approval #1

The appellant argues violation of Building Permit Condition of Approval #1. Building Permit Condition of Approval # 1 states:

> *Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision.*

City Response: The Square Footage of the sauna is irrelevant, and even if the square footage is taken into consideration, the sauna complies with the maximum square footage allocated for Lot 4 of the Willow Ranch Subdivision.

As outlined in the background section, 2704 Meadow Creek Drive is located on Lot 4 of the Willow Ranch Subdivision. The Willow Ranch Subdivision Plat Note 9 states that "home square footages" are limited to 4,400 square feet on Lot 4. This measurement is specific to the house, and not to any Accessory Buildings.

Home is not defined by the Land Management Code. "Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary" (Land Management Code § 15-15-1). Merriam-Webster defines *home* as "1. the place (such as a house or apartment) where a person lives; 2. A family living together in one building, house, etc.; 3. a place where something normally or naturally lives or is located."

This definition of *home* aligns with the Land Management Code § 15-15-1 definition of *Single-Family Dwelling*: "[a] Building containing not more than one (1) Dwelling Unit." Land Management Code § 15-15-1 defines *dwelling unit* as "[a] Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit."

The sauna is not part of the *home* or *Single-Family Dwelling*.

Land Management Code § 15-15-1 defines the sauna as an Accessory Building:
A Building on the same Lot as the principal Building and that is:

1. *clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, free-standing Solar Energy Systems, and other similar Structures that require a Building Permit;*
2. *operated and maintained for the benefit of the principal Use;*
3. *not a Dwelling Unit; and*
4. *also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.*

Therefore, the house size limitation for Lot 4 of the Willow Ranch Subdivision does not

apply to the sauna, a Detached Accessory Building, and the building permit for the sauna was issued in compliance with the Willow Ranch Subdivision regulations.

Department Building Permit Review

The Planning, Building, Engineering, and Legal Departments reviewed this application.

Notice

Staff posted notice to the property, City Hall, and on the City's website on February 2, 2022. LMC § 15-1-21.

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

1. Take the matter under advisement and continue to a date certain.
2. Dismiss or deny appeal and direct Staff to prepare findings within 15 working days.
3. Grant appeal and direct Staff to prepare findings within 15 working days.
4. Continue – Chair should clarify if specific additional information is requested.

Exhibits

Exhibit A: Ordinance No. 92-22 Annexing and Zoning the Willow Ranch Property
Exhibit B: Willow Ranch Subdivision
Exhibit C: Building Permit for the 361-Square-Foot Sauna
Exhibit D: September 10, 2021 Staff Response to Appellant Email
Exhibit E: November 10, 2021 Appellant Complaint
Exhibit F: Chief Building Official Response to Appellant's Complaint
Exhibit G: Fox v. Park City
Exhibit H: January 28, 1993 City Council Meeting Minutes

Attachment 1 – Appellant's Submittal

Ordinance No. 92-22

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO INCLUDE THE PETERSON (WILLOW RANCH) PROPERTY

WHEREAS, Park City Municipal Corporation and its affiliated entities have acquired properties adjacent to and contiguous with the City boundaries to provide for several public needs; and

WHEREAS, the Park City Council, on its own motion, has proposed the annexation of these properties on the terms and conditions set forth in a Supplemental Annexation Declaration dated December 17, 1992; and

WHEREAS, notice of the proposed annexation was duly published for at least four consecutive weeks in compliance with state law; and

WHEREAS, public hearings were held before the Planning Commission on December 2, 1992 and before the City Council on December 10 and 17, 1992, and the City Council finds that the annexation and zoning designation proposed at the time of the hearing is in the best interest of the community;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, that the Official Zoning Map of Park City, Utah be amended as follows:

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The parcels of property depicted in the attached Exhibit A shall be annexed to the City boundaries of Park City, Utah and shall be zoned Estate (E) and Recreation Open Space (ROS).

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

PASSED AND ADOPTED this 17th day of ~~August~~ December, 1992.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

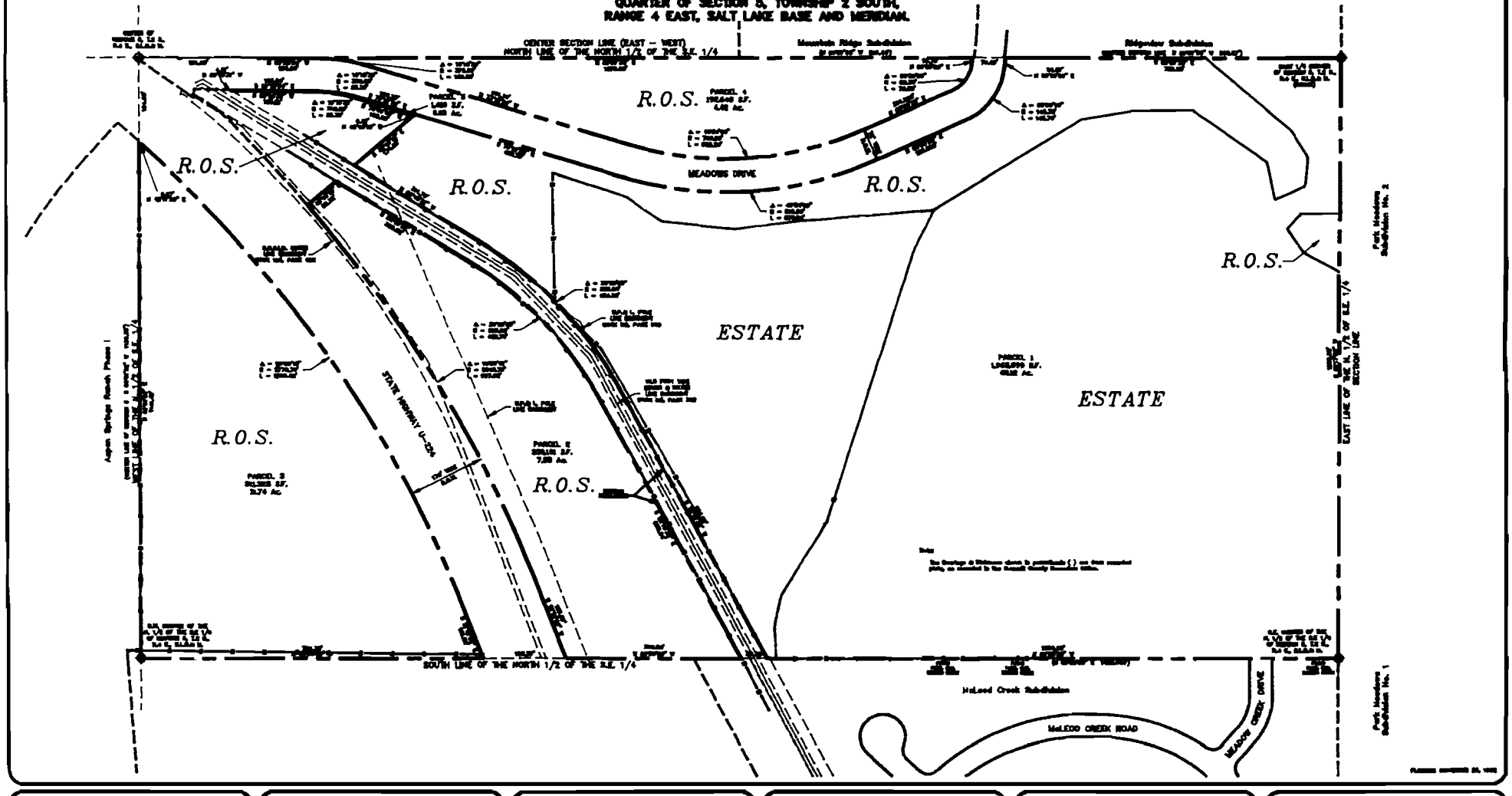
Attest:

Anita L. Sheldon, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

ANNEXATION & ZONING PLAT OF THE PETERSON PROPERTY

LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS _____ DAY OF _____ A.D. 19__, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE _____ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AND ACCEPTED BY THE _____ CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19__	#. _____ STATE OF _____. COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF:
MAYOR	CITY ENGINEER	CHAIRMAN	CITY ATTORNEY	COUNTY RECORDER

THE JACK JOHNSON COMPANY

Innovators in Project Direction . . .

WILLOW RANCH
PARCEL 1

Legal Description

October 20, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following three (3) calls: (1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; (2) along the arc of said curve 454.36 feet thru a central angle of 30°26'53"; (3) North 58°43'31 West 311.76 feet; thence North 49°48'18" East 174.85 feet to a point on the southerly most right-of-way line of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following five (5) calls, (1) South 73°10'24" East 468.75 feet to a point of a 812.00 foot radius curve to the left; (2) along the arc of said curve 579.64 feet thru a central angle of 40°54'00"; (3) North 65°55'36" East 216.285 feet to a point of a 140.30 foot radius curve to the left; (4) along the arc of said curve 145.70 feet thru a central angle of 59°30'00"; (5) North 6°25'36" East 24.87 feet to a point on the North line of the North half of the Southeast Quarter of said Section 5, said point also being on the South line of Ridgeview Subdivision as recorded; thence along said North line of the North half of the Southeast Quarter of said Section 5, said line also being the South line of Ridgeview Subdivision as recorded North 89°57'38" East 738.83 feet to the Point of Beginning.

Contains: 1,965,599 square feet or 45.12 acres more or less.

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

Innovators in Project Direction . . .

WILLOW RANCH
PARCEL 2

Legal Description

October 20, 1992

Beginning at a point located South 00°17'50" West along Section line 1338.83 feet and North 89°58'59" West 1314.83 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the South line of the North half of the Southeast Quarter of said Section 5, said point also being on the North line of McLeod Creek Subdivision as recorded; said point also being on the westerly most line of a 50-foot wide railroad right-of-way; thence along said South line of the North half of the Southeast Quarter of said Section 5, North 89°58'59" West 386.24 feet to a point on the Easterly most right-of-way line of State Highway U-224; thence along said Easterly right-of-way line the following two (2) calls: (1) North 21°12'00" West 187.97 feet to a point of a 2949.79 foot radius curve to the left; (2) along the arc of said curve 977.92 feet thru a central angle of 18°59'41"; thence North 49°48'18" East 82.32 feet to a point on the westerly most line of a 50-foot wide railroad right-of-way; thence along said westerly right-of-way line the following three (3) calls: (1) South 58°43'31" East 328.52 feet to a point of a 805.00 foot radius curve to the right; (2) along the arc of said curve 427.79 feet thru a central angle of 30°26'53"; (3) South 28°16'38" East 668.04 feet to the Point of Beginning.

Contains: 330,101 square feet or 7.58 acres more or less.

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

Innovators in Project Direction . . .

WILLOW RANCH
PARCEL 3

Legal Description

November 12, 1992

Beginning at a point located South 00°17'50" West along Section line 1338.83 feet and North 89°58'59" West 1883.44 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the South line of the North half of the Southeast Quarter of said Section 5, said point also being on the Westerly right-of-way line of State Highway U-224; thence along said South line of the North half of the Southeast Quarter of said Section 5, North 89°58'59" West 752.35 feet to the Southwest Corner of the North half of the Southeast Quarter of said Section 5; thence along the West line of the North half of the Southeast Quarter of said Section 5 North 00°00'59" East 1141.43 feet; thence North 42°11'39" East 8.07 feet to a point on the Westerly right-of-way line of State Highway U-224; said point also being on the arc of a 2779.79 foot radius curve to the right; thence along said westerly right-of-way the following two (2) calls: (1) along the arc of said 2779.79 foot radius curve 1260.82 feet thru a central angle of 25°59'15"; (2) South 21°12'00" East 121.92 feet to the Point of Beginning.

Contains: 511,325 square feet or 11.74 acres more or less.

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

Innovators in Project Direction . . .

WILLOW RANCH
PARCEL 4

Legal Description

November 12, 1992

Beginning at a point located North 89°57'38" West along the center of Section line 811.29 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point of beginning being on the North line of the North half of the Southeast Quarter of said Section 5, said point also being on the South line of Mountain Ridge Subdivision as recorded, said point also being on the Westerly most right-of-way line of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following seven (7) calls: (1) South 06°25'36" West 16.70 feet to a point of a 68.30 foot radius curve to the left; (2) along the arc of said curve 70.93 feet thru a central angle of 59°30'00"; (3) South 65°55'36" West 216.285 feet to a point of a 740.00 foot radius curve to the right; (4) along the arc of said curve 528.24 feet thru a central angle of 40°54'00"; (5) North 73°10'24" West 601.10 feet to a point of a 372.00 radius curve to the left; (6) along the arc of said curve 105.88 feet thru a central angle of 16°18'30"; (7) North 89°28'54" West 134.95 feet to a point on the North line of the North half of the Southeast Quarter of said Section 5; thence along said North line of the North half of the Southeast Quarter of said Section 5, North 89°57'38" East 1570.05 feet to the Point of Beginning.

Contains: 192,648 square feet or 4.42 acres more or less.

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

Innovators in Project Direction . . .

WILLOW RANCH
PARCEL 5

Legal Description

November 12, 1992

Beginning at a point located South 89°57'38" West along the center of Section line 2036.23 feet and South 124.61 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian said point also being on the Southerly right-of-way line of Meadows Drive as recorded; thence South 49°48'18" West 6.01 feet; thence North 73°06'00" West 136.85 feet to a point of a 300-foot radius curve to the left; thence along the arc of said curve 85.39 feet thru a central angle of 16°18'30"; thence North 89°24'35" West 183.21 feet to a point on the Easterly most line of a 50-foot wide railroad right-of-way; thence North 58°43'31" West along said railroad right-of-way 4.21 feet to a point on the Southerly right-of-way of Meadows Drive as recorded; thence along said Meadows Drive right-of-way the following three (3) calls: (1) South 89°28'54" East 195.64 feet to a point of a 300-foot radius curve to the right; (2) along the arc of said curve 85.39 feet thru a central angle of 16°18'30"; (3) South 73°10'24" East 132.35 feet to the Point of Beginning.

Contains: 1,410 square feet or 0.03 acres more or less.

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER
OF SECTION 5, T. 2S, R. 4E,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°05'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
3	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

Also the owner hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over the utility and drainage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 12th day of FEBRUARY, 1993.
Richard Dudley – President

Willow Ranch Development Inc., a Utah corporation

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 12th day of February, 1993 personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and forgoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

Notary Public — My commission expires: 1/6/96

NOTARY PUBLIC
MIKI BRINGHURST
7872 Avondale Drive
Salt Lake City, Utah 84121
My Commission Expires
June 1, 1996
STATE OF UTAH

LEGAL DESCRIPTION

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05", thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

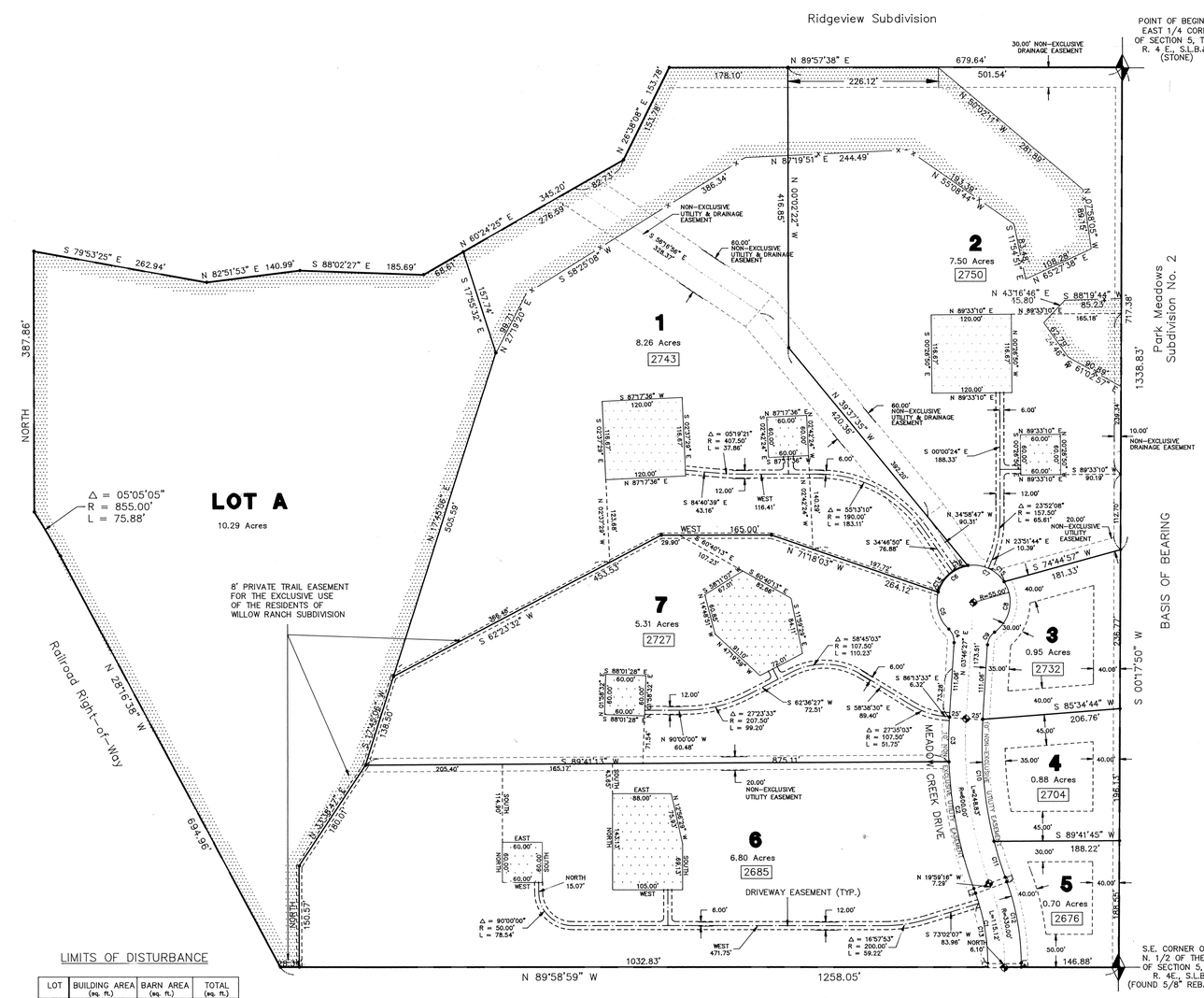
Contains: 41.48 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON — DATE: February 12, 1993

REGISTERED LAND SURVEYOR JACK J. JOHNSON STATE OF UTAH



SCALE: 1" = 100'

NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR
- 2676 — ADDRESS
- STREET MONUMENT

PLOTTED: JANUARY 22, 1993

CITY COUNCIL APPROVAL

PARK CITY SUMMIT COUNTY CORPORATE SEAL MARCH 1, 1884

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 28TH DAY OF FEBRUARY A.D. 1993 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR
Anita L. Sheldon
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 25TH DAY OF FEBRUARY A.D. 1993.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22ND DAY OF February A.D. 1993.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22nd DAY OF February A.D. 1993

CITY ATTORNEY

RECORDED

Nº. 374694.
STATE OF UTAH.
COUNTY OF SUMMIT.
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
Date: 02-26-93
Time: 11:15 AM
Fee: $22.00

COUNTY RECORDER

3-16-93 GG
SEC 5, T2S R4E
WILLOW RANCH

THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • fax (801) 649-1620

22-00
WILLOW RANCH

Park City Building Permit

Permit #: 21-940
Issue Date: 08/09/2021

Application Accepted Date: 01/20/2021
Type of Improvement: Single-Family Addition
Description: New Sauna outbuilding (detached) including a bathr

Bldg. Address: 2704 MEADOW CREEK DR
City: Park City State: UT Zip: 84060
Subdivision: Willow Ranch Sub. Phase:
Block: Lot #: 4 Parcel #: WLR-4
Property Owner: GREEN DAVID H/W (JT) P:(201) 232-6549
City: PARK CITY State: UT Zip: 84060
Permit Contact:
Email: heimoritzinger@mac.com

CONTACT INFORMATION

Engineer of Record: York Engineering
Email: tanner@yorkengr.com P: (801) 876-3501

Design Professional: Studio Moxie

General Contractor: David Green
License #: P: (201) 232-6549
City: State: Zip:
Email: david.dmjcasting@gmail.com

Electrical Contractor: Olsen Electric Inc
License #: 6162517-5501 P: (435) 640-5665
City: Park City State: ut Zip: 84098
Email: kris.oeipc@gmail.com

Plumbing Contractor: Performance Plumbing
License #: 6140022-5501 P: (801) 718-6311
Address: 1983 South 1640 west street F
City: woods cross State: UT Zip: 84087
Email: Aaronoly50@yahoo.com

Mechanical Contractor: Performance Plumbing
License #: 6140022-5501 P: (801) 718-6311
Address: 1983 South 1640 west street F
City: woods cross State: UT Zip: 84087
Email: Aaronoly50@yahoo.com

APPLICATION DETAILS

Main Floor:	361 sq. ft.	VB	R-3 Residential, on…

# Bedrooms: 0	# Bathrooms: 1
# Covered Parking: 0	# Stories: 1
Max Occupancy: 0	Fire Sprinkler: No
Const. Material: Wood Frame	# of Units: 550

Construction Valuation	$	0.00
Electrical Valuation	$	0.00
Plumbing Valuation	$	0.00
Mechanical Valuation	$	0.00

PERMIT FEES

Building Fee	$	1,352.32
Electrical Fee	$	97.25
Mechanical Fee	$	50.00
Plumbing Fee	$	125.25
Building Plan Check Deposit	$	0.00
Plan Check Totals (65% of Permit Fe	$	879.01
Deposit Credit	$	0.00
Plan Check Fee	$	879.01
State Fee	$	16.25
Parks, Trails, Open Space Impact Fe	$	0.00
Public Safety Impact Fee	$	0.00
Roadway Facilities Impact Fee	$	0.00
Outdoor Water Impact Fee	$	0.00
Indoor Water Impact Fee (# of units	$	0.00
Total Fees:	**$**	**2,520.08**

APPROVALS		DATE	INFO
Plan Review Finalized:	Yes	08/09/21	Dave Thacker

Lot Footage: 38,332

Setbacks	Front:	Rear:	Left:	Right:
Min.	35	10	10	10
Actual:	153-6"	28'	10'	157'-7"

APPLICATION NUMBER: TEMP21-047

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Applicant Name: ben akers

Signature of Builder/Authorized Agent or Owner: Date:

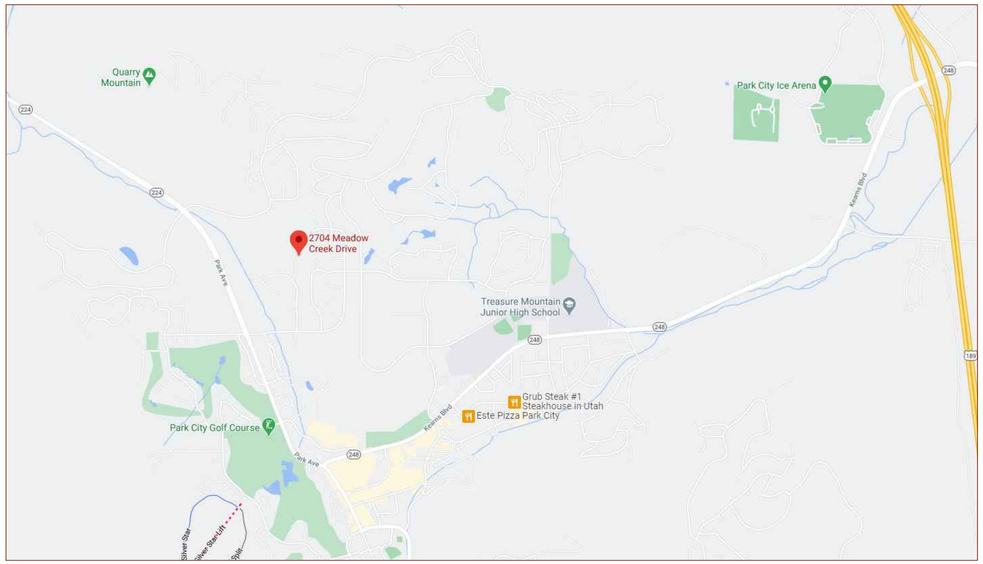
App /: Date: 08/09/2021

Permit Issued By: Date:
Dave Thacker 08/09/2021

Receipt #: 8007 Date:
☐ Cash ☐ Check # [] ☐ Credit Card

DAVID GREEN - DETACHED SAUNA

2704 MEADOW CREEK DR.
PARK CITY, UT 84060



VICINITY MAP
N.T.S.

PLAN AND DESIGN:

STUDIO MOXIE
Curtis Sorenson
3126 Quarry Rd. Suite #K1
Park City, UT 84098
801.688.9408
Curtis@StudioMoxieArchitects.com

STRUCTURAL ENGINEER:

York Engineering
4883 Old Highway Rd. Suite#A
Morgan, UT 84050
801.876.3501
Tanner@yorkengr.com

PROJECT SUMMARY:

PROJECT DESCRIPTION:	DETACHED ACCESSORY BUILDING
JURISDICTION:	PARK CITY
PARK CITY ZONE:	E
PARCEL NUMBER:	WLR-4
CODE:	2015 IRC
ZONING:	S-F SINGLE FAMILY

NOTES: ELECTRIC FLOOR HEATING TO BE USED

SHEET LIST:

SHEET #	SHEET NAME
A 0.0	COVER SHEET
A 0.1	SURVEY
A 0.2	SITE PLAN & LOD PLAN
A 0.3	SITE DETAILS
A 1.0	FLOOR, ROOF, & ELECTRICAL
A 2.0	EXTERIOR ELEVATIONS
A 3.0	CROSS SECTION
A 4.0	GENERAL DETAILS & GENERAL NOTES
	STRUCTURAL ENGINEERING SHEETS
S1	FOOTING & FOUNDATION AND ROOF PLAN
SD1	ENGINEERING DETAILS

PARK CITY 1884
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PARK CITY BUILDING DEPT.
Plans Examiner- Scott Olsen
08/09/2021

Space not approved as a sleeping room

GENERAL NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE DESIGNER/ENGINEER.
2. THESE SHEETS - LISTED BY DRAWING INDEX , ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE DESIGNER/ENGINEER BEFORE PROCEEDING.
4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE DESIGNER/ENGINEER BEFORE PROCEEDING.
5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
6. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE DESIGNER/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
7. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2015 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
9. ALL 2/5 lb. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM. ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11 THE ACTUAL CONSTRUCTION WILL COMPLY WITH APPLICABLE LOCAL ORDINANCES AND BUILDING CODES.

ENERGY EFFICIENCY (IRC N1101):
COMPLIANCE PER THE PRESCRIPTIVE METHOD TO BE USED PER SECTION R402.1 AND TABLE R402.1.2 CLIMATE ZONE 5 2015 EDITION I.R.C.
RETAINING WALLS (>4' OR SUPPORTING A SURCHARGE), SWIMMING POOLS, SOLAR AND GEO-THERMAL HEATING SYSTEMS, AND PHOTO-VOLTAIC AND WIND GENERATED ELECTRICAL SYSTEMS REQUIRE SEPARATE PERMITS. SEPARATE PLANS, SPECIFICATIONS, AND APPLICATIONS ARE TO BE SUBMITTED AND REVIEWED PRIOR TO ISSUANCE OF THESE PERMIT

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APPROVED
PARK CITY PLANNING DEPT.
Planner - Heather Wasden
06/03/2021
Validity of Permit: The issuance of a permit or approval of plans, specifications and computations shall not be a permit for, or an approval of, any violation to any of the provisions of the Building Code, Fire Code, or any of the City's Ordinances. Permits presuming to give authority to violate or cancel the provisions of these Codes and Ordinances of the Park City Municipal Corporation shall not be valid. All plans approved are subject to field inspection and interpretation of the field inspectors or the Planning Director.

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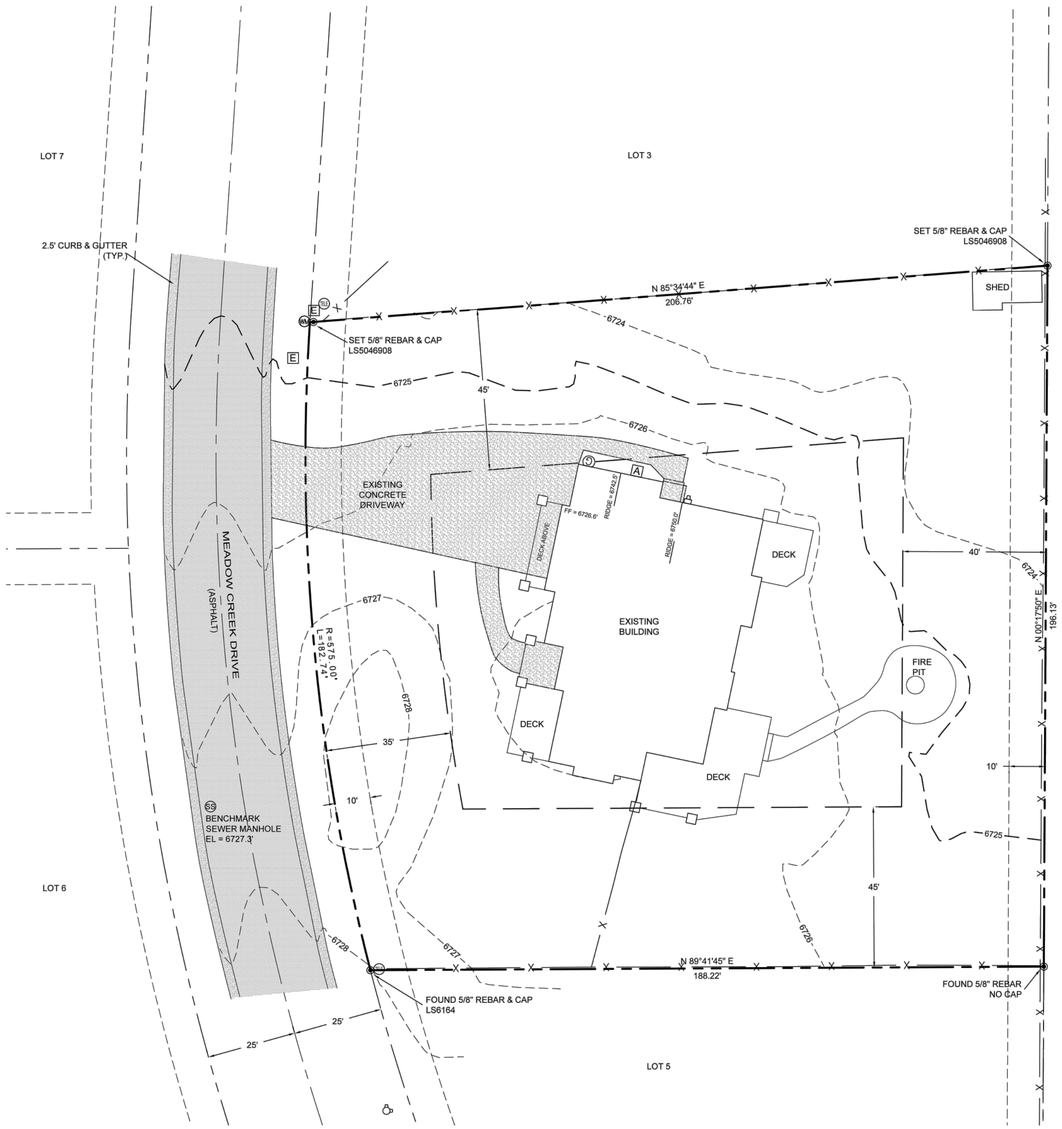
Melanie Jackson
06/09/2021

1.Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2.Per the plans and applicant the maximum structure height including the chimney is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3.Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4.All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5.All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6.Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7.Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8.Windows cannot be untreated metal frames per LMC 15-5-5(I).

CONTRACTORS SHALL VERIFY, AND BE RESPONSIBLE FOR, ALL DIMENSIONS AND CONDITIONS ON THE JOB AND DESIGNER IS NOT TO BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE PLANS. ANY SUBSTITUTIONS MADE WITHOUT THE WRITTEN CONSENT OF THE DESIGNER/ENGINEER, AND/OR VARIATIONS FROM THE ABOVE DRAWINGS AND SPECIFICATIONS AND/OR EQUAL CODES, AND ARRANGEMENTS REPRESENTED THEREBY, ARE AND SHALL BE DEEMED THE EXCLUSIVE RESPONSIBILITY OF THE CONTRACTOR. THE DESIGNER/ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY SUBSTITUTIONS MADE WITHOUT WRITTEN CONSENT. DRAWINGS OR SPECIFICATIONS AND/OR OTHER DESIGN DOCUMENTS PROVIDED TO OTHERS OR RETAINED IN CONNECTION WITH ANY WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN OUR OWN PROPER PROJECT FOR OUR CLIENT, SHALL BE RETURNED UPON REQUEST. DRAWINGS, SPECIFICATIONS AND

RECORD OF SURVEY & TOPOGRAPHICAL MAP

LOT4 WILLOW RANCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



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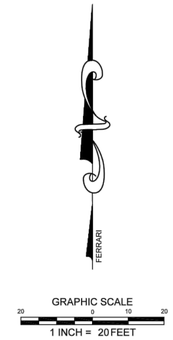
08/09/2021



SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046908. THIS MAP CORRECTLY REPRESENTS SURVEYS MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI
LS 5046908

GREGORY J. FERRARI, PLS LICENSE NO. 5046908 EXPIRES MARCH 31, 2021

LEGAL DESCRIPTION:

LOT 4, WILLOW RANCH SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AT THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

- CLIENT PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTERLINE
- 6725 MAJOR CONTOUR
- MINOR CONTOUR
- X FENCE
- 10' PUBLIC UTILITY EASEMENT
- BUILDING SETBACK
- PROPERTY CORNER (AS NOTED)
- FIRE HYDRANT
- SEWER MANHOLE
- TELEPHONE PEDESTAL
- WATER METER
- E ELECTRIC TRANSFORMER
- ELECTRIC METER
- G GAS METER
- A AIR CONDITIONER

PROJECT INFORMATION:

CLIENT:	BLACK DOG BUILDERS
PROJECT ADDRESS:	2704 MEADOW CREEK DRIVE PARK CITY, UT 84060
SERIAL NO:	WLR-4
RECORD INFORMATION:	LOT 4, WILLOW RANCH SUBDIVISION

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF BLACK DOG BUILDERS

2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM WILLOW RANCH SUBDIVISION.

3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.

6. DATE OF FIELD WORK MARCH 14, 2020.

7. VERTICAL DATUM IS ASSUMED.

8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.

9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.

10. BASIS OF BEARING BETWEEN FOUND MONUMENTS SHOWN HEREON.

11. FOUND PER SURVEY S-1209 OF RECORD AND ON FILE AT THE OFFICE OF THE SUMMIT COUNTY RECORDER.

WINTER NOTE:

SOME OR ALL OF THE TOPOGRAPHY DATA AS DEPICTED ON THIS MAP WAS ACQUIRED DURING WINTER CONDITIONS (AT THE CLIENT'S DIRECTION) WITH SNOW AT VARYING DEPTHS ON THE GROUND. SNOW COVER WILL OBSCURE CERTAIN FEATURES THAT WOULD OTHERWISE BE READILY APPARENT TO SURVEY CREWS, AND AS SUCH, THOSE FEATURES MAY NOT BE SHOWN ON THIS MAP. THE CLIENT WAS AWARE OF THIS LIMITATION AT THE TIME THE SURVEY WAS CONDUCTED. ADDITIONAL WORK MAY BE NECESSARY AT SUCH TIME AS WINTER CONDITIONS NO LONGER EXIST, TO LOCATE AND MAP ANY FEATURES CRITICAL TO DEVELOPMENT THAT MAY EXIST BUT ARE NOT SHOWN ON THIS MAP. THE CLIENT MUST ENSURE THAT SUCH ADDITIONAL WORK IS COMPLETED IN CONJUNCTION WITH DESIGN WORK FOR ANY IMPROVEMENT ON THIS PROPERTY.

REV	DATE	REVISIONS	INITIAL

FERRARI SURVEYING, LLC
435- 640 - 0412
P.O.BOX 683001
PARK CITY, UT 84068

REUSE OF DOCUMENTS
THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

RECORD OF SURVEY & TOPOGRAPHICAL MAP
LOT 4 WILLOW RANCH SUBDIVISION
WLR-4
BLACK DOG BUILDERS
PARK CITY SUMMIT COUNTY UTAH

0 1
BAR IS ONE INCH ON ORIG. DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SURVEY BY:	GF-TM
SURVEY DATE:	11-16-20
DESIGN BY:	GF
DRAFTING BY:	GF
CHECKED BY:	GF

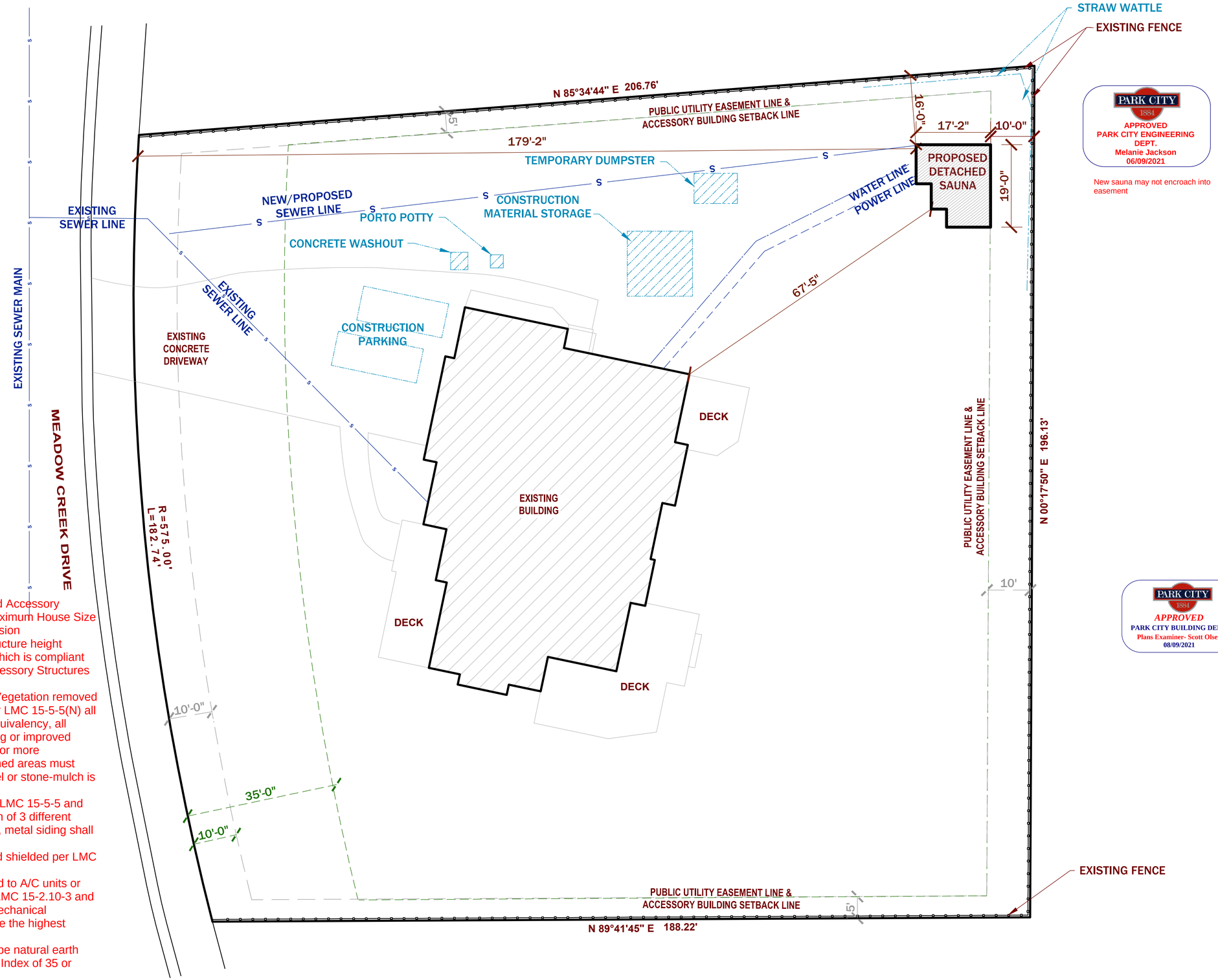
XREFS:

DRAWING:	WLR-4
DATE:	11-20-20

SCALES:
1:20 HORIZONTAL
1'CONTOURS VERTICAL

A OF 0.1

PROJECT No: 2020.201



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PARK CITY ENGINEERING DEPT.
Melanie Jackson
06/09/2021

New sauna may not encroach into easement

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PARK CITY PLANNING DEPT.
Planner - Heather Wasden
06/03/2021
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08/09/2021

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CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND ORDER NOTE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS AND SPECIFICATIONS. ANY ADDITIONS, ALTERATIONS OR REPAIRS MADE TO THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE EQUAL DESIGN AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF STUDIO MOXIE. THE SAME MAY NOT BE USED FOR ANY PURPOSE NOT PREVIOUSLY AGREED TO IN WRITING BY STUDIO MOXIE. DRAWINGS CANNOT BE COPIED, DUPLICATED OR OTHERWISE REPRODUCED, EXCEPT FOR REVIEW PURPOSES, WITHOUT THE EXPRESS WRITTEN PERMISSION OF STUDIO MOXIE. VISUAL CONTACT WITH THESE DRAWINGS OR SPECIFICATIONS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. ONLY PRINTS FROM THE ORIGINAL DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.

DAVID GREEN DETACHED SAUNA
2704 MEADOW CREEK DR.
PARK CITY, UT 84060

STUDIO MOXIE
Curtis Sorenson
801.688.9408
Curtis@StudioMoxieArchitects.com

SHEET TITLE
SITE PLAN & LOD PLAN

REVISION DATE
May 19,2021

SHEET#
A 0.2

Construction Mitigation Plan Notes

- Show location for dumpster, portable toilets, materials storage, parking
- Construction parking/traffic may not block the street without a permit (available from the Engineering Division)
- Mud tracked out onto the street must be cleaned prior to the end of the work day
- The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
- Roadside parking is not allowed from November 1st to April 1st

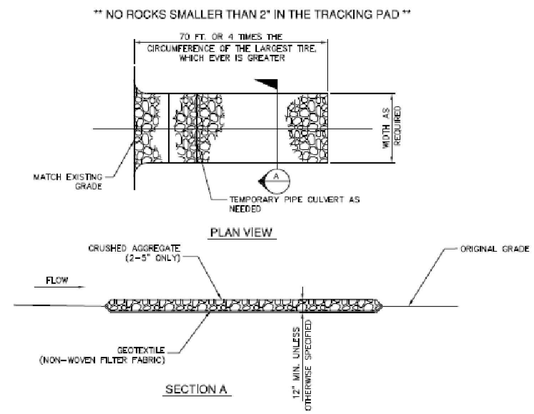
18"x24" Metal framed sign, legs buried 1' deep

Red letters, 2" tall minimum on white back ground
Enter SWPPP Contact's Phone Number

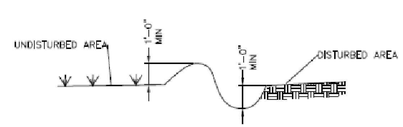
SWPPP Box, secured to sign, must contain:

1. Land Disturbance Permit — Signed
2. State NOI Permit (keep current)
3. CPoD Document (keep current)
4. State General Permit UTR300000
5. SWPPP Weekly Inspection Logs

SWPPP SIGN - Under 1 Acre Projects
Project Type B Signage



STABILIZED CONSTRUCTION ENTRANCE DETAIL
SCALE: N. T. S.



SWALE / BERM DETAIL
SCALE: N. T. S.

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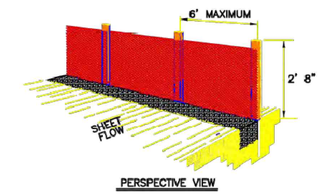
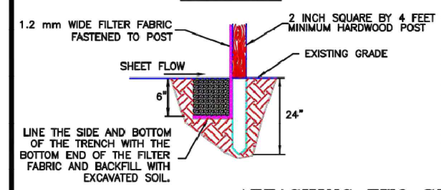
PARK CITY BUILDING DEPT.
Plans Examiner- Scott Olsen
08/09/2021

NOTE:
CONTRACTOR AND ALL SUBCONTRACTORS WORKING ON THIS PROJECT SHALL THOROUGHLY REVIEW AND VERIFY ALL DIMENSIONS, LOCATIONS, NOTES, ETC. AND ADDRESS ANY DISCREPANCIES OR CONCERNS WITH OWNER, GENERAL CONTRACTOR, & SUB CONTRACTOR, BEFORE CONSTRUCTION COMMENCES. DIMENSIONS ON PLAN TAKE PRECEDENCE OVER SCALE.

SILT FENCE



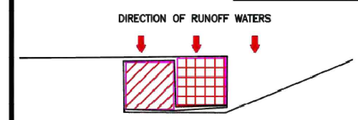
PERSPECTIVE VIEW



INSTALLATION:
1. Where possible, layout the silt fence 5 to 10 feet beyond the toe of slope.
2. Align the fence along the contour as close as possible.
3. When excavating the trench, use machinery that will produce no more than the desired dimension.
4. Place posts 6 foot on center along contour (or use pre assembled unit) and drive 2 feet (min.) into ground. Excavate an anchor trench (8 inches wide and 8 inches deep) immediately up-gradient of posts.
5. Cut fabric to required width, unroll along length of barrier and drape over barrier. Secure fabric to, stakes with staples, or similar, with trailing edge extending into anchor trench.
6. Backfill trench over filter fabric to anchor.

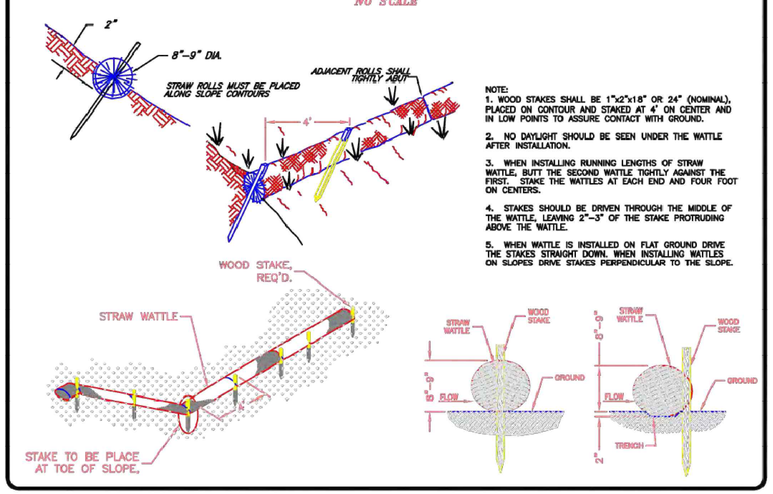
MAINTENANCE:
1. Inspect immediately after any rainfall and at least daily during prolonged rainfall.
2. Look for runoff bypassing ends of barriers or undercutting fence (repair immediately).
3. Repair or replace damaged areas of the fence and remove accumulated sediment.
4. Re-anchor fence as necessary to prevent shortcutting.
5. Remove accumulated sediment when it reaches ½ the height of the fence.

ATTACHING TWO SILT FENCES



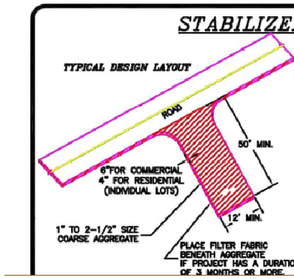
1. PLACE THE END POST OF THE SECOND FENCE INSIDE THE END POST OF THE FIRST FENCE.
2. ROTATE BOTH POSTS AT LEAST 180 DEGREES IN A CLOCKWISE DIRECTION TO CREATE A TIGHT SEAL WITH THE FABRIC MATERIAL.
3. DRIVE BOTH POSTS ABOUT 24 INCHES INTO THE GROUND AND BURY FLAP.

STRAW WATTLE DETAIL
NO SCALE



NOTE:
1. WOOD STAKES SHALL BE 1"x2"x18" OR 24" (NOMINAL), PLACED ON CONTOUR AND STAKED AT 4' ON CENTER AND IN LOW POINTS TO ASSURE CONTACT WITH GROUND.
2. NO DAYLIGHT SHOULD BE SEEN UNDER THE WATTLE AFTER INSTALLATION.
3. WHEN INSTALLING RUNNING LENGTHS OF STRAW WATTLE, BUTT THE SECOND WATTLE TIGHTLY AGAINST THE FIRST. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTERS.
4. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE, LEAVING 2"-3" OF THE STAKE PROTRUDING ABOVE THE WATTLE.
5. WHEN WATTLE IS INSTALLED ON FLAT GROUND DRIVE THE STAKES STRAIGHT DOWN. WHEN INSTALLING WATTLES ON SLOPES DRIVE STAKES PERPENDICULAR TO THE SLOPE.

STABILIZED CONSTRUCTION ENTRANCE



INSTALLATION:
1. Install at any point of ingress or egress at a construction site where adjacent traveled way is paved.
2. Clear and grub area and grade to provide slope shown for driveway, or access/intersection. If adjacent to waterway, use a maximum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place coarse aggregate, 1 to 2 ½ inches size, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE:
1. Inspect daily for loss of gravel or sediment buildup.
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or shoveling.
3. Repair entrance and replace gravel as required to maintain control in good working condition.
4. Expand stabilized area as required to accommodate traffic, and off site street parking and prevent erosion at driveway.

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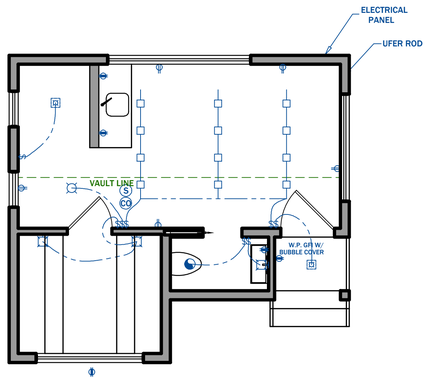
DAVID GREEN
DETACHED SAUNA
2704 MEADOW CREEK DR.
PARK CITY, UT 84060

STUDIO MOXIE
Curtis Sorenson
801.688.9408
Curtis@StudioMoxieArchitects.com

SHEET TITLE
SITE DETAILS

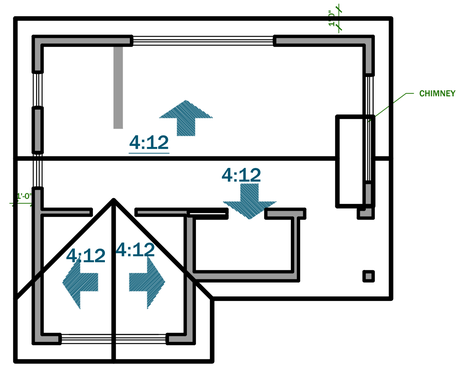
REVISION DATE
May 19,2021

SHEET#
A 0.3



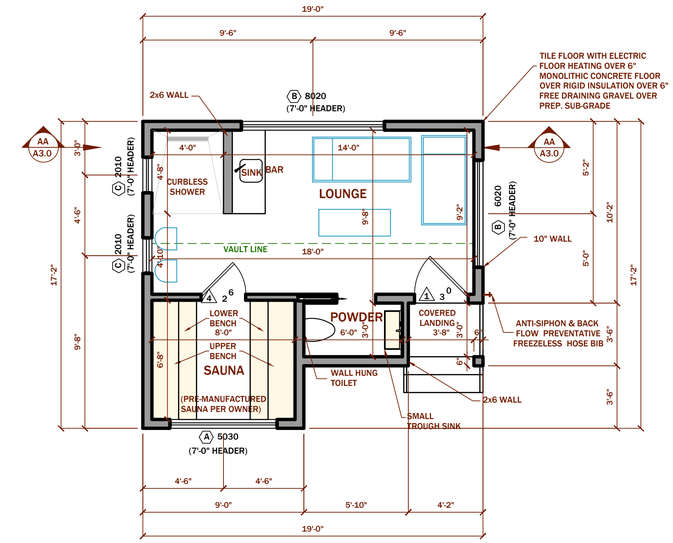
ELECTRICAL PLAN

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



ROOF PLAN

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



MAIN LEVEL FLOOR PLAN

361 SQUARE FEET

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

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Plans Examiner- Scott Olsen
08/09/2021

ELECTRICAL LEGEND

- $ - LIGHT SWITCH
- MS - MOTION SENSOR SWITCH
- CEILING FIXTURE
- RECESSED FIXTURE
- DROP PENDANT LIGHT
- WALL SCONCE FIXTURE
- S - SMOKE ALARM WIRE IN SERIES W/ BATTERY BACKUP
- CO - CARBON MONOXIDE DETECTOR W/ BATTERY BACKUP
- OUTLET RECEPTACLE
- GROUND FAULT INTERRUPTER OUTLET
- WP GFI - WEATHER PROOF G.F.I. OUTLET W/ BUBBLE COVER
- 220 OUTLET RECEPTACLE
- CEILING FAN
- TRACK LIGHTING PER OWNER

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
3. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
4. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
5. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
6. Windows cannot be untreated metal frames per LMC 15-5-5(I).

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Planner - Heather Wasden
06/03/2021
Validity of Permit: The issuance of a permit or approval of plans, specifications and computations shall not be a permit for, or an approval of, any violation to any of the provisions of the Building Code, Fire Code, or any of the City's Ordinances. Permits presuming to give authority to violate or cancel the provisions of these Codes and Ordinances of the Park City Municipal Corporation shall not be valid. All plans approved are subject to field inspection and interpretation of the field inspectors or the Planning Director.

DOOR SCHEDULE

MARK	QTY.	WIDTH	HEIGHT	DESCRIPTION	COMMENTS
1	1	3'-0"	7'-0"	S.C. EXTERIOR DOOR W/ GLASS	W/ TEMPERED GLASS
2	1	2'-2"	7'-0"	INTERIOR POCKET DOOR	
3	1	3'-6"	7'-0"	INTERIOR POCKET DOOR	
4	1	2'-6"	7'-0"	INTERIOR DOOR	OPTIONAL CEDAR WRAPPED DOOR

WINDOWS SCHEDULE

MARK	QTY.	WIDTH	HEIGHT	DESCRIPTION	COMMENTS
A	1	5'-0"	3'-0"	FIXED	
B	2	8'-0"	2'-0"	FIXED	
C	2	2'-0"	1'-6"	FIXED	TEMPERED GLASS IN SHOWER

1. GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4
2. ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS.
3. TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET OF STAIRS. OR GLAZING WITHIN 5 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308.
4. EGRESS WINDOWS: FINISH SILL HEIGHT MAX. 44" FROM FLOOR MAX. CLEAR OPENING OF 5.7 S/F MIN NET CLEAR OPENING 20" WIDTH AND 24" HEIGHT.
5. PROVIDE EGRESS ESCAPE HARDWARE ON ALL CASEMENT WINDOWS USED FOR EMERGENCY ESCAPE.
6. ALL EXTERIOR GLAZING ASSEMBLIES TO HAVE A U-FACTOR OF 0.30 OR LOWER. SEE RESCHECK REPORT.
7. SEE FLOOR PLANS AND EXTERIOR ELEVATIONS FOR MORE DETAIL ON CUSTOM WINDOW ASSEMBLIES.

FRAME MATERIAL: ALUM. CLAD WOOD
EXTERIOR FINISH: PER MANUFACTURER
INTERIOR FINISH: STAIN & VARNISH
GLAZING: INSULATED & LOW E

0 1' 2' 3' 4' 5' 10' 20'

NOTE:

CONTRACTOR AND ALL SUBCONTRACTORS WORKING ON THIS PROJECT SHALL THOROUGHLY REVIEW AND VERIFY ALL DIMENSIONS, LOCATIONS, NOTES, ETC. AND ADDRESS ANY DISCREPANCIES OR CONCERNS WITH OWNER, GENERAL CONTRACTOR, & SUB CONTRACTOR, BEFORE CONSTRUCTION COMMENCES. DIMENSIONS ON PLAN TAKE PRECEDENCE OVER SCALE.

CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND CONSEQUENT WORK TO BE PERFORMED. ANY VARIATIONS FROM THE DRAWINGS AND SPECIFICATIONS MUST BE APPROVED BY THE ARCHITECT. THE NOTES, DRAWINGS AND SPECIFICATIONS AND THE IDEAS, DESIGN AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF STUDIO MOXIE. THEY ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER OR IN CONNECTION WITH ANY WORK OR PROJECT OR BY ANY PERSON OTHER THAN THE PERSON FOR WHOM THEY WERE PREPARED, NOR TO BE COPIED, DUPLICATED, OR OTHERWISE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF STUDIO MOXIE, DESIGNS CAN NOT BE COPIED, DUPLICATED, OR DISTRIBUTED WITHOUT EXPRESS WRITTEN CONSENT. ALL RIGHTS ARE RESERVED. ©2021 STUDIO MOXIE. EXPRESS WRITTEN PERMISSION OF STUDIO MOXIE, VISUAL CONTACT WITH THESE DRAWINGS OR SPECIFICATIONS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. ALL DIMENSIONS MUST BE VERIFIED ON THE JOB. DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.

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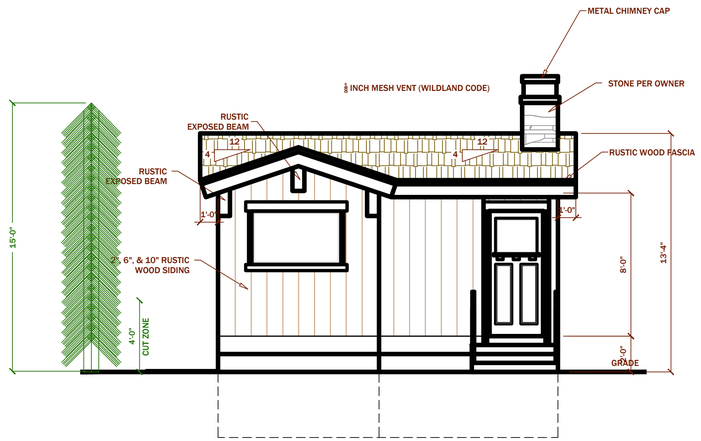
SHEET TITLE
MAIN LEVEL FLOOR PLAN

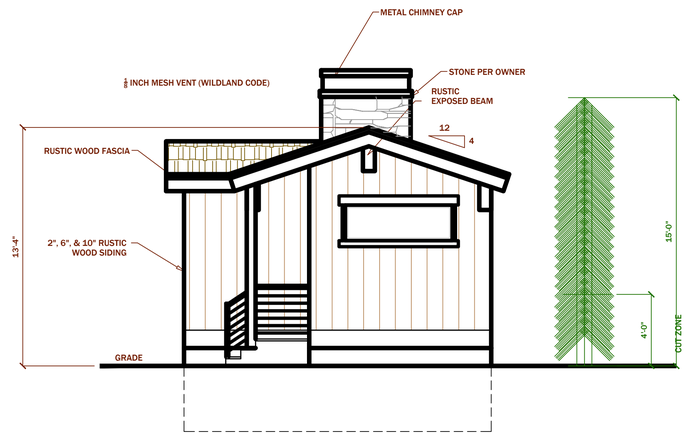
REVISION DATE
May 19,2021

SHEET#
A 1.0



FRONT ELEVATION

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



REAR ELEVATION

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

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Planner - Heather Wasden
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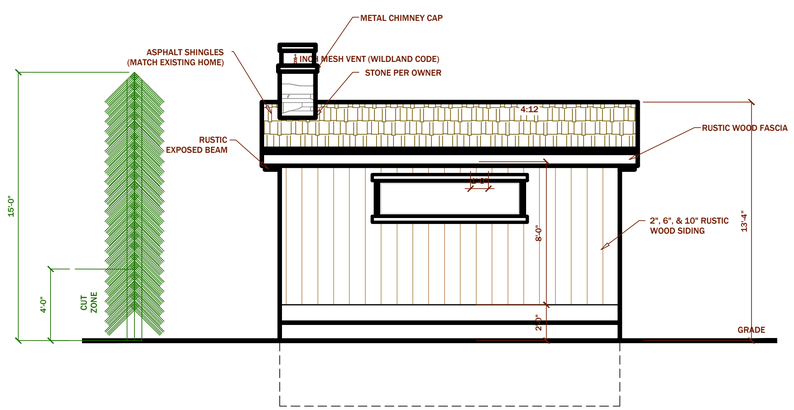
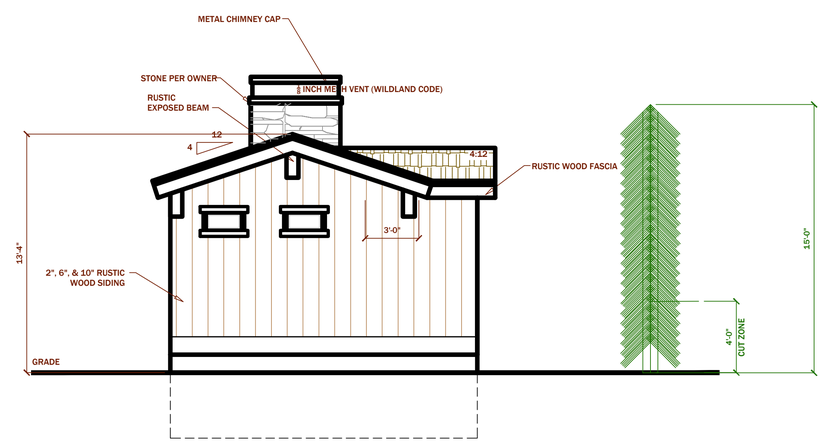
1.Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2.Per the plans and applicant the maximum structure height including the chimney is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3.Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4.All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5.All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6.Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7.Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8.Windows cannot be untreated metal frames per LMC 15-5-5(I).



RIGHT SIDE ELEVATION

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



LEFT SIDE ELEVATION

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

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08/09/2021

NOTE:

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0 1' 2' 3' 4' 5' 10' 20'

CONTRACTORS SHALL VERIFY, AND BE RESPONSIBLE FOR, ALL DIMENSIONS AND CONDITIONS ON THE JOB AND DESIGNER SHALL BE NOTIFIED OF ANY VARIANCES THEREFROM PRIOR TO COMMENCEMENT OF WORK. THESE DRAWINGS, THE AND/OR DRAWINGS AND SPECIFICATIONS AND ITS IDEAS, DESIGN AND ARRANGEMENTS EXPRESSED TO THEREIN ARE AND SHALL REMAIN THE PROPERTY OF STUDIO MOXIE, AND SHALL NOT BE USED IN WHOLE OR IN PART FOR ANY OTHER SPECULATIVE OR ADDITIONAL PROJECT OR BY ANY OTHER PERSON OR ENTITY FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY WERE PREPARED AND DELIVERED, NOR ARE THEY TO BE LOANED, COPIED OR DISCLOSED TO ANY OTHER PERSON OR ENTITY WITHOUT THE WRITTEN CONSENT OF STUDIO MOXIE. DESIGNS CANNOT BE COPIED, DUPLICATED, OR DISTRIBUTED IN ANY FORM OR MANNER WITHOUT THE PRIOR WRITTEN CONSENT OF STUDIO MOXIE. ALL CONTRACTORS WORKING FROM THESE DRAWINGS OR SPECIFICATIONS SHALL EXPRESSLY ACKNOWLEDGE EVIDENCE OF THEIR CONSENT TO THE TERMS AND CONDITIONS SET FORTH HEREIN. THESE DRAWINGS SHALL GOVERN PRECEDENCE OVER SCALED DIMENSIONS.

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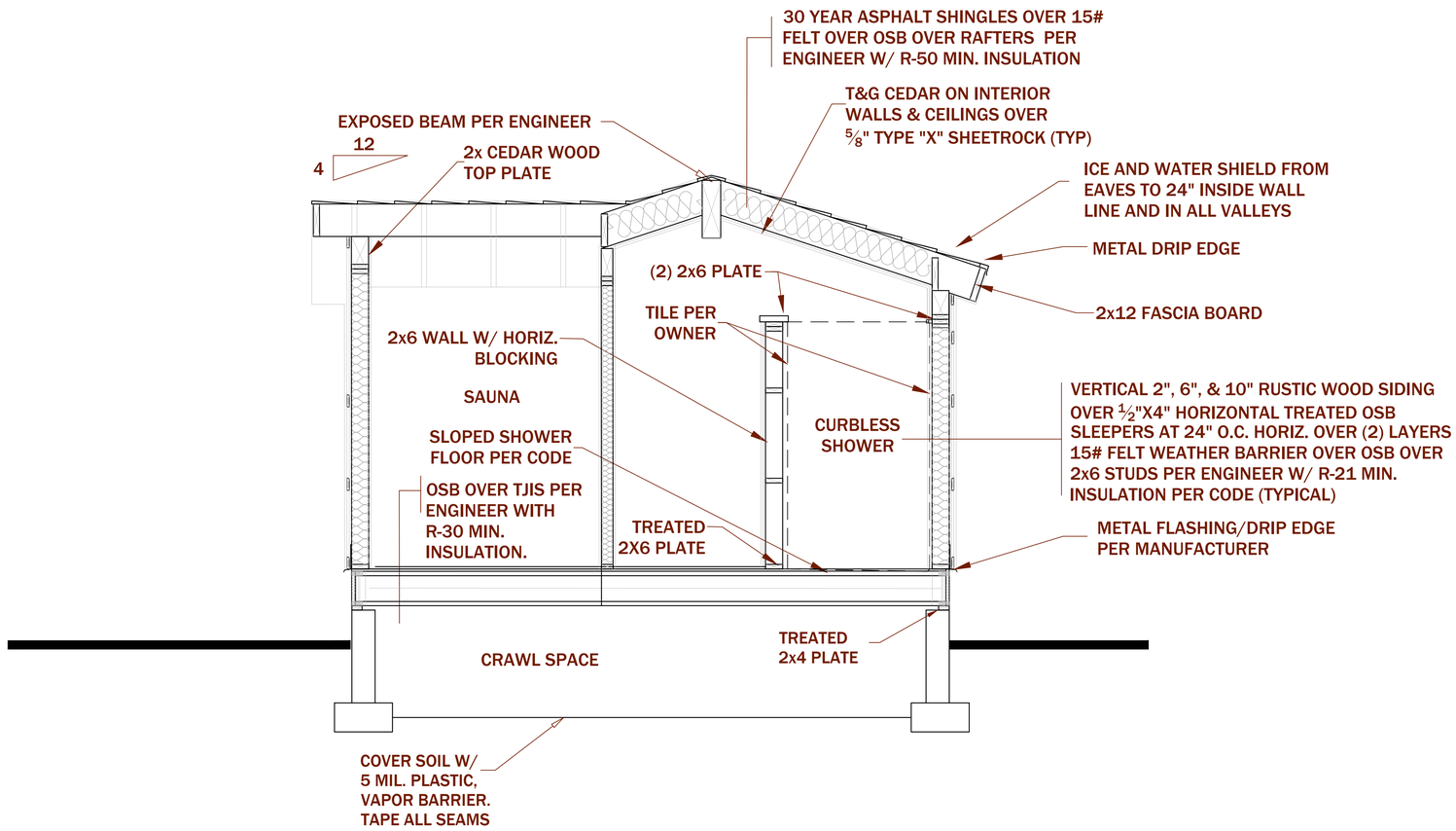
SHEET TITLE
EXTERIOR ELEVATIONS

REVISION DATE
May 19,2021

SHEET#
A 2.0



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Plans Examiner- Scott Olsen
08/09/2021

SECTION AA
SCALE: 1/2 " = 1'-0"
A3.0

NOTE:
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SHEET TITLE
DETAILED SECTION AA / A3.0

REVISION DATE
May 19,2021

SHEET#
A 3.0

MECH. NOTES

PROVIDE 7" DUCT FOR COMBUSTION AIR FROM OUTSIDE IN UPPER THIRD AND LOWER THIRD OF FURNACE AREA.

INSTALL EXPANSION TANK ON SUPPLY LINE TO WATER HEATER

SECURE WATER HEATER TO WALL WITH APPROVED STRAPS-UPPER THIRD AND LOWER THIRD OF WATER HEATER

INSTALL PRESSURE RELIEF VALVE ON WATER HEATER

TABLE M1507.4 MINIMUM REQUIRED LOCAL EXHAUST RATES FOR ONE- AND TWO-FAMILY DWELLINGS	
AREA TO BE EXHAUSTED	EXHAUST RATES
KITCHENS	- 100 CFM INTERMITTENT OR 25 CFM CONTINUOUS
BATHROOMS-TOILET ROOMS	- MECHANICAL EXHAUST CAPACITY OF 50 CFM INTERMITTENT OR 20 CFM CONTINUOUS

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PLUMBING NOTES

1. ALL PLUMBING INSTALLATIONS SHALL COMPLY WITH 2015 IRC.

2. THE REQUIRED VENT SHALL BE SIZED IN ACCORDANCE WITH SECTION P3113.1 BASED ON THE REQUIRED SIZE OF THE BUILDING DRAIN. 3" DIAMETER MINIMUM VENT SIZE. IRC P3103.2

3. GAS AN ELECTRICAL METERS TO BE LOCATED IN AN AREA THAT IS PROTECTED FROM SNOW AND ICE DAMAGE. SEE PLANS LMC 15-2.3-4 (j)

4. WATER CLOSETS SHALL BE TANK TYPE WITH A FLOW RATE OF NOT MORE THAN 1.6 GALLONS PER FLUSH. IRC P2903.2

5. WATER CLOSETS SHALL HAVE A MIN. OF 21 INCH CLEARANCE IN FRONT AND 30 INCH MIN. CLEAR WIDTH. IRC R307.1

6. SHOWER HEADS SHALL HAVE A FLOW RATE OF NOT MORE THAN 2.5 GPM. IRC P2903.2

7. BATHTUB AND SHOWER FLOORS AND WALLS ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS AND IN SHOWER COMPARTMENTS SHALL BE FINISHED WITH A NON-ABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO HEIGHT OF NOT LESS THAN 6 FEET ABOVE THE FLOOR. IRC R307.2

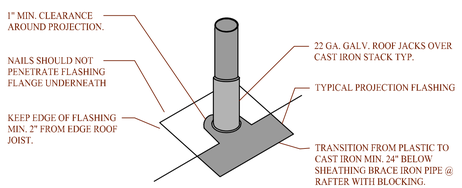
8. THE SUPPLY LINES AND FITTINGS FOR EVERY PLUMBING FIXTURE SHALL BE INSTALLED SO AS TO PREVENT BACKFLOW. PLUMBING FIXTURE FITTINGS SHALL PROVIDE BACKFLOW PROTECTION IN ACCORDANCE WITH ASME A112.18.1/CSAB125.1.

9. PROVIDE ACCESS FOR WHIRLPOOL TYPE TUBS. IRC P2720, E4203. ACCESS OPENINGS MUST BE 18"X18" WHERE EQUIPMENT IS MORE THAN 2 FEET FROM ACCESS OPENING AND 12"X12" IF LESS THAN 2 FEET FROM ACCESS OPENING.

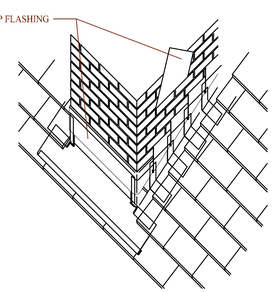
10. PROVIDE FLOOR DRAIN BY THE WATER HEATER. SHOW A METAL PAN UNDER THE WATER HEATER OR STEAM SHOWER EQUIPMENT IF LOCATED ON A WOOD FLOOR.
IRC P2801

11. SECURE HOT WATER HEATERS: PROVIDE 1" METAL STRAP PLACED AT TOP 1/3 AND LOWER 1/3 OF APPLIANCE, SECURE TO STRUCTURE. IRC P2801.7.

12. PROVIDE AN EXPANSION TANK ON THE CULINARY WATER SYSTEM. IRC P2903.4



VENT FLASHING DETAIL
N.T.S.



CHIMNEY FLASHING
N.T.S.

MECHANICAL NOTES

1. ALL MECHANICAL INSTALLATIONS SHALL COMPLY WITH THE 2015 IRC AND 2015 IFGC.

2. NATURAL GAS SERVICE LINES SHALL BE NO LESS THAN 1" IN DIAMETER. R15656-709 (3) STATE AMENDMENT TO IFGC.

3. CONTRACTOR TO SUBMIT TO THE BUILDING DEPARTMENT FOR APPROVAL, LAYOUT PLANS, DESIGN CALCULATIONS AND PRODUCT SPECIFICATIONS FOR THE RADIANT HEAT SYSTEM. NO SNOW MELT TUBING OR MESH IS PERMITTED IN THE PUBLIC RIGHT-OF-WAY WITHOUT A SEPARATE PERMIT FROM THE CITY ENGINEER.

4. WHEN THE WINTER DESIGN TEMPERATURE IN TABLE R301.2 (1) IF BELOW 60 F, EVERY DWELLING UNIT SHALL BE PROVIDED WITH HEATING FACILITIES CAPABLE OF MAINTAINING 68 F AT A POINT 36" ABOVE THE FLOOR AND 2 FEET FROM EXTERIOR WALLS IN ALL HABITABLE ROOMS AT THE DESIGN TEMPERATURE. IRC R303.9.

5. PROVIDE COMBUSTION AIR FOR ALL FUEL-BURNING APPLIANCES AT A MINIMUM RATE OF 1 SQ. INCH PER 3000 BTU/HOUR INPUT. THE ONE OPENING MUST BE IN THE TOP 12" OF THE ROOM. SHOW MINIMUM OF 1" CLEARANCE AROUND EQUIPMENT AT SIDES AND REAR OF APPLIANCE. SHOW MINIMUM OF 6" CLEARANCE IN FRONT OF THE APPLIANCE. - IFGC 304.6.2

6. PROVIDE GAS LOGS AND EACH GAS APPLIANCE WITH A SHUT-OFF VALVE WITHIN 6 FEET OF THE APPLIANCE.
IRC G2420.

7. VENT THE CLOTHES DRYER ON THE OUTSIDE OF THE BUILDING PER MANUFACTURER'S INSTRUCTIONS. THE SIZE AND MAXIMUM LENGTH OF EXHAUST DUCT SHALL BE DETERMINED BY THE DRYERS MANUFACTURER'S INSTALLATION INSTRUCTIONS. THE CODE OFFICIAL SHALL BE PROVIDED WITH THE INSTALLATION INSTRUCTIONS FOR THE MAKE AND MODEL OF THE DRYER AT THE CONCEALMENT INSPECTION. IN THE ABSENCE OF FITTING EQUIVALENT LENGTH CALCULATIONS FROM THE CLOTHES DRYER MANUFACTURER, TABLE M1502.4.4.1 SHALL BE USED. IRC M1502.4.4.2.

8. HEATING TRUNK AND BRANCH SUPPLY DUCTS IN UNFINISHED AREAS, CRAWL SPACES, ATTICS, UNHEATED GARAGES, ETC. WILL BE INSULATED. IECC 503.3.3.3

9. IF GAS PIPE SYSTEM IS OVER 4 OUNCES PRESSURE, THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A GAS PIPING SCHEMATIC FOR THE SYSTEM. SUBMIT TO THE BUILDING DEPARTMENT. CLEARLY IDENTIFY THE OPERATING PRESSURE, TYPE OF PIPING MATERIAL, SIZE OF THE GAS PIPE, LENGTHS OF THE PIPING RUNS, CAPACITY OF EACH APPLIANCE IN BTUS/HOUR OR CUBIC FEET OF GAS PER HOUR, IDENTIFY THE BRAND AND LOCATION OF EACH REGULATOR, AND VENTING OF EACH REGULATOR.

10. PROVIDE 1" CLEARANCE BETWEEN CLASS B VENTS AND COMBUSTIBLE MATERIAL.

11. CONTRACTOR TO SUPPLY ICBO NUMBER FOR FIREPLACE INSERT.

12. CONTRACTOR TO PROVIDE MAKE, MODEL AND EFFICIENCY OF BOILER/FURNACE TO BE USED.

13. APPLIANCES HAVING AN IGNITION SOURCE SHALL BE ELEVATED SUCH THAT THE SOURCE OF IGNITION IS NOT LESS THAN 18 INCHES ABOVE THE FLOOR IN GARAGES. ROOMS OR SPACES THAT ARE NOT PART OF THE LIVING SPACE OF A DWELLING UNIT AND THAT COMMUNICATE WITH A PRIVATE GARAGE THROUGH OPENINGS SHALL BE CONSIDERED TO BE PART OF THE GARAGE. IRC M1307.3

14. APPLIANCE SHALL NOT BE INSTALLED IN A LOCATION SUBJECT TO VEHICLE DAMAGE EXCEPT WHERE PROTECTED BY APPROVED BARRIERS. IRC M1307.3.1.

15. NATURAL GAS SERVICE LINES SHALL BE NO LESS THAN 1" IN DIAMETER. R15656-709 (3) STATE AMENDMENT TO IFGC.

16. ACCESSIBLE BELOW-FLOOR AREAS SHALL BE PROVIDED WITH A MINIMUM 18" X 24" ACCESS OPENING. IRC R408.4. FOR ACCESS TO MECHANICAL EQUIPMENT IN THESE AREAS SEE IRC M1305.1.4.

17. A MINIMUM 22" X 30" ATTIC ACCESS SHALL BE PROVIDED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. -IRC R807. SEE M1305.1.3 FOR ACCESS TO FURNACES AND OTHER MECH. EQUIPMENT IN ATTICS.

18. FOR CRAWLSPACE VENTILATION OPENINGS THROUGH FOUNDATION WALLS OR EXTERIOR WALLS. THE MIN. NET AREA OF THE VENT OPENING SHALL NOT BE LESS THAN 1 SQUARE FOOT FOR EACH 150 SQUARE FEET OF CRAWLSPACE FLOOR AREA. ONE VENT OPENING SHALL BE WITHIN 3 FEET OF EACH CORNER OF THE CRAWLSPACE. IRC R408.

19. FOR UNVENTED CRAWLSPACE, EARTH MUST BE COVERED WITH A CONTINUOUS VAPOR RETARDER. JOINTS MUST OVERLAP BY 6 INCHES AND SEALED OR TAPED. THE EDGES SHALL EXTEND AT LEAST 6 INCHES UP THE WALL AND SHALL BE SEALED OR TAPED. A CONTINUOUSLY OPERATED MECHANICAL EXHAUST VENTILATION AT A RATE EQUAL TO 1 CFM FOR EACH 50 SQUARE FEET OF CRAWLSPACE FLOOR AREA. IRC R408.3.

20. CRAWLSPACE VENTILATION EXCEPTION:
THE TOTAL AREA OF THE VENTILATION OPENINGS SHALL BE PERMITTED TO BE REDUCED TO 1/1500 OF THE UNDER FLOOR AREA WHERE THE GROUND SURFACE IS COVERED WITH AN APPROVED CLASS I VAPOR RETARDER MATERIAL AND THE REQUIRED OPENINGS ARE PLACED TO PROVIDE CROSS VENTILATION OF THE SPACE. THE INSTALLATION OF OPERABLE LOUVERS SHALL NOT BE PROHIBITED.

21. DUCT SYSTEMS SERVING HEATING COOLING AND VENTILATION EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH ACCA MANUAL D OR OTHER APPROVED METHODS. M1601.1.

22. FUEL-BURNING APPLIANCES, INCLUDING FIREPLACES, ARE NOT PERMITTED TO BE INSTALLED IN SLEEPING ROOMS, BATHROOMS, OR TOILET ROOMS UNLESS THE APPLIANCES ARE DIRECT VENT APPLIANCES. SEE IRC SECTION G2406 AND IMC 303.3 FOR MORE INFORMATION AND THE LIST OF EXCEPTIONS. NOTE: ALL CONSTRUCTION IN PARK CITY IS "UNUSUALLY TIGHT CONSTRUCTION".

23. FACTORY-BUILT CHIMNEYS INSTALLED IN DWELLING UNITS WITH SOLID-FUEL BURNING APPLIANCES SHALL COMPLY WITH THE TYPE HT REQUIREMENTS OF UL 103 AND SHALL BE MARKED TYPE HT AND RESIDENTIAL TYPE AND BUILDING HEATING APPLIANCE CHIMNEY.

24. RANGE HOODS THAT ARE CAPABLE OF EXHAUSTING AIR TO THE OUTSIDE IN EXCESS OF 400 CFM REQUIRE MAKE UP AIR. M1503.4.

25. PROHIBITED LOCATION FOR GAS PIPING; GAS PIPING SHALL NOT BE INSTALLED IN OR THROUGH A DUCTED SUPPLY, RETURN, EXHAUST, CLOTHES CHUTE, CHIMNEY, DUMBWAITER, OR ELEVATOR SHAFT. GAS PIPING INSTALLED DOWNSTREAM OF THE POINT OF DELIVERY SHALL NOT EXTEND THROUGH ANY TOWNHOUSE UNIT OTHER THAN THE UNIT SERVED BY SUCH PIPING.

26. GAS PIPING SHALL NOT PENETRATE BUILDING FOUNDATION WALLS AT ANY POINT BELOW GRADE.

27. GAS PIPING INSTALLED UNDERGROUND BENEATH BUILDINGS IS PROHIBITED EXCEPT WHERE THE PIPING IS ENCASED IN A CONDUIT. SUCH CONDUIT SHALL EXTEND NOT LESS THAN 4" OUTSIDE THE BUILDING, SHALL BE VENTED ABOVE GRADE TO THE OUTDOORS AND SHALL SHALL BE INSTALLED SO AS TO PREVENT THE ENTRANCE OF WATER OR INSECTS.

ELECTRICAL NOTES

1. ALL ELECTRICAL INSTALLATIONS SHALL COMPLY WITH THE 2015 IRC AND THE 2014 NEC.

2. TO CONTROL SOUND BETWEEN ROOMS, DO NOT PUT UTILITY BOXES BACK TO BACK IN THE SAME STUD SPACE.

3. ALL RECEPTACLES SERVING KITCHEN COUNTERTOPS, IN GARAGES, BATHS, UNFINISHED BASEMENTS AND OUTSIDE RECEPTACLES SHALL BE GFCI PROTECTED. -IRC E3902

4. ELECTRICAL PANELS MUST COMPLY WITH IRC E3405 FOR 30" BY 36" WORKING SPACE AND 6'-6" HEADROOM.

5. SMOKE DETECTORS SHALL CONFORM TO IRC SECTION R314. ALL LEVELS, ALL BEDROOMS, ACCESS TO ALL BEDROOMS AND IN ALL ROOMS WITH SLOPED CEILINGS NEXT TO HALLS SERVING BEDROOMS. ALL DETECTORS SHALL BE HARD-WIRED AND HAVE BATTERY BACKUP.

7. CARBON MONOXIDE DETECTORS SHALL BE INSTALLED CENTRALLY ON EACH HABITABLE LEVEL OF A DWELLING. INTERCONNECT WITH EACH OTHER AND WITH SMOKE DETECTORS. R315.

8 ALL RECESSED INCANDESCENT FIXTURES TO BE HSICAT ASTM #E282 (AIR-TIGHT RECESSED HOUSING).

9. ALL LIGHT CIRCUITS WITH DIMMERS MUST BE LESS THAN 600 WATTS.

10. ALL FANS CAPABLE OF 5 AIR CHANGES PER HOUR.

11. ALL SPAS AND HOT TUBS SHALL COMPLY WITH 2012 IRC. SPECIFICALLY, EQUIPMENT LOCATION AND CLEARANCES SHALL COMPLY WITH E4202 & NEC 680.

12. PROVIDE 12" MIN. CLEARANCE OF INTERCOM WIRES FROM ALL OTHER WIRING.

13. IN ROOMS WITH A WINDOW AREA LESS THAN 8% OF THE FLOOR AREA, THE LIGHTING SHALL BE CAPABLE OF PRODUCING 6 FOOTCANDLES OVER THE AREA OF THE ROOM AT A HEIGHT OF 30 INCHES ABOVE FLOOR. - IRC R303

14. PROVIDE CONCRETE ENCASED ELECTRODE (UFER GROUND).

15. SHOW AT LEAST TWO OUTSIDE GRADE LEVEL RECEPTACLES: ONE IN THE FRONT YARD AND ONE IN THE REAR YARD. AND NO MORE THAN 6 FEET, 6 INCHES ABOVE GRADE. -IRC E3901.7

16. OUTLETS ARE REQUIRED ABOVE COUNTER SPACE. THEY ARE REQUIRED TO BE LOCATED SO THAT NO POINT ALONG THE WALL IS MORE THAN 24 INCHES FROM AN OUTLET- IRC E3901.7.

17. A PERMANENT CERTIFICATE SHALL BE POSTED ON OR IN THE ELECTRICAL DISTRIBUTION PANEL LISTING THE PREDOMINANT R-VALUES OF INSULATION INSTALLED IN OR ON CEILING/ROOF, WALLS, FOUNDATION, (SLAB, BASEMENT WALL, CRAWLSPACE WALL AND OR FLOOR) AND DUCTS OUTSIDE THE CONDITIONED SPACES; U-FACTORS OF WINDOWS, AND SOLAR HEAT GAIN COEFFICIENT OF WINDOWS. THE TYPE AND EFFICIENCY OF HEATING, COOLING AND SERVICE WATER HEATING EQUIPMENT SHALL ALSO BE LISTED. NOTE: THE LISTING WILL NOT ALLOW YOU TO DRILL OR MODIFY THE PANEL OR COVER IN ANY WAY TO ACCOMPLISH THIS. IRC N1101.14 (R401.3).

18. LIGHTS IN CLOSETS MUST COMPLY WITH THE CLEARANCE DIMENSIONS OF IRC E4003.12.

19. ALL 15 AND 20 AMP RECEPTACLES WITH-IN THE DWELLING UNIT SHALL BE TAMPER RESISTANCE RECEPTACLES.

20. THE INSTALLATION OF WIRING AND EQUIPMENT ASSOCIATED WITH SWIMMING POOLS, HOT TUBS, SPAS, ETC. THE GFCI RECEPTACLE THAT PROVIDES POWER FOR THE PUMP AND ASSOCIATED EQUIPMENT SHALL BE 6' TO 10' FROM THE INSIDE WALL OF POOL. ONE GENERAL PURPOSE GFCI OUTLET SHALL BE BETWEEN 6' AND 20' FROM POOL.

21. ALL RECEPTACLES WILL BE TAMPER RESISTANT.

GENERAL NOTES:

1. CONSTRUCTION SHALL CONFORM TO ALL ADOPTED CODES AND PRACTICES OF THE COMMUNITY OR AREA IN WHICH CONSTRUCTION TAKES PLACE. (2015 IRC, ETC.,)
2. ALL CONSTRUCTION DEBRIS SHOULD BE REMOVED BY FINAL INSPECTION. CONSTRUCTION DEBRIS SHALL BE SECURED AT ALL
3. CURB, GUTTER AND SIDEWALK ALONG THE FRONTAGE OF THE PROPERTY MUST BE INSTALLED AT THE TIME OF NEW HOME CONSTRUCTION. CURB, GUTTER AND SIDEWALK MUST BE CLEAN AND IN NEW CONDITION AT TIME OF FINAL INSPECTION.
4. ALL STUMPS, ROOTS, AND ORGANIC MATTER SHALL BE REMOVED FROM THE SOIL IN THE AREA OF THE BUILDING.
5. ALL FOOTINGS SHALL BE PLACED 12" BELOW UNDISTURBED EARTH AND A MINIMUM OF 36" BELOW FINISHED GRADE, OR AS NOTED PER PLAN. TOPS OF FOUNDATIONS SHALL BE 6" MINIMUM ABOVE FINISHED GRADE. FINISHED GRADE SHALL HAVE A SLOPE AWAY FROM THE BUILDING OF 6" MINIMUM FOR THE FIRST TEN FEET AND A 2% SLOPE THEREAFTER. ALL DRAINAGE FROM LOT SHALL DRAIN INTO AN APPROVED DRAINAGE SYSTEM.
6. APPROVED NUMBERS FOR ADDRESSES SHALL BE PROVIDED FOR ALL NEW BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADWAY FRONTING THE PROPERTY. (4" TALL W/ 1/2" STROKE)
7. ATTICS SHALL BE PROVIDED WITH AN ACCESS WITH A CLEAR OPENING OF 22"X30". MINIMUM HEAD ROOM ABOVE ACCESS OPENING SHALL BE 30". SUCH ACCESS SHALL NOT BE LOCATED ABOVE A CLOSET SHELF.
8. PROVIDE 30" MINIMUM CLEARANCE FROM RANGE TOP TO COMBUSTIBLE MATERIALS, SIDE CLEARANCE SHALL BE AS SPECIFIED BY PERMANENT MARKINGS ON THE APPLIANCE, RANGE HOODS SHALL BE VENTED TO THE OUTSIDE BY SINGLE WALL PIPE HAVING A MIN. 1" CLEARANCE FROM COMBUSTIBLE MATERIALS.
9. SHOWER WALLS AND WALLS AROUND BATH TUBS SHALL BE CONSTRUCTED OF DENSE FIBER CEMENT BACKER BOARD (OR OTHER APPROVED MATERIAL) FULL HEIGHT OF WALL. (GREEN BOARD NOT ALLOWED)
10. INSTALL 5/8" FIRE RATED SHEET ROCK ON ALL WALLS, CEILING, BEAMS AND SUPPORTS IN GARAGE FOR FIRE PROTECTION BETWEEN GARAGE AND DWELLING UNIT. IF DWELLING SPACE EXISTS ABOVE GARAGE, TWO LAYERS OF 5/8" FIRE RATED SHEET ROCK SHALL BE INSTALLED ON CEILING. ALL SUCH SHEET ROCK SHALL BE NAILED 4" O.C. AT EDGES AND 6" O.C. IN THE FIELD OF EACH SHEET.
11. HANDRAILS SHALL BE PROVIDED FOR ALL STAIRS WITH 2 OR MORE RISERS. SUCH HANDRAILS SHALL BE RETURNED TO THE WALL OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS. STAIR HAND RAILINGS SHALL NOT BE LESS THAN 34" ABOVE NOSING OF TREAD NOR MORE THAN 38" AND SHALL HAVE A CROSS-SECTIONAL DIMENSION BETWEEN 1 1/4" MIN. - 2 5/8" MAX.
12. GUARDRAILS SHALL BE NOT LESS THAN 36" IN HEIGHT. OPEN GUARDRAILS SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL PATTERN SUCH THAT NO OBJECT 4" IN DIAMETER CAN PASS THROUGH THE GUARDRAIL.
13. FIREPLACE CHIMNEYS SHALL EXTEND 2'-0" MIN. ABOVE ANY ROOF LINE WITHIN 10'. ALL MASONRY CHIMNEYS SHALL HAVE TERRA COTTA FLUE LINERS AND SHALL BE CAPPED WITH 4" MIN. CONCRETE CAPS.
14. ALL EARTH FILL TO RECEIVE CONCRETE FLOORS, WALKS, DRIVES, ETC., SHALL BE SETTLED AND TAMPED TO 90% MINIMUM COMPACTION.
15. DRYER VENT DUCTS TO BE METAL WITH SMOOTH INTERIOR SURFACES, EQUIPPED WITH BACK-DRAFT DAMPERS, TERMINATE AT THE EXTERIOR OF THE BUILDING, AND SHALL NOT BE INSTALLED WITH SHEET METAL SCREWS. MIN. DUCT DIAMETER SHALL BE 4". WITH A MAXIMUM OF TWO 90 DEGREE ELBOWS. VENT DRYER DIRECTLY TO OUTSIDE OF BUILDING. DRYER VENT SHALL NOT CONNECT TO ANY OTHER VENT DUCT OR CHIMNEY. VENT HOOD SHALL BE 12" MIN. ABOVE GRADE. MAXIMUM DRYER DUCT LENGTH IS 14'-0". (OR AS SPECIFIED BY DRYER MANUFACTURER.)
16. THE MINIMUM HEADROOM HEIGHT IN ALL AREAS OF A DWELLING IS 7'-0", INCLUDING AREAS UNDER HEAT DUCTS, PLENUMS, STRUCTURAL MEMBERS AND PLUMBING OVERHEAD ITEMS.
17 SLAB ON GRADE FLOORS WITH A FLOOR SURFACE LESS THAN 12" BELOW GRADES SHALL BE INSULATED W/ R-10 FOR 4' IN EITHER DIRECTION FROM TOP OF THE SLAB THIS SHALL BE INCREASED TO R-15 FOR HEATED SLABS W/ A THERMAL BREAK AT BASEMENT SLAB EDGE.
18. ENCLOSED ATTICS AND SPACES BETWEEN RAFTERS SHALL HAVE CLEAR CROSS-VENTILATION AREA TO THE OUTSIDE. VENTS SHALL PROVIDE AIR INTAKE TO MEET THE FOLLOW CRITERIA. 1 SQFT OF GABLE VENT & 1 SQFT OF SOFFIT VENT PER 300 SQFT OF ROOF
19. FIRESTOPPING:
19.1. FIREBLOCK STUD SPACES OVER 10' IN HEIGHT, FURRED SPACES, SOFFITS, DROP CEILINGS, COVE CEILINGS, STAIR STRINGERS AT TOP AND BOTTOM OF RUN, BEARING WALLS AND CEILING JOIST LINES, ETC. FIRESTOPPING SHALL CONSIST OF 2" NOMINAL LUMBER.
19.2. FIRESTOP OPENINGS AROUND VENTS, PIPES, DUCTS, CHIMNEYS, AND FIREPLACES AT CEILING AND FLOOR LEVELS WITH APPROVED NON-COMBUSTIBLE MATERIALS.
19.3. GARAGE ATTIC ACCESS SHALL BE OF 1 HR. FIRE RESISTANT CONSTRUCTION & HAVE LATCH PROVIDED.
19.4. FIREPLACE FLUES EXTENDING THROUGH ATTIC SPACE MUST BE SEPARATED FROM BY 5/8" TYPE "X" SHEETROCK, CDX PANEL, OR OS.B. PANEL
20. WINDOWS ARE RECOMMENDED TO BE DOOR HEIGHT. BEDROOM WINDOW SILLS SHALL BE WITHIN 44" OF THE FINISHED FLOORS. SUCH WINDOW SHALL HAVE A MIN. CLEAR OPENING OF 5.7 SQ. FT. MIN. CLEARANCE HEIGHT MIN. 24 INCHES. MIN. CLEARANCE WIDTH 20 INCHES.
21. ALL WINDOWS (EXCEPT GARAGE) SHALL BE DOUBLE GLAZED WITH 1/4" MIN. SPACES.
22. GLASS USED IN SHOWER OR TUB ENCLOSURES SHALL BE FULLY TEMPERED.
23. FRAMELESS GLASS DOORS, GLASS IN DOORS, FIXED GLASS PANELS, WINDOWS OVER BATHTUBS, ALL GLASS WITHIN 24" OF ANY DOORS, WINDOWS WITHIN 24" OF THE FLOORS, AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT SHALL BE TEMPERED GLASS.
24. PROVIDE SCREENS ON ALL OPERABLE WINDOWS AND GLASS DOORS.
25. UNLESS OTHERWISE SPECIFIED, ALL BASEMENT WINDOWS NOT FULLY 6" ABOVE FINISHED GRADE SHALL BE PROTECTED BY G.I. OR CONCRETE WINDOW WELLS. WINDOW WELLS TO BE DUG TO A DEPTH BELOW THE WINDOW SILL TO ALLOW 10" OF 1" AGGREGATE GRAVEL TO BE 6" BELOW THE WINDOW SILL.
26. MECHANICAL ROOM DOOR TO BE SEALED AND GASKETED PER CODE
27. ALL HEATING AND VENTILATING EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE 2015 I.R.C. FURNACES AND WATER HEATERS SHALL BE SO INSTALLED THAT THEY CAN BE INDIVIDUALLY REMOVED WITHOUT REMOVING THE OTHER.
28. PROVIDE 6" CLEARANCE ON COMBUSTION AIR SIDE OF FURNACE ROOM AND 30" WORKING SPACE IN FRONT OF ALL HEATING CONTROLS. 3" MIN. ALL OTHER SIDES.
29. PROVIDE FRESH AIR FOR COMBUSTION BY DUCTS LEADING FROM THE APPLIANCE ENCLOSURE TO THE OUTSIDE OF THE BUILDING. TWO OPENINGS ARE REQUIRED IN COMPARTMENTS OF LESS THAN 50 SQ. FT. ONE OPENING IN UPPER 12" AND ONE OPENING IN LOWER 12" OF SUCH COMPARTMENTS EQUALLY DIVIDED OR AS NOTED IN PLANS. COVER THE INLET OF SUCH DUCTS WITH A CORROSION RESISTANT METAL SCREEN OF 1/4" MESH. VENTS SHALL TERMINATE 4" BELOW OR 4" HORIZONTALLY AND AT LEAST 1" ABOVE A DOOR, OPERABLE WINDOW OR A GRAVITY AIR INLET INTO BUILDING.
30. JOINTS FOR RESIDENTIAL HEATING DUCTS SHALL BE MECHANICALLY FASTENED BY MEANS OF AT LEAST (3) SHEET METAL SCREWS EVENLY SPACED. SUPPORT DUCTS WITH APPROVED METAL SUPPORTS.
31. FLUE VENTS AND EXHAUST FAN VENTS SHALL BE AT LEAST 3' ABOVE AN OUTSIDE AIR INLET LOCATED WITHIN 10' AND AT LEAST 4' FROM A PROPERTY LINE.
32. FURNACE SIZE PER MANUAL J & D OR HEATING CONTRACTOR. FURNACE EFFICIENCY SHALL BE OBTAINED FROM RES CHECK CALCULATION.
33. R1102.4 - AIR LEAKAGE - COMPLY WITH N1102.4.1.1 PRESCRIPTIVE METHOD
34. WHERE OPEN COMBUSTION AIR DUCTS PROVIDE COMBUSTION AIR TO OPEN COMBUSTION FUEL BURNING APPLIANCES THE DUCT & APPLIANCE SHALL BE LOCATED OUTSIDE OF THE BUILDING THERMAL ENVELOPE OR ENCLOSED AND ISOLATED FROM THE THERMAL ENVELOPE. SUCH ROOMS SHALL BE SEALED AND INSULATED PER TABLE N1102.1.2. THE SHALL BE FULLY GASKETED AND ANY WATER LINES AND DUCT IN THE ROOMS INSULATED PER N1103
35. PLEASE NOTE ON THE PLANS THAT DUCT TESTING WILL BE REQUIRED WHERE AIR HANDLERS OR MORE THAN 35% OF
36. M1503.4 MAKE UP AIR: RANGE HOODS THAT ARE CAPABLE OF EXHAUSTING AIR TO THE OUTSIDE IN EXCESS OF 400 CFM REQUIRE MAKE UP AIR. IF PROVIDED PLEASE INDICATE ON THE PLANS HOW THIS CODE SECTION WILL BE MET
37. ALL TOILETS OR WATER CLOSETS SHALL BE LOW FLUSH TYPE. MAXIMUM 1.6 GALLONS PER FLUSH. PROVIDE 24" MIN. CLEARANCE IN FRONT OF WATER CLOSETS AND A COMPARTMENT WIDTH OF NOT LESS THAN 30".
38. MAIN PLUMBING STACKS SHALL RUN UNDIMINISHED IN SIZE (3" MIN.) AND DIRECT AS POSSIBLE FROM THE MAIN DRAIN TO THE OPEN AIR ABOVE THE ROOF. NO PLUMBING VENT SHALL TERMINATE LESS THAN 10' HORIZONTALLY OR 3' ABOVE ANY GRAVITY OR POWER AIR INLET.
39. FREEZELESS, ANTI-SIPHON & BACKFLOW PREVENTATIVE HOSE BIBS TO BE USED.
40. SHOWER HEADS TO HAVE 2.5 GAL/MIN. MAXIMUM OUTPUT.
41. PLUMBING VENTS NOT TO BE FLAG POLED, SLIP JOINT PLUMBING NOT ALLOWED IN CONCEALED SPACES W/ O 24"X24" ACCESS
42. HOT WATER LINES IN UNFINISHED BASEMENTS, CRAWL SPACES, WALLS OF FLOORS EXPOSED TO UNHEATED AREAS SHALL BE INSULATED W/ MIN. INSULATION PER 2015 IRC.
43. ANTI-SCALD FAUCETS REQ. ON ALL SHOWER & SHOWER/TUB COMBINATIONS (MAX. 120°)
44. FLOOR DRAINS SHALL BE OF THE DEEP SEAL TRAP OR TRAP SEAL PRIMER TYPE.
45. PROVIDE MINIMUM CLEARANCE OF 30" WIDTH BY 36" DEPTH BY 6'-6" HEIGHT FOR ELECTRICAL PANEL AREA. NO ELECTRICAL PANEL SHALL BE LOCATED IN BATHROOMS, FIRE-RATED GARAGE WALLS OR CLOSETS.
46. INSTALL #4 REBAR CONCRETE ENCASED ELECTRODE FOR GROUNDING PURPOSES. INSTALL PER NEC SECTION 250.52 (A) (3).
47. ELECTRICAL CONVENIENCE OUTLETS SHALL BE SO SPACED THAT NO POINT ALONG THE FLOOR LINE OF ANY WALL SPACE IS MORE THAN 6'-0" FROM AN OUTLET. SWITCH BOTTOM HALF OF ELECTRICAL OUTLETS ONLY, UNLESS OTHERWISE NOTED. IN ALL ROOMS AS DESIGNATED, ELECTRICAL OUTLETS IN BATH ROOMS, GARAGES, LAUNDRYS, OR OUTSIDE OF BUILDING SHALL BE PROTECTED WITH AN APPROVED GFCI.
48. SMOKE DETECTORS REQUIRED AT EACH BEDROOM, AT HALLWAYS LEADING TO BEDROOMS, AT EVERY FLOOR LEVEL INCLUDING BASEMENTS, AT THE TOP OF EACH STAIRWAY ON FLOORS WITHOUT BEDROOMS, AND IN ROOMS SERVING BEDROOMS WHERE THE CEILING HEIGHT OF THE ROOM IS 24" OR MORE GREATER IN HEIGHT THAN THE BEDROOM SERVED FROM SUCH ROOM. SMOKE DETECTORS SHALL BE HARD WIRED TOGETHER IN SERIES WITH BATTERY BACKUP.
49. PROVIDE A VENTILATING FAN CAPABLE OF PRODUCING A CHANGE OF AIR EVERY 12 MIN. FOR ALL BATHROOMS WITHOUT WINDOW VENTILATION.
50. ELECTRICAL CENTRAL HEATING EQUIPMENT, OTHER THAN FIXED ELECTRIC SPACE HEATING EQUIPMENT, SHALL BE SUPPLIED WITH AN INDIVIDUAL BRANCH CIRCUIT.
51. TEMPORARY WIRING SHALL CONFORM TO 2015 IRC.
52. 200 AMP ELECTRICAL PANEL. (VERIFY WITH ELECTRICIAN.)
53. BATHROOM AND KITCHEN OUTLETS SHALL BE SUPPLIED BY DEDICATED 20 AMP BRANCH CIRCUIT(S).
54. PACIFICORP (UP & L) REQUIRES THAT THE MAIN ELECTRICAL SERVICE ENTRANCE MUST BE WITHIN 10'-0" OF THE FRONT CORNER OF THE HOUSE. ELECTRICAL METER MUST BE ON THE SIDE OF THE HOUSE. ELECTRICAL SERVICE ENTRANCE CAN NOT BE LOCATED OVER A WINDOW WELL, OR WITHIN 3'-0" OF GAS METER.
55. BRANCH CIRCUITS SUPPLYING 125-VOLT, SINGLE PHASE, 15- & 20- AMPERE RECEPTACLE OUTLETS INSTALLED IN BEDROOMS, KITCHENS, & LAUNDRY ROOMS SHALL BE PROTECTED BY ARC-FAULT CIRCUIT INTERRUPTERS.
56. LIGHTS OVER TUBS AND SHOWERS SHALL BE RATED FOR WET PROTECTION AREAS.
57. ALL RECEPTACLES TO BE TAMPER RESISTANT.
58. ALL ELECTRICAL BOXES IN GARAGE TO BE 2 HOURS RATED.
59. GARAGE OUTLETS TO BE ON DEDICATED CIRCUIT
60. DISHWASHER OUTLET TO BE GFI PROTECTED. IF DISHWASHER WILL BE HARDWIRED THAN GFI PROTECTION IS STILL REQUIRED AND A DISCONNECTING MEANS IN COMPLIANCE W/ TABLE E4101.5
61. WHERE A FUEL BURNING APPLIANCE IS LOCATED WITHIN A BEDROOM OR ITS ATTACHED BATHROOM A CARBON MONOXIDE ALARM SHALL BE INSTALLED WITH THE BEDROOM.
62. NOT LESS THAN ONE RECEPTACLE OUTLET, IN ADDITION TO ANY PROVIDED FOR SPECIFIC EQUIPMENT, SHALL BE INSTALLED FOR EACH VEHICLE SPACE.

FOOTING, FOUNDATION AND CONCRETE

1. FOOTING DESIGN IS BASED ON ALLOWABLE SOIL BEARING PRESSURE OF 1500 PSF U.N.O., SEE PLAN. IF A PROJECT SOILS REPORT HAS BEEN COMPLETED, FOLLOW ALL REPORT RECOMMENDATIONS. FOOTINGS SHALL BEAR ON UNDISTURBED SOIL OR GRANULAR FILL COMPACTED TO 95% OF MAXIMUM DENSITY. NO FOOTINGS SHALL BE PLACED IN WATER OR ON FROZEN GROUND. ALL FOOTINGS TO BE PLACE AT MIN. BELOW LOCAL FROST DEPTH, AND BE CONTINUOUS AND MONOLITHIC POUR. 40"

2. CHANGES IN ELEV. SHALL BE STEPPED WITH STEP HEIGHT NOT HIGHER THAN 1/2 THE STEP LENGTH AND NOT GREATER THAN 5'. NOTIFY ENGINEER IF GRADE DROPS OVER 8' IN 24' (GREATER THAN 1/3 SLOPE) SO THAT APPROPRIATE DESIGN CHANGES MAY BE MADE TO FOUNDATION AND FOOTINGS.

3. ALL FOOTINGS, FOUNDATIONS, AND INTERIOR SLABS SHALL BE NORMAL WT. CONCRETE WITH A COMPRESSIVE STRENGTH OF 2,500 PSI MIN. U.N.O. TO MEET STRENGTH REQUIREMENTS (SEE CALCS., NO SPECIAL INSPECTIONS REQUIRED U.N.O., SEE PLAN) HOWEVER, PER IRC 402.2 USE 3000 PSI CONCRETE FOR DURABILITY PURPOSES. THE WATER/CEMENT RATIO SHALL BE NO GREATER THAN .50 WITH A MINIMUM CEMENT CONTENT OF 504 LBS. PER CUBIC YARD.

4. ALL CONC. WORK SHALL BE PLACED, CURED, STRIPPED, AND PROTECTED AS REQUIRED BY ACI STANDARDS AND PRACTICES.

5. ALL REINFORCING SHALL BE DETAILED AND PLACED IN ACCORDANCE WITH ACI STANDARD 318. REINFORCEMENT SHALL BE FREE FROM MUD AND OIL AND OTHER NON-METALLIC COATINGS THAT HAMPER BONDING CAPACITY.

6. OWNER\CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS LISTED ON THE DRAWING. VERIFICATION OF ALL SITE CONDITIONS INCLUDING SITE STABILITY IS THE RESPONSIBILITY OF OTHERS

7. ALLOW 14 DAYS FOR CONCRETE TO CURE PRIOR TO BACKFILL.

8. STRUCTURAL CONCRETE EXPOSED TO FREEZE THAW CYCLES SHALL HAVE 5% AIR ENTRAINMENT, MIN.

9. RUN FOOTINGS CONTINUOUS UNDER ALL DOOR OPENINGS, SEE PLAN.

10. SILL PLATE J-BOLTS SHALL BE A307 WITH 7" MIN. EMBEDMENT IN CONCRETE U.N.O., SEE PLAN.

11. TITEN HD BOLTS OR EPOXY THREADED RODS MAY BE USED AS SUBSTITUTION FOR SILL PLATE J-BOLTS AT SAME SIZE AND SPACING AS J-BOLTS. USE 6" TITEN HD FOR SINGLE SILL PLATE AND 8" TITEN HD FOR DBL PLATE.

12. ALL FOUNDATION HOLDOWN STRAPS/ANCHORS SHALL BE ALIGNED WITH END OF SHEAR WALL ABOVE AND SHALL ATTACH TO FULL HEIGHT KING STUDS U.N.O., SEE PLAN. PROVIDE WOOD POST AT EACH HOLDOWN PER THE HOLDOWN SCHEDULE. DIMENSIONS TO HOLDOWN LOCATIONS MUST BE FIELD VERIFIED.

13. FOOTINGS TO BE CENTERED ON WALLS AND COLUMNS/POSTS U.N.O., SEE PLAN.

14. USE SIMPSON SET-XP EPOXY FOR CONCRETE ANCHORS U.N.O., SEE PLAN. CONTINUOUS SPECIAL INSPECTIONS REQUIRED ON ALL EPOXY OPERATIONS UNLESS WAIVED BY ENGINEER AND THE BUILDING OFFICIAL.

15. LAP REBAR 48 BAR DIAMETERS U.N.O., SEE PLAN. REINFORCING IN SLABS ON GRADE MAY BE LAPPED 24". SPLICES IN BOTTOM STEEL IN CONCRETE BEAMS AND CAST IN PLACE SUSPENDED SLABS SHALL BE STAGGERED 48 BAR DIAMETERS.

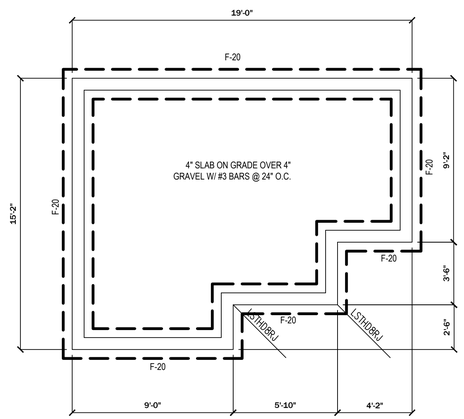
16. LINTELS IN CONCRETE WALLS MAY BE AS FOLLOWS U.N.O., SEE PLAN; FOR 3'-0" MAX SPAN, 8" DEEP WITH (2) #4 BOTT. BARS, FOR 6'-0" MAX SPAN, 12" DEEP WITH (2) #4 BOTT. BARS.

17. PROVIDE (2) EDGE BARS ABOVE CONCRETE WALL OPENINGS AND (1) BAR EACH SIDE AND BELOW OPENINGS U.N.O., SEE PLAN. MATCH SIZE OF EDGE BARS WITH TYPICAL WALL REINFORCING AND PLACE WITHIN 4" OF OPENING EDGE. EXTEND BARS 48 BAR DIAMETERS PAST EDGE OF OPENING OR EXTEND AS FAR AS POSSIBLE AND PROVIDE 90° STANDARD HOOK AT END.

18. PROVIDE HORIZONTAL BAR WITHIN 3" OF TOP AND BOTT. OF WALL AND PROVIDE VERTICAL BAR AT ALL WALL CORNERS AND ENDS.

NOTE: THIS ENGINEERING ASSUMES THAT THE CLEARANCE & SETBACK REQUIREMENTS LISTED IN IRC SECTION R403.1.7 ARE MET. IF THESE PROVISIONS ARE NOT MET, CONTACT THE ENGINEER FOR FURTHER DESIGN.

NOTE: THIS ENGINEERING ASSUMES THAT THE SITE IS STABLE HAVING NO GLOBAL STABILITY CONCERNS OR HAZARDS. IF THIS IS NOT TRUE THEN CONTACT ENGINEER FOR FURTHER ANALYSIS AND DESIGN.



FOOTING/FOUNDATION PLAN

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

3,000 PSI CONCRETE	FOUNDATION SCHEDULE									60,000 PSI STEEL
MAXIMUM WALL HEIGHT FROM T.O. FOOTING	TOP EDGE SUPPORT	MIN. WALL WIDTH	VERTICAL WALL REINF.		HORIZONTAL WALL REINF.		MIN. WALL FOOTING SIZE AND REINF.		NOTES	SILL PLATE J-BOLTS, U.N.O., SEE PLAN[6] (MIN. 7" EMBEDMENT)
			SIZE	SPACING	SIZE	SPACING	WIDTH	REINFORCING		
2'-0" TO 4'-0"	NONE	8"	#4	32" O.C.	#4	14" O.C.	SEE PLAN			½" X 10" @ 32" O.C.

NOTES:
1. REBAR TO BE PLACED IN THE CENTER OF THE WALL U.N.O., SEE PLAN.
2. FOOTING DOWELS SHALL EXTEND 48 BAR DIAMETERS INTO THE FOUNDATION WALL AND MATCH WALL VERTICAL STEEL SIZE AND SPACING. DOWELS SHALL HAVE A 90° STANDARD HOOK AT BOTTOM AND SHALL BE PLACED PER DETAILS.
3. USE 3" X 3" X ¼" WASHERS ON J-BOLTS, IF SLOTTED WASHER IS USED, ADD CUT WASHER.
4. LARGER FOOTINGS SPECIFIED ON 4'-1" TO 7'-0" WALLS WITH NO TOP EDGE SUPPORT MAY BE REDUCED TO SIZE SPECIFIED ON PLANS, AND VERTICAL REBAR SPACING OF 24" O.C. FOR FOUNDATION WALLS MAY BE USED PROVIDED ONE OF THE FOLLOWING CONDITIONS EXIST:
   A. 4'-1" TO 7'-0" WALL LENGTH DOES NOT EXCEED 10'-0" AND HAS PERPENDICULAR CONCRETE RETURN WALL AT EACH END.
   B. UNBALANCED BACKFILL DOES NOT EXCEED 4'-0".
5. TITEN HD BOLTS OR EPOXY THREADED RODS MAY BE SUBSTITUTED FOR J-BOLTS OF SAME SIZE AND SPACING. USE 6" TITENS FOR SINGLE SILL PL., USE 8" FOR DBL SILL PL.
6. ATTACH SILL PLATE TO FLOOR JOISTS/BLOCKING W/ A34 CLIP PER DETAILS.
7. PERIODIC SPECIAL INSPECTIONS REQUIRED ON 11'-1" TO 12'-0" FOUNDATION WALLS.

FOOTING SCHEDULE:

TYPE	WIDTH	LENGTH	THICK	REINFORCEMENT
F-20	20"	CONT.	10"	(2) # 4 BARS CONT.
F-24	24"	CONT.	10"	(3) # 4 BARS CONT.
F-30	30"	CONT.	10"	(3) # 4 BARS CONT.
F-36	36"	CONT.	10"	(4) # 4 BARS CONT.
S-42	42"	42"	12"	(5) # 4 BARS EACH WAY

NOTE: FOOTING REINFORCEMENT IN THIS SCHEDULE AND NOTED ON PLANS IS BOTTOM REINFORCING U.N.O. AND SHALL BE PLACED IN BOTTOM 1/2 OF FOOTING THICKNESS, WITH 3" CONCRETE CLEAR COVER, MIN.

HOLDOWN SCHEDULE:

HOLDOWN	MIN. POST SIZE (FULL HT. KING POST)	MIN. BOLT SIZE	
		STEM WALL	SLAB ON GRADE
LSTHD8/ LSTHD8RJ	4X4 OR (2) 2X4	NA (EMBED STRAP 8")	NA (EMBED STRAP 8")

NOTES:
1. THE REQUIREMENTS SHOWN IN THIS TABLE ARE MIN. U.N.O., SEE PLAN.
2. AT INTERLEVEL HTT AND HDU HOLDOWNS, USE THREADED ROD OF SAME DIAMETER AS FOUNDATION BOLT.
3. ALIGN HOLDOWNS AT FOUNDATIONS WITH INTERLEVEL HOLDOWNS/STRAPS ABOVE U.N.O., SEE PLAN
4. DIMENSIONS TO HOLDOWN LOCATIONS MUST BE FIELD VERIFIED.
5. EDGE NAIL SHEATHING TO POSTS AT HOLDOWNS WITH (2) ROWS EDGE NAILING.
6. USE "RJ" HOLDOWNS WHERE RIM JOIST OR SUSPENDED SLAB OCCURS ON WALL.

HOLDOWN RETROFIT TABLE:

HOLDOWN	RETROFIT OPTIONS
LSTHD8/LSTHD8RJ	HTT5 WITH 5/8" Ø THREADED ROD EMBEDDED 10" INTO CONCRETE WITH SIMPSON SET EPOXY OR MST48 WITH (3) 1/2" X 4" TITEN HD BOLTS (CENTER STRAP ON RIM OR TOP OF END WALL WHERE NO RIM OCCURS, 1/2" BEND MAX.)

NOTE: YORK ENGINEERING TO PROVIDE DETAIL WHERE STRAPS CANNOT BE INSTALLED WITH 1/2" MAX BEND.

PROFESSIONAL ENGINEER
8/5/21
No. 7617394
TANNER WILDE CLEMENTS
STATE OF UTAH

Structural Design and Analysis
4883 Old Highway 91, Suite A
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York Engineering

STUDIO MOXIE

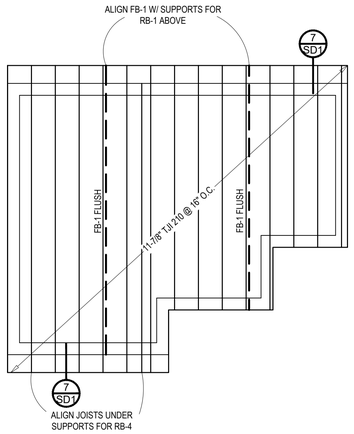
PLAN: DAVID GREEN SAUNA
LOCATION: 2704 MEADOW CREEK DR. PARK CITY, UT

PARK CITY 1884
APPROVED
PARK CITY BUILDING DEPT.
Plans Examiner- Scott Olsen
08/09/2021

S1

5/8" ROOF SHEATHING REQ'D FOR SNOW LOAD W/ 10d NAILS

FLOOR BEAM SCHEDULE:
FB-1: (2) 1 $\frac{3}{4}$" X11 7/8" LVL

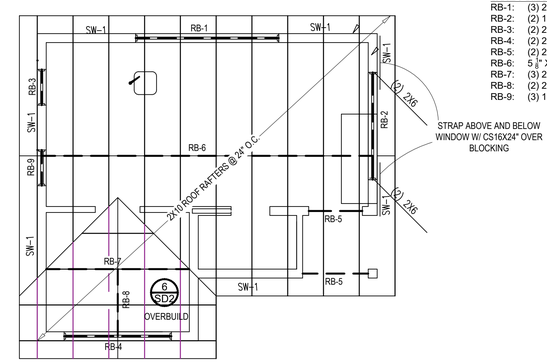


FLOOR FRAMING PLAN

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

ROOF BEAM SCHEDULE:

RB-1:	(3) 2X10 DF#2
RB-2:	(2) 1 $\frac{3}{4}$" X 11 $\frac{7}{8}$" LVL
RB-3:	(2) 2X6's DF #2
RB-4:	(2) 2X8 DF#2
RB-5:	(2) 2X8 DF#2
RB-6:	5 $\frac{1}{8}$" X 19 $\frac{1}{2}$" GLB
RB-7:	(3) 2X10 DF#2
RB-8:	(2) 2X6's DF #2
RB-9:	(3) 1 $\frac{3}{4}$" X 9 $\frac{1}{2}$" LVL



ROOF FRAMING PLAN

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

SHEAR WALL NOTES

ALL EXTERIOR WALLS AND VERTICAL SURFACES SHALL BE SHEATHED PER TYPICAL SHEAR WALL REQUIREMENTS MIN. U.N.O., WITH SHEATHING MANUFACTURED WITH EXTERIOR GLUE. SHEATHING SHALL BE APA RATED 24/16 MIN., NAILS SHALL BE SPACED 1/2" MIN. FROM PANEL EDGE AND DRIVEN FLUSH BUT SHALL NOT FRACTURE THE SURFACE OF THE SHEATHING. BLOCK AND EDGE NAIL ALL HORIZONTAL SHEATHING JOINTS.

SHEAR WALL SCHEDULE

			NAIL SPACING				
TYPE	SHEATHING	NAIL SIZE	EDGE	FIELD	STAPLE EQ.	BOTT. PL TO RIM ATTACHMENT	RIM/BLOCK TO PL ATTACHMENT BELOW DBL SIDED SHEAR WALLS
TYPICAL[4]	7/16" ONE SIDE[2]	8d	6" O.C.	12" O.C.	16G @ 3" O.C.	16d @ 6" O.C.	LTP4 OR A35 @ 16" O.C.
SW-1[4]	7/16" ONE SIDE[2]	8d	4" O.C.[2]	12" O.C.	16G @ 2" O.C.	16d @ 6" O.C.	LTP4 OR A35 @ 16" O.C.
SW-2[3]	7/16" ONE SIDE[2]	8d	3" O.C.[2]	12" O.C.	NOT ALLOWED	4" SDS SCREWS @ 8" O.C.[7,8]	LTP4 OR A35 @ 12" O.C.
SW-3[3]	7/16" ONE SIDE[2]	8d	2" O.C.[2]	12" O.C.	NOT ALLOWED	4" SDS SCREWS @ 8" O.C.[7,8]	LTP4 OR A35 @ 9" O.C.

NOTES:
1. 16 GAGE X 1-1/2" STAPLES MAY BE SUBSTITUTED FOR 8d NAILS AT 1/2 SPACING ON TYPICAL AND SW-1 WALLS.
2. WHERE SHEAR WALLS ARE INDICATED ON PLANS AT BOTH SIDES OF WALL, PROVIDE SHEATHING BOTH SIDES OF WALL (DBL SIDED SHEAR WALL) AND STAGGER EDGE NAILS.
3. PROVIDE 3X OR DBL 2X MEMBERS AT ADJOINING PANEL EDGES AT SW-2 AND SW-3 AND LAP SHEATHING 1 1/4" MIN. ONTO FRAMING MEMBERS AT PANEL EDGES.
4. AT TYPICAL AND SW-1 WALLS, LAP SHEATHING 3/4" ONTO FRAMING MEMBERS AT PANEL EDGES.
5. LAP SHEATHING 1 1/4" MIN. ONTO SILL PLATES ON FOUNDATIONS.
6. NAILS TO BE COMMON OR GALVANIZED BOX.
7. AT SINGLE SIDED SHEAR WALLS WHERE SHEATHING IS LAPPED TO CENTER OF RIM, WALL TOP PL OR TO SILL PLATE BELOW, 16d @ 6" O.C. MAY BE USED FOR WALL BOTTOM PLATE TO RIM ATTACHMENT.
8. USE 5" SCREWS FOR WALL PLATE TO RIM ATTACHMENT IF FLOOR SHEATHING IS GREATER THAN 3/4" THICK.
9. EDGE NAIL SHEATHING TO POSTS AT HOLDOWNS WITH (2) ROWS EDGE NAILING.

FRAMING NOTES

1. SILL PLATE J-BOLTS SHALL HAVE A 3"X3"X1/4" WASHER AT EACH BOLT. IF SLOTTED WASHER IS USED, ADD CUT WASHER.
2. ALL FOUNDATION HOLDOWN STRAPS/ANCHORS SHALL BE ALIGNED WITH END OF SHEAR WALL AND/OR INTER LEVEL STRAP ABOVE (WHERE OCCURS) AND SHALL ATTACH TO FULL HEIGHT KING STUDS U.N.O., SEE PLAN. PROVIDE WOOD POST AT EACH HOLDOWN PER THE HOLDOWN SCHEDULE.
3. STRAPS CALLED OUT ON FLOOR AND FLOOR FRAMING PLANS ARE VERTICAL INTER LEVEL STRAPS AND SHALL BE CENTERED ON RIM BOARD AND ALIGNED WITH END OF SHEAR WALL ABOVE AND ATTACHED TO FULL HEIGHT KING STUDS UNLESS NOTED OR SHOWN OTHERWISE, SEE PLANS.
4. WALL DBL TOP PLATES SHALL BE 2X MIN. AND SHALL LAP 36" AT ALL SPLICES WITH (12) 16d NAILS STAGGERED EACH SIDE OF SPLICE U.N.O, SEE PLAN. WHERE PLATES DO NOT LAP, PROVIDE CS16X12" STRAP TO SPLICE PLATES. ALIGN WALL STUD WITH PLATE JOINTS.
5. PROVIDE DBL CANTILEVER FLOOR JOISTS BELOW (2) PLY (OR MORE) TRIMMERS/POSTS AND WHERE SHEAR WALL HOLDOWN STRAPS ARE INDICATED.
6. ATTACH (2) PLY HEADERS TOGETHER WITH (3) 16d AT 12" O.C. [(2) 16d OK FOR 2X6 HEADERS], USE (3) 16d AT 12" O.C. EACH SIDE FOR (3) PLY HEADERS, USE (4) 16d AT (2) AND (3) PLY HEADERS WHEN HEADER HEIGHT IS GREATER THAN 11". ATTACH (4) PLY HEADERS TOGETHER WITH (2) $\frac{1}{2}$" THROUGH BOLTS AT 16" O.C. OR (2) SDS 1/4" X 6" SCREWS AT 16" O.C. EACH SIDE OF HEADER U.N.O., SEE PLAN.
7. SEE BEARING WALL CONSTRUCTION TABLE FOR WALL FRAMING REQUIREMENTS.

SHEATHING NOTES

1. STAGGER ROOF AND FLOOR SHEATHING JOINTS, SEE ROOF SHEATHING LAYOUT DETAIL.
2. INSTALL ROOF AND FLOOR SHEATHING WITH LONG DIMENSION PERPENDICULAR TO TRUSSES/JOISTS U.N.O., SEE PLAN. SHEATHING INSTALLED WITH LONG DIMENSION PARALLEL TO JOISTS/TRUSSES SHALL BE 5 PLY PLYWOOD CONFORMING TO APA STANDARD PS-1.
3. NAILS SHALL BE $\frac{3}{8}$" MIN FROM SHEATHING EDGE.
4. ALL FLOOR AND ROOF SHEATHING PIECES SHALL BE 48" X 48" MIN.
5. PROVIDE EDGE NAILING AT ALL SUPPORTED AND BLOCKED PANEL EDGES AND PER DETAILS.

WALL SHEATHING: 7/16" APA RATED 24/16 MIN. U.N.O., SEE PLAN. ALL EXTERIOR WALLS AND VERTICAL SURFACES SHALL BE SHEATHED WITH SHEATHING MANUFACTURED WITH EXTERIOR GLUE. SEE PLANS AND SHEAR WALL SCHEDULE FOR NAILING REQUIREMENTS.

ROOF SHEATHING: 5/8" APA RATED 40/20 MIN. WITH 10d NAILS AT 6" O.C. EDGE NAILING AND 12" O.C. FIELD NAILING U.N.O, SEE PLAN.

HEADER TO TRIMMER/KING STUD CONNECTION

- NAIL HEADER TO KING STUDS WITH (6) 16d EACH END U.N.O, SEE PLAN.
- FOR HEADERS GREATER THAN 6' LONG, USE (2) TRIMMERS & (2) LCE CLIPS OR PCZ OR BC POST CAP EACH END OF HEADER TO TRIMMER CONN., OR USE CS16 STRAPS EACH SIDE OF HEADER TO TRIMMERS, SEE HEADER TO TRIMMER CONNECTION DETAIL.

DESIGN CRITERIA		
GOVERNING CODE		2015 IRC
SEISMIC		CATEGORY= D2
		I = 1.00
		R = 6.5
		Fa = 1.28
ULT. WIND SPEED (3-SECOND GUST)		115 MPH
		EXPOSURE C
ROOF LOADS	DEAD	15 PSF
	SNOW	100 PSF
	ROOF SLOPE FACTOR	Cs=1.0
FLOOR LOADS	DEFLECTION LL=L/360	TL=L/240
	DEAD	12 PSF
	LIVE	40 PSF
SOIL BEARING PRESSURE		1500 PSF

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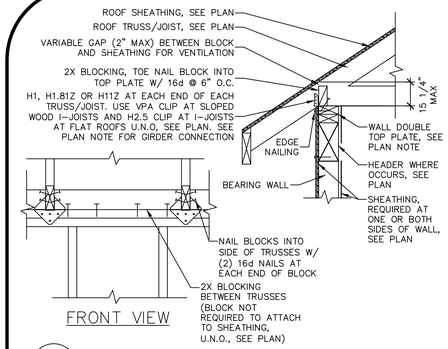
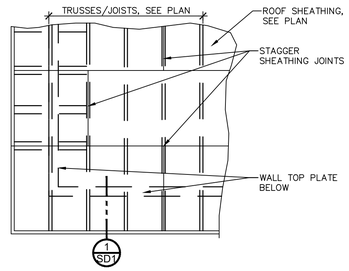
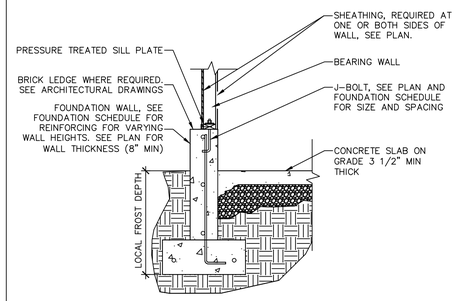


1 ROOF TRUSS AT WOOD WALL
NTS



2 ROOF SHEATHING LAYOUT
NTS
TYPICAL DETAIL, USE WHEN APPLIES

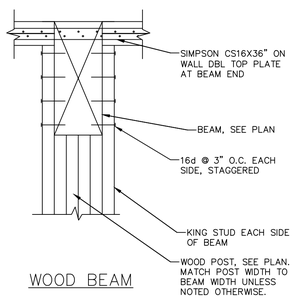


3 SLAB ON GRADE AT FOUNDATION WALL
NTS
TYPICAL DETAIL, USE WHEN APPLIES

BEARING WALL CONSTRUCTION TABLE	
WALL HEIGHT	STUD FRAMING
0'–10'	2X4's @ 16" O.C.[2]
10'–1" – 12'	2X4's @ 12" O.C.[2]
0'–12'	2X6's @ 16" O.C.
12'–1" – 14'	2X6's @ 16" O.C.
14–1" '– 16'	2X6's @ 12" O.C.
16'–1" – 20'	2X6's @ 8" O.C.

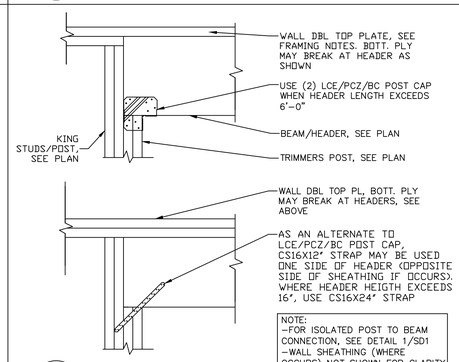
NOTES:
1. FOR WALLS TALLER THAN 20' AND/OR OPENINGS GREATER THAN 18' WIDE, SEE PLAN.
2. USE 2X6 STUDS FOR ALL WALLS SUPPORTING 3 OR MORE FLOOR/ROOF LOADS.
3. KING STUDS/TRIMMERS NOTED REQUIRED AT EACH END OF WALL OPENING.
4. NAIL KING/TRIMMER PLYS TOGETHER W/ (2) 16d NAILS @ 9" O.C.

4 BEARING WALL CONSTRUCTION TABLE
NTS
TYPICAL DETAIL, USE WHEN APPLIES



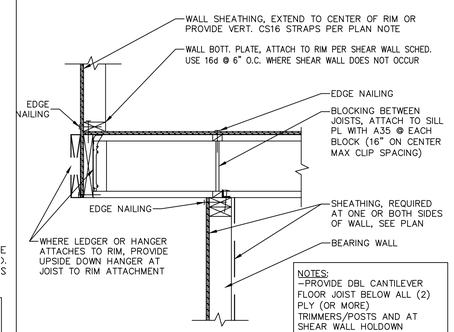
5 BEAM POCKET IN WOOD WALL
NTS
TYPICAL DETAIL, USE WHEN APPLIES

NOTE: NAILING AT POST PLYS NOT SHOWN FOR CLARITY.



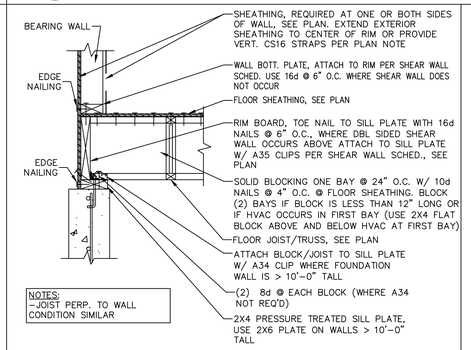
NOTE:
–FOR ISOLATED POST TO BEAM CONNECTION, SEE DETAIL 1/SD1
–WALL SHEATHING (WHERE OCCURS) NOT SHOWN FOR CLARITY

6 HEADER TO TRIMMER CONN.
NTS
TYPICAL DETAIL, USE WHEN APPLIES



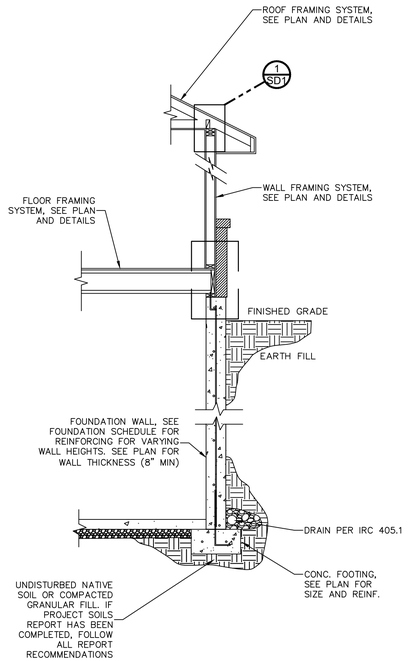
NOTES:
–PROVIDE DBL CANTILEVER FLOOR JOIST BELOW ALL (2) PLY (OR MORE) TRIMMERS/POSTS AND AT SHEAR WALL HOLDOWN STRAPS. PROVIDE ADDITIONAL WALL STUD IN LOWER WALL BELOW DBL CANTILEVER JOIST

7 CANTILEVER FLOOR JOIST
NTS
TYPICAL DETAIL, USE WHEN APPLIES



NOTES:
–JOIST PERP. TO WALL CONDITION SIMILAR

8 FLOOR JOIST AT FOUNDATION WALL
NTS
TYPICAL DETAIL, USE WHEN APPLIES



TYP. WALL SECTION
NTS

GENERAL STRUCTURAL NOTES

1. CONTRACTOR (INCLUDING SUB-CONTRACTORS) SHALL FOLLOW ALL REQUIREMENTS STATED IN THESE DOCUMENTS AND ALL APPLICABLE BUILDING CODES AND STANDARDS AND SHALL BE QUALIFIED TO PERFORM AND EXPERIENCED IN PERFORMING THE WORK REQUIRED FOR THE PROJECT.
2. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS STATED IN ALL OTHER DOCUMENTS APPLICABLE TO THE PROJECT. IF ANY DISCREPANCIES OCCUR BETWEEN THE STRUCTURAL DOCUMENTS AND OTHER PROJECT DOCUMENTS, NOTIFY YORK ENGINEERING OF THE DISCREPANCY PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, DIMENSIONS, ELEVATIONS, ETC., PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION AND SHALL PROVIDE SHORING AND BRACING AS REQUIRED TO PROVIDE STRUCTURAL STABILITY AT ALL TIMES DURING CONSTRUCTION.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ADEQUATE CORROSION PROTECTION OF ALL STRUCTURAL ELEMENTS.
6. ALL MATERIALS/PRODUCTS SHALL BE INSTALLED PER THE MANUFACTURER'S REQUIREMENTS.
7. SPECIFIC NOTES AND DETAILS SHALL GOVERN OVER TYPICAL NOTES AND DETAILS.
8. TYPICAL NOTES AND DETAILS APPLY WHERE SPECIFIC NOTES AND DETAILS ARE NOT INDICATED.
9. MATERIALS SHALL BE PLACED ON THE STRUCTURE SUCH THAT THE DESIGN LOADS STATED IN THE DESIGN CRITERIA TABLE ARE NOT EXCEEDED AND THE LOAD BEARING CAPACITY OF TEMPORARY SHORING AND BRACING IS NOT EXCEEDED.
10. EACH PIECE OF STRUCTURAL LUMBER (AND SHEATHING) SHALL BE MARKED BY A COMPETENT AND RELIABLE ORGANIZATION WHOSE REGULAR BUSINESS IS TO ESTABLISH LUMBER GRADES. THE ORGANIZATION, GRADING AND GRADE MARKINGS SHALL BE SUBJECT TO APPROVAL BY THE ENGINEER.
11. THE SIZING AND SURFACING OF ALL LUMBER SHALL BE MILL SIZED AND SURFACED ON ALL 4 SIDES U.N.O., SEE PLAN. ALL LUMBER SHALL BE FREE OF HEART CENTER. SPLICES SHALL NOT BE PERMITTED EXCEPT WHERE NOTED OR APPROVED BY THE ENGINEER.
12. ALL FRAMING HARDWARE SHALL BE SIMPSON STRONG-TIE OR APPROVED EQUAL U.N.O. AND SHALL BE INSTALLED PER THE MANUFACTURER'S REQUIREMENTS. USE THE MAXIMUM NUMBER AND SIZE OF FASTENERS SPECIFIED BY THE MANUFACTURER U.N.O., SEE PLAN.
13. WHERE A SPECIFIC CONNECTOR TYPE/MODEL IS NOT INDICATED, PROVIDE A CONNECTOR SIZED TO FIT THE MEMBERS BEING CONNECTED.
14. SAWN LUMBER SHALL BE DOUG FIR #2 OR BETTER U.N.O., SEE PLAN. POSTS AND TIMBERS SHALL BE DOUG FIR #1 OR BETTER.
15. INSTALL SOLID FULL HEIGHT BLOCKING BETWEEN TRUSSES/JOISTS AT ALL BEARING POINTS U.N.O, SEE PLAN.
16. WEB FILLERS SHALL BE PROVIDED ON WEBS OF WOOD I-JOISTS PER THE JOIST MANUFACTURER'S REQUIREMENTS AND PER THE HARDWARE MANUFACTURER'S REQUIREMENTS WHERE HARDWARE ATTACHES TO THE I-JOIST.
17. PRE-MANUFACTURED TRUSSES AND JOISTS SHALL BE BRACED PER THE MANUFACTURER'S REQUIREMENTS. MULTI-PLY MEMBERS SHALL BE ATTACHED TOGETHER PER THE MANUFACTURER'S REQUIREMENTS.
18. PRE-MANUFACTURED PRODUCTS SUCH AS WOOD TRUSSES AND I-JOISTS SHALL ONLY BE ALTERED WITH THE APPROVAL OF THE MANUFACTURER AND SHALL BE REPAIRED (WHEN REQUIRED) PER THE MANUFACTURER'S REQUIREMENTS.
19. BOLTS/LAGS AT ALL WOOD TO WOOD, WOOD TO STEEL AND WOOD TO CONCRETE CONNECTIONS SHALL BE A307 U.N.O., SEE PLAN.
20. BOLTS IN WOOD SHALL BE INSTALLED IN HOLES 1/16" IN DIAMETER LARGER THAN THE BOLT DIAMETER AND SHALL HAVE WASHERS BETWEEN HEAD/NUT AND WOOD MEMBER.
21. LAGS SHALL BE INSTALLED IN HOLES PRE-DRILLED AT SAME DIAMETER AS LAG SHAFT FOR UNTHREADED SHAFT PORTION OF HOLE AND 40%-70% OF SHAFT DIAMETER FOR THREADED PORTION.
22. ALL WOOD IN CONTACT WITH MASONRY OR CONCRETE OR EXPOSED TO WEATHER SHALL BE PRESSURE TREATED U.N.O, SEE PLAN.
23. ALL FASTENERS AND CONNECTORS (NAILS, SCREWS, BOLTS, NUTS, WASHERS, ETC.) IN CONTACT WITH PRESERVATIVE TREATED AND FIRE RETARDANT TREATED WOOD SHALL MEET THE REQUIREMENTS OF IBC 2304.10.5.
24. DO NOT COUNTER SINK BOLT/LAG HEADS INTO WOOD MEMBERS UNLESS SPECIFICALLY NOTED ON PLANS OR APPROVED BY THE ENGINEER.
25. ALL NAILING SHALL BE PER IBC TABLE 2304.10.1 U.N.O., SEE PLAN. ATTACH 2X4 STUDS TO WALL TOP AND BOTT. PLATES WITH (2) 16d NAILS, USE (3) 16d NAILS FOR 2X6 STUDS. BUILT-UP 2X POSTS SHALL BE FACE NAILED TOGETHER WITH (2) 16d AT 9" O.C.
26. PROVIDE POSTS TO MATCH WIDTH OF SUPPORTED BEAMS/HEADERS U.N.O., SEE PLAN. CONTINUE POSTS TO FOUNDATION INCLUDING SQUASH BLOCKING IN FLOORS. MATCH SQUASH BLOCKING SIZE TO POST SIZE.
27. WHERE JOISTS/TRUSSES RUN PARALLEL TO INTERIOR BEARING WALLS, ALIGN JOIST/TRUSS UNDER WALL BOTT. PLATE OR PROVIDE FULL HEIGHT BLOCKING AT 16" O.C. IN FLOOR PERPENDICULAR TO WALL AND BLOCKING ALIGNED UNDER WALL. PROVIDE DBL JOIST/TRUSS UNDER DBL SIDED SHEAR WALLS, SEE INTERIOR SHEAR WALL AT WOOD FLOOR DETAIL.
28. WOOD WALLS SHALL BE BALLOON FRAMED FROM FOUNDATION TO ROOF EXCEPT WHERE FLOORS BREAK WALL STUDS PER FLOOR JOIST AT WOOD WALL DETAIL.
29. SHEATHING SHALL BE PROVIDED ON RIM BOARDS AND NAILED PER REQUIREMENTS OF SHEAR WALL ABOVE.
30. EXCEPT WHERE NOTED OTHERWISE, PROVIDE METAL FRAMING CONNECTOR (HANGER, CLIP, CAP, ETC.) AT ALL WOOD TO CONCRETE, WOOD TO STEEL AND WOOD TO WOOD CONNECTIONS.
31. ATTACH BRICK VENEERS TO FRAMING PER IRC R703.8.
32. PROVIDE 6" X 3 1/2" X 5/16" STEEL ANGLE TO SUPPORT BRICK VENEERS. ATTACH ANGLE WITH (2) 7/16" X 4" LAGS AT 16" O.C., USE (1) ½" X 4 ½" TITEN HD BOLT AT 16" O.C. FOR ATTACHMENT TO CONCRETE OR MASONRY.
33. WOOD NAILERS ON STEEL BEAMS SHALL BE 2X WITH ½" DIAM. THREADED STUDS AT 32" O.C. U.N.O, SEE PLAN. NAILERS ON STEEL FRAME BEAMS SHALL BE 3X WITH ¾" DIAM. STUDS AT 24" O.C. U.N.O, SEE PLAN.
34. ¼" WEB STIFFENERS SHALL BE PROVIDED EACH SIDE OF STEEL BEAMS AT ALL BEARING POINTS.
35. USE ¾" DIAM. A325 BOLTS AT ALL STEEL TO STEEL CONNECTIONS U.N.O., SEE PLAN.
36. GROUT BELOW STEEL BASE PLATES (IF USED) SHALL BE 5000 PSI NON-SHRINK GROUT.
37. ALL WELDING SHALL BE DONE PER AISC AND AWS SPECIFICATIONS. WELDERS SHALL BE AWS CERTIFIED.
38. WELD MATERIAL SHALL BE 70 KSI MIN.
39. RIM BOARD TO BE 1 1/8" MIN. U.N.O., SEE PLAN.
40. YORK ENGINEERING LIABILITY IS LIMITED TO FIVE TIMES THE FEE COLLECTED FOR SERVICES. THE CONTRACTOR(S) MUST READ, UNDERSTAND AND ACCEPT ALL YORK ENGINEERING DOCUMENTS APPLICABLE TO THIS DESIGN PRIOR TO UTILIZING THE DESIGN. BY USING THIS DESIGN, THE OWNER/CONTRACTOR ACCEPTS THE DESIGN, ASSUMED LOADS AND LIMITS ON LIABILITY STATED.
41. PERIODIC SPECIAL INSPECTIONS REQUIRED ON TRUSS BRACING AT TRUSSES OVER 5'-0" TALL UNLESS WAIVED BY BUILDING OFFICIAL.
42. PRE-FABRICATED TRUSS LAYOUT PLAN AND CALCULATIONS SHALL BE PROVIDED TO YORK ENGINEERING FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.

ALL DETAILS MAY NOT BE APPLICABLE TO YOUR PLANS
IF MARKED TYPICAL, USE AT ALL APPLICABLE LOCATIONS

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Home Hardening:

- ☒ 1. Roofs shall be kept free of pine needles, leaf litter, and all other debris.
- ☒ 2. Rain Gutters shall be kept clear and clean of all debris.
- ☒ 3. Areas under decks or roof overhangs shall not be used for storage of any combustible materials.
- ☒ 4. Areas under decks shall be kept clean of all dead or dry vegetation, and debris.
- ☐ 5. Vents shall be covered by metal screens with no larger than 1/8 inch mesh.
- ☒ 6. Eaves shall be boxed and/or made from non-combustible materials.
- ☒ 7. Fence components within the Immediate Ignition Zone must be made of non-combustible materials and/or the structure must be non-combustible at the connection point.
- ☒ 8. Windows shall be made of double or triple pane or tempered glass.
- ☒ 9. Roofs shall be covered with a Class A roof covering.
- ☐ 10. Wood shingle or wood shake roofing materials are prohibited.

3

Immediate Ignition Zone: (5 feet)

- ☒ 1. All dead and dying vegetation must be removed from within five (5) feet of the structure.
- ☒ 2. All vegetation must be on the approved list (Attached).
- ☒ 3. All trees must be trimmed so as to be no closer than 10 feet from an active wood burning chimney. Distance from natural gas direct vent shall follow manufacturer recommendations.

Intermediate Ignition Zone: (30 feet)

- ☒ 1. All vegetation in this zone must be on the approved list. (Attached)
- ☒ 2. All dead and dying vegetation shall be removed.
- ☒ 3. Grasses must be kept to a maximum of 4 inches in height above ground.
- ☒ 4. Vegetation under trees shall be removed so as to preclude the laddering effect of a ground fire from spreading into the tree crown.
- ☐ 5. Trees taller than 10 feet and less than 15 feet must have all branches removed from within four (4) feet of the ground as measured from the highest point of the ground below the canopy of the tree.
- ☐ 6. Trees greater than 15 feet must have all branches removed from within six (6) feet of the ground as measured from the highest point of the ground below the canopy of the tree.
- ☐ 7. Trees and shrubs must be clustered with the canopies of the clusters being no closer than 18 feet to the next closest cluster.
- ☐ 8. No single tree cluster shall exceed five (5) trees or cover more than 15% of the Intermediate Ignition Zone, whichever is lesser.

Exception: Structures meeting all of the requirements labeled in home hardening 1 through 4 and at least 3 of the items labeled 5 through 9 are not required to meet items 5 through 8 above. Notwithstanding any exception, all landscaping in the Intermediate Ignition Zone must be such that a ground fire is not likely to spread into the tree canopy.

Extended Ignition Zone: (100 feet)

- ☑ 1. All dead and dying vegetation shall be removed.
- ☑ 2. Small conifers growing between trees may be removed in the context of clumping, clustering, and thinning, in accordance with Section 603.4
- ☐ 3. Trees greater than 15 feet must have all branches removed from within six (6) feet of the ground as measured from the highest point of the ground below the canopy of the tree.
- ☐ 4. Trees and shrubs must be clustered with the canopies of the clusters being no closer than 12 feet to the next closest cluster.
- ☐ 5. No single tree cluster shall exceed 5 trees or cover more than 25% of the Intermediate Ignition Zone, whichever is lesser.

Exception: Structures meeting all of the items listed in the Home Hardening Section are not required to meet items 3 through 5 above. Notwithstanding any exception, all landscaping in the Extended Ignition Zone must be such that a ground fire is not likely to spread into the tree canopy.

Maintenance / Acceptance of Existing Plans.

Provisions: Intent is to modify the fuel load in areas adjacent to structures to reduce the threat of wildfires.

Fuel Modification: Fuel modification distances shall not be less than 30 feet or to the lot line whichever is less. These measurements shall be measured from the horizontal plane from the perimeter or projection of the structure. The allowed distance may be increased by the Fire Code Official because of the site-specific analysis based upon local conditions.

Responsible Party: Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring vegetation management are responsible for maintaining, modifying or removing non-fire resistive vegetation on the property.

Maintenance: Non-fire resistive vegetation or growth shall be kept clear of buildings or structures, may include Clumping, Clustering, pruning, and thinning.

- ☐ Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within the ignition zone shall be pruned to remove limbs located less than 6 feet above the ground surface adjacent to the trees.
- ☐ Chimney Clearance Portions of tree crowns that extend to within 10 feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet.
- ☐ Dead wood and litter shall be regularly removed from trees.

From: Rebecca Ward
To: Bob Theobald
Cc: Frode Jensen; Robert Rosing
Subject: RE: Sauna
Date: Friday, September 10, 2021 1:12:00 PM

Bob,

If you have concerns with construction on Lot 4, you are welcome to submit a complaint through the Report a Code Violation Form which is located on the Community Code Compliance webpage.

Best,
Rebecca

From: Bob Theobald <bob@theoski.com>
Sent: Friday, September 10, 2021 10:01 AM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Cc: Frode Jensen <skipjen@protonmail.com>; Robert Rosing <rosing@rosingdavidson.com>
Subject: [External] Sauna

[CAUTION] This is an external email.

Rebecca, This morning I see a backhoe starting to work on Lot 4. I am not sure if you thought it important to discuss this issue with Dave Thacker or not.

I will be sending the PP with a cover letter in the morning

Thanks Bob

Date: November 10, 2021
To: Code Enforcement Personnel
From: Bob Theobald
RE: Potential Code/Plat/Permit Violations

My name is Bob Theobald and I live in Park Meadows Subdivision No. 2 adjacent to Willow Ranch Subdivision. I am submitting notice to Code Enforcement of three related but independent potential code violations in respect of the building permit for a detached sauna building at 2704 Meadow Creek Drive in the Willow Ranch Subdivision.

1. **Violation No.1 –Owner Violated Permit Condition of Approval #1.**

The owner of 2704 Meadow Creek Drive (Lot 4 in the Willow Ranch Subdivision) received a building permit for a detached sauna building on August 9, 2021. In connection with his application, the owner represented that all buildings combined (home, garage and sauna) on Lot 4 are less than the permitted 4,400 sq. ft. The building permit as granted included eight express Conditions of Approval. Condition of Approval #1 provides that "1. Per the Applicant the addition of this Attached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision."

The owner appears to be in violation of Condition of Approval #1 since owner's representation as to total square footage is contrary to fact as shown by several sources of information, as follows:

- Public tax records indicate that the home alone is 4,502 sq. ft., 102 sq. ft. in excess of the allowable maximum. An additional 312 sq. ft. applicable to the garage and 361 sq. ft. applicable to the sauna building equals a sum total of 775 square feet in excess of the maximum allowed square footage.
- The Park City Board of Realtors – Multiple Listing Service shows the home had 4,502 sq. ft. in 2013, not including the garage. It was purchased by the current owner/applicant in 2013. The listing information also noted the home was remodeled in 2002.
- The original plans approved by the City include a schedule of square feet used for calculating City fees. These documents show the home square footage of 4,192 plus a net 294 sq. ft. applicable to the garage which totals 4,486 sq. ft. Adding the sauna building of 361 sq. ft. totals 4,847 sq. ft. which is 447 sq. ft. over the maximum permitted. An additional dormer and exterior window was constructed on the second floor over the main-floor Bedroom #1 that is not shown on the original approved plans or calculated in the original square feet. This dormer can be clearly seen on the attached Google Earth aerial photo.
- On March 29, 2002, the City issued Building Permit #B02-07448 to a previous home owner with a valuation of $52,000. (No other information stating purpose or square footage was provided through my GRAMA response.) Perhaps this was the remodel that accounts for the difference between the plan square footage of 4,192 and the tax assessment square footage of 4,502.
- On February 28, 2013, the City issued Building Permit # BD-13-18010 with a valuation of $40,000 for the stated purpose of "Interior Remodel, OTC". No other information was provided pursuant to my GRAMA response.

The sauna building construction appears to be in clear violation of the Building Permit's Condition of Approval #1. The City should audit the applicant's representation as to total building square footage by requesting him to provide a new certified surveyed measurement of buildings. If the square footage is found to be in violation of Condition of Approval #1, the City should require that the Applicant reapply for a proper permit through the appropriate process, including to the extent appropriate, Planning Commission and City Council hearings and a Plat amendment.

2. **Violation No. 2- Process Violations**

The owner also violated the application and approval process and requirements by (i) failing to fully disclose to Staff as part of his application for a building permit the platted setbacks, designating the Limits of Disturbance Area as illustrated on the Plat and further defined in the CC&Rs,on the site plan he submitted, (ii) failing to apply to HOA or Council for a required Variance as set forth in Article 3.3, and (iii) making other misrepresentations to the planning and building departments.

3. **Violation No. 3 - Construction outside the LODA without a Variance/Plat Amendment**

The construction of the sauna building violates provisions of the recorded Plat as the building is located outside the "Limits of Disturbance Area" as illustrated and defined by Plat Notes and the platted setbacks. The sauna is situated in a "Natural Area" where Improvements of any type are NOT permitted. The Applicant is obligated to seek a Variance under Article 3.3 of the Willow Ranch CC&Rs in order to legally construct any Improvement outside the LODA/Setbacks and the City must approve any such Variance. While the HOA may grant a variance due to hardship, the City Council must approve the Variance. This process is not optional and no party can waive its requirements. There is no evidence of the Applicant seeking a variance from the HOA and there is no evidence of the HOA reviewing or granting a variance. The owner did not apply for and the City did not approve any Variance.

The owner should be required to re-file his application for a building permit which fully complies with the application and approval process and requirements.

I understand that Code Enforcement may not be able to determine the full extent of violations and respond to potential issues. I welcome legal and legislative evaluation. I am available for further discussions and will provide the City with any additional information upon request.

I respectfully request notification of all discussions and actions by the City with regard to this complaint.

Thank you

Bob Theobald

See Additional Exhibits Below

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

PARK CITY 1884

Park City Municipal Corporation
Planning Department

June 3, 2021

Building Permit Conditions of Approval:

Project Address: 2704 Meadow Creek Dr
Building Permit Plan Review #: PLAN21-047
Planning Plan Reviewer: Heather Wasden

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. ~~Per the plans and applicant the maximum structure height including the chimney~~ is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3. Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8. Windows cannot be untreated metal frames per LMC 15-5-5(I).

The Applicant's claim of a combined square footage of home, garage and sauna as being below the maximum 4,400 sq. ft. conflicts with public records and must be verified and reconciled.

Public tax records show a finished "Living Area" of 4,502 sq. ft. An additional "Attached/Built-in Garage Area" of 912 sq. ft. (less 600 sq. ft. as per CC&R exclusion) is an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted

Will Lange, as a duty of the licensed listing agent, provided the 4,502 square footage data at the time the current Owner/Applicant purchased the property in 2013.

Mr. Lange is also the current President of the Willow Ranch HOA responsible for plan compliance review and Letters/Certificates of Approval.

Park City Multiple Listing Service - 2013

Wonderful Well Kept Home in Willow Ranch in Park Meadows **Residential** Agent Full Public

2704 Meadow Creek Drive
Park City, UT 84060
Closed
MLS#: 9991988
County: Summit
DOM/CDOM: 289
List Price: $1,550,000
Original List Price: $1,699,000
Sold Price: $1,325,000

Highlights		Size and Costs		Location and Vicinity	
Type:	Single Family	**LP$/SqFt:**	$344	**Geographic Area:**	Park City
Sub-Type:	Detached	**Apx SqFt Total:**	4,502	**Major Area:**	Park City Limits
Total Bedrooms:	4	**Apx SqFt Finished:**	4,502	**Area:**	09 - Park Meadows
Total Baths:	5	**Apx SqFt Garage:**		**Subdivision:**	Willow Ranch
Full Baths:	4	**Source of Garage Measurements:**			
Total Fireplaces:	2				
Apx Year Built:	1993				
Apx Year Remodeled:	2002				
Construction New:	No				

Summit County Tax Assessors Office - 2021

Account 0289466 Viewing Doc Building

- Primary
- Manufactured Housing

Building Information

Property Code RESIDENTIAL PRIMARY	Building Status % 0
Living Area 4502	Year Built 1993
Basement Area 0	Attached/Built-in Garage Area 912
No. Full Baths 4	No. Half Baths 1
No. Designer Bathrooms 0	

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Save as...

outlet at lower bath, sink(1/2 bath).Outlet spacing in living areas is max. 12' along the wall line. Some outlets are overspaced.

30. Show smoke detector conforming to Sec. 1210. All detectors shall be hard wired and have battery backup.

31. Show all plumbing vents through roof to be minimum 2" pipe.

32. Show placement of expansion tank on culinary water system.

33. Show a limits of disturbance fence on property delineating area where construction activity will occur from area that will be undisturbed.15 ft. min. clearance from limits of disturbance fence to building pad required for adequate space to work.

Fees and Valuation

Square footage:Main floor=Living space=2978'
Garage- 894'
Decks= 1150'

Upper floor=Living space= 1214'
Deck = 156'

Valuation

Living space=4192'x 67.55=$283,169.60
Garage=894 x 18.60 = $16,628.40
Decks=1306'x 8.00 = $10,448.00
Total= =$310,246.00

Fees

Building permit=.0075 x 310,246.00=$2326.85
Plan check= .65 x 2326.85 =$1512.45
Impact fee= .02 x 310,246.00 =$6204.92
State= .01 x 2326.85= $ 23.27
Water connection= $ 600.00
Water development= $2000.00
Outside irrigation fees-
water connection=.10 x 2972= $ 297.20
water development=.20 x 2972= $ 594.40
Add for water meter
Subtract for plan review deposit(200)

B02-02448

BUILDING PERMIT
BUILDING INSPECTION DEPARTMENT
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
(435) 615-5300

Permit Number: B02-02448 Date: 03-29-2002
Permit Status: PC COMPL Permit Expires:

Job Address: 2704 MEADOW CREEK DR PC
Parcel No: WLR-4

Owner of Property: GROSE, ANNE Phone #:
Mailing Address: Zip: 84060
PARK CITY UT

Contractor: BOARDWALK REMODELING & DESIGN Phone #: 8015956016
Mailing Address: 1116 S RICHARDS ST Zip: 84101
SALT LAKE CITY UT St. Lic #: 912506215501

Work Description: remodel

Public Owned: N # of Buildings: 1 # of Units: 1
UBC Occupancy: R-3 UBC Const type: V-B # of Stories: 0

Valuation: $52,000.00 Footing/Foundation Only: N

BUILDING FEE SCHEDULE

Fee Description	Account Code	Balance Due
A. BUILDING PERMITS	11-32311-000	370.00
B. PLAN CHECK FEES	11-32321-000	253.50
C. BLDG 1% STATE SURCHAR	11-27610-000	3.90
U. ARCH. DESIGN REVIEW	11-32416-000	.00

TOTAL FEES DUE..... $647.40
Groundcover Guarantee..... $0.00

Total Waived/Credited Fees..... ($0.00)

Conditions:
Cond: PLAN CKLST
Zoning: Height: Setbacks: F S S R
Max. Floor Area: Dwelling Garage Total
Material Types:
Colors:
Driveway Width: Setback:
Entry: 03/29/2002 By: Ray Action: AP materials to match existing

Valuation Items:

Occupancy	Type	Factor	Sq Feet	
	Totals...			$0.00*

SIGNATURE _____ DATE 3-29-02

PARK CITY 1884

COMBO PERMIT - INTERIOR REMODEL

PO BOX 1480 • 445 MARSAC AVE • PARK CITY, UTAH 84060
(435) 615-5100

Site Address: 2704 MEADOW CREEK DR
PARK CITY UT 84060-6832

Project Name:

PERMIT NUMBER: BD-13-18010
PARCEL NUMBER: WLR-4
STATE PERMIT #:
ISSUED DATE: 2/28/2013

OWNER
GREEN DAVID H/W I/T
2704 MEADOW CREEK DR
PARK CITY UT 84060-6832

CONTRACTOR
MASTER CRAFTSMEN, INC

State License: 5274117-5501
Expires: 11/30/2013

INVESTIGATION FEE	N
UNIT TYPE ADDITIONS/ALTERATION	J
CONSTRUCTION VALUE	40000
SWIMMING POOL	no
WAIVE FEES	no

FEES

BUILDING PERMIT FEE	300.00
PLAN CHECK FEE	195.00
STATE FEE	3.00
Total Permit Fees	**498.00**

PERMIT DESCRIPTION

INTERIOR REMODEL D1C
VALUITAION INCLUDES SUBS

This department must have 24 hrs. notice for all inspections
(435) 615-5100

All work must be inspected prior to covering

Conditions:

Cond:

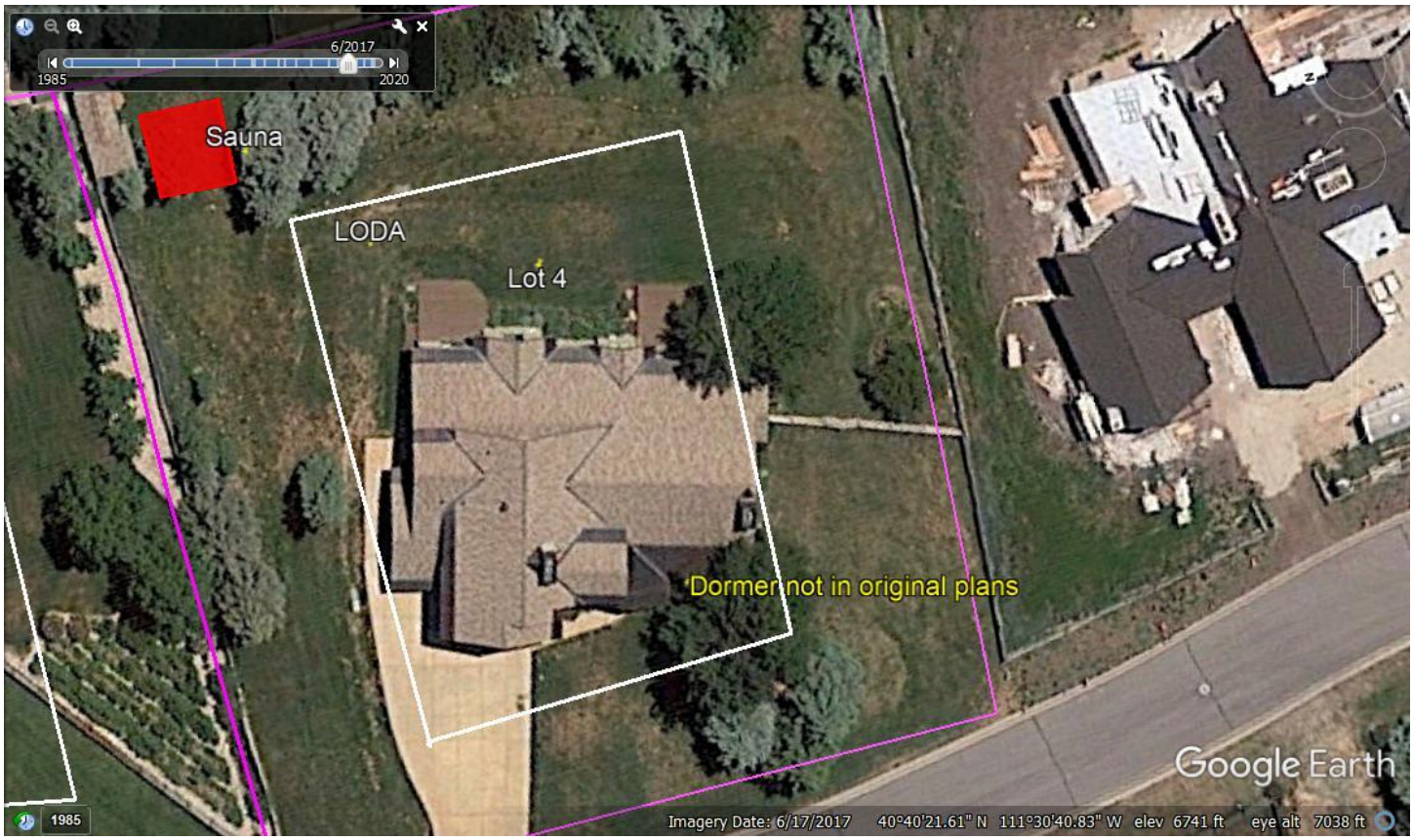
Valuation Items:

Occupancy	Type	Factor	Sq Feet	Valuation
	TOTALS			

I certify that no work will be done except as described above or on accompanying plans. Issuance of this permit shall not be construed as aproval of any violation of the codes, laws or ordinances as adopted by the City of Park City or the State of Utah.

SIGNATURE _____ DATE 2/28/13

PRINT NAME: RICHARD BERNAL


6/2017
1985
2020
Sauna
LODA
Lot 4
Dormer not in original plans
Google Earth
1985
Imagery Date: 6/17/2017 40°40'21.61" N 111°30'40.83" W elev 6741 ft eye alt 7038 ft

Willow Ranch Plat

NOTES:

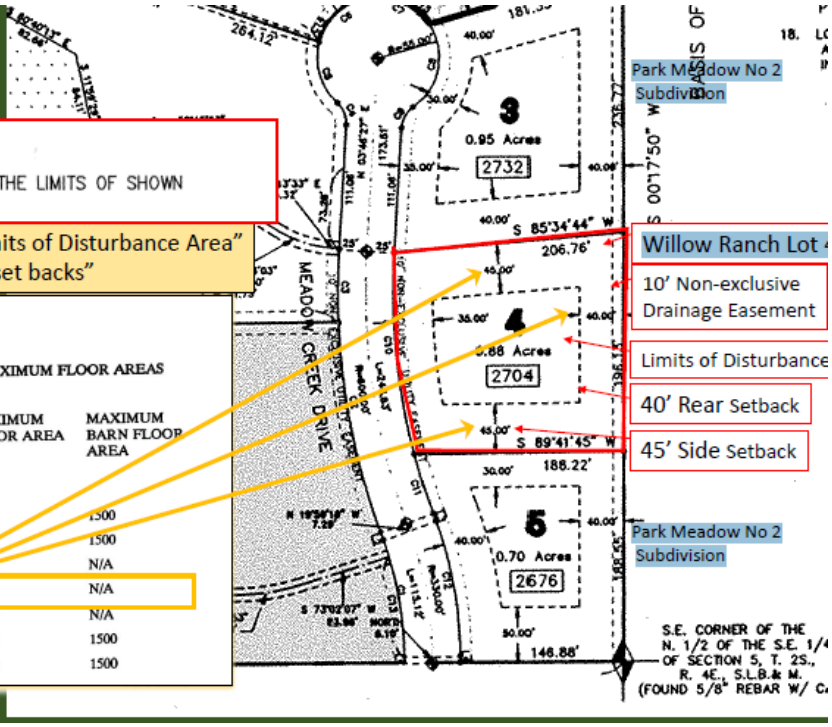
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	[illegible]	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500



3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

BOOK 711 PAGE 526

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

BOOK 711 PAGE 513

057\23383.1A
02/17/93/10:54 am

3

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Community Development Department
445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060
Tel 435.615.5101 www.parkcity.org

December 21, 2021

Bob Theobald
Park City, Utah 84060

RE: Building Permit Number 21-940 at 2704 Meadow Creek Drive

Dear Bob,

We have received the complaint submitted by you on Nov. 10, 2021. Staff has been investigating the concerns and provide this letter as a response to the complaint.

The property at 2704 Meadow Creek Drive (lot 4) received a building permit for a detached accessory structure on Aug. 9, 2021. The permit was reviewed and approved by the Park City Municipal Building, Engineering and Planning teams. The structure is required to comply with the regulations identified in the Land Management Code (LMC) and International Building Code (IBC). All the received documents have been reviewed and found to comply with the current LMC and IBC standards.

Additionally, given your interactions with various city officials and repeated requests for information and in-person meetings, our enforcement team took the extra time to independently review the complaint and permit history with the City Prosecutor. We work frequently with the prosecutor on issues of Land Management and Building Code compliance. The decision to initiate and additional review is over and above our normal level of service, and I hope this gesture indicates our level of commitment to adequately address your concern.

The results of the independent review confirmed no enforcement action was justified based upon determinations that the LMC regulations were followed, and the detached accessory structure has been permitted in accordance with applicable PCMC codes and ordinances.

Thank you,

Dave Thacker
Chief Building Official/Fire Code Official
Park City Municipal Corporation
(435) 615-5115
dave.thacker@parkcity.org

2008 UT 85

This opinion is subject to revision before final publication in the Pacific Reporter.

IN THE SUPREME COURT OF THE STATE OF UTAH

----oo0oo----

Bret Fox, an individual; and Tawnya Fox, an individual,
Plaintiffs and Appellants,

v.

Park City, a Utah municipal corporation; Park City Board of Adjustment, a body organized under Park City Land Management Code; and Legacy Development Group, LLC, a Utah limited liability company,
Defendants and Appellees.

No. 20070567

F I L E D

December 16, 2008

Third District, Silver Summit
The Honorable Bruce C. Lubeck
No. 060500476

Attorneys: Blake D. Miller, Ryan K. Done, Salt Lake City, for appellants
Mark D. Harrington, Polly Samuels-McLean, Park City, for appellees Park City Municipal Corp. and Park City Board of Adjustment
Eric P. Lee, Salt Lake City, for appellee Legacy Dev. Group

PARRISH, Justice:

INTRODUCTION

¶1 Bret and Tawnya Fox (the "Foxes") sought to appeal Park City's issuance of a building permit to Legacy Development Group, LLC ("Legacy"). The Park City Planning Commission (the "Planning Commission") held that the Foxes' appeal was untimely under the ten-day appeal period contained in the Park City Land Management Code (the "LMC"). The district court upheld the Planning Commission's determination that the Foxes' appeal was untimely

under the LMC and, accordingly, dismissed the Foxes' petition for review.

¶2 While we affirm the dismissal, we hold that the district court erred in applying the ten-day appeal period of the LMC. Rather, the ten-day appeal period of Utah Code section 10-9a-704 applies. This appeal period began to run when the Foxes received notice of the permit's issuance. Because the Foxes did not appeal within this ten-day period, the Foxes' appeal was untimely, and we therefore affirm the district court's dismissal of the Foxes' petition.

BACKGROUND

¶3 In May 2005, Legacy applied for a building permit with the Park City Community Planning Development Department (the "Department"). Legacy sought to construct three residential buildings on property it owned in Park City (the "Subject Property"). The Department issued the building permit on July 14, 2005. Legacy began construction on the three buildings in the fall of 2005.

¶4 The Subject Property is within 300 feet of a home owned by the Foxes. The Foxes claim that sometime in January 2006, they noticed that "one of the buildings appeared to be taller than it should in comparison with some of the other surrounding buildings." The following day, Mr. Fox went to the city offices and asked to review the plans for the buildings on the Subject Property. Based on his review of the plans, Mr. Fox determined that "it appeared that the buildings were going to exceed Park City's height restriction." He inquired of the Department what he must do to bring the issue to their attention and he was told that he needed to file an appeal with the Planning Commission.

¶5 The Foxes submitted a notice of appeal to the Planning Commission on January 19, 2006. In the notice of appeal, the Foxes claimed that the three buildings exceeded the maximum allowed height under the LMC. The Foxes also claimed that the excess height of the buildings interfered with the view from their property.

¶6 On June 14, 2006, the Planning Commission held a hearing on the Foxes' appeal. The Planning Commission determined that the Department's issuance of the building permit to Legacy was a final action and that, based on the LMC, a final action must be appealed within ten days. The Planning Commission held that because the Foxes did not appeal the issuance of the building permit within ten days of July 14, 2005, their appeal

was untimely and that the Planning Commission lacked jurisdiction to hear the merits of the appeal. Accordingly, the Planning Commission dismissed the Foxes' appeal with prejudice.

¶7 The Foxes then appealed the Planning Commission's decision to the Park City Board of Adjustment (the "Board"), and the Board held a hearing on the appeal on August 22, 2006. The Board upheld the Planning Commission's determination that it lacked jurisdiction due to the Foxes' failure to timely appeal. Accordingly, the Board dismissed the appeal with prejudice.

¶8 The Foxes filed a petition for review in the Third District Court. The petition sought a reversal of the Board's decision, a declaratory judgment against Legacy for its violation of the LMC height restrictions, and an injunction against Legacy to bring the three buildings into compliance with the height requirements of the LMC. Park City filed a motion to dismiss, arguing that the Foxes failed to state a claim for relief due to their failure to timely file an appeal with the Planning Commission. Legacy filed a motion for summary judgment, arguing that under section 10-9a-701 of the Utah Code, the Foxes had failed to fulfill a condition precedent to judicial review by not filing a timely challenge to the issuance of the building permit. Legacy also joined in Park City's motion to dismiss and Park City joined in Legacy's motion for summary judgment. The Foxes also moved for summary judgment on their claims.

¶9 Following briefing on the parties' motions, the district court held a hearing. On June 6, 2007, the district court issued its Ruling and Order. The court concluded that the issuance of a building permit constituted a final action under the LMC and that, therefore, an appeal regarding the issuance of a building permit had to be made within ten days from the issuance. Because the Foxes did not file their appeal within ten days after the issuance of the building permit, the appeal was untimely. Accordingly, the court denied the Foxes' motion for summary judgment, granted Park City's motion to dismiss, and granted Legacy's motion for summary judgment.

¶10 The Foxes appeal the district court's decision. We have jurisdiction pursuant to Utah Code section 78A-3-102(3)(j) (Supp. 2008).

STANDARD OF REVIEW

¶11 When a district court reviews an order of a local land use authority and we exercise appellate review of the district court's judgment, we act as if we were reviewing the land use

authority's decision directly, and we afford no deference to the district court's decision.[1] Like the review of the district court, our review is limited to whether a land use authority's decision is "arbitrary, capricious, or illegal."[2] A land use authority's decision is arbitrary or capricious only if it is not "supported by substantial evidence in the record."[3] A land use authority's decision is illegal if it "violates a law, statute, or ordinance in effect at the time the decision was made."[4] Because a determination of illegality is based on the land use authority's interpretation of zoning ordinances, we review such determinations for correctness, but we "also afford some level of non-binding deference to the interpretation advanced by" the land use authority.[5]

ANALYSIS

I. THE TEN-DAY APPEAL PERIOD UNDER THE LMC DOES NOT APPLY

¶12 Under the LMC, the planning director's decision to issue a building permit is appealable.[6] Section 15-1-18(E) of the LMC provides that "[a]ll appeals must be made within ten (10) calendar days of the Final Action."[7] The question is whether the issuance of a building permit is a "final action." If it is a final action, as the Planning Commission determined and as Park City suggests to this court, then an appeal of the issuance must be made to the Planning Commission within ten days of the

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[1] See Carrier v. Salt Lake County, 2004 UT 98, ¶ 17, 104 P.3d 1208; Save Our Canyons v. Bd. of Adjustment, 2005 UT App 285, ¶ 12, 116 P.3d 978.

[2] Utah Code Ann. § 10-9a-801(3)(a)(ii) (2007); see also Carrier, 2004 UT 98, ¶ 26; Save Our Canyons, 2005 UT App 285, ¶ 12.

[3] Utah Code Ann. § 10-9a-801(3)(c); see also Save Our Canyons, 2005 UT App 285, ¶ 12.

[4] Utah Code Ann. § 10-9a-801(3)(d).

[5] Carrier, 2004 UT 98, ¶ 28; see also Save Our Canyons, 2005 UT App 258, ¶ 12.

[6] Park City Municipal Code § 15-1-18(A) ("Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission.").

[7] Id. § 15-1-18(E) (emphasis added).

issuance. If it is not a final action, as the Foxes claim, then the ten-day appeal period does not apply.

¶13 We resolve this dispute by looking to the plain language of the LMC.[8] Section 15-1-18(A)-(C) of the LMC provides as follows:

> (A) Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission . . . .
> (B) Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.
> (C) Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment . . . .[9]

It is significant that this section designates the planning director's application of the LMC--which includes the planning director's issuance of a building permit--as a "decision" rather than a "Final Action" because, under the plain language of section 15-1-18(E), only "Final Actions" must be appealed within ten days.[10]

¶14 Park City argues that the issuance of a building permit should be considered a "Final Action" because it fits under the LMC's definition of "Final Action": "[t]he later of the final vote or written decision on a matter."[11] This does not, however, change the fact that the plain language of section 15-1-18(A) provides that the planning director's issuance of a building permit is characterized as a "decision" rather than a "Final Action." "When examining the plain language [of an ordinance], we must assume that each term included in the ordinance was used

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[8] See Carrier v. Salt Lake County, 2004 UT 98, ¶ 30, 104 P.3d 1208 ("In interpreting the meaning of . . . [an] ordinance, we begin first by looking to the plain language of the ordinance.").

[9] Park City Municipal Code § 15-1-18(A)-(C) (emphases added).

[10] See id. § 15-1-18(E).

[11] Id. § 15-15-1.90.

advisedly."[12] Accordingly, we must assume that Park City used the term "decision" rather than the defined term "Final Action" purposefully and advisedly in subsection (A) when referring to actions taken by the planning director. Park City could have referred to the actions of the planning director as "Final Actions," just as it did in subsections (B) and (C) when referring to the actions of the Historic Preservation Board and the Planning Commission, but it clearly elected not to do so. We decline to substitute Park City's selected term with a defined term that could have been, but was not, used. Because the issuance of a building permit is not a "Final Action," the ten-day appeal period of section 15-1-18(E) does not apply.

II. THE TEN-DAY APPEAL PERIOD OF UTAH CODE SECTION 10-9a-704 APPLIES

¶15 Having determined that the ten-day appeal period of the LMC does not apply to appeals from the issuance of a building permit, we must now determine what time period does apply. We determine that the ten-day appeal period under Utah Code section 10-9a-704 applies.

¶16 Section 10-9a-704 provides that municipalities "shall enact an ordinance establishing a reasonable time of not less than ten days to appeal to an appeal authority a written decision issued by a land use authority."[13] Based on this statute, Park City should have passed an ordinance establishing a reasonable appeal period for appeals from decisions of the planning director. As discussed in the previous section, however, Park City has failed to establish such a period. The LMC does not have an ordinance addressing the appeal period for an appeal from a "decision" of the planning director.[14]

¶17 This omission is remedied, however, by section 10-9a-704(2). "In the absence of an ordinance establishing a reasonable time to appeal, an adversely affected party shall have ten calendar days to appeal to an appeal authority a written

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[12] Carrier, 2004 UT 98, ¶ 30.

[13] Utah Code Ann. § 10-9a-704(1) (2007).

[14] Park City, Utah, Municipal Code § 15-1-18(A) ("Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission.").

decision by a land use authority."[15] A building permit constitutes "a written decision by a land use authority."[16] As such, the appeal period for an appeal of the issuance of a building permit is ten days.

III. THE TEN-DAY APPEAL PERIOD BEGINS WHEN THE AFFECTED PARTY HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE ISSUANCE OF THE PERMIT

A. Section 10-9a-704 Does Not Provide a Triggering Event to Begin the Appeal Period

¶18 Having determined that the ten-day appeal period of Utah Code section 10-9a-704 applies, we must now determine when the appeal period begins. Section 10-9a-704 is ambiguous on this point. The plain language of the statute provides that "an adversely affected party shall have ten calendar days to appeal to an appeal authority,"[17] but does not provide the triggering event that commences the ten-day period.

¶19 A similar issue arose in the case of Trenkamp v. Township of Burlington.[18] The statute at issue in Trenkamp provided that "'[a]ppeals to the board of adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality'" and that "'such appeal shall be taken within 65 days.'"[19] The New Jersey Superior Court held that although the statute set a sixty-five day appeal period, it was "silent . . . as to the event that triggers commencement of this time period."[20] The court noted that the legislature "could have made its intention very clear by providing, for example, that an appeal shall be taken within 65 days of the date of the decision" but did not do so.[21] The court also noted that there were other possible commencement dates,

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[15] Utah Code Ann. § 10-9a-704(2).

[16] See id. § 10-9a-103(15) (defining "land use authority" as "a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application").

[17] Utah Code Ann. § 10-9a-704(2) (2007).

[18] 406 A.2d 218 (N.J. Super. Ct. Law Div. 1979).

[19] Id. at 226 (quoting N.J. Stat. Ann. § 40:55D-72).

[20] Id. at 227.

[21] Id. (internal quotation marks omitted).

such as the date the permit is issued, the date construction begins, or the date the permit is posted.[22]

¶20 Like the court in Trenkamp, we conclude that section 10-9a-704 does not provide a triggering event for the ten-day appeal period. As such, we must determine what commences the appeal period. Park City argues that the triggering event should be the issuance of the building permit. The Foxes, on the other hand, argue that the appeal period should not begin until the adversely affected party receives some sort of notice. The competing interests of the permit holder and the neighboring landowners are captured in the following quote from the Wisconsin Supreme Court:

> [The permit holder's] interest is to start construction promptly. It wants the appeal period to start at the earliest possible date so that the appeal period ends as soon as possible after the administrative decision is made. [The permit holder's] interest therefore is to have notice of the issuance of the permit occur on the date of the issuance. [The neighbors'] interest is in protecting the use and enjoyment of their property. They are interested in having the appeal period commence when they know of the administrative decision so that they have the opportunity to consider action.[23]

¶21 For the reasons discussed below, we join other courts in concluding that the interests of both the permit holder and the neighboring landowners are best balanced by the rule that the

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[22] Id.

[23] State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment, 388 N.W.2d 593, 599 (Wisc. 1986); see also Hardy v. Zoning Bd. of Review, 321 A.2d 289, 292 (R.I. 1974) ("Clearly, when a landowner has been granted a permit to make a particular use of his land, he is entitled to know when that decision will become final and no longer be subject to review or reversal by the board. Only in such circumstance may such a landowner feel secure in putting the land to the use granted him by the permit. It is equally true that those who object to the granting of a permit are entitled to know within what period of time they must appeal . . . .").

appeal period begins when the aggrieved party has actual or constructive knowledge of the issuance of the permit.[24]

B. Without Notice, the Right To Appeal Is Meaningless

¶22 The Utah Code provides that "any person adversely affected by [a] land use authority's decision administering or interpreting a land use ordinance" has the right to appeal that decision to an appeal authority.[25] A planning director's issuance of a building permit constitutes a "decision administering or interpreting a land use ordinance."[26] Accordingly, any person who is adversely affected by the issuance of a building permit has a statutory right of appeal.

¶23 A right to appeal a decision is meaningless, however, if the person possessing the right has no actual or constructive notice of the decision.[27] This is often the case when building permits are issued. The Utah Code does not require a municipality to provide notice to neighboring landowners that a building permit has been issued; thus, neighboring landowners do not receive actual notice of the permit's issuance. Additionally, neighboring landowners often do not receive constructive notice until construction begins,[28] which often does

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[24] See Arkae Dev., Inc. v. Zoning Bd. of Adjustment, 312 N.W.2d 574, 577 (Iowa 1981) ("[C]ourts have almost uniformly held that time to file an appeal with a zoning board of adjustment commences when the appealing party is chargeable with notice or knowledge of the decision complained of."); Brookside Poultry Farms, 388 N.W.2d at 598 n.4 ("[S]everal courts have held that the time for appeal commences on the day that the appellant receives notice of the issuance of the permit.").

[25] Utah Code Ann. § 10-9a-703.

[26] Id.

[27] See Munroe v. Zoning Bd. of Appeals, 802 A.2d 55, 60 (Conn. 2002) ("'[W]ithout notice that a decision has been reached, the right to appeal from that decision is meaningless.'" (quoting Loulis v. Parrott, 695 A.2d 1040, 1048 (Conn. 1997))).

[28] See Arkae Dev., 312 N.W.2d at 576-77 ("'A landowner is often unaware that a permit had been applied for and issued until construction starts on the lot adjoining his property.'" (quoting 3 A. Rathkopf, The Law of Zoning and Planning § 37.04[1][a] n.10 (1981))); Larsen v. Town of Colton, 973 P.2d 1066, 1072 (Wash.

(continued...)

not happen until several weeks or months after the building permit has been issued. Thus, if the appeal period begins when a building permit is issued, by the time neighboring landowners receive any type of notice of the permit's issuance, the statutory time for appeal has passed.[29] In such a situation, the landowners' statutory right to appeal is meaningless.

¶24 Starting the appeal period at the time of the permit's issuance, without some sort of notice requirement, effectively strips potentially aggrieved parties of their right to appeal. Indeed, without some sort of notice requirement, a permit holder can completely elude review by simply waiting until eleven days after the permit is issued before beginning construction.[30] A landowner would be forced to check the municipality's records every ten days to see if any building permits had been issued that may have an adverse affect on the landowner's property. Such a rule places too high a burden on landowners in order to

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[28] (...continued)
Ct. App. 1999) ("When . . . the land use decision is a purely ministerial act, the aggrieved person may not have notice or actual knowledge. Indeed, a neighbor's only notice that a building permit has issued may be the beginning of construction.").

[29] See Pansa v. Damiano, 200 N.E.2d 563, 565 (N.Y. 1964) (stating that beginning the appeal period at the time of a permit's issuance "might prevent any appeal at all since the neighbors might not learn [until] long afterward of the issuance of a building permit").

[30] See Trenkamp, 406 A.2d at 227 (stating that "because of the absence of any statutory notification or publication requirement in connection with the issuance of building permits," a permit holder could deliberately wait the statutory time period plus one day before taking any action pursuant to the permit, thereby precluding an appeal by interested persons who had no knowledge of the permit's issuance); see also Marino v. Town of Cape Elizabeth, No. CV 94-194, 1994 Me. Super. LEXIS 303, at *2 (Me. Super. Ct. July 29, 1994) ("Frequently, the first suggestion an abutter receives that a permit has been issued is the observation that construction has begun."); Larsen, 973 P.2d at 1072 (stating that beginning the appeal period at the time a permit is issued "allow[s] a landowner to avoid any judicial review by obtaining a building permit and waiting [the required number of] days before beginning construction").

exercise their statutory right of appeal.[31] We accordingly reject the proposition that the issuance of the building permit begins the running of the statutory appeal period.

¶25 Because the legislature has given a statutory right of appeal to those adversely affected by the issuance of a building permit, we must interpret this right in a way that does not render the right meaningless. And the right to appeal would be rendered meaningless if the appeal period begins when those who may be adversely affected by the decision have no notice of the decision.[32] Thus, we conclude that to give meaning to the statutory right of appeal, neighboring landowners must receive actual or constructive notice of the issuance of a building permit in order for the ten-day appeal period to begin.[33]

C. The Affected Party Must Have Actual or Constructive Notice of the Issuance of the Building Permit

¶26 Having concluded that an adversely affected party must receive notice of a building permit's issuance before the appeal period begins, we must now determine what notice is sufficient to start the appeal period. We adopt the rule adopted by the majority of the states that have addressed this issue, which is

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[31] See Trenkamp, 406 A.2d at 223 ("The law does not saddle the public with an obligation requiring the constant scrutiny of voluminous official documents . . . in order to protect individual rights.").

[32] See Munroe, 802 A.2d at 60 ("[O]ne allegedly aggrieved by the decision of a building inspector who has neither actual knowledge of that decision nor who, under the circumstances of a given case could be reasonably charged with such knowledge . . . is, for all practical purposes, denied the right of appeal . . . if he is bound by a regulation of the board that an appeal must be taken within [the statutorily mandated number of] days of the decision.").

[33] See id. (interpreting a similar statute and determining that because it "provide[d] a meaningful right to appeal for all persons aggrieved by the actions of zoning enforcement officials," the appeal period contained in the statute did not begin until the aggrieved party had "notice of the action from which appeal is sought").

that the appeal period begins when the affected party receives actual or constructive notice that the permit has been issued.[34]

¶27 Generally, if a party does not receive actual notice of the issuance of the permit, the party receives constructive notice that a building permit has been issued when construction begins.[35] However, the commencement of construction is not the

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[34] See Arkae Dev., 312 N.W.2d at 577 ("[C]ourts have almost uniformly held that time to file an appeal with a zoning board of adjustment commences when the appealing party is chargeable with notice or knowledge of the decision complained of."); see also id. ("[T]he time for appeal should run from the earliest of the date (a) the appealing party had actual knowledge of the decision appealed from, (b) the appealing party was chargeable with knowledge of that decision, or (c) notice of the decision is given in a reasonable, specified manner." (footnote omitted)); State ex rel. Green's Bottom Sportsmen, Inc. v. St. Charles County Bd. of Adjustment, 553 S.W.2d 721, 725 (Mo. Ct. App. 1977) ("[T]ime to file an appeal commences to run when notice, actual or constructive, is given the party affected by the order to be appealed."); Tausanovitch v. Town of Lyme, 722 A.2d 914, 916 (N.H. 1998) ("Generally, the time for an appeal from the administrative officer's decision begins to run when the appealing party knows or should have known about the decision."); Trenkamp, 406 A.2d at 227 ("[A] proper regard for the interests of [affected parties] mandates that the time for appeal begins to run from the date an interested person knew or should have known of the permit's issuance."); Cave v. Fredonia, 373 N.Y.S.2d 932, 935 (N.Y. Sup. Ct. 1975) ("[T]he commencement of the [appeal] period runs from the date that [a] grievant becomes chargeable with notice of issuance of the permit complained of . . . ."); Larsen, 973 P.2d at 1072 ("Actual or constructive knowledge of the building permit . . . should be the triggering event for a reasonable limitation period." (footnote omitted)).

[35] See Arkae Dev., 312 N.W.2d at 577 ("[W]hen construction begins pursuant to a permit and this activity is visible to the public, an objector is chargeable with knowledge of the permit even though he himself does not learn of the construction or the permit until later."); see also Munroe, 802 A.2d at 61 (stating that neighbors received notice of a landowner's building permit to construct a second story addition on garage when he began demolition of his garage roof); Tausanovitch, 722 A.2d at 916 (stating that neighbors "had actual or constructive notice" of the issuance of a building permit when construction began); Trenkamp, 406 A.2d at 226 ("Actual knowledge, or reason to know

(continued...)

only way a permit holder can give notice of the permit to neighboring landowners and thereby begin the appeal period. The permit holder may "devise some method of his own for ensuring that members of the public will be chargeable with knowledge of the permit and his building intentions, such as posting a visible and informative sign on the property prior to construction."[36]

¶28 "[K]nowledge or notice of a 'decision' refers not only to the administrative decision itself (e.g., issuance of a building permit) but also to the facts constituting the basis for objecting to that decision . . . ."[37] Thus, a party must not only have notice that a building permit has been issued, but must also have knowledge of the facts that form the basis of the party's objection to the permit before the appeal period begins.[38] Such facts are generally contained in the permit or permit application on file with the municipality. Once a party has actual or constructive notice that a permit has been issued, the party is chargeable with knowledge of the information contained in the permit and the permit application.[39] Accordingly, if the facts that form the basis for the party's appeal can be ascertained by a review of the permit application, the party is charged with knowledge of those facts once he or she has actual or constructive notice of the permit's issuance. If, on the other hand, the permit application does not contain the facts, and the party is not charged with knowledge of the facts,

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[35] (...continued)
of [the building permit's] issuance, was had . . . when construction began.").

[36] Arkae Dev., 312 N.W.2d at 578.

[37] Id. at 577 (citations omitted).

[38] See id. ("[T]he [appeal] period runs from the date that the person appealing had actual knowledge or was chargeable with knowledge of the decision appealed from and of the facts forming the basis of his objection.").

[39] Bunse v. Schmeling, 2001 Iowa App. LEXIS 713, No. 1-460/00-1501, at *3, *4 (Iowa Ct. App. Nov. 28, 2001) (holding that because a party observed a neighboring landowner building a garage, the party "possessed timely knowledge sufficient to place him under a duty to make inquiry and ascertain all the relevant facts").

then the appeal period does not begin until the party receives knowledge of those facts from some other source.[40]

¶29 We note that the rule we adopt is a general rule and that there may be exceptional circumstances that may allow an affected party to bring an appeal even after the appeal period has run. Such circumstances may include fraud on the part of the permit applicant or bribery of municipal officials to secure the building permit. These types of actions so severely undermine the permit process that the appeal period would not begin until the affected parties have notice of them.

¶30 In sum, we adopt the rule that the appeal period begins when an affected party receives actual or constructive notice that the building permit has been issued.

IV. THE TEN-DAY APPEAL PERIOD DOES NOT BEGIN WHEN THE AFFECTED PARTY RECEIVES NOTICE OF THE ALLEGED VIOLATION

¶31 Although we adopt the rule that the appeal period begins when the aggrieved party receives actual or constructive notice that a building permit has been issued, we think it necessary to explain why we reject the rule advanced by the Foxes. The Foxes contend that the appeal period should not begin until an affected party receives actual notice of the alleged violation. Under the Foxes' proposed rule, the appeal period began when the buildings on the Subject Property reached a height that alerted them to a possible height violation.

¶32 As previously mentioned, this case requires us to balance the competing interests of the permit holder and of the neighboring landowners. The building permit holder "is entitled to know when [the municipality's decision to issue a building

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[40] See Green's Bottom Sportsmen, 553 S.W.2d at 724 (holding that neighboring landowners did not receive notice that newly constructed buildings would be used as a gun club--which was not a permitted use--until after construction had been completed and shooting began because the building permit application stated that a "sportsman club" was being constructed, which would not "lead a reasonably intelligent person to believe" that a gun club was actually being built); Cohen v. Dunan, No. 2002-599, 2004 R.I. Super. LEXIS 103, at *40 (R.I. Super. Ct. June 9, 2004) (holding that an aggrieved party was not charged with knowledge of disputed improvements because "even a careful inspection of the plans filed with the application for that permit" could not have uncovered that the disputed improvements were going to be made).

permit] will become final and no longer be subject to review or reversal."[41] Knowing when the decision is final and no longer subject to review allows the permit holder to rely on the building permit and to "feel secure in putting the land to the use granted him by the permit."[42] On the other hand, neighboring landowners have an interest "in protecting the use and enjoyment of their property."[43] Accordingly, they have an interest in appealing a municipality's decision to issue a building permit when they believe that the decision is erroneous and that they are adversely affected by the decision.

¶33 These competing interests are not properly weighed under a rule that the appeal period does not begin until there is actual notice of the alleged violation. Such a rule weighs too heavily in favor of the neighboring landowners and gives the permit holder no finality or assurance. For example, assume a developer submits a building permit application. During the municipality's review of the application, a question arises regarding the proper application of a zoning ordinance. The municipality reviews the ordinance and interprets it in a way that allows the structure to be built as proposed in the application. Accordingly, a building permit is issued. The developer, who may not even be aware that a question arose during the permit review process, then expends substantial sums of money constructing the building. As construction is nearing completion, a neighboring landowner notices that the building looks too tall. The neighbor then goes down to city hall, reviews the permit application, and discovers that under an alternative interpretation of the ordinance, the building exceeds the height restriction. Allowing the neighbor to appeal the issuance of the building permit at this point would be unfair because the neighbor had all of the information necessary to mount an appeal--notice of the permit's issuance and the information contained in the permit application--months earlier, before the developer spent a substantial amount of money in reliance on the building permit.

¶34 We therefore conclude that the better rule is the rule we adopt in this case--that the appeal period begins when the neighboring landowners receive actual or constructive notice of

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[41] Hardy v. Zoning Bd. of Review, 321 A.2d 289, 292 (R.I. 1974).

[42] Id.

[43] State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment, 388 N.W.2d 593, 599 (Wisc. 1986).

the permit's issuance. This rule places on the permit holder the responsibility of providing notice of the permit's issuance, whether it be by beginning construction or by some other means. And, once notice is given, the rule places on the neighboring landowners the responsibility of reviewing the available information to determine if they want to appeal the permit's issuance. This rule balances the interests of the parties by assuring that the neighboring landowners have notice of the permit and an opportunity to appeal, while giving the permit holder assurance of the permit's finality and reliability.

¶35 We also reject the Foxes' proposed rule because it conflicts with another well-established rule in Utah: the doctrine of zoning estoppel. This doctrine

> estops a government entity from exercising its zoning powers to prohibit a proposed land use when a property owner, relying reasonably and in good faith on some governmental act or omission, has made a substantial change in position or incurred such extensive obligations or expenses that it would be highly inequitable to deprive the owner of his right to complete his proposed development.[44]

To invoke the doctrine of zoning estoppel, the municipality "must have committed an act or omission upon which the developer could rely in good faith in making substantial changes in position or incurring extensive expenses. The action upon which the developer claims reliance must be of a clear, definite and affirmative nature."[45]

¶36 A building permit that is applied for and issued in good faith is clearly an affirmative action of the municipality upon which a developer should be able to rely. If a building permit is issued based on a municipality's interpretation of the applicable zoning ordinances, the municipality would be estopped from later asserting a different interpretation and attempting to revoke the permit after the permit holder has incurred extensive expense in reliance on the permit.

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[44] W. Land Equities, Inc. v. City of Logan, 617 P.2d 388, 391 (Utah 1980).

[45] Utah County v. Young, 615 P.2d 1265, 1267 (Utah 1980).

¶37 Using the hypothetical above, the municipality would most likely be estopped from revoking the permit, even if the neighbor was allowed to appeal the issuance of the building permit when the building reached a height that alerted the neighbor to the potential height violation. The municipality would be estopped because the developer reasonably and in good faith incurred extensive expenses in reliance on the building permit, and it would be inequitable to deny the developer the right to finish construction of the building pursuant to the permit.

¶38 In summary, the Foxes' proposed rule that the appeal period begins when the aggrieved party receives actual notice of the violation would lead to a situation where the party has a right (the right to appeal the permit's issuance) without a remedy (the power of the city to revoke the permit). Because it is illogical to adopt a rule that provides a right without a remedy, we reject the Foxes' proposed rule.

V. THE FOXES' NOTICE OF APPEAL WAS UNTIMELY

¶39 Having articulated the rule regarding when the ten-day appeal period begins, we now apply the rule to the facts of this case and determine that the Foxes' notice of appeal was untimely.

¶40 Construction on the Subject Property began in the fall of 2005. This construction was readily visible to surrounding landowners. Indeed, Mr. Fox testified in a deposition that he saw construction activities taking place on the Subject Property in the fall of 2005. Although the exact date construction began is not entirely clear from the record,[46] there is no arguable dispute that the Foxes' notice of appeal was filed more than ten days after construction began.[47]

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[46] Although the exact date construction began is not apparent from the record, we do know that it was prior to September 13, 2005, because the footings were inspected on that date.

[47] On appeal to this court, Park City contends that the Foxes' January 19 notice of appeal was incomplete because it was not accompanied by the required filing fee. Park City argues that the notice of appeal was not complete until the filing fee was paid on May 11 and, therefore, asks us to use May 11 as the effective date of the notice of appeal. We need not address Park City's argument because the Foxes' notice of appeal was untimely even if we use January 19 as the effective date.

¶41 Additionally, the facts forming the basis for the Foxes' appeal were contained in the permit application. Indeed, Mr. Fox testified in his deposition that "from my review of the plans [on file with Park City], it appeared that the buildings were going to exceed Park City's height restriction."

¶42 Thus, the Foxes had notice that a building permit had been issued in the fall of 2005 when construction began. And the Foxes were charged with notice of the facts forming the basis for their appeal because they were contained in the permit application. Accordingly, the ten-day appeal period began when construction began, and the Foxes did not file their appeal within this time limit. Their notice of appeal was therefore untimely.

CONCLUSION

¶43 The district court correctly dismissed the Foxes' petition for review because their notice of appeal was untimely. Affirmed.

¶44 Chief Justice Durham, Associate Chief Justice Durrant, Justice Wilkins, and Judge Greenwood concur in Justice Parrish's opinion.

¶45 Justice Nehring does not participate herein; Utah Court of Appeals Judge Pamela T. Greenwood sat.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 28, 1993

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, January 28, 1993.

A G E N D A

Work Session

3:15 p.m. Council questions and comments
3:30 p.m. Review of regular meeting
- Plat approvals
- Town Lift Project Design Task Force
- North Silver Lake appeal

4:00 p.m. Meeting with School Board

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JANUARY 7, 1993

IV REPORTS FROM COMMISSIONS AND BOARDS

V COMMUNICATIONS FROM COUNCIL AND STAFF

VI CONSENT AGENDA

1. Approval of final plat for Thaynes #5 Subdivision
2. Approval of final plat for Willow Ranch Subdivision
3. Approval of Resolution reestablishing the Town Lift Project Design Task Force
4. Final plat for North Silver Lake Subdivision

VII RESIGNATIONS AND APPOINTMENTS

Appointment of Ruth Gezelius as the City Council liaison to the Town Lift Project Design Task Force

VIII ADJOURNMENT

Posted: 1/26/93 noon
Resposted: 1/27/93 3 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 28, 1993

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6:10 p.m. at the Marsac Municipal Building on Thursday, January 28, 1993. Members in attendance were Sally Elliott, Ruth Gezelius, Roger Harlan, Bob Richer, and Brad Olch. Leslie Miller was excused. Staff present were Toby Ross, City Manager; and Suzanne McIntyre, Senior Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF JANUARY 7, 1993

Ruth Gezelius, "I move approval as presented". Bob Richer seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IV REPORTS FROM COMMISSIONS AND BOARDS

Suzannne McIntyre reported on the Planning Commission meeting of January 27, 1993, minutes of which can be obtained in the Planning Department. Roger Harlan expressed his concern that the North Horse affordable housing project provide a quality playground for residents of the project.

Bob Richer requested that the Planning Commission prioritize capital improvement projects during its review on February 10. Rick Lewis added that a public input meeting will be held in March on both the budget and capital improvements.

V COMMUNICATIONS FROM COUNCIL AND STAFF

Bob Richer perceives that the quarterly employee recognition award program has fallen behind. The demands on the Personnel Director were explained and Mr. Richer suggested that maybe it needs to be rethought or tied into a customer satisfaction service program.

VI CONSENT AGENDA

Ruth Gezelius, "I move that we remove Items 1 and 2 to New Business for the purpose of adding additional conditions". Sally Elliott seconded. Motion carried.

Ruth Gezelius, "I move approval of Consent Agenda Items 3 and 4". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

1. Approval of final plat for Thaynes #5 Subdivision - and

2. Approval of final lat for Willow Ranch Subdivision - See New Business.

3. Approval of Resolution reestablishing the Town Lift Project Design Task Force - A resolution has been drafted for Council approval which reappoints the Town Lift Design Review Task Force. All members of the HDC will be appointed as well as two members from the Planning Commission. The City Council appointment is an ex-officio, non-voting member. The resolution specifies the area of authority. The Task Force has been reviewing all projects within the vicinity of the Town Lift and the resolution now makes that clear.

4. Final plat for North Silver Lake Subdivision -

I. PROJECT STATISTICS:

Applicant:	Deer Valley Resort Company
Project Address:	Parcel B, North Silver Lake MPD (Across Silver Lake Dr. from Belleterre Subdivision)
Request:	Subdivision of Parcel B
Zoning:	RD-MPD
Parcel Size:	4.64 acres
Adjacent Land Uses:	SF & proposed MF; DV Ski Area
Date of Application:	October 2, 1992
Date of Staff Report:	December 9, 1992
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	**APPROVE**

II. BACKGROUND INFORMATION:

Please refer to the attached Staff Report on the Bellevue MPD which explains the background of the North Silver Lake MPD and the

reasons for the subdivision of Parcel B. The subdivision has a separate applicant and separate conditions of approval, so for ease of review, the staff reports have been separated.

III. PUBLIC INPUT STATEMENT:

The property was posted and legal notice sent and as of December 7, 1992 no input has been received.

IV. STAFF RECOMMENDATION:

The Planning staff has found that the proposed subdivision of North Silver Lake MPD Parcel B is consistent with the North Silver Lake MPD and the Park City Land Management Code and therefore recommends **APPROVAL** of the request for subdivision with the following conditions:

1. Prior to plat recordation, the plat shall have been reviewed and approved by the City Council, City Engineer, City Attorney, and Planning staff.

2. The project shall comply with all standard City requirements.

V. PLANNING COMMISSION ACTION:

The Planning Commission approved the Bellevue MPD on December 16, 1992 with the following additional condition:

3. The trails will be shown on the plat as approved by the City staff, to be consistent with the SEP and the Trails Master Plan.

VII NEW BUSINESS

1. Approval of final plat for Thaynes #5 Subdivision - Ruth Gezelius, "I move that we approve the final plat for Thaynes #5 Subdivision with the condition outlined by Nora upstairs in the work session referencing the requirement for installation of an asphalt surface trail with the security condition she outlined in the discussion upstairs". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

BACKGROUND INFORMATION:

Thaynes Canyon No. 5, a 4-Lot single family subdivision, received final plat approval from the Planning Commission on January 13, 1993. Unfortunately, a trails plan was not discussed or included as part of the conditions of approval. Responding to concerns expressed by City Landscape Architect Jennifer Harrington, the staff has prepared a recommendation to address this issue.

The Trails Master Plan recommends an 8 foot asphalt trail with 2 feet of wood chips in this location. A 15 foot dedicated access easement would be required to accommodate the trail and setback area. The City presently owns 11 feet of right-of-way between the parcel property line and edge of curb.

RECOMMENDATION:

Revised Conditions of Approval for Thaynes Canyon No. 5, Request for Final Plat Approval for a 4-Lot Subdivision -

1. The applicant shall comply with the Standard City Conditions of Approval.

2. The final plat shall include information on the following items:

   a. Maximum house sizes not to exceed 4,000 square feet plus a 600 square feet garage allowance.
   b. A separate recorded sheet designating landscaping standards for Lot 1 and a portion of Lot 2 which shall be the responsibility of the individual property owner and shall be required to be complied with at the time of building construction.
   c. A notation warning of the danger from errant golf balls and that structures built on the lots must be designed to reduce the impacts and danger from golf balls.

3. Prior to plat recordation, the plat shall have been reviewed and approved by the City Council, City Attorney, and City Engineer.

4. Prior to building permit issuance, a site specific landscape plan and security shall be required for Lots 1 and 2. The landscaping shall be required to be in place prior to final certificate of occupancy.

5. The developers shall install an eight-foot wide asphalt trail along Three Kings Drive and adjacent to the curb. A 15-foot dedicated access easement will be required from the easterly edge of the eight-foot asphalt trail and shall be shown on the plat. The trail shall be installed by the developer prior to the issuance of the first building permit in the subdivision.

A note to this effect shall be placed on the plat. Prior to plat recordation, a security will be posted with the City to guarantee installation of the trail improvements.

2. Approval of final plat for Willow Ranch Subdivision - Ruth Gezelius, "I move approval of the final plat for the Willow Ranch Subdivision with the conditions outlined under the staff recommendation 1 through 6 adding condition No. 7 which would require sidewalks to City standards along Meadow Creek Drive to the cul-de-sac and Condition No. 8 regarding the condition that the Planning Commission added on accessory apartments would be limited to the dwelling units on Lots No. 1, 2, 6 and 7 only with the revisions in the language as specified by the Planning Commission on size, parking and other considerations with the addition that the requirement that the accessory apartments be accessed by the same entrance as the owner of the house uses". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

I. PROJECT STATISTICS:

Applicant:	Jeff Graham for Jack Johnson Co.
Project Address:	State Hwy. 224, north of McLeod Creek Sub. and south of Ridgeview
Request:	Final Plat of 7-lot subdivision
Zoning:	SF and ROS
Adjacent Land Uses:	SF Residential and open space
Date of Application:	September 8, 1992
Date of Staff Report:	January 22, 1993
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	APPROVE

II. BACKGROUND INFORMATION:

This is the final plat for the parcel known as the Peterson Annexation which was annexed into the City at the end of 1992.

III. PROJECT DESCRIPTION:

The property is proposed to be developed as 7 single family lots, 4 of which will be large equestrian lots with stables and pasture areas. The development has been designed to avoid the high value wetlands and to minimize impacts on other wetlands by locating the houses and barns on the upland areas of the site. There will be 2.7

acres of wetlands disturbed by development which will be mitigated by the provision of 22.3 acres of wildlife habitat and preservation corridors. Those areas will be fenced to prohibit grazing and access and irrigated to allow the natural vegetation to be re-established. The developers intend to start construction in Spring of 1993.

IV. ISSUES FOR DISCUSSION:

House Size. At the last Planning Commission meeting the staff presented 4 issues for discussion: house sizes, trails, accessory apartments (employee housing), and grazing in the northeast corner of the site. All the issues were resolved with the exception of house sizes. The applicant provided a comparison with the McLeod Creek subdivision and it appears that the houses are generally in the range of 2600-3400 sf on lots which are 13,000-16,000 sf. The 3 smaller lots in Willow Ranch average 33,000 sf and the houses are proposed to be 4000 sf. The lots in Willow Ranch are much larger than the neighboring lots but with the accompanying wall height and mass restrictions, will appear to be in a comparable range.

Accessory Apartments (Employee Units). It is worth noting that on the issue of accessory apartments, the language in the CC&Rs is being revised to allow them on the large lots as long as they are incorporated into the main building envelope and are not rented on a nightly basis. Rental rates and size restrictions are not being included but are left up to the individual property owner. A statement is also being included as to the intent of the City and developer in allowing them as affordable employee housing for caretakers or other employees.

Grazing in the Northeast Corner of the Site. Additional language shall be included in the animal management plan to address the issues of pasture rotation and fencing in the northeast corner. Grazing is permitted but must be carefully monitored.

Trails. The Planning Commission recommendation on the trail locations will be presented to the City Council along with the recommendation of City Landscape Architect Jennifer Harrington.

Revegetation of Disturbed Areas. City Engineer Eric DeHaan has expressed concern over the revegetation of areas disturbed by infrastructure construction and has requested an additional condition on the approval. Mr. DeHaan is generally comfortable with the utility plan but has also added a condition in the event that final approval from the utility companies is not forthcoming. Location of drainage easements has also not been finalized and will be required before plat recordation.

V. PUBLIC INPUT STATEMENT: The property was posted and legal notice sent and as of January 22, 1993 additional input has been received from:

Mike Watts, adjacent property owner in Ridgeview Subdivision, who expressed his concern that the northeast corner of the site be carefully maintained to prevent overgrazing due to the location of the stream in this area.

VI. STAFF RECOMMENDATION: The Planning Staff recommends the approval the final plat for the Willow Ranch 7 Lot Single Family Subdivision with the following conditions:

1. Information shall be included on the plat regarding the following:
   house and barn building pads, sizes and heights
   wildlife corridors
   fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

VIII RESIGNATIONS AND APPOINTMENTS

Appointment of Ruth Gezelius as the City Council liaison to the Town Lift Project Design Task Force - The Mayor requested a motion to approve. Bob Richer, "I so move". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH
CORPORATE Seal
MARCH 1, 1884

Janet M. Scott
Deputy City Recorder

PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
JANUARY 28, 1993

Present: **Mayor Brad Olch, Sally Elliott, Ruth Gezelius, Roger Harlan, Bob Richer, Toby Ross, Frank Bell, Nora Seltenrich, Susan McIntyre, Bob Johnston, Rick Lewis**

School District Board Members: Patty Casale, Gene Lambert, Niki Lowry, David Chaplin, Don Johnson; Acting Superintendent Burke Jolley, Principal Mike Andrews, Bill Kahn

Absent: **Leslie Miller**

1. **Council questions and comments.** Sally Elliott noted the positive comments she has received regarding snow removal and the one-way on Main Street. She advised Council of the Courchevel student exchange which will occur July 26 to August 28. Middle School teacher Annie Schneider will be receiving an award for her efforts on the wetland program. This will be given on Thursday at 10 a.m. at the Middle School.

2. **Review of regular meeting.** Amendments to the plat approvals were discussed. See revised conditions in the regular meeting minutes.

3. **Meeting with School Board.** Toby Ross explained that the lease agreement was prompted by the request by the District to waive water fees, which was granted. The features of the agreement provide that the City will maintain fields at a cost of $40,000 per year and spend $1 million in capital improvements over ten years. The District in turn must provide reasonable access of the gymnasium and fields and must make reservations in advance as the City schedules activities. Additionally, the School District pays for janitorial services and utilities.

Bob Johnston discussed the process for the fields master plan which included representatives from the City, District and neighborhood, resulting in a compromise of all those involved. There were also a series of public meetings and 75% of the work on Area #3 is completed. Mr. Johnston, through illustration of renderings, pointed out Area #1, #2 and #3 of the master plan. Bill Kahn of the School District discussed the addition to the high school and the need to accommodate a playground for McPolin Elementary in Area #1. He emphasized the importance of the City providing a playground for McPolin as a part of the fields plan.

Bob Johnston then discussed the City's lack of access to the District fields and identified scheduling demands of the District as a major operational problem. Additionally, the District often requests changes in the scheduling. He encouraged the District and Council members to evaluate the fields lease agreement and determine if it is a workable and worthwhile

commitment for all concerned. He added that the County is another critical player in providing recreation for its constituency and stated that the bonding for a recreation complex has been delayed. Participation by County residents in City recreation programs is as high as 60% which is significant.

Roger Harlan suggested that the Board members representing County residents put pressure on the County Commissioners or limit participation of County children in programs. Bob Johnston explained that the lease agreement specifies that the City cannot discriminate as long as a program is being held on a school field. However, there can be differential fees. He added that implementation of the master plan was never intended to be the solution to all recreation demands and that is why the County complex is so important. At this point, the master plan is estimated to cost between $2.5 to $3 million to build.

Gene Lambert stated his support of a joint use agreement as it benefits taxpayers and expressed confusion over conflicts between the District and City. Toby Ross commented that the playground is not part of the master plan and the encroachment on Area #1 will limit the field space available for City recreation programs.

Principal Mike Andrews relayed that scheduling problems occur because the schools don't have complete control as the region sets game schedules and took exception to the City's charge that there is poor communication on the District's part. The Mayor felt that there could be a set schedule for practices and suggested that the football field be used for team practices. Ruth Gezelius asked if the District needed it all?; if there are no facilities left for the City, the City's investment is not worth it. Sally Elliott discussed the many changes to the fields master plan and Bob Richer explained the frustration in not having a District representative who handles recreation and is accountable for decisions. Bob Johnston noted the merit of reestablishing the joint use committee. Patty Casale felt that if the current lease agreement is discarded that discussing an alternative is important. Burke Jolley relayed that cooperation between the City and the District was better before the agreement was executed. Ruth Gezelius felt that the District could be a lot more creative in designing facilities and campus areas. Don Johnson stated that a central person could be selected by the District to help straighten out the scheduling problems. He continued that this is the first time he has seen the school plan for Area #1 and felt it reasonable to open up the use of the football field. Ruth Gezelius noted that year-round schools need to be addressed in a revised document and Bob Richer felt that the whole agreement needed to be rethought.

Gene Lambert reiterated his desire to have a joint use program work. David Chaplin stated his surprise at the intensity of the City Council. School District members endorsed Burke Jolley as Acting Superintendent and supported his negotiating authority with the City Manager. Gene Lambert again asked what the specific conflicts are regarding the lease agreement. The City Manager responded that the scheduling can be worked out. He added that the lease agreement may not need to be amended, however the expectations of the City and the District need to be clearly identified. For instance, the construction of the playground may cost $600,000 to $700,000. It is not a requirement of the agreement, but is an expectation of the District. The playground not only does not relate to the City's needs, but would result in a net reduction of area for fields in Area #1. The Racquet Club and the football field are also facilities not addressed in the agreement.

Rick Lewis, Community Development Director, discussed the general plan recently adopted by the County which provides for a concurrency plan with regard to schools. Concurrency is not a new concept with regard to city and county services, but it is with regard to schools. He emphasized that the growth of single family homes is 4:1 in the County and encouraged the School Board members to think about a priority program when the concurrency program is implemented by the County. Mr. Lewis suggested that perhaps condominiums or a mix of condos and single family would have less demand than total single family project and offered his department's assistance in arriving at a formula that the District could suggest to the County in rating the impacts of a project on schools.

The City Council and Board of Education scheduled a social at Sneakers on Monday, February 22 6:30 p.m.

Prepared by Janet M. Scott

BOARD OF ADJUSTMENT
FEBRUARY 8, 2021

WILLOW RANCH SUBDIVISION
PLAT/ ORDINANCE VIOLATIONS
LOT 4 SAUNA PERMT APPPLICANT(S)
PARK CITY MUNICIPAL CORPORATION

1. **THE PIVOTAL QUESTION**
   - Exhibit "A" – CC&Rs Exhibit "F"
   - Exhibit "G" 1993 Plat Enlargement

2. **APPEAL OF VIOLATIONS COMPLAINT DECISION**
   - Exhibit "B" - Notice of Violations – 11/10/2
   - Exhibit "C" - City Response to Notice of Violation - 12/21/21

3. **PETERSON ESTATE ANNEXATION -- WILLOW RANCH MPD APPROVAL**

   - Exhibit "D" 12/2/92 Planning Commission Recommendations to Council and Notice of Planning Commission Action - 12/15/92
   - Exhibit "E" – Richard Dudley Letter of Intent (Large Font)
   - Exhibit "E1" – Richard Dudley Letter of Intent (Executed)
   - Exhibit "F" – 1992 LMC – MPD Chapter 10.9 (k)
   - Exhibit "G" – 1993 Plat Enlargement

4. **DECLARATION – COVENANTS, CONDITIONS, RESTRICTIONS**
   - Exhibit "H" – Staff Report - Ordinance 2021-20 (Cross-Reference)

5. **PARK CITY BUILDING PERMIT PROCESS - LOT 4 – SAUNA BUILDING**
   - Exhibit "I" - Opinion of Rationale… and Response (embedded)
   - Exhibit "J" – Applicant – HOA Violations

6. **REFERENCE DOCUMENTS AND MISC.**
   - Exhibit X – Willow Ranch 1993 Plat
   - Exhibit X1 - 1992 Land Management Code
   - Exhibit X2 - Willow Ranch Subdivision CC&Rs

SECTION 1. THE PIVOTAL QUESTION

Question - What is the meaning of the setback lines illustrated on Lots 3, 4, and 5 of the Willow Ranch Subdivision Plat, which is an Ordinance approved by the City Council?

Answer - Planning Director – "Lot 4 includes arrows showing what staff interprets to be setbacks for the Single-Family Dwelling constructed on the site."

Response to Director *Correct – According to the sources below, the setback lines also designate Limits of Disturbance. Outside of this setback area is "Natural Area" where no other buildings are permitted. The Director made the determination of a very critical and consequential meaning as a matter of* ***expedience*** *without diligent research and in error.*

Actions - Non-Actions by Planning Director – The Director has refused to reference and accept any and all relevant documents that provide the definitive and intended meaning of the setback lines which supersede LMC Estate District exception provisions.

Answer - Complainant – The purpose of the setback lines are to define the "Limits of Disturbance Area" for construction of any Improvement and are in compliance and consistent with:

- "C – Zoning" and Sketch Plat Exhibit "A", Planning Commission Recommendation, December 2, 1992 and approved by City Council - December 17, 1992

- Richard Dudley, developer/declarant - Letter expressly affirming that setbacks are the Limits of Disturbance, January 25, 2022

- CC&Rs Exhibit "F" – This Exhibit serves "NOTICE" to HOA/Lot owners (and all others) that the "Limits of Disturbance Area" for Lots 3, 4 and 5 is "per set backs" as illustrated on the Plat.

- 1992 LMC Chapter 10.9(k), MASTER PLAN DEVELOPMENTS - "Limits of disturbance or building pad lines **must be designated** for all new Master Plan Developments…" Logic would suggest the setback lines on the Plat are in compliance with this mandate.

- Planning staff's email on 8/17/2020 recognizing the "Limits of Disturbance Area" on the Plat. What prompted the decision that setback lines were not the "LODA"?

EXHIBIT “A” TO THIS DOCUMENT - CC&Rs Exhibit “F”

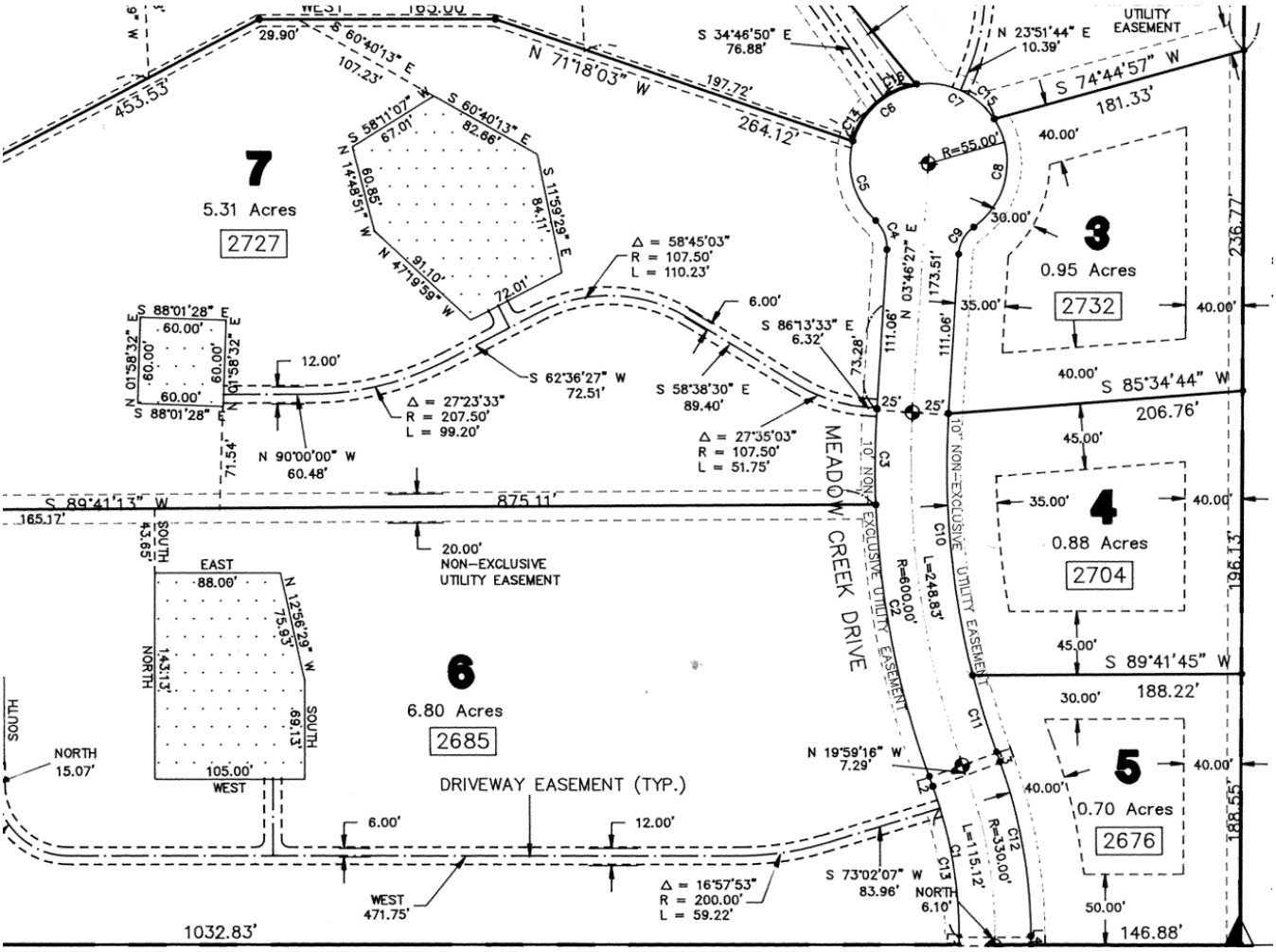
SEE SECTION 4 OF THIS DOCUMENT - DISCUSSION - DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

EXHIBIT "G" TO THIS DOCUMENT – PLAT ENLARGEMENT - WILLOW RANCH SUBDIVISION PLAT – RECORDED FEBRUARY 26, 1993



SECTION 2. APPEAL OF VIOLATIONS COMPLAINT DECISION

After several meetings with City staff and elected officials and providing what I believe to be the facts and seeking resolution, on November 10, 2021, as suggested by the City a few days earlier, I submitted a Violations Complaint regarding the improper permitting and construction of a sauna building on Willow Ranch Lot 4. On December 21, 2021, Dave Thacker responded with the City's decision regarding the Complaint. **See Exhibit "B" Permit Violation Complaint and Exhibit "C" 2704 Willow Creek… (City Response).**

The Complaint decision by the City is now being appealed. I am petitioning the Board of Adjustment and/or the Planning Commission. The Complaint includes a violation by the Park City Municipal Corporation for its failure to enforce, among other violations, the restrictive "Limits of Disturbance Area" provisions of the Willow Ranch Plat, an Ordinance.

Violation No.1 –Owner Violated Permit Condition of Approval #1.

Mr. Thacker's statements regarding the square footage of buildings on Lot 4 are unsubstantiated. It is likely impossible for the applicant to comply with the explicit #1 Condition of Approval of total buildings being less than 4,400 sq. ft. Public tax records show a finished "Living Area" of 4,502 sq. ft. An additional "Attached/Built-in Garage Area" of 912 sq. ft. (less 600 sq. ft. as per CC&R/City exclusion) is an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted by Ordinance. There is no mention of the City requiring or anyone performing a certified measurement to support the City's conclusion of compliance. It appears that the 4,400 sq. ft. maximum provision of the Plat is not being enforced, a violation of the Plat.

Violation No. 2- Process Violations; and
Violation No. 3 - Construction outside the LODA without a Variance/Plat Amendment

Mr. Thacker's one-page letter report appears to be incomplete and unresponsive. Mr. Thacker did not provide copies of reports, emails, and/or discussions with peer reviewers as the City Manager claimed by phone. The Report does not address the process violations of the Plat/Ordinance by both the Applicant and the City. There is no evidence that the City's investigation was more than the planning department's affirmations of its

incorrect conclusion that the Plat setbacks on Lots 3, 4, and 5 serve only as the Estate District "Single-Family dwelling" site with exceptions available for accessory buildings. There is no evidence that the investigative team researched the 1992/93 Master Plan Development approval documents, including minutes, staff reports, planning memorandum, and recommendations to determine the intent of the original Plat's development restrictions. There is no evidence that the investigative team opened and reviewed the CC&Rs to ascertain definitions and description. In fact, City planners should have begun research on this question when the issue was first raised on August 17, 2020 by a staff member. Apparently, no diligent research has been performed by the City planners nor the investigative team, whomever they may be.

To provide the City departments an opportunity to provide the documentation that would seemingly be required as a result of any investigating, I filed GRAMA request GR-22-0113.2 on January 11th. On January 18, I received a response stating "No documents found" along with 14 pages of State code citations indicating there might be documents but not available to me. I questioned Matt Dias of this and he said he would look into it. On January 20th Matt responded:

"Staff has completed their compilation of the info you requested. It's with me. I'm going to review this evening and forward."

On January 21, David Everett, Assistant City Manager, responded:

"Subsequently, we re-reviewed our process with both Planning and Building, and I can confirm to you that there are no records that are responsive to your request. Upon your request, an additional review of the permit approval for the sauna was conducted for 2704 Meadow Creek Drive based upon existing city files, which included documents submitted to the city for review of the permit and the materials which you subsequently provided. There were not any new reports or records created associated with this enforcement review. Chief Building Official Dave Thacker drafted his response to you to confirm the findings of the review."

For the record, my Violations Complaint was not asking for the review of existing City approval documents and process. My Complaint required the City to investigate and research other documents for confirmation of the violations. I located the documents. Why did staff not even seek them? A proper investigation **did not** occur.

The Applicants are relying on a purported HOA Committee and Building Department approval for construction which should not have been granted because it violates "Limits of Disturbance Area" illustrated on the Plat, an Ordinance. The "Limits of Disturbance

Area" is defined by the Plat setbacks as confirmed by Exhibit "F" of the CC&Rs. Neither the Applicant nor the HOA has provided a Certificate of Approval indicating compliance with Article 3.3 of the CC&Rs which requires City approval and a Plat Amendment.

My neighbor, Frode Jensen, and I met with the Applicant on 1/21/22 to discuss the issue. He said he was surprised at the notice from the City of the Complaint and hearing with the BOA and could not understand what he may have done wrong. He had not been contacted by anyone or provided any documents from the City regarding my 11/10/21Violations Complaint. He said he signed something with Will Lange, the President of the HOA, but was not sure what it was. He did not know if he had received HOA Certificate of Approval and did not volunteer any documents.

The City Planning Director interprets the setback lines illustrated on lots 3, 4, and 5 on the Plat as the area for a home with potential exceptions for improvements outside of them. As admitted in a statement of "Opinion" (Exhibit "I" to this document), Staff applied the LMC Estate District setback exceptions 15-2.10-3 E 6 and F 9 to the sauna approval process. The Director is mistaken in her belief that the setback lines illustrated on the Plat are not the operative "Limits of Disturbance Area" superseding the Estate District exceptions. Among other things, she questions why lots 3, 4 and 5 are not labeled "Building Pad" on the Legend/Notes. In 1992, the term "Building Pad" may be the anomaly…setbacks lines may be the more common and obvious method to designate "Limits of Disturbance". According to 1992 LMC -10.9 k and 15.4 (Exhibit "F" to this document), either form is acceptable to designate the "Limits of Disturbance Area" on a Plat.

The Director's interpretation and application of exceptions to the setbacks is unsupported by the controlling documents. The "Limits of Disturbance Area" illustrated on the Plat and confirmed by Exhibit "F" of the CC&Rs (Exhibit "A" to this document) are defined by the setback lines on the Plat. This was and is the pivotal question that requires further investigation and acceptance by the City.

On August 17, 2020, a staff member correctly recognized and acknowledged the setbacks as the Code-mandated "Limits of Disturbance Area" designation. She described them as the "first hurdle" to overcome for any legal construction on Lot 4.

Permitting Process - Lot 4 Sauna

HW

Heather Wasden

To Crystal Kaufman

Was Ms. Kaufman copied with the Plat and the content of the email and did she forward to anyone?

Mon 1:11 PM

Green Category

REC_-_Plats_-_Subdivision_Condominium_-_WILLOW_RANCH_SUB_Entry_#_374694__2-26-199...
1 MB

From: Heather Wasden <heather.wasden@parkcity.org>
Sent: Monday, August 17, 2020 4:25 PM
To: tpotasky@bdogbuilders.com
Subject: 2704 Meadow Creek Dr: accessory building

Todd,

As per our conversation I hit my first hurdle please see the attached plat and read through the details on it. There are restrictions on Limits of Disturbance and home square footages.

It is in the Estate Zone and you may read through the zone restrictions for Accessory structures as well.

Let me know if you other questions, there are more regulations that it would need to comply with like Wildland Urban Interface Code and Landscaping vegetation replacement, etc.

Willow Ranch Subdivision Plat Restrictions supersede provisions of Estate Zone Accessory structures.

Heather Wasden

Planning staff acknowledged in her 8/17/20 email that the setbacks were the Limits of Disturbance. The Director's (or whomever) decision that the setbacks **did not** define the Limits of Disturbance is **consequential**. In order to resolve any doubt, staff should have investigated other sources to verify the intended purpose.

- Review previous Plat amendment processes - Ordinance 2021-20;
- Reference Definitions and Exhibit "F" of the CC&Rs; and
- Diligently research the 1992 approval documents - Planning Commission Recommendation to Council – "C" Zoning

The platted restrictions are applicable to *any current and all future development* in Willow Ranch. The Planning Department has no authority to disregard or modify the legally binding setbacks illustrating the "Limits of Disturbance Area" on the Plat, an Ordinance. Only the Council is authorized and obligated to amend and enforce the Plat.

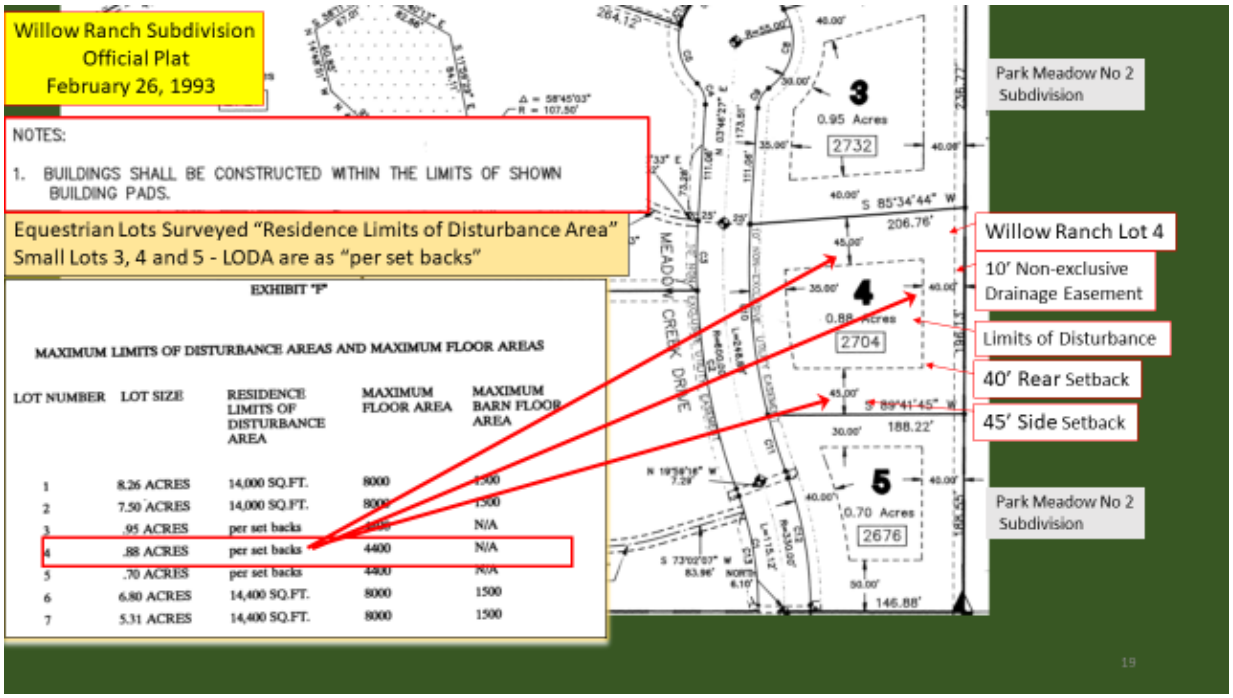
Article 3.3 of the CC&Rs and Utah law provide as follows:

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

Ordinance. Any legislative action, however denominated, of the City Council of Park City which has the force of law, including any amendment or repeal of any ordinance.

"The Utah Office of the Property Rights Ombudsman has determined that a local government has no authority to disregard the mandatory and required provisions of local law."

*"A municipality is bound by the terms and standards of applicable land use regulations and **shall comply** with mandatory provisions of those regulations." Utah Code Ann. § 10-9a-509.*


Willow Ranch Subdivision
Official Plat
February 26, 1993
NOTES:
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"
EXHIBIT "F"
MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS
LOT NUMBER | LOT SIZE | RESIDENCE LIMITS OF DISTURBANCE AREA | MAXIMUM FLOOR AREA | MAXIMUM BARN FLOOR AREA
1 | 8.26 ACRES | 14,000 SQ.FT. | 8000 | 1500
2 | 7.50 ACRES | 14,000 SQ.FT. | 8000 | 1500
3 | .95 ACRES | per set backs | 4400 | N/A
4 | .88 ACRES | per set backs | 4400 | N/A
5 | .70 ACRES | per set backs | 4400 | N/A
6 | 6.80 ACRES | 14,400 SQ.FT. | 8000 | 1500
7 | 5.31 ACRES | 14,400 SQ.FT. | 8000 | 1500
3
0.95 Acres
2732
4
0.88 Acres
2704
5
0.70 Acres
2676
S 85°34'44" W
206.76'
S 89°41'45" W
188.22'
146.88'
MEADOW CREEK DRIVE
Park Meadow No 2 Subdivision
Willow Ranch Lot 4
10' Non-exclusive Drainage Easement
Limits of Disturbance
40' Rear Setback
45' Side Setback
Park Meadow No 2 Subdivision
19

Proposed Pickleball Court
LODA
Lot 3
7
Improperly Permitted Sauna Building
Currently Under Construction
Outside "Limits of Disturbance Area"
Exceeding Maximum Building Area of 4,400 sq. ft.
Sauna
LODA
Lot 4
6
Meadow Creek Dr
© 2021 Europa Technologies
© 2021 Google

SECTION #3. PETERSON ESTATE ANNEXATION
WILLOW RANCH MASTER PLAN DEVELOPMENT APPROVAL – 1992/93

The Willow Ranch Subdivision is a unique development in Park City and environs. During the annexation and approval process in 1992, the Developer, the Planning Commission and City Council recognized that these sensitive lands replete with wetlands, wildlife and open space needed protections. Some of the key people involved in the MPD approval process are identified below:

CITY OFFICIALS AND APPLICANTS

City Council: Mayor Brad Olch, Bob Richer, Ruth Gezelius, Leslie Miller, Sally Elliot, Roger Harlan

Planning Commission: Chairman Bruce Ericksen, Chris Erickson, Alison Child, Joe Tesch, Dean Barrett, Ron Whaley, Fred Jones, Chuck Kingenstein-abstaining

City Staff:
Toby Ross – City Manager
Rick Lewis - Community Development Director
Jim Carter - City Attorney
Nora Seltenrich - Planning Director
Suzanne McIntyre - Senior Planner

DEVELOPERS/PLANNERS
Richard Dudley
Craig Masters
Blaine Glasmann
Jack Johnson Company - Planning/Engineering Firm
Jeff Graham – Project Manager

The Peterson Estate consisting of approximately seventy acres was wholly undeveloped and situated outside the city limits of Park City. A significant portion was extremely wet, characterized as swampy on an early map, and designated as wetlands subject to Army Corps of Engineers jurisdiction. The property straddled the SR 224 entry corridor, encompassed a historic railroad grade, and importantly, was surrounded by three adjacent subdivisions – Ridgeview, McCloud Creek, and the Park Meadows. It was clear that any development (then and now) would impact each of these neighborhoods. At the time, there was a fair amount of opposition to any kind of traditional single family residential development whatsoever on the site.

The City and the Developer recognized that critical issues must be addressed and resolved before the subdivision could be approved. Some of the land would be withdrawn from potential development and thus a conservation easement was agreed to. Willow Ranch was the first subdivision in Park City to impose/accept a conservation easement on the property. As a result, the City took over stewardship of a significant portion of Willow Ranch. The development was subject to and voluntarily complied with the City's newly-adopted Sensitive Lands Overlay Ordinance.

Residential development was conditioned upon maintaining as much of the property as possible as open space in its "Natural" condition. Willow Ranch was assigned Estate District MPD zoning primarily because this zoning fit with the developer's plan to establish/justify the density of 7-9 lots on 43 acres subject to physical constraints, minimum lot size of 3 acres, maximize open space, and other parameters. The MPD process allowed Lots 3, 4 and 5 (each less than one acre) to be clustered in the upland area with the residential building in very specific locations. The City and the Developer recognized that additional protections were required to be memorialized with binding effect in some fashion beyond the base LMC Estate zoning provisions.

Forgoing a development agreement, which cannot by law establish or amend zoning provisions, these restrictions were illustrated and noted on the Plat (Ordinance) and further confirmed in the CC&Rs. The restrictions include building pads and setbacks designating the **absolute "Limits of Disturbance Area" with no exceptions**. The Estate District exceptions provisions would have permitted additional Improvements and a variety of land uses in the "Natural Area" outside of the LODA. This threat is precisely what the City and Developer sought to eliminate. Development in the "Natural Areas" as defined by specific setbacks is strictly prohibited.

On December 2, 1992, Suzanne McIntyre (Senior Planner) authored the Planning Commission's Recommendation to City Council. It is apparent that planning staff and Planning Commission were aware of the LMC Estate Zone and the potential exception provisions allowing additional buildings. The following zoning provision supersedes all Estate zone exceptions. The Plat illustrations and Exhibit "F" of the CC&Rs are consistent with the City's specifically-stated intent of the MPD zoning. Below is an excerpt from EXHIBIT "D" to this document.

TO: Planning Commission
FROM: Suzanne McIntyre, Senior Planner SM
DATE: December 2, 1992
RE: The Peterson Property - Recommendation to City Council on Annexation and Zoning; Sketch Plat and MPD Approval

==========

C. Zoning:
The property will be zoned Estate and ROS. The entire development parcel (parcel D) will be zoned Estate with the understanding that the development will be limited to those areas shown on the master plan. The only exception is a small strip of ROS along Meadows Drive where the zone boundary will be set in compliance with the Sensitive Lands Ordinance 50 feet back from the edge of the stream. The balance of the property will be zoned ROS.

"The entire development parcel (Parcel D) will be zoned Estate with the understanding that development will be limited to those areas shown on the master plan."

In compliance with City Council's approval, and, as required by the MPD approval process outlined in the 1992 LMC Chapter 10.9 (k), the Sketch Plat and the recorded Plat designates the "Limits of Disturbance Area" for each Lot 1-7 either by setback lines or surveyed "Building Pads". Both indicators are addressed on Exhibit "F" of the CC&Rs. The Willow Ranch "Estate MPD" zoning is different from and supersedes the Estate District set back exception provisions.

On Lots 3, 4, and 5, the "Limits of Disturbance Areas" are designated by setbacks lines where lot boundary lines are in reasonable proximity. They are not the uniform 30 foot, rear and side yard setbacks as in the base LMC Estate District. The platted setbacks range from 30-50 feet and are specific to the sensitivity of each Lot and **surrounding neighborhoods.** Willow Ranch Lots 3, 4, and 5 have rear setbacks of 40 feet which is thought to have precluded major objections from the owners in the adjacent Park Meadows Subdivisions 1 and 2 due to adverse impacts to views and open space.

On the irregular-shaped, larger, equestrian lots 1, 2, 6 and 7, (each 5-7.5 acres), it is more practical to illustrate a "building pad" with the specific location determined in the field prior to construction. In subdivisions complying with a Sensitive Lands Ordinance such as Willow Ranch, the residential "building pad", driveways and the specifically-permitted barn "building pad" were surveyed to assure avoidance of wetlands, wildlife corridors, drainages and other sensitive areas. The Legend on the Plat distinguishes the type of building improvements - the residence and the barn.

Below is the (Master Plan) - Sketch Plat - MPD -Exhibit “A” approved by Planning Commission 12/2/92 and City Council 12/17/92. The official Plat was recorded on February 26, 1993 along with final CC&Rs

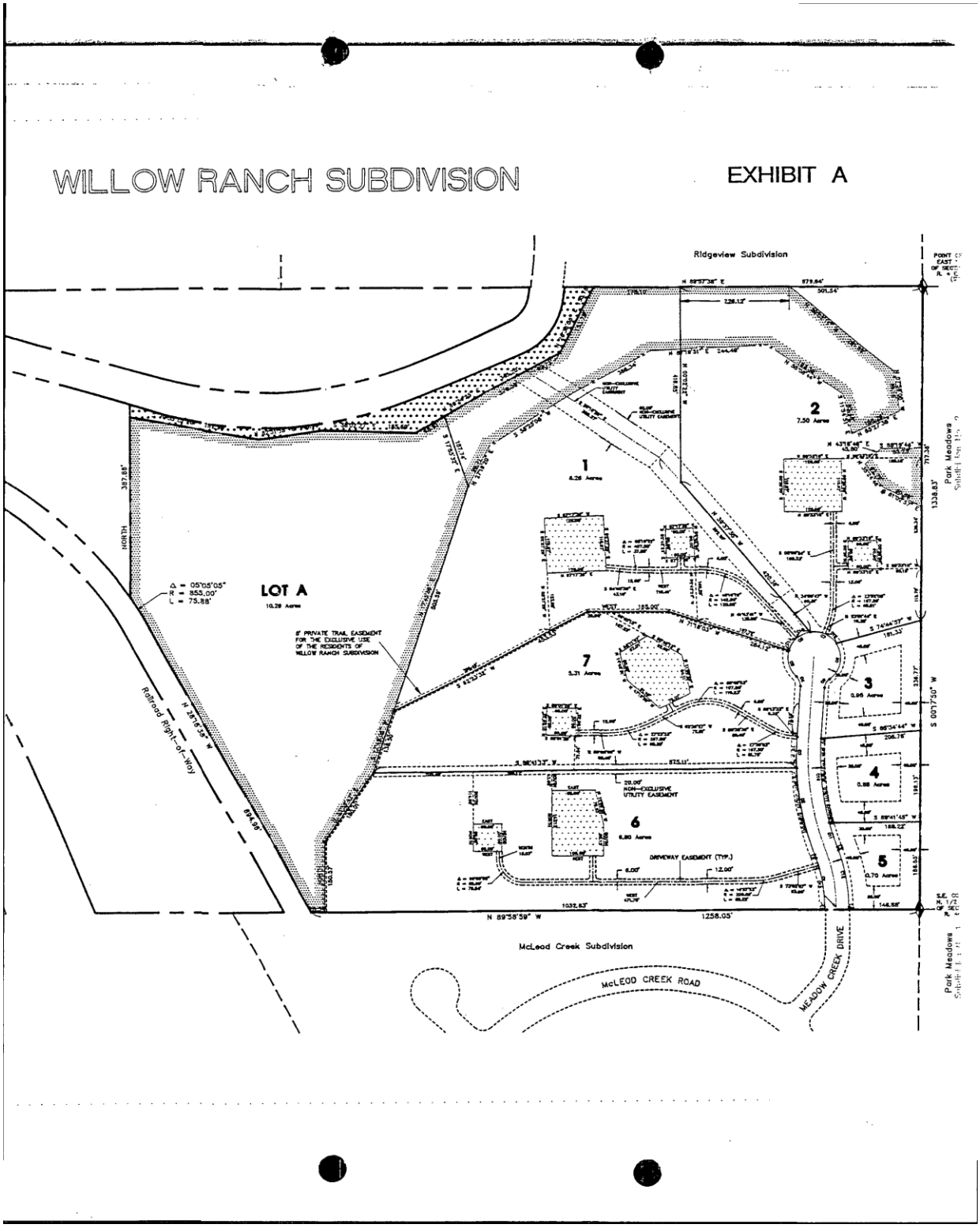


EXHIBIT "E" - Letter from Richard Dudley – Developer/Declarant on January 25, 2022

To Bob Theobald and City Officials,

Willow Ranch subdivision was a finely tuned real estate development whose PLAT AND CC&R's where **both** presented to the Park City staff and approval bodies at the time.

The "Ranch" lots 1, 2, 6 & 7 were considered more sensitive because they had some wetlands within the boundaries of the lots as they were being created AND they also were going to be allowed Barns (they were horse properties). Due to the lot sensitivities the Residence and Barn building pads were to be SURVEYED and placed according to the shaded areas prescribed on the plat. They were also very difficult to describe just using a given distance of setback from property lines. Lots 3, 4 and 5 were not equestrian, not wetlands sensitive and they were not suited to equestrian use.

As to why all the dots, dashes and shades and lines I can only assume they were used due to the call out of requiring survey for placement. Even driveways were specifically called out on the plat for each of the more sensitive equestrian or Ranch lots but for 3, 4 & 5 none was dictated.

We did however fully intend and thus designed each lot to have prescribed Limits Of Disturbance (LOD's) and for 3, 4 & 5 the easier description of a setback was all that was needed.

Please note that we as developers didn't invent LOD's… the City did, and we were comfortable with the Plat and the CC&R's and every reference to Limits of Disturbance as to the residence sizes we had agreed on and the barns.

Today, almost thirty years later, I'm proud of what was accomplished with the give and take negotiations with Park City and the permanent protection of Open Space we provided.

Richard Dudley
President
Willow Ranch Development

EXHIBIT "F" - 1992 LMC – CHAPTER 10 - MASTER PLAN DEVELOPMENT Section 10.9 k, (and Chapter 15.4)

A copy of the complete 1992 Land Management Code is proved as EXHIBIT "X1" to this document.

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the

10-12

building pad line. Access to the building pad should be along the planned driveway.

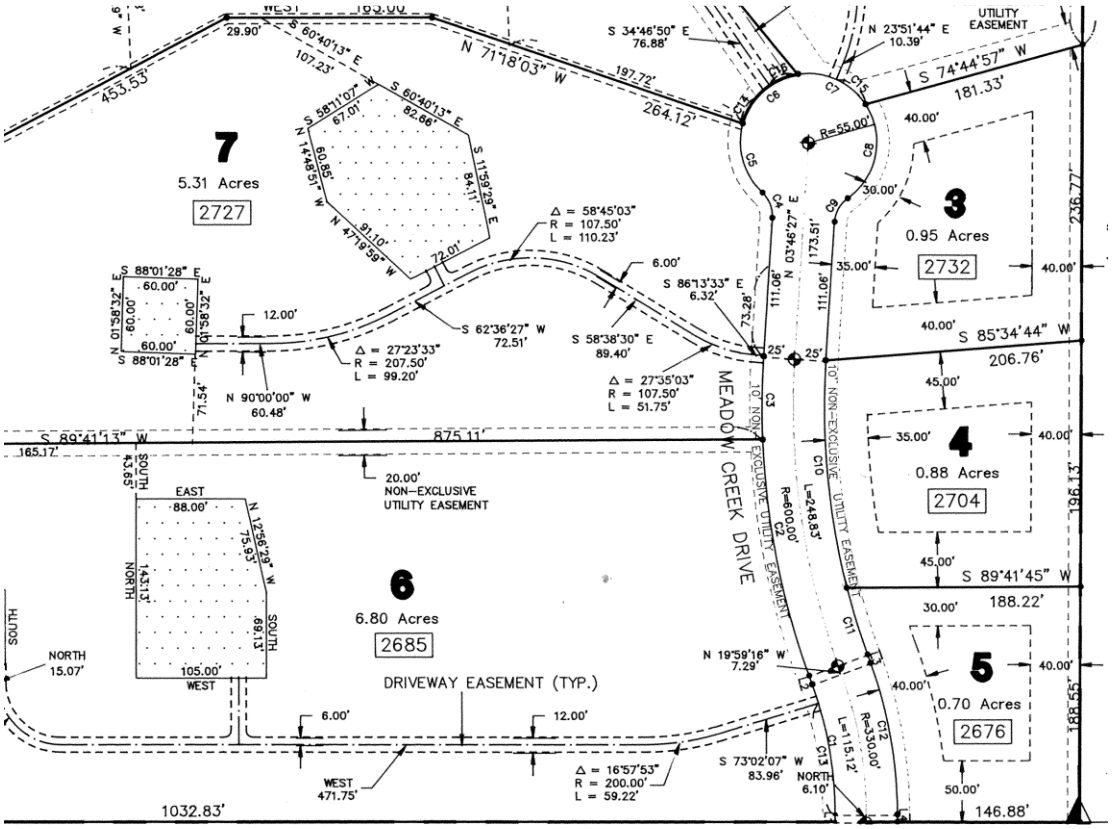
3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

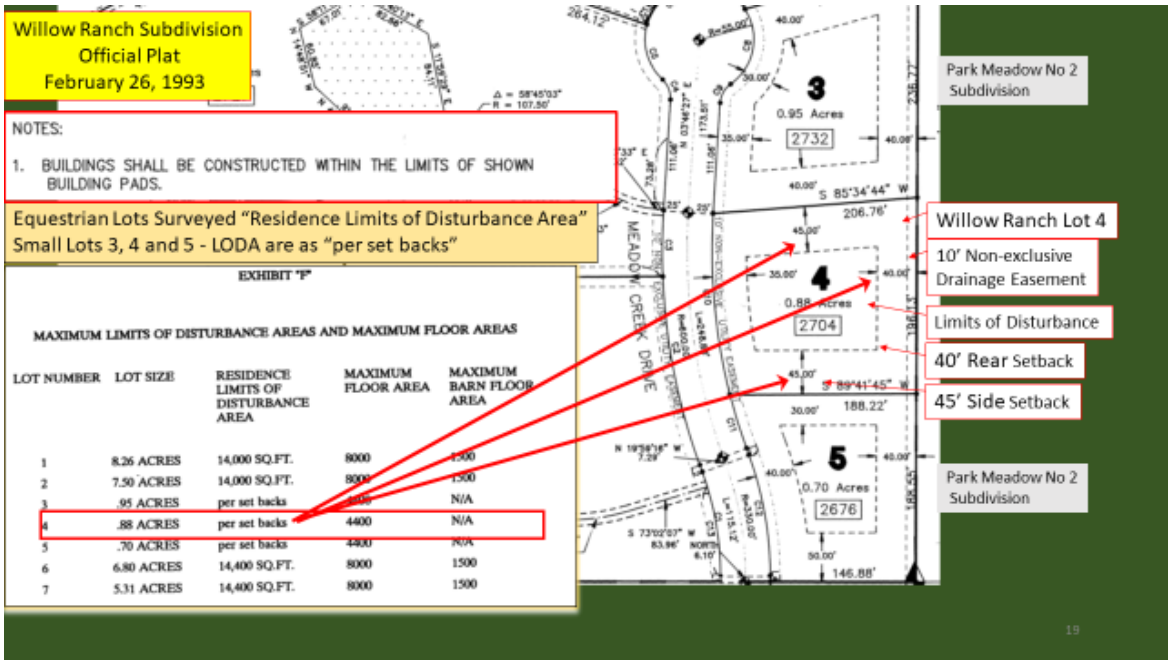
4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

6. A security must be posted to ensure compliance with the limits of disturbance plan.

EXHIBIT "G" – PLAT ENLARGEMENT - WILLOW RANCH SUBDIVISION PLAT – RECORDED FEBRUARY 26, 1993





The City Council adopted the Planning Commission's Recommendation, including the master plan Exhibit "A" on December 17, 1992. The final Plat, an Ordinance, (EXHIBIT "X" to this document), was prepared with appropriate designations and Notes in accordance with the directives of the City, signed by all necessary parties and recorded February 26, 1993 (Entry No 374694). The CC&Rs were recorded on February 26, 1993 (Entry No. 374695) reflecting the Developer/Declarant's acceptance of and compliance with all City-prescribed elements of the (master plan) Plat.

The 1992/3 negotiation documents, minutes of meetings, Planning Commission Recommendation and the MPD approval documents, indicate the CC&Rs serve as a quasi-development agreement between the City, Developer/Declarant and Lot owners.

Yes, the City and other agencies had direct input into the CC&Rs involving wildlife, water, wetlands, equine operations and confirmation of the ***absolute "Limits of Disturbance Areas"*** *illustrated by the setback lines on the Plat.*

SECTION 4. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (DISCUSSION)

A complete copy of the CC&Rs is provided as EXHIBIT X2 to this document

There is a common notion that CC&Rs are a strictly private agreement and **exclusively** apply to issues **amongst the member landowners.** And, as such, the CC&Rs can only be enforced by the HOA members. This notion requires further analysis and clarification.

Apparently, the Planning Department subscribes to the (false) notion that City planners should never reference the CC&Rs to confirm and check for inconsistencies with elements pertaining to the Plat or other matters.

It is a fact that many provisions of the Willow Ranch CC&Rs are directly derived from negotiations leading to Master Plan Development (MPD) approval by the City. The CC&Rs are the customary method for the City and Declarant to jointly and unequivocally provide written notice **(edict)** to lot owners of the specific restrictions placed on the subdivision and illustrated on the Plat, an enforceable Ordinance.

In 1992, the City required that the Declarant draft CC&Rs provisions that reflected elements on the Plat and ensures future compliance with the Plat. This is precisely why Article 3.3 of the CC&Rs requires that modification to the "Limits of Disturbance Area" as illustrated on the Plat, requires determination of a "hardship" by the HOA **and** requires City approval.

Article 3.3 of the CC&Rs cannot legally be waived by the HOA or the City Planning Department.

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

The definition of "Limits of Disturbance Area" in the CC&Rs refers to Exhibit "F" and, in turn states: "per setbacks" shown on the Plat. Since specific setback distances of each Lot 3, 4, and 5 are different and not detailed on the Exhibit "F" table, one must look to the illustrations on the Plat. The intent of the setback lines is very clear. Neither Exhibit "F" nor the Plat is meant to stand alone. There is an inseparable nexus between the CC&Rs and the Plat as demonstrated by the cross-referencing.

Cross-referencing is not a radical legal concept. If a document (such as a Plat/Ordinance) incorporates another document (such as CC&Rs) by reference, explicitly or **implicitly**, you refer to the referenced portions of the second document (the CC&Rs - Exhibit "F") when interpreting the main document (The Plat, the enforceable Ordinance).

The City has recently and extensively employed cross-referencing in the Willow Ranch subdivision with the same Plat and CC&Rs. The case on point is Sarah Hall's Plat Amendment, Ordinance 2021-20, where Alexandra Ananth, a Senior Planner, authored the Staff Report on April 29, 2021. The Findings of Fact, Conclusions of Law, Conditions of Approval and new Plat Notes shows that several City departments, **on no less than 12 occasions,** sought information from and referred to the CC&Rs for compliance and further explanation. Two examples of City staff's referencing are provided below. The complete Ordinance 2021-20 is provided as Exhibit "H" to this document.

3. *The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and 1999 Plat Notes.* This reference is to EXHIBIT "F" – MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

11. *A Plat Note shall indicate lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.* This reference is to EXHIBIT "C" – Permitted Fencing

As evidenced by the Lot 2 Plat Amendment Ordinance, planning officials are not only permitted to reference the CC&Rs, they are obligated to in order to understand the intentions of the Plat. In the event of uncertainties, all available documents should be reviewed for clarity.

All of the foregoing becomes very relevant when analyzing the process Planning and Building appears to have followed resulting in improperly (illegally) granting the building permit on August 9th for the sauna building on Lot 4. In fact, in recent correspondence (December 5, 2021), the City continues to **incorrectly** suggest a CUP process for the proposed pickleball court on Lot 3 which would also violate the Plat-required setbacks in the Willow Ranch Subdivision.

SECTION 5. PARK CITY BUILDING PERMIT PROCESS - LOT 4 – SAUNA BUILDING

In order to understand this particular permitting process, it is necessary to understand the situation at City Hall at the time, primarily in the Planning Department.

In late 2019, Matt Dias, the Assistant City Manager, replaced the City Manager after an unexpected departure. In late 2020, the Planning Department was experiencing leadership issues due to the Planning Director's failing health and retirement. In February 2021, the City employed a new Planning Director. Due to Covid and other issues the planning department was newly-staffed, understaffed, working remotely and importantly, had leadership without institutional memory.

These facts complicated the process during this permit review period. Critical issues were raised and **consequential** decisions were made, sometimes without addressing relevant considerations.

The first reported discussion between the Lot 4 sauna owner and the City was in August 2020. A formal application was made on January 20, 2021 with a permit issued on August 9, 2021.

In the process of investigating the pickleball court construction on Lot 3, my neighbor, Frode Jensen, and I learned that a permit application for a sauna was in progress for Lot 4. On August 5, we began submitting GRAMA requests for all documents, emails, and reports regarding the detached sauna building on Lot 4 Willow Ranch. There is no record of Notice being provided to any property owners in the immediate area. No one had the opportunity to review and object to the proposal. Apparently, the planning and building department determined it was unnecessary. This judgement is highly-questionable due to staff's initial acknowledgement that a "Limits of Disturbance" designation exists and a Plat amendment would be required.

The GRAMA responses indicate there are no emails between the Planning Director or the Assistant Planning Director and the planning staff member(s) responsible for review. There are only three possibilities: 1) there were no issues that required guidance or communications, 2) junior and senior staff met in person or by phone on all matters, or 3) the critical communications were not provided in response to the GRAMA request. Only the latter is likely.

Prior to formal application, in an email on August 17, 2020 between the applicant's contractor and a staff member, the "first hurdle" issues were acknowledged – "*Limits of Disturbance and home square footages"*. The staff member sent the contractor a copy of

the 1993 Plat to show the setbacks designating the Limits of Disturbance. Due to some confusion, the City planner suggested that the applicant call to discuss these and other issues in more detail. It is not known if this phone call took place…there are no records.

A formal Application was filed on January 20, 2021. The Plan Review Report indicates that on 1/20/21 the building official requested an HOA Letter before issuance. On 1/22/21 planning staff noted that a document had previously been uploaded. Neither of these documents were ever provided in response to the GRAMA requests. On 4/26/21 planning rejected the applicant's proposal stating:

"*It appears that a Plat amendment to change the allowed maximum square footage would be needed to continue forward with this project"*

Staff subsequently concluded that this critical part of compliance with the Ordinance could be resolved by accepting the representation of the applicant and place a "Condition of Approval" on the Permit:

"Per the Applicant, the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision"

(Now, as indicated in the City's response to the #1 Violations Complaint on 12/21/21, the Chief Building Official in charge of violations enforcement has, with no explanation, failed to audit the Applicant's claim)

There are several other emails or entries that appear to "dead-end" without stated resolution or were **NOT** provided under the GRAMA request. Frode Jensen was permitted to briefly view a site plan but was not provided a copy because staff claimed it was proprietary and not available to the public. Frode said he does not recall seeing Plat-required setbacks or other platted restrictions thought to be necessary for submission of a permit site plan.

Following are selected Staff emails and log entries of the City Plan Review Report provided through a GRAMA request..

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Permitting Process - Lot 4 Sauna

HW Heather Wasden
To Crystal Kaufman

Was Ms. Kaufman copied with the Plat and the content of the email and did she forward to anyone?

Mon 1:11 PM

Green Category

PDF REC_-_Plats_-_Subdivision_Condominium_-_WILLOW_RANCH_SUB_Entry_#_374694__2-26-199...
1 MB

From: Heather Wasden <heather.wasden@parkcity.org>
Sent: Monday, August 17, 2020 4:25 PM
To: tpotasky@bdogbuilders.com
Subject: 2704 Meadow Creek Dr: accessory building

Todd,
As per our conversation I hit my first hurdle please see the attached plat and read through the details on it. There are restrictions on Limits of Disturbance and home square footages.
It is in the Estate Zone and you may read through the zone restrictions for Accessory structures as well.
Let me know if you other questions, there are more regulations that it would need to comply with like Wildland Urban Interface Code and Landscaping vegetation replacement, etc

Willow Ranch Subdivision Plat Restrictions supersede provisions of Estate Zone Accessory structures.

Heather Wasden

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Permitting Process - Lot 4 Sauna

From: tpotasky@bdogbuilders.com [mailto:tpotasky@bdogbuilders.com]
Sent: Tuesday, August 25, 2020 2:19 PM
To: Heather Wasden
Subject: RE: 2704 Meadow Creek Dr: accessory building

Hello Heather,
Thanks for the links provided last week. We have reviewed all and concluded that there is nothing in the statues that would prohibit an accessory building of about 200 sq./ft., 5' from rear set back and height not higher than 18'. Can you confirm this or let us know what we may have overlooked?
Thanks in advance.
Todd

From: Heather Wasden
Sent: Thursday, August 27, 2020 12:37 PM
To: tpotasky@bdogbuilders.com
Subject: RE: 2704 Meadow Creek Dr: accessory building

Did this phone call ever take place? If so, what was discussed during the call?

Hi Todd,
Do you want to call me at 801-448-4745? I think I could explain better over the phone rather than a long confusing email.
Thank you,
Heather

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Permitting Process - Lot 4 Sauna

From: Ben Akers <ben@bdogbuilders.com>
Sent: Monday, May 3, 2021 10:57 AM
To: Crystal Kaufman <crystal.kaufman@parkcity.org>
Subject: Permit #: PLAN21-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR

Hi Crystal,
Please cancel our permitting for this project: Permit #: PLAN21-047 / Lot 4 / Willow Ranch Sub. / 2704 MEADOW CREEK DR
The Owner has decided to use a different builder. They will be submitting new plans as the HOA has made them change the location and the structure a bit.
Thanks, **Ben Akers**

Hello Ben,
I have cancelled the permit and will keep this email as a reference.
Thank you and have a good day!
Crystal Kaufman

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Permitting Process - Lot 4 Sauna

Owner Builder- 2704 Meadow Creek Dr.

CK Crystal Kaufman
To 'dopltech@utah.gov'
5/13/2021

Retention Policy Sent Items 365 days (1 year) Expires 5/13/2022

Owner Builder- David Green.pdf
352 KB

One more for an addition.
Thank you!
Crystal Kaufman

Who is the addressee, what is the content of attachment and what does the message mean? This attachment document has **not** been provided pursuant to GRAMA request

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PC Plan Review Report

1/20/21 Crystal Kaufman - Approved – *"Please provide a signed HOA letter prior to issuance. Please feel free to contact the Building Dept. 435-615-5101 for any questions or concerns…"*
Explain what is approved - HOA letter **not** provided pursuant to GRAMA request.

1/22/21 Heather Wasden -Rejected - *"Please see the document I uploaded named "Planning Initial Plan Review 2704 Meadow Creek Dr"* **Not** provided pursuant to GRAMA request.

1/22/21 Heather Wasden –Approved - (Recorded Plat) Explain - **Not** provided GRAMA

4/26/21, Heather Wasden – Rejected - *"I spoke with a representative of the owner on the phone and it sounds like the square footage of the existing home is at the maximum allowed square footage per the plat. The addition would exceed what is allowed. It appears a Plat Amendment to change the allowed maximum square footage would be needed to continue forward with this project."*

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PC Plan Review Report

5/17/21 Heather Wasden - Rejected – *"I spoke with Melanie in Engineering and she is going to reach out to the applicant to discuss the structure being within the Easement on the Rear yard. She will let me know the outcome."*

5/28/21 – david green – *Updated* – What was updated? - **Not** provided pursuant to GRAMA

6/03/21 – Heather Wasden - Approved – *"See conditions of approval on the plans"*

The Plan Review Report never acknowledged receipt of the Willow Ranch HOA Certificate of Approval, and it was **not** provided pursuant to a GRAMA request.

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Without referencing the CC&Rs or diligently researching the 1992 approval documents for intent or definitions, someone in the Planning Department determined the setbacks lines **<u>were not</u>** the Limits of Disturbance as originally thought by staff. There appears to be no written basis or stated rationale for this incorrect and consequential decision.

In early November, the planning department finally provided its first written rationale for the (improper) decision that the setback lines **<u>are not</u>** the platted "Limits of Disturbance Area" to which I responded on November 9, 2021 as indicated in red, italicized text below. EXHIBIT "I" to this document.

EXHIBIT "I"

Response to Planning Department's "Opinion" of Rationale for Sauna Building Permit. November 9, 2021.

Purported by Matt Dias as Planning Staff's logic and rationale for processing the sauna building under the Estate District exceptions for an accessory building - Verbatim and reformatted.

It is not clear that this rationale was employed at the time of considering the building permit. No specific rationale was expressed in the City Review Report, emails or other documents provided through a GRAMA request response. The rationale below appears to have been prepared in hindsight as justification for the improper permit. It is also not clear who prepared the rationale as there is no written communication between planning technician and superiors provided in the GRAMA response. **It is clear, that no one ever reviewed or considered the CC&Rs for definitions to the Subdivision Plat.**

This discussion may be moot. The Estate District provisions and exceptions are superseded by the more stringent, self-imposed (City dictated/approved) restrictions as suggested by the LMC 15-7.3-1, the 1992 LMC 1.3, the 2021 LMC 15-1-3, LMC 15-7-5 and CC&Rs 4.1.

Sauna opinion: ***Responses***

Willow Ranch Plat outlines house building pads, barn building pads, driveway easements, and wildlife corridors for some lots, but not all lots have these additional restrictions. ***Staff's observations are correct. Some are large lots in wetlands with other sensitive concerns. The Army Corps of Engineers and wildlife agencies dictated/approved these specific locations. Read Minutes and other approval documents from 1993 and CC&Rs for explanation.***

- House building pads are shown for Lots 1, 2, 7, and 6. ***True and they were surveyed because setbacks are impractical.***
- There is no house building pad shown for Lot 4. ***Not True - the setbacks (little arrows) on the Plat designate the LODA/building pads see Exhibit F of CC&Rs for explanation***
- A Wildlife Corridor is outlined for Lot A, 1, and 2. ***True because there is a corridor as dictated wildlife agencies***
- There is no wildlife corridor shown for Lot 4. ***True because there is none.***
- Barn building pads are shown for Lots 1, 2, 7, and 6. ***True because they are equestrian Lots and anticipated horses.***
- There is no barn building pad for Lot 4. ***True because it is too small and not an equestrian Lot***
- Lot 4 includes arrows showing what staff interprets to be setbacks for the Single-Family Dwelling constructed on the site. ***Correct - the setbacks also designate Limits of Disturbance, AKA building pads - Outside of this area is "Natural Area" See Exhibit F of CC&Rs***
- The LMC outlines exceptions for setbacks, including a driveway. Lots 1, 2, 7, and 8 have driveway easements established on the plat. ***True. They are large lots in wetlands with other sensitive***

concerns. The Army Corps of Engineers and wildlife agencies dictated/approved these specific locations. Read Minutes and other approval documents from 1993 and CC&Rs for explanation. See CC&Rs 6.23

- Lot 4 does not, indicating exceptions to setbacks apply to the lot and the driveway was thus an exception to the setback. ***Not true – see CC&R provision – 6.23 as provided below.***

- Just as the driveway was allowed in the front setback, staff interprets the small sauna an exception to the rear setback. ***False interpretation NOT true –. The driveway in the front setbacks was <u>not permitted by virtue of a LMC Estate district exception</u>. It was specifically provided for under 6.23 of CC&Rs. There is no justification or rationale to assume an exception exists in the rear setback for the sauna building.***

- Code Violation Forms were provided to residents to facilitate a challenge to the interpretation. ***No complete information to form a basis to challenge the justification or interpretation was available until GRAMA requests on August 5 without a complete response until October 15.***

- To clarify the disagreement, please file a code violation form to begin the process. ***Notice of Potential Code Violation was filed on November 10, 2021***

The Willow Ranch CC&Rs fully explain the restrictions depicted on the Plat and referred to in the Notes. It should be obvious they are not only a private agreement among owners, but they are also intended by the Declarant and the City to provide notice to the Lot owners and the HOA that a Variance/Plat amendment by City Council was/is required to build any structure outside the platted "Limits of Disturbance Area".

Staff's false interpretation of the Plat illustrations and Notes as well as ignorance of the associated provisions in the CC&Rs, does not change the fact that the Building Permit was improperly granted. Had staff followed up on Ms. Wasden's, August 2020, concern that the sauna permit might require a plat amendment and investigated the CC&Rs, the City would have avoided this difficult situation.

The Applicant and members of the HOA were fully aware of the restrictions prohibiting construction outside the Limits of Disturbance Area and failed to disclose and apply for proper permitting. For the reasons indicated in the violation's complaint filed on November 10th, the Applicant and those HOA members that **reportedly** voted to approve the sauna are the primary contributors to the improper permit to build the sauna.

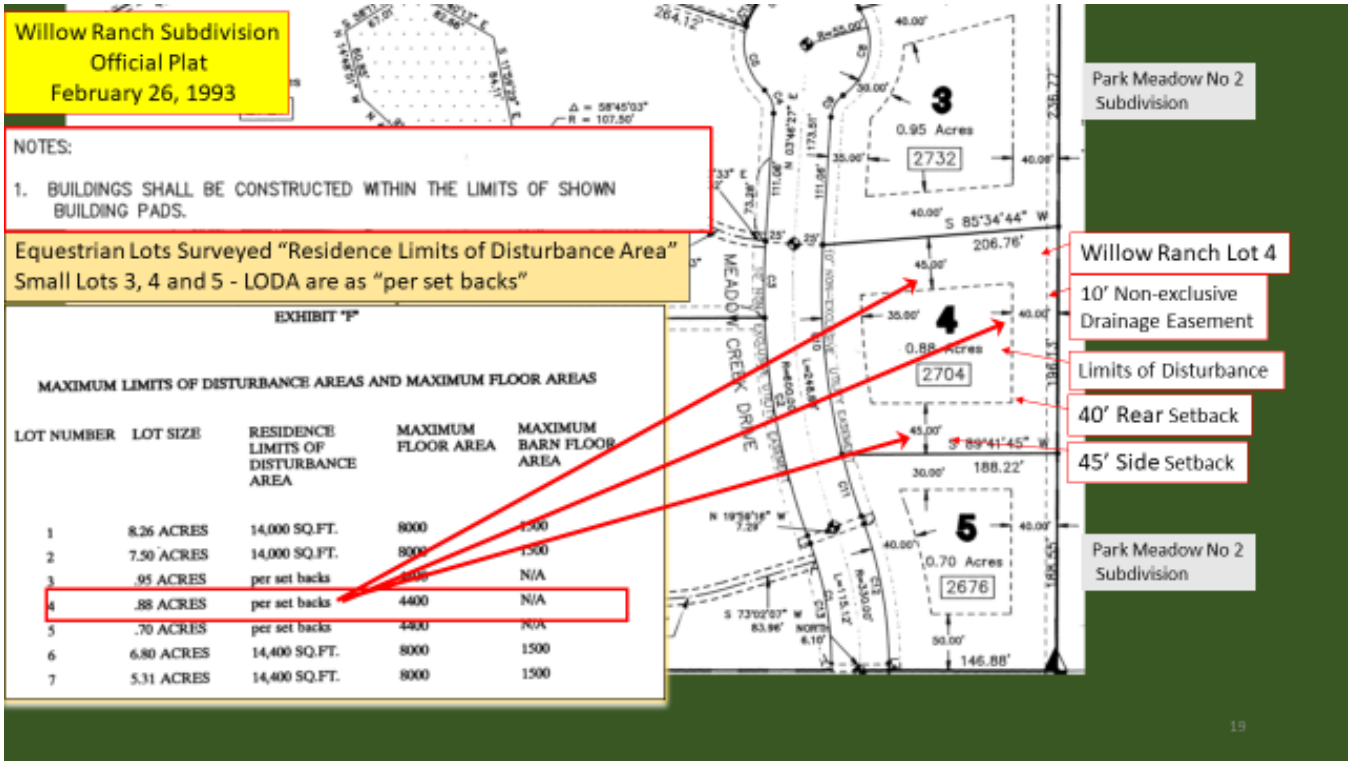
In 1992, the City required that the Declarant include provisions in the CC&Rs ensuring future compliance with the intentions of the MPD zoning and the Plat. Thus, Article 3.3 of the CC&Rs provides the City with veto authority of any proposed amendments to the Plat. This provision cannot legally be waived by the HOA or the City Planning Department.

"Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions, and any other matters or conditions shown on the official Plat of the Willow Ranch Subdivision, which are incorporated into this Declaration by reference.

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

BOOK 711 PAGE 512

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.



CONCLUSION

It is the Plat that is subject to mandatory enforcement in compliance with the expressly-stated zoning provision that is reflected on the Plat:

"The entire development parcel (Parcel D) will be zoned Estate with the understanding that development will be limited to those areas shown on the master plan."

Otherwise, the Planning Department is usurping the authority of City Council by amending the "Limits of Disturbance Area" as shown on the Plat. The City Council is abdicating its duties by allowing the Planning Department to do so.

Ordinance. Any legislative action, however denominated, of the City Council of Park City which has the force of law, including any amendment or repeal of any ordinance.

"The Utah Office of the Property Rights Ombudsman has determined that a local government has no authority to disregard the mandatory and required provisions of local law."

*"A municipality is bound by the terms and standards of applicable land use regulations and **shall comply** with mandatory provisions of those regulations." Utah Code Ann. § 10-9a-509.*

EXHIBIT "A" TO THIS DOCUMENT - CC&Rs Exhibit "F"

SEE SECTION 4 OF THIS DOCUMENT - DISCUSSION - DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

EXHIBIT "B"

Date: November 10, 2021
To: Code Enforcement Personnel
From: Bob Theobald
RE: Potential Code/Plat/Permit Violations

My name is Bob Theobald and I live in Park Meadows Subdivision No. 2 adjacent to Willow Ranch Subdivision. I am submitting notice to Code Enforcement of three related but independent potential code violations in respect of the building permit for a detached sauna building at 2704 Meadow Creek Drive in the Willow Ranch Subdivision.

1. **Violation No.1 –Owner Violated Permit Condition of Approval #1.**

The owner of 2704 Meadow Creek Drive (Lot 4 in the Willow Ranch Subdivision) received a building permit for a detached sauna building on August 9, 2021. In connection with his application, the owner represented that all buildings combined (home, garage and sauna) on Lot 4 are less than the permitted 4,400 sq. ft. The building permit as granted included eight express Conditions of Approval. Condition of Approval #1 provides that "1. Per the Applicant the addition of this Attached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision."

The owner appears to be in violation of Condition of Approval #1 since owner's representation as to total square footage is contrary to fact as shown by several sources of information, as follows:

- Public tax records indicate that the home alone is 4,502 sq. ft., 102 sq. ft. in excess of the allowable maximum. An additional 312 sq. ft. applicable to the garage and 361 sq. ft. applicable to the sauna building equals a sum total of 775 square feet in excess of the maximum allowed square footage.
- The Park City Board of Realtors – Multiple Listing Service shows the home had 4,502 sq. ft. in 2013, not including the garage. It was purchased by the current owner/applicant in 2013. The listing information also noted the home was remodeled in 2002.
- The original plans approved by the City include a schedule of square feet used for calculating City fees. These documents show the home square footage of 4,192 plus a net 294 sq. ft. applicable to the garage which totals 4,486 sq. ft. Adding the sauna building of 361 sq. ft. totals 4,847 sq. ft. which is 447 sq. ft. over the maximum permitted. An additional dormer and exterior window was constructed on the second floor over the main-floor Bedroom #1 that is not shown on the original approved plans or calculated in the original square feet. This dormer can be clearly seen on the attached Google Earth aerial photo.
- On March 29, 2002, the City issued Building Permit #B02-07448 to a previous home owner with a valuation of $52,000. (No other information stating purpose or square footage was provided through my GRAMA response.) Perhaps this was the remodel that accounts for the difference between the plan square footage of 4,192 and the tax assessment square footage of 4,502.
- On February 28, 2013, the City issued Building Permit # BD-13-18010 with a valuation of $40,000 for the stated purpose of "Interior Remodel, OTC". No other information was provided pursuant to my GRAMA response.

The sauna building construction appears to be in clear violation of the Building Permit's Condition of Approval #1. The City should audit the applicant's representation as to total building square footage by requesting him to provide a new certified surveyed measurement of buildings. If the square footage is found to be in violation of Condition of Approval #1, the City should require that the Applicant reapply for a proper permit through the appropriate process, including to the extent appropriate, Planning Commission and City Council hearings and a Plat amendment.

2. **Violation No. 2- Process Violations**

The owner also violated the application and approval process and requirements by (i) failing to fully disclose to Staff as part of his application for a building permit the platted setbacks, designating the Limits of Disturbance Area as illustrated on the Plat and further defined in the CC&Rs,on the site plan he submitted, (ii) failing to apply to HOA or Council for a required Variance as set forth in Article 3.3, and (iii) making other misrepresentations to the planning and building departments.

3. **Violation No. 3 - Construction outside the LODA without a Variance/Plat Amendment**

The construction of the sauna building violates provisions of the recorded Plat as the building is located outside the "Limits of Disturbance Area" as illustrated and defined by Plat Notes and the platted setbacks. The sauna is situated in a "Natural Area" where Improvements of any type are NOT permitted. The Applicant is obligated to seek a Variance under Article 3.3 of the Willow Ranch CC&Rs in order to legally construct any Improvement outside the LODA/Setbacks and the City must approve any such Variance. While the HOA may grant a variance due to hardship, the City Council must approve the Variance. This process is not optional and no party can waive its requirements. There is no evidence of the Applicant seeking a variance from the HOA and there is no evidence of the HOA reviewing or granting a variance. The owner did not apply for and the City did not approve any Variance.

The owner should be required to re-file his application for a building permit which fully complies with the application and approval process and requirements.

I understand that Code Enforcement may not be able to determine the full extent of violations and respond to potential issues. I welcome legal and legislative evaluation. I am available for further discussions and will provide the City with any additional information upon request.

I respectfully request notification of all discussions and actions by the City with regard to this complaint.

Thank you

Bob Theobald

See Additional Exhibits Below

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

PARK CITY 1884

Park City Municipal Corporation
Planning Department

June 3, 2021

Building Permit Conditions of Approval:

Project Address: 2704 Meadow Creek Dr
Building Permit Plan Review #: PLAN21-047
Planning Plan Reviewer: Heather Wasden

1. Per the applicant the addition of this Detached Accessory Structure is only 361 sq. ft. and is below the Maximum House Size of 4,400 sq. ft. as per the Willow Ranch Subdivision
2. ~~Per the plans and applicant the maximum structure height including the chimney~~ is approximately 16'-3" which is compliant with LMC 15-2.10-3 which states Detached Accessory Structures must be less than 18' in height
3. Per the applicant there will be no Significant Vegetation removed for this project, just grass is being removed; Per LMC 15-5-5(N) all Significant Vegetation must be replaced with equivalency, all disturbed vegetation shall be replaced to existing or improved conditions; seeded areas must be at least 80% or more germinated prior to Site Completion; bark mulched areas must have 50% or more plants installed and no gravel or stone-mulch is proposed or approved with this permit.
4. All exterior siding materials must comply with LMC 15-5-5 and each building facade may only have a maximum of 3 different types of materials, stone siding must be natural, metal siding shall be non-reflective.
5. All exterior lighting must be down directed and shielded per LMC 15-5-5(J).
6. Mechanical equipment (such as but not limited to A/C units or hot tub, water features, etc.) shall comply with LMC 15-2.10-3 and must be screened and sheilded, any roof top mechanical equipment or venting may only go up to 5' above the highest building point per LMC 15-2.10-4.
7. Per LMC 15-5-5(E) all roofing materials shall be natural earth toned in color and shall have a Solar Reflective Index of 35 or less.
8. Windows cannot be untreated metal frames per LMC 15-5-5(I).

The Applicant's claim of a combined square footage of home, garage and sauna as being below the maximum 4,400 sq. ft. conflicts with public records and must be verified and reconciled.

Public tax records show a finished "Living Area" of 4,502 sq. ft. An additional "Attached/Built-in Garage Area" of 912 sq. ft. (less 600 sq. ft. as per CC&R exclusion) is an effective total of 414 sq. ft. exceeding maximum permitted. Adding the sauna building at 361 sq. ft. equals an effective total of 5,175 sq. ft. – approximately 775 sq. ft. over the 4,400 sq. ft. maximum permitted

Will Lange, as a duty of the licensed listing agent, provided the 4,502 square footage data at the time the current Owner/Applicant purchased the property in 2013.

Mr. Lange is also the current President of the Willow Ranch HOA responsible for plan compliance review and Letters/Certificates of Approval.

Park City Multiple Listing Service - 2013

Wonderful Well Kept Home in Willow Ranch in Park Meadows **Residential** Agent Full Public

2704 Meadow Creek Drive
Park City, UT 84060
Closed
MLS#: 9991988
County: Summit
DOM/CDOM: 289
List Price: $1,550,000
Original List Price: $1,699,000
Sold Price: $1,325,000

Highlights		Size and Costs		Location and Vicinity	
Type:	Single Family	LP$/SqFt:	$344	Geographic Area:	Park City
Sub-Type:	Detached	Apx SqFt Total:	4,502	Major Area:	Park City Limits
Total Bedrooms:	4	Apx SqFt Finished:	4,502	Area:	09 - Park Meadows
Total Baths:	5	Apx SqFt Garage:		Subdivision:	Willow Ranch
Full Baths:	4	Source of Garage Measurements:			
Total Fireplaces:	2				
Apx Year Built:	1993				
Apx Year Remodeled:	2002				
Construction New:	No				

Summit County Tax Assessors Office - 2021

Account 0289466 Viewing Doc Building

- Primary
- Manufactured Housing

Building Information

Property Code RESIDENTIAL PRIMARY	Building Status % 0
Living Area 4502	Year Built 1993
Basement Area 0	Attached/Built-in Garage Area 912
No. Full Baths 4	No. Half Baths 1
No. Designer Bathrooms 0	

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outlet at lower bath, sink(1/2 bath).Outlet spacing in living areas is max. 12' along the wall line. Some outlets are overspaced.

30. Show smoke detector conforming to Sec. 1210. All detectors shall be hard wired and have battery backup.

31. Show all plumbing vents through roof to be minimum 2" pipe.

32. Show placement of expansion tank on culinary water system.

33. Show a limits of disturbance fence on property delineating area where construction activity will occur from area that will be undisturbed.15 ft. min. clearance from limits of disturbance fence to building pad required for adequate space to work.

Fees and Valuation

Square footage:Main floor=Living space=2978'
Garage- 894'
Decks= 1150'

Upper floor=Living space= 1214'
Deck = 156'

Valuation

Living space=4192'x 67.55=$283,169.60
Garage=894 x 18.60 = $16,628.40
Decks=1306'x 8.00 = $10,448.00
Total= =$310,246.00

Fees

Building permit=.0075 x 310,246.00=$2326.85
Plan check= .65 x 2326.85 =$1512.45
Impact fee= .02 x 310,246.00 =$6204.92
State= .01 x 2326.85= $ 23.27
Water connection= $ 600.00
Water development= $2000.00
Outside irrigation fees-
water connection=.10 x 2972= $ 297.20
water development=.20 x 2972= $ 594.40
Add for water meter
Subtract for plan review deposit(200)

B02-02448

BUILDING PERMIT
BUILDING INSPECTION DEPARTMENT
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
(435) 615-5300

Permit Number: B02-02448 Date: 03-29-2002
Permit Status: PC COMPL Permit Expires:

Job Address: 2704 MEADOW CREEK DR PC
Parcel No: WLR-4

Owner of Property: GROSE, ANNE Phone #:
Mailing Address: Zip: 84060
PARK CITY UT

Contractor: BOARDWALK REMODELING & DESIGN Phone #: 8015956016
Mailing Address: 1116 S RICHARDS ST Zip: 84101
SALT LAKE CITY UT St. Lic #: 912506215501

Work Description: remodel

Public Owned: N # of Buildings: 1 # of Units: 1
UBC Occupancy: R-3 UBC Const type: V-B # of Stories: 0

Valuation: $52,000.00 Footing/Foundation Only: N

BUILDING FEE SCHEDULE

Fee Description	Account Code	Balance Due
A. BUILDING PERMITS	11-32311-000	370.00
B. PLAN CHECK FEES	11-32321-000	253.50
C. BLDG 1% STATE SURCHAR	11-27610-000	3.90
D. ARCH. DESIGN REVIEW	11-32416-000	.00

TOTAL FEES DUE..... $647.40
Groundcover Guarantee..... $0.00

Total Waived/Credited Fees..... ($0.00)

Conditions:
Cond: PLAN CKLST
Zoning: Height: Setbacks: F S S R
Max. Floor Area: Dwelling Garage Total
Material Types:
Colors:
Driveway Width: Setback:
Entry: 03/29/2002 By: Ray Action: AP materials to match existing

Valuation Items:

Occupancy	Type	Factor	Sq Feet	
	Totals...			$0.00*

SIGNATURE _____ DATE 3-29-02

PARK CITY 1884

COMBO PERMIT - INTERIOR REMODEL

PO BOX 1480 • 445 MARSAC AVE • PARK CITY, UTAH 84060
(435) 615-5100

Site Address: 2704 MEADOW CREEK DR
PARK CITY UT 84060-6832

Project Name:

PERMIT NUMBER: BD-13-18010
PARCEL NUMBER: WLR-4
STATE PERMIT #:
ISSUED DATE: 2/28/2013

OWNER
GREEN DAVID H/W J/T
2704 MEADOW CREEK DR
PARK CITY UT 84060-6832

CONTRACTOR
MASTER CRAFTSMEN, INC

State License: 5274117-5501
Expires: 11/30/2013

INVESTIGATION FEE	N
UNIT TYPE ADDITIONS/ALTERATION	J
CONSTRUCTION VALUE	40000
SWIMMING POOL	no
WAIVE FEES	no

FEES

BUILDING PERMIT FEE	300.00
PLAN CHECK FEE	195.00
STATE FEE	3.00
Total Permit Fees	**498.00**

PERMIT DESCRIPTION

INTERIOR REMODEL D1C
VALUITAION INCLUDES SUBS

This department must have 24 hrs. notice for all inspections
(435) 615-5100

All work must be inspected prior to covering

Conditions:

Cond:

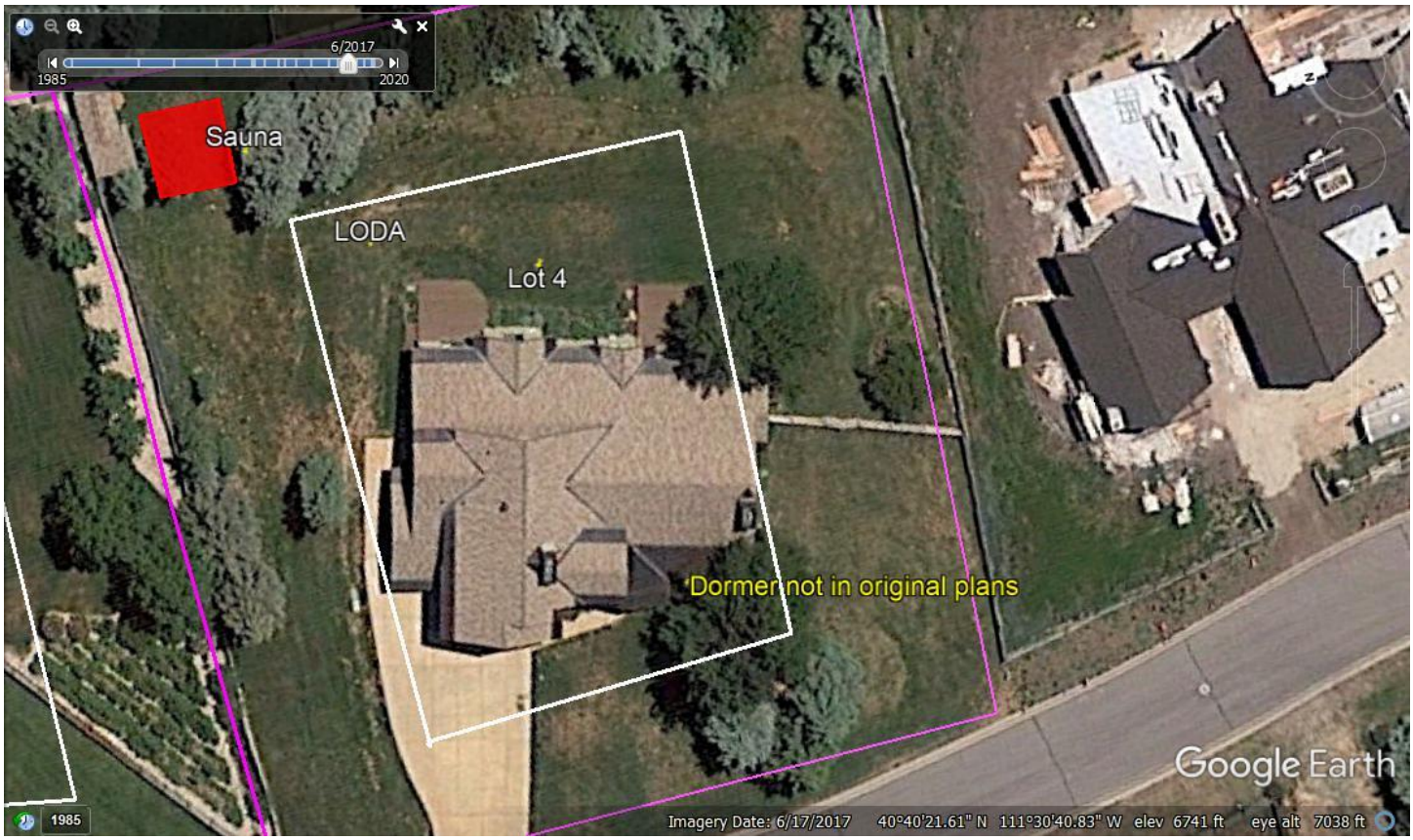
Valuation Items:

Occupancy	Type	Factor	Sq Feet	Valuation
	TOTALS			

I certify that no work will be done except as described above or on accompanying plans. Issuance of this permit shall not be construed as aproval of any violation of the codes, laws or ordinances as adopted by the City of Park City or the State of Utah.

SIGNATURE _____ DATE 2/28/13

PRINT NAME: RICHARD BERNAL


6/2017
1985
2020
Sauna
LODA
Lot 4
Dormer not in original plans
Google Earth
1985
Imagery Date: 6/17/2017 40°40'21.61" N 111°30'40.83" W elev 6741 ft eye alt 7038 ft

Willow Ranch Plat

NOTES:

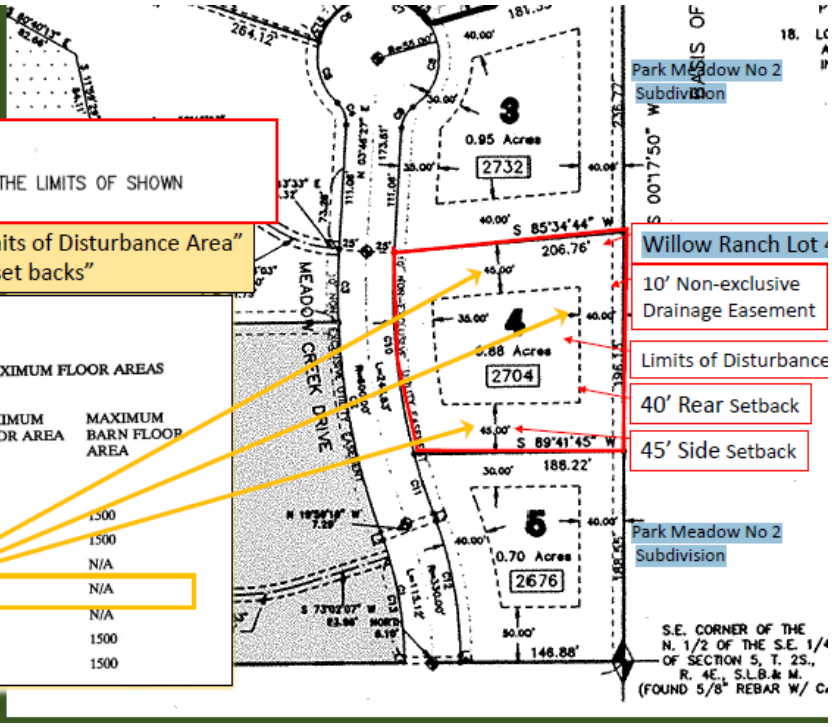
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.

Equestrian Lots Surveyed "Residence Limits of Disturbance Area"
Small Lots 3, 4 and 5 - LODA are as "per set backs"

EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	[illegible]	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500



3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

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"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

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02/17/93/10:54 am

3

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

EXHIBIT "C"

Community Development Department
445 Marsac Avenue, P.O. Box 1480, Park City, UT 84060
Tel 435.615.5101 www.parkcity.org

December 21, 2021

Bob Theobald
Park City, Utah 84060

RE: Building Permit Number 21-940 at 2704 Meadow Creek Drive

Dear Bob,

We have received the complaint submitted by you on Nov. 10, 2021. Staff has been investigating the concerns and provide this letter as a response to the complaint.

The property at 2704 Meadow Creek Drive (lot 4) received a building permit for a detached accessory structure on Aug. 9, 2021. The permit was reviewed and approved by the Park City Municipal Building, Engineering and Planning teams. The structure is required to comply with the regulations identified in the Land Management Code (LMC) and International Building Code (IBC). All the received documents have been reviewed and found to comply with the current LMC and IBC standards.

Additionally, given your interactions with various city officials and repeated requests for information and in-person meetings, our enforcement team took the extra time to independently review the complaint and permit history with the City Prosecutor. We work frequently with the prosecutor on issues of Land Management and Building Code compliance. The decision to initiate and additional review is over and above our normal level of service, and I hope this gesture indicates our level of commitment to adequately address your concern.

The results of the independent review confirmed no enforcement action was justified based upon determinations that the LMC regulations were followed, and the detached accessory structure has been permitted in accordance with applicable PCMC codes and ordinances.

Thank you,

Dave Thacker
Chief Building Official/Fire Code Official
Park City Municipal Corporation
(435) 615-5115
dave.thacker@parkcity.org

EXHIBIT "D"

MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: Planning Commission
FROM: Suzanne McIntyre, Senior Planner SM
DATE: December 2, 1992
RE: The Peterson Property - Recommendation to City Council on Annexation and Zoning; Sketch Plat and MPD Approval

==========

I. BACKGROUND INFORMATION:

A. Annexation Negotiations:

The City staff has been negotiating with representatives of the Peterson estate for over a year in an effort to purchase land and water and annex the estate into the City. The negotiations have been lengthy and complex but have resulted in a sales agreement allowing Park City to acquire an area of very prominent open space and, more importantly, significant water rights.

The agreement between the City and the Peterson representatives includes a statement indicating the City will work diligently with a developer to assist in mitigating the impacts which will occur from the subdivision of the property to the east of the railroad grade. This includes using a portion of the City-owned property as mitigation and working with the Army Corps of Engineers.

B. Army Corps Of Engineers Review:

The staff has been in contact with the Army Corps regarding wetlands on the property. According to the Corps staff the proposed subdivision will likely be acceptable with the conditions that an area in the center of the meadow (Lots 1 & 2) be protected and enhanced and donated to a conservation body for holding as open space in perpetuity. The staff had been particularly concerned about this area and the adjacent equestrian center and we are pleased that the Army Corps and the applicants seem to have reached agreement.

II. PROJECT DESCRIPTION:

The proposal now is for a 7 lot single family subdivision with 3 small lots (average -.81 acres) and 4 large equestrian lots (average - 6.26 acres). Maximum house sizes are to be 4,000 sf on the small lots and 8,000 sf on the large lots. All 7 lots will have access off of the Meadow Creek Drive cul de sac in the McLeod Creek subdivision. The 4 equestrian lots will have separate building pads for the main house and the stable facility. Specific pasture areas will be fenced on each of the equestrian lots and the horses will be rotated between them.

9

III. PROPOSAL AND RELATED EFFECTS:

A. Application of Sensitive Lands Ordinance:
The Planning staff has reviewed the proposed 7 lot subdivision and found that the areas of development are being restricted to the uplands and the areas least environmentally and visually sensitive. In that regard, the proposal is in keeping with the spirit and intent of the Sensitive Lands Ordinance.

In addition, due to the fact the negotiations had been undertaken significantly in advance of the adoption of the ordinance and that the annexation and MPD applications were received prior to its adoption, the staff believes that strict application of the ordinance would not further the spirit of cooperative negotiation and good faith in which the City and the applicants negotiated. Ultimately, we believe the intent of the ordinance is being met by the proposal.

B. Wetlands Mitigation:
The proposal includes plans for improvements to the McLeod Creek stream channel, irrigation to wetlands corridors in the meadow, reestablishment of wetlands vegetation within the corridors, and the fencing of the pasture areas. These efforts will mitigate a great deal of the impacts caused by this development and the impacts of previous intrusions into the area. The wetlands and meadow impact mitigation plan and the animal management plan will be required at the next stage of review (Preliminary Plat) in order to give the Planning Commission and staff ample opportunity to review it. The net effect of the mitigation will be to convert some "low value" wetlands to "high value" wetlands and protect the new and existing high value wetlands.

C. Zoning:
The property will be zoned Estate and ROS. The entire development parcel (parcel D) will be zoned Estate with the understanding that the development will be limited to those areas shown on the master plan. The only exception is a small strip of ROS along Meadows Drive where the zone boundary will be set in compliance with the Sensitive Lands Ordinance 50 feet back from the edge of the stream. The balance of the property will be zoned ROS.

D. Other Considerations Requiring Resolution:
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The property has been posted and legal notice sent and the following input has been received:

1. Jim and Jan Gibbs, 10/02/92. They would like to see the fence line on lots 3&4 moved closer to the houses, and the barns on lots 4&8 moved away from the neighboring subdivision. Also copy of letter sent to Army Corps 11/10/92 protesting development of equestrian lots.
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4. Sam and Michelle Circo, 11/18/92. Letter attached in support of equestrian concept and low density.
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V. STAFF RECOMMENDATION:

In order to comply with the terms and schedule of the negotiated agreement, the Planning Commission needs to make a recommendation to the Council on the annexation agreement and zoning. You are also being asked to act upon the MPD and Sketch Plat if you are comfortable with the layout of the lots and the mitigation measures being proposed. All outstanding issues discussed above can be addressed with conditions of approval.

The Planning staff recommends the Planning Commission forward a **POSITIVE** recommendation to the City Council on the annexation of the Peterson Parcel with the zoning of ROS and E as designated on the attached map and based upon the findings in the attached resolution.

The staff also recommends the Planning Commission **APPROVE** the Willow Ranch MPD and Sketch Plat for a 7 Lot subdivision with the following conditions:

1. Prior to preliminary plat approve the applicants shall have

11

resolved all outstanding issues, including but not limited to the following:

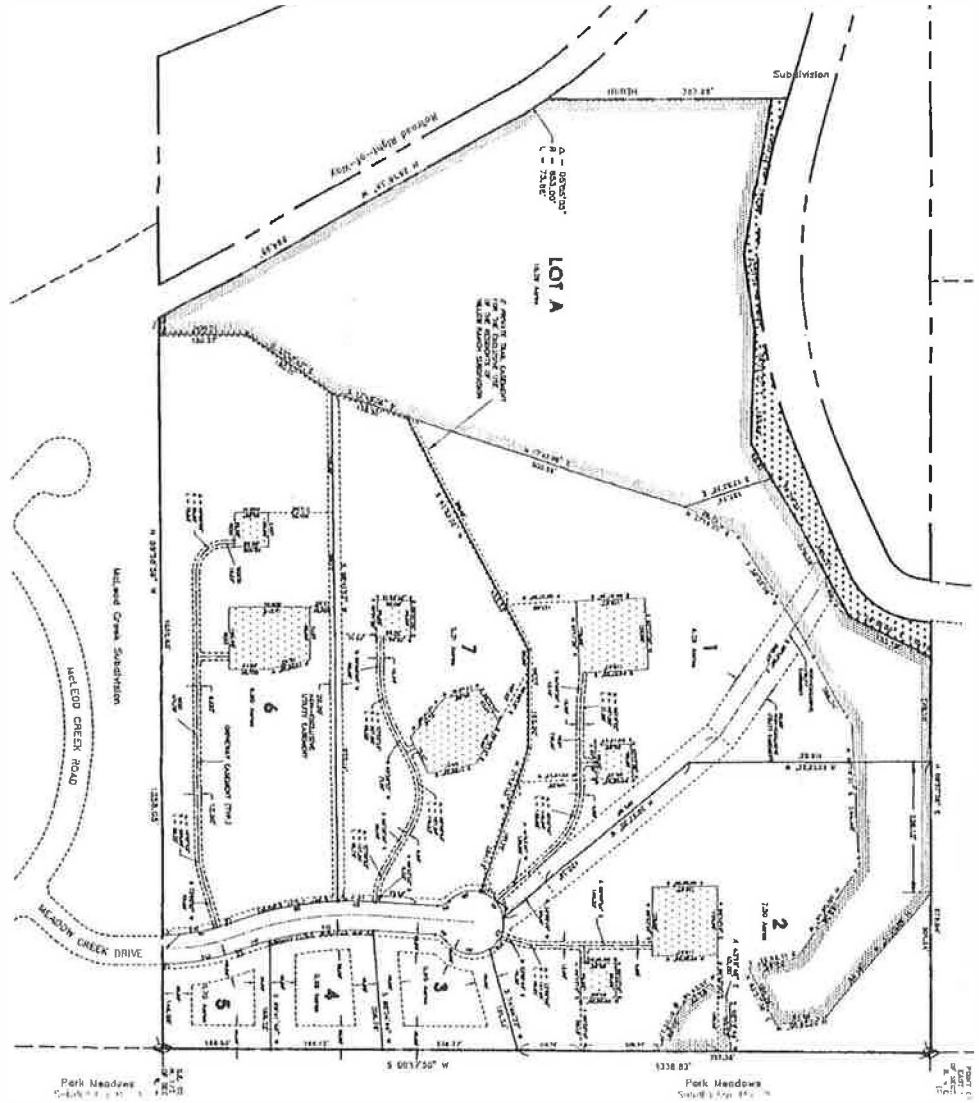
- architectural standards including height limitations to 23/28 feet, and design elements including fencing and outbuilding standards
- a sewer plan and utilities LOD plan
- fire safety issues including sprinklers and hydrants
- a trails plan
- an animal management plan, and a meadow maintenance agreement which includes designation of pastures

2. Prior to preliminary plat approval a wetlands mitigation plan shall have been approved by the City staff which satisfies all concerns that the development impacts are being mitigated by the developers.

12

WILLOW RANCH SUBDIVISION

EXHIBIT A



PARK CITY

Department of Community Development
Engineering • Building Inspection • Planning

December 15, 1992

Jack Johnson Company
1910 Prospector Avenue, Suite 200
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Willow Ranch MPD and Sketch Plat

Date of Meeting: December 2, 1992

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

1. Prior to preliminary plat approval, the applicants shall have resolved all outstanding issues, including but not limited to the following:

   -architectural standards, house sizes including height limitations, and design elements including type and amount of fencing and outbuilding standards
   -a sewer plan and utilities LOD plan
   -fire safety issues including sprinklers and hydrants
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3. Prior to preliminary plat approval, the Planning Commission will make a decision with regard to allowing accessory apartments in the homes on the four larger lots.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (801) 645-5020 • Engineering 645-5020 • Building 645-5040
Planning 645-5021 • FAX (801) 645-5078

Date of Expiration: December 2, 1993

Suzanne McIntyre, AICP
Senior Planner

Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

JEFF GRAHAM

Date

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

EXHIBIT "D1"

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: Planning Commission
FROM: Planning Staff SM
DATE: November 18, 1992
RE: Peterson Annexation and Willow Ranch MPD and Subdivision Sketch Plat for 9-Lot Single Family Subdivision

==========

I. PROJECT STATISTICS:

Applicant:	Jeff Graham for Jack Johnson Co.
Project Address:	State Hwy. 224, north of McLeod Creek Sub. and south of Ridgeview
Request:	Annex. of approx. 69 acres, MPD and Sketch Plat of 9-lot subdivision
Zoning:	proposed - SF and ROS
Parcel Size:	approx. 69 acres
Adjacent Land Uses:	SF Residential
Date of Application:	September 8, 1992
Date of Staff Report:	**Revised** November 12, 1992
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	**Continued** Background Information Only

II. BACKGROUND INFORMATION:

ANNEXATION. The City is in the process of purchasing a portion of the 69 acre parcel known as the Peterson Parcel for open space within the entry corridor. As part of the negotiations of sale, the city is obliged to act on the request for annexation for the entire parcel within 100 days (by ~~January 8, 1993~~ December 17, 1992). The proposed processing schedule is as follows:

Application Accepted:	September 8, 1992
100 Day Process Ends:	December 17, 1992
PC Public Hearing and Recommendation on Annexation and Review of MPD and Sketch Plat:	December 2, 1992
CC Public Hearing:	December 10, 1992
CC Public Hearing and Action:	December 17, 1992

The parcel straddles both sides of State Hwy. 224 (see attached map). The property on the west side of the highway and a portion of the property on the east side totalling approximately 28 acres will be owned by the City and will be open space zoned ROS. The balance of the parcel on the east side of the highway (approx. 41 acres) will be open space zoned ROS and developable area zoned ~~SF~~ Estate-MPD.

The parcel is significant because of its location within the entry corridor. The City's purchase of the portion on the west side of the highway ensures a continuous band of open space into town from the Osguthorpe farm to the Richards' property, presently outside the City limits.

The property has been used as pasture, but in recent years has not been used at all. The area has been irrigated and mowed, but has otherwise been undisturbed. The property contains significant wetlands and wetlands vegetation which has flourished due to the irrigation and lack of disturbance from grazing. As part of the annexation agreement, the disturbance to the site from development of a single family subdivision will be mitigated by enhancement of wetland areas through the site in specific corridors, and the lack of disturbance in the areas reserved for open space. A major portion of the mitigation will take place on property the City will own. The project is being reviewed by the Army Corps of Engineers for mitigation of the disturbed areas and the staff is in contact with the Army Corps.

The annexation of the 69 acres into the City limits is seen as a benefit to the citizens of Park City and the staff is making every effort to assist the applicants through the annexation and subdivision process.

III. PROJECT DESCRIPTION:

ANNEXATION. The annexation area is approximately 69 acres in size. The zoning designations recommended to the City Council are ROS and ~~SF~~ Estate-MPD. The Estate-MPD classification allows for 1 house per 3 acres and the MPD allows that density to be clustered. The City Council will be reviewing the annexation application in terms of the criteria set forth in the City's Annexation policy to determine whether the annexation is in the best interest of the City. This review includes analysis of fiscal impacts and water rights. In this instance, the City is the buyer of a large portion of the parcel and its water rights and is in support of the annexation of the entire parcel into the City limits.

SUBDIVISION. The applicants have proposed a 9-lot single family subdivision on 41 acres. The proposal is conceptual at this point with a number of issues and concerns yet to be resolved.

The property is proposed to be developed as 9 single family lots, 6 of which are proposed to be large equestrian lots with stables and pasture areas. ~~A 10,000 square foot indoor riding arena is proposed as an exclusive amenity for the 6 equestrian lot owners~~. The riding arena has been eliminated in response to staff concerns over its location within the entry corridor and wetlands area.

The development has been designed to avoid the high value wetlands and to minimize impacts on other wetlands by locating the houses

and barns on the upland areas. The applicants state that there will be 2.7 acres of wetlands disturbed by development which they will mitigate by providing 22.3 acres of wildlife habitat and preservation corridors. Those areas will be fenced to prohibit grazing and access and irrigated to allow the natural vegetation to be re-established. A portion of the mitigation area will be on City-owned land (see attached letter).They intend to start construction in Spring of 1993.

IV. ISSUES FOR DISCUSSION:

The most significant issues will involve limiting the impacts of developing in a sensitive environmental and visual location. The City has a good deal of discretion in annexations and the goal is to achieve the very best project for the community and achieve the goals of the Comprehensive Plan which, in this case, specify low density residential development. The staff is concerned that critical areas of the parcel be respected.

House Size and Construction. The applicants are requesting ~~10,000~~ 8,000 square foot homes on the 6 equestrian lots ~~and a 10,000 indoor arena~~. The site will be affected by construction of the homes and their infrastructure as well as the stables and pasture areas. The Planning Commission needs to consider whether ~~10,000~~ 8,000 square foot houses and the associated areas of disturbance for utilities and animal use are appropriate in their in scale, mass and locations.

The Planning staff has determined that some development is appropriate on the site but only within the less sensitive areas and in limited scale. There will need to be restrictions on building heights, size, and architecture.

Entry Corridor Issues. The parcel's location in the entry corridor leads to several issues related to the visual impacts. Due to the site's prominent location, the staff has asked the applicants to address screening and limitations on the scale, mass, and architecture of the structures. The project should include regulations on building materials, heights, size, architecture of outbuildings, storage of materials and equipment, and fences.

Urban-Rural Interface. The use of this parcel for equestrian lots or "ranchettes" as they have been called in other areas of town, raises questions about the appropriateness of this use in a suburban setting. The "medium rural" lifestyle presented poses questions about the need for buffering from adjacent properties and the highway, and the need for complete awareness of the neighbors about issues which we will call "interanimal conflicts", for lack of a better phrase, meaning dogs, children and horses.

V. NEW INFORMATION SUBMITTED SINCE THE LAST MEETING

Animal Management Plan. The staff has asked the applicants for an animal management plan which has been partially submitted: Lots 2 and 3 will have 2 horses each; Lots 3,4,8, and 9 will have 3 horses each. Fences will be kept 50 feet back from the creek. There will be a requirement for mandatory manure removal from the property twice a year, and the pastures will be dragged in the Spring and Fall. This plan will be evaluated by the State Division of Wildlife Resources which may suggest modifications.

Irrigation and Wetlands Enhancement. The impacts upon the wetlands and the proposed mitigation are being studied. The staff has met with the Army Corps of Engineers and is waiting for their evaluation of the proposal. The staff has also asked the applicants to explain in detail how they intend to mitigate the impacts to the wetlands and how they intend to maintain the wetlands. There have been numerous suggestions for mitigation including rechannelization of the stream along the railroad grade, establishment of additional vegetation, irrigation of specific areas, and fencing off of certain sections. All of these possibilities are interesting and the staff believes appropriate mitigation measures can be achieved. The staff is awaiting a detailed plan.

VI. APPLICATION OF THE SENSITIVE LANDS ORDINANCE

The Planning Commission has asked the staff to explain the application of the Sensitive Lands Ordinance to this proposal. The application was received on September 8th; the SL Ordinance was adopted on September 24th. By the 8th, the City had taken the ordinance far enough along through the adoption process to have given the public an indication of its pending adoption. Therefore, legal counsel advises that City is able to apply it retroactively if it so chooses.

In this case, we are asking the applicants to comply with the spirit and intent of the ordinance, rather than strictly applying the Sensitive Lands provisions. We hope we will be able to achieve compliance with the intent, but if we are unable to, we do have the option of requiring strict compliance.

The reason we are doing this is that we wish to work with the developers to obtain open space of high visual and environmental value for the citizenry while achieving the best development for them.

A quick analysis by the staff has shown the only area which would be allowed to be developed under the Ordinance is located in the southeast corner of the site and could accommodate perhaps 5-6 small single family lots, or 3-4 larger lots if the wetlands were included in the lot area but left untouched.

VII. PUBLIC INPUT STATEMENT: This report is for background information only but we should alert the Planning Commission to the fact that we have received several calls from the public regarding this proposal and we anticipate significant public input throughout the process.

VIII. STAFF RECOMMENDATION: Background Information Only.

This project will be on your next agenda for Public Hearing **AND** Recommendation to the Council on the annexation, and approval of the MPD and Sketch Plat. Issues which are unresolved at this point but which can be resolved in later stages (e.g., architectural standards, animal management, etc.) may be left open for future review. **However, the Planning Commission should attempt to make a firm recommendation to the Council, either pro or con on the annexation and either approve or deny the proposed MPD and Sketch Plat.**

MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: Planning Commission
FROM: Suzanne McIntyre, Senior Planner SM
DATE: December 2, 1992
RE: The Peterson Property - Recommendation to City Council on Annexation and Zoning; Sketch Plat and MPD Approval

==========

I. BACKGROUND INFORMATION:

A. Annexation Negotiations:

The City staff has been negotiating with representatives of the Peterson estate for over a year in an effort to purchase land and water and annex the estate into the City. The negotiations have been lengthy and complex but have resulted in a sales agreement allowing Park City to acquire an area of very prominent open space and, more importantly, significant water rights.

The agreement between the City and the Peterson representatives includes a statement indicating the City will work diligently with a developer to assist in mitigating the impacts which will occur from the subdivision of the property to the east of the railroad grade. This includes using a portion of the City-owned property as mitigation and working with the Army Corps of Engineers.

B. Army Corps Of Engineers Review:

The staff has been in contact with the Army Corps regarding wetlands on the property. According to the Corps staff the proposed subdivision will likely be acceptable with the conditions that an area in the center of the meadow (Lots 1 & 2) be protected and enhanced and donated to a conservation body for holding as open space in perpetuity. The staff had been particularly concerned about this area and the adjacent equestrian center and we are pleased that the Army Corps and the applicants seem to have reached agreement.

II. PROJECT DESCRIPTION:

The proposal now is for a 7 lot single family subdivision with 3 small lots (average -.81 acres) and 4 large equestrian lots (average - 6.26 acres). Maximum house sizes are to be 4,000 sf on the small lots and 8,000 sf on the large lots. All 7 lots will have access off of the Meadow Creek Drive cul de sac in the McLeod Creek subdivision. The 4 equestrian lots will have separate building pads for the main house and the stable facility. Specific pasture areas will be fenced on each of the equestrian lots and the horses will be rotated between them.

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III. PROPOSAL AND RELATED EFFECTS:

A. Application of Sensitive Lands Ordinance:
The Planning staff has reviewed the proposed 7 lot subdivision and found that the areas of development are being restricted to the uplands and the areas least environmentally and visually sensitive. In that regard, the proposal is in keeping with the spirit and intent of the Sensitive Lands Ordinance.

In addition, due to the fact the negotiations had been undertaken significantly in advance of the adoption of the ordinance and that the annexation and MPD applications were received prior to its adoption, the staff believes that strict application of the ordinance would not further the spirit of cooperative negotiation and good faith in which the City and the applicants negotiated. Ultimately, we believe the intent of the ordinance is being met by the proposal.

B. Wetlands Mitigation:
The proposal includes plans for improvements to the McLeod Creek stream channel, irrigation to wetlands corridors in the meadow, reestablishment of wetlands vegetation within the corridors, and the fencing of the pasture areas. These efforts will mitigate a great deal of the impacts caused by this development and the impacts of previous intrusions into the area. The wetlands and meadow impact mitigation plan and the animal management plan will be required at the next stage of review (Preliminary Plat) in order to give the Planning Commission and staff ample opportunity to review it. The net effect of the mitigation will be to convert some "low value" wetlands to "high value" wetlands and protect the new and existing high value wetlands.

C. Zoning:
The property will be zoned Estate and ROS. The entire development parcel (parcel D) will be zoned Estate with the understanding that the development will be limited to those areas shown on the master plan. The only exception is a small strip of ROS along Meadows Drive where the zone boundary will be set in compliance with the Sensitive Lands Ordinance 50 feet back from the edge of the stream. The balance of the property will be zoned ROS.

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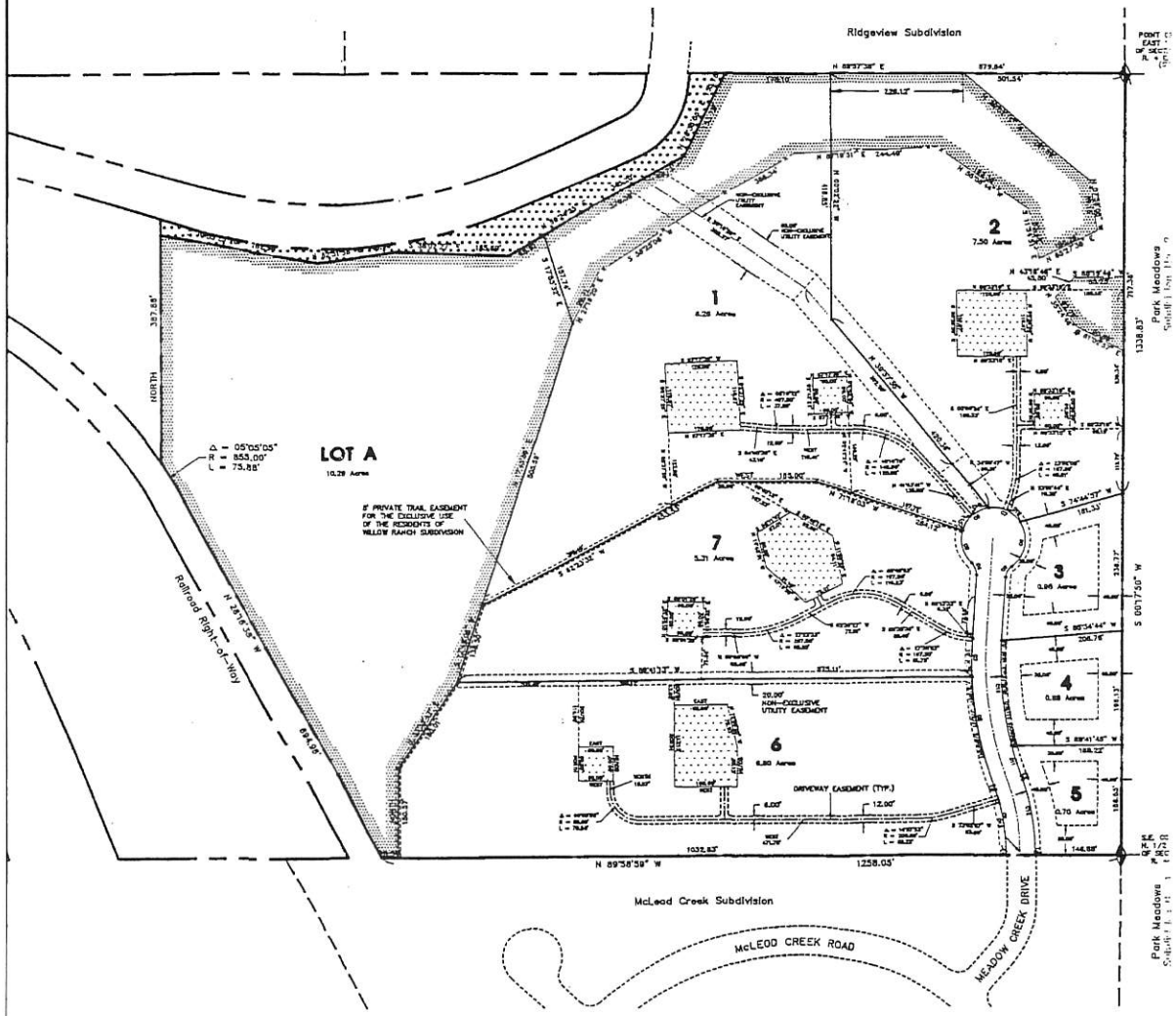
WILLOW RANCH SUBDIVISION

EXHIBIT A



PARK CITY
1884

Department of Community Development
Engineering • Building Inspection • Planning

December 15, 1992

RECEIVED
17

Jack Johnson Company
1910 Prospector Avenue, Suite 200
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Willow Ranch MPD and Sketch Plat

Date of Meeting: December 2, 1992

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

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RECEIVED
DEC 29 1992
PLANNING DEPT

Date of Expiration: December 2, 1993

Suzanne McIntyre, AICP
Senior Planner

Date 12/15/92

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

JEFF GRAHAM

Date 12/18/92

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

EXHIBIT "E"

To Bob Theobald and City Officials,

Willow Ranch subdivision was a finely tuned real estate development whose PLAT AND CC&R's where **both** presented to the Park City staff and approval bodies at the time.

The "Ranch" lots 1, 2, 6 & 7 were considered more sensitive because they had some wetlands within the boundaries of the lots as they were being created AND they also were going to be allowed Barns (they were horse properties). Due to the lot sensitivities the Residence and Barn building pads were to be **SURVEYED** and placed according to the shaded areas prescribed on the plat. They were also very difficult to describe just using a given distance of setback from property lines. Lots 3, 4 and 5 were not equestrian, not wetlands sensitive and they were not suited to equestrian use.

As to why all the dots, dashes and shades and lines I can only assume they were used due to the call out of requiring survey for placement. Even driveways were specifically called out on the plat for each of the more sensitive equestrian or Ranch lots but for 3, 4 & 5 none was dictated.

We did however fully intend and thus designed each lot to have prescribed Limits Of Disturbance (LOD's) and for 3, 4 & 5 the easier description of a setback was all that was needed.

Please note that we as developers didn't invent LOD's… the City did, and we were comfortable with the Plat and the CC&R's and every reference to Limits of Disturbance as to the residence sizes we had agreed on and the barns.

Today, almost thirty years later, I'm proud of what was accomplished with the give and take negotiations with Park City and the permanent protection of Open Space we provided.

Richard Dudley
President
Willow Ranch Development

EXHIBIT "E1"

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Richard Dudley
President
Willow Ranch Development

EXHIBIT "F"

1992 LMC – CHAPTER 10 - MASTER PLAN DEVELOPMENT Section 10.9 k, (and Chapter 15.4)

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the

building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

6. A security must be posted to ensure compliance with the limits of disturbance plan.

EXHIBIT "G"

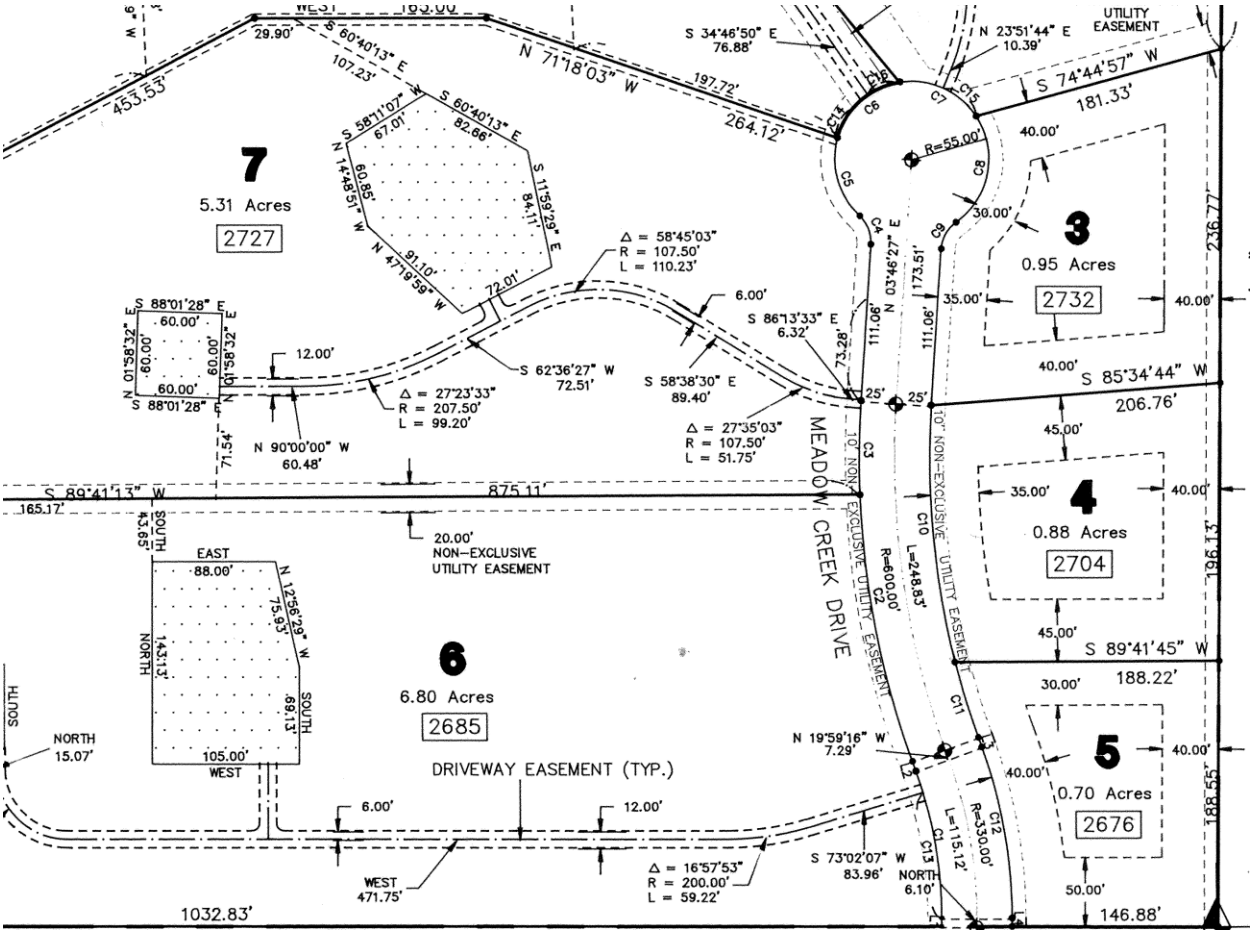
7
5.31 Acres
2727
3
0.95 Acres
2732
4
0.88 Acres
2704
5
0.70 Acres
2676
6
6.80 Acres
2685
MEADOW CREEK DRIVE
DRIVEWAY EASEMENT (TYP.)
20.00' NON-EXCLUSIVE UTILITY EASEMENT
10' NON-EXCLUSIVE UTILITY EASEMENT
UTILITY EASEMENT
N 71°18'03" W
264.12'
S 74°44'57" W
181.33'
S 85°34'44" W
206.76'
S 89°41'45" W
188.22'
S 89°41'13" W
875.11'
1032.83'
146.88'
453.53'
236.77'
196.13'
188.55'

EXHIBIT "H"

PARK CITY

PLANNING DEPARTMENT

City Council Staff Report

Subject: Willow Ranch Lot 2 Plat Amendment
Project #: PL-21-04770
Author: Alexandra Ananth, Sr. Planner
Date: April 29, 2021
Type of Item: Administrative – Plat Amendment

Summary Recommendation

Staff recommends the City Council 1) review the requested Plat Amendment, 2) conduct a public hearing, and 3) consider approving the proposed Ordinance.

Description

Applicant:	Crescent Vertical, LLC[1]
Location:	2750 Meadow Creek Drive
Zoning:	Estate (E)
Adjacent Land Uses:	Residential
Reasons for Review:	Plat Amendments require Planning Commission review and recommendation and City Council review and action

Executive Summary

2750 Meadow Creek Drive is also known as Lot 2 of the Willow Ranch Subdivision in the Park Meadows neighborhood and is located in the Estate (E) District. The lot is just over 7-acres and is improved with a single-family residence. The lot has a maximum house and barn size as noted in the CC&R's and Plat Notes #3 and #4 of the current recorded Plat (Exhibit C), and a maximum barn height of 18 feet as noted in Plat Note #5.

The applicant is proposing to change the current Plat Note restrictions to allow for a total maximum of 9,800 square feet which may be used between the house and barn combined but will stay within the original maximum allowed 1,800 square foot limit on the barn and the 9,300 square foot maximum allowed for the house. The applicant is also proposing that the Height of the barn revert back to the Zone Height of 28 feet to the peak of the roof, which is consistent with the original 1993 Subdivision Plat and the Willow Ranch CC&Rs.

The proposed change allows the applicant to build a larger barn if the full 9,300 square feet is not used for the house. No changes are proposed to the original building envelopes for the barn or house. The first 600 square feet of garage space is not included in the combined total square footage, which is consistent with the City's Land Management Code and the Willow Ranch Subdivision CC&Rs.

On April 14, 2021, the Planning Commission unanimously voted to recommend this item

[1] Planning Commissioner Sarah Hall is a member/owner of Crescent Vertical LLC.

to the Council for consideration.

Background

The Willow Ranch Subdivision was recorded in 1993 (Exhibit B). Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building envelopes and maximum square footage are noted on the Plat. Both structures were allowed maximum Building Heights of 28 feet, which is the Zone Height.

In 1999, the then owners of Lot 2 were approved for a Plat Amendment (Exhibit C) to reallocate 1,300 square feet of barn area to the home, and the Height of the barn was restricted to a maximum of 18 feet. Plat Note #3 limits the home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet. Plat Note #5 reduced the Height of the barn to 18 feet, presumably to be consistent with a maximum barn size of 500 square feet.

Analysis

The applicant submitted a recent survey (Exhibit D) indicating that the existing house has been constructed within the allowed building envelope. The Letter of Intent (Exhibit E) states that the current application is to remove some portion of the house so that they may shift some square footage from the house back to the barn, as allowed under the original 1993 Subdivision Plat. They further state that because they are still determining which portions of the house they will remove to allow for a larger barn, they would like to amend the 1999 Replat footnotes #3, #4 and #5 and replace them with a Plat Note that allows for the combined total square footage of the house and barn to remain the same (9,800 square feet) but not be fixed between the house and the barn, and to revert back to the originally allowed Zone Height for the barn.

The applicant has stated that they are willing to agree to Conditions of Approval that floor plans for both the house and barn be submitted at the time of building permit for the any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded. No certificate of occupancy will be issued for the barn until all construction on the house has been completed. The barn shall not exceed 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's. Due to the number of Plats and Plat Notes the Planning Department is recommending that should this Amendment be approved, all relevant Plat Notes be carried forward to the new Plat.

Staff notes that the applicant submitted a Letter of Intent as well as a Letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application (Exhibit E).

Department Review

The Development Review Committee reviewed this application on March 30, 2021. No issues were raised.

Notice

On March 31, 2021, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on March 31, 2021.

Public Input

The Planning Department did not receive any written public input prior to the publication of this Staff Report. Minutes of the Planning Commission hearing are not yet available but the audio is. Two neighbors provided public input at the hearing requesting that the Height of the barn be limited to the 1999 Replat Height of 18 feet, versus the applicant's request to revert to the original Subdivision Plat Notes which allowed for a barn height of 28 feet.

The Planning Commission discussed that in general the size and height of the barn should be proportional, and that for a smaller structure of 500 feet 18 feet in height is appropriate, but that for a larger barn structure it may be more appropriate to match the pitch of the home's roof, which is desired and stated in the CC&Rs, is in keeping with the LMC and is consistent with other barns in the Subdivision.

The applicant agreed to a new Condition of Approval (COA #18) that a Plat Note indicate that the pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and that under no circumstances shall the peak height of the barn exceed the Zone Height of 28 feet.

Alternatives

- The City Council may approve the Plat Amendment, as conditioned or amended.
- The Council may deny the Plat Amendment, and direct staff to make Findings for this decision.
- The Council may continue the item to a date certain.

Exhibits

Exhibit A - Ordinance
Exhibit B – Willow Ranch Subdivision Plat, 1993
Exhibit C – Lot 2 Willow Ranch Replat, 1999
Exhibit D – Lot 2 Willow Ranch Survey
Exhibit E – Applicant's Letter of Intent and HOA Approval

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Ordinance No. 2021-20

AN ORDINANCE APPROVING THE LOT 2 WILLOW RANCH REPLAT, FIRST AMENDED, LOCATED AT 2750 MEADOW CREEK DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Lot 2 Willow Ranch, located at 2750 Meadow Creek Drive, petitioned the City Council for approval of the Lot 2 Willow Ranch Replat, First Amended; and

WHEREAS, on March 31, 2021, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on March 31, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on April 14, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on April 29, 2021, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 2 Willow Ranch Replat, First 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 Lot 2 Willow Ranch Replat, First Amended, 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 part of the Willow Ranch Subdivision.
2. The lot is just over 7-acres and is improved with a single-family residence.
3. The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and 1999 Plat Notes.
4. The applicant is proposing to move square footage from the house to the barn, but stay within the total square feet allocated to the lot (9,800 square feet), as well as within the building envelopes for the barn and the house.
5. The applicant is also proposing that the barn height revert back to the allowed Zone Height of 28 feet, which is consistent with the original 1993 Subdivision Plat and CC&Rs.
6. The Willow Ranch Subdivision was originally recorded in 1993.
7. 1993 Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building envelope areas and maximum square footage are noted on the Plat.

8. In 1999, the prior owners of Lot 2 were approved for a Plat Amendment to reallocate 1,300 square feet of barn area to the home. Plat Note #3 limits the home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet. Plat Note #5 limits the barn height to 18 feet.
9. The applicant proposes to amend Plat Notes #3 and #4 and replace them with a footnote that allows for the combined total square footage to remain the same (9,800 square feet) but not be fixed between the house and the barn.
10. The applicant also proposes to delete Plat Note #5 and revert back to the originally allowed maximum Building Height of 28 feet for the barn.
11. The applicant submitted a letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application.

Conclusions of Law:

1. There is good cause for this Plat Amendment as it is consistent with the total square footage allowed on the lot between the home and barn and the Zone Height.
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 amended plat for compliance with State law, the Land Management Code and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the 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, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate the Street address of Lot 2 is 2750 Meadow Creek Drive.
4. A Plat Note shall indicate the home and barn shall be constructed within the designated building envelopes.
5. A Plat Note shall indicate the total impacted area, including building footprint and additional fill, shall not exceed 17,000 square feet.
6. A Plat Note shall indicate a minimum 5-foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines.
7. A Plat Note shall indicate a 10-foot non-exclusive utility easement is hereby dedicated along front lot lines.
8. A Plat Note shall indicate all footing and foundation designs shall be approved by Geotechnical engineers.
9. A Plat Note shall indicate irrigation is by sprinkler only.
10. A Plat Note shall indicate a maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
11. A Plat Note shall indicate lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
12. A Plat Note shall indicate a modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.

13. A Plat Note shall indicate this lot is subject to an animal management plan and equestrian lot open space covenant executed with the Park City Municipal Corporation.
14. A Plat Note shall indicate no basements are allowed.
15. A Plat Note shall indicate the Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
16. A Plat Note shall indicate the home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
17. A Plat Note shall indicate the Building Height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
18. A Plat Note shall indicate the pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak Height of the barn exceed the Zone Height of 28 feet.
19. A Plat Note shall indicate none of the Exception Parcels are rendered separately buildable by virtue of this amendment
20. A Plat Note shall indicate the combined total square footage of the home and the barn shall not exceed 9,800 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
21. A Plat Note shall indicate the barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's, with no human occupancy.
22. A Plat Note shall indicate floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
23. A Plat Note shall indicate no certificate of occupancy will be issued for the barn until all construction on the house has been completed.
24. A Plat Note shall indicate the Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that development shall be required to obtain a MS4 storm water permit prior to any construction activity.

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

PASSED AND ADOPTED this 29th day of April, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Andy B
0340104CDC42481...

Andy Beerman, MAYOR

DS

ATTEST:

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Margaret Plane
11B5B6F4ACF34C7...

City Attorney's Office

Exhibits

Attachment A – Lot 2 Willow Ranch Replat, First Amended

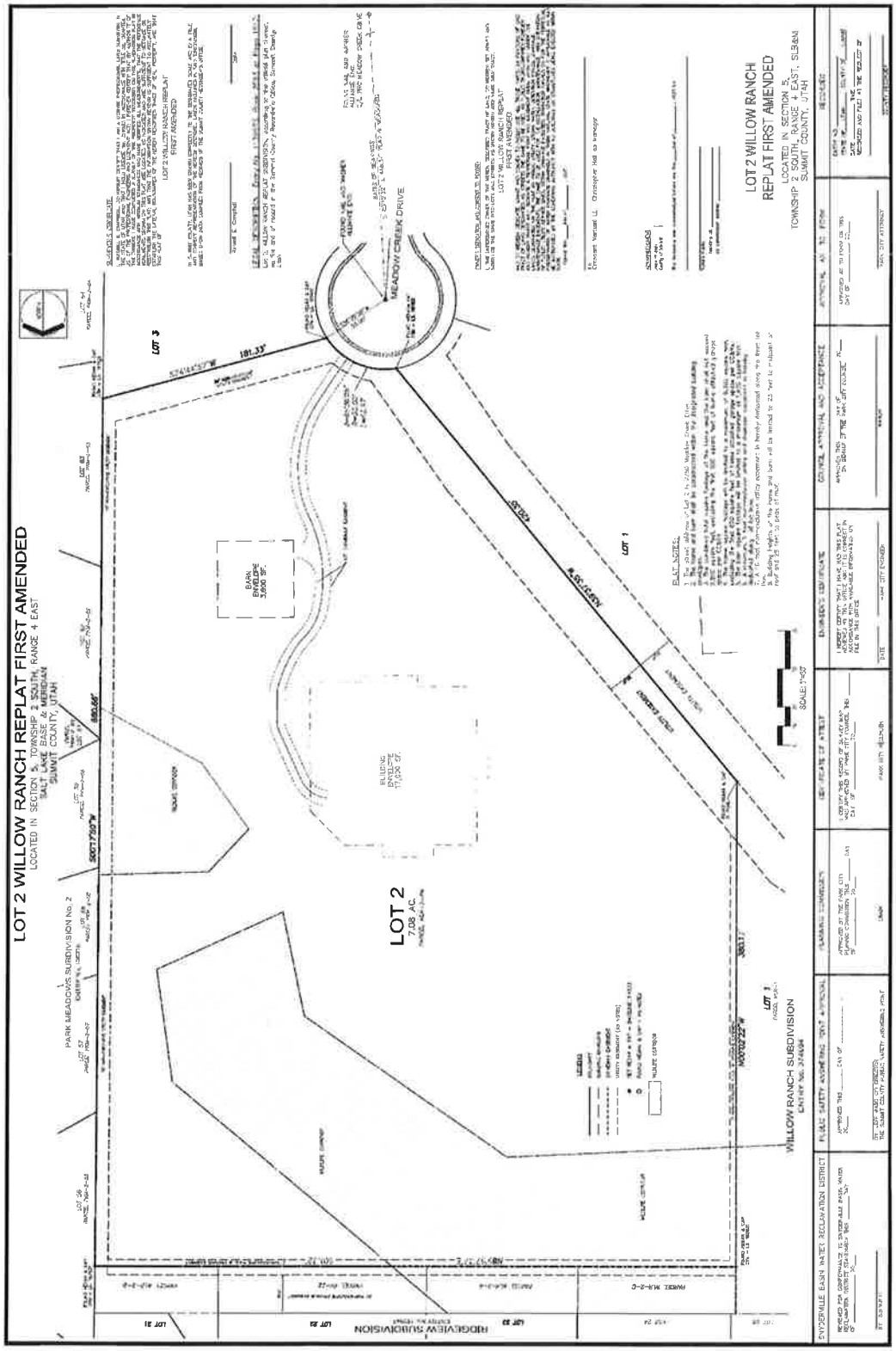

LOT 2 WILLOW RANCH REPLAT FIRST AMENDED
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH
LOT 2
7.08 AC.
LOT 1
LOT 3
MEADOW CREEK DRIVE
PARK MEADOWS SUBDIVISION No. 2
WILLOW RANCH SUBDIVISION
RIDGEVIEW SUBDIVISION
BUILDING ENVELOPE 7,000 SF.
PARK ENVELOPE 3,600 SF.
SCALE: 1"=50'
LOT 2 WILLOW RANCH
REPLAT FIRST AMENDED
LOCATED IN SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SL&BM
SUMMIT COUNTY, UTAH

EXHIBIT "I"

Response to Planning Department's "Opinion" of Rationale for Sauna Building Permit. November 9, 2021.

Purported by Matt Dias as Planning Staff's logic and rationale for processing the sauna building under the Estate District exceptions for an accessory building - Verbatim and reformatted.

It is not clear that this rationale was employed at the time of considering the building permit. No specific rationale was expressed in the City Review Report, emails or other documents provided through a GRAMA request response. The rationale below appears to have been prepared in hindsight as justification for the improper permit. It is also not clear who prepared the rationale as there is no written communication between planning technician and superiors provided in the GRAMA response. **It is clear, that no one ever reviewed or considered the CC&Rs for definitions to the Subdivision Plat.**

This discussion may be moot. The Estate District provisions and exceptions are superseded by the more stringent, self-imposed (City dictated/approved) restrictions as suggested by the LMC 15-7.3-1, the 1992 LMC 1.3, the 2021 LMC 15-1-3, LMC 15-7-5 and CC&Rs 4.1.

Sauna opinion: ***Responses***

Willow Ranch Plat outlines house building pads, barn building pads, driveway easements, and wildlife corridors for some lots, but not all lots have these additional restrictions. ***Staff's observations are correct. Some are large lots in wetlands with other sensitive concerns. The Army Corps of Engineers and wildlife agencies dictated/approved these specific locations. Read Minutes and other approval documents from 1993 and CC&Rs for explanation.***

- House building pads are shown for Lots 1, 2, 7, and 6. ***True and they were surveyed because setbacks are impractical.***
- There is no house building pad shown for Lot 4. ***Not True - the setbacks (little arrows) on the Plat designate the LODA/building pads see Exhibit F of CC&Rs for explanation***
- A Wildlife Corridor is outlined for Lot A, 1, and 2. ***True because there is a corridor as dictated wildlife agencies***
- There is no wildlife corridor shown for Lot 4. ***True because there is none.***
- Barn building pads are shown for Lots 1, 2, 7, and 6. ***True because they are equestrian Lots and anticipated horses.***
- There is no barn building pad for Lot 4***. True because it is too small and not an equestrian Lot***
- Lot 4 includes arrows showing what staff interprets to be setbacks for the Single-Family Dwelling constructed on the site. ***Correct - the setbacks also designate Limits of Disturbance, AKA building pads - Outside of this area is "Natural Area" See Exhibit F of CC&Rs***
- The LMC outlines exceptions for setbacks, including a driveway. Lots 1, 2, 7, and 8 have driveway easements established on the plat. ***True. They are large lots in wetlands with other sensitive***

concerns. The Army Corps of Engineers and wildlife agencies dictated/approved these specific locations. Read Minutes and other approval documents from 1993 and CC&Rs for explanation. See CC&Rs 6.23

- Lot 4 does not, indicating exceptions to setbacks apply to the lot and the driveway was thus an exception to the setback. ***Not true – see CC&R provision – 6.23 as provided below.***

- Just as the driveway was allowed in the front setback, staff interprets the small sauna an exception to the rear setback. ***False interpretation NOT true –. The driveway in the front setbacks was <u>not permitted by virtue of a LMC Estate district exception</u>. It was specifically provided for under 6.23 of CC&Rs. There is no justification or rationale to assume an exception exists in the rear setback for the sauna building.***

- Code Violation Forms were provided to residents to facilitate a challenge to the interpretation. ***No complete information to form a basis to challenge the justification or interpretation was available until GRAMA requests on August 5 without a complete response until October 15.***

- To clarify the disagreement, please file a code violation form to begin the process. ***Notice of Potential Code Violation was filed on November 10, 2021***

The Willow Ranch CC&Rs fully explain the restrictions depicted on the Plat and referred to in the Notes. It should be obvious they are not only a private agreement among owners, but they are also intended by the Declarant and the City to provide notice to the Lot owners and the HOA that a Variance/Plat amendment by City Council was/is required to build any structure outside the platted "Limits of Disturbance Area".

Staff's false interpretation of the Plat illustrations and Notes as well as ignorance of the associated provisions in the CC&Rs, does not change the fact that the Building Permit was improperly granted. Had staff followed up on Ms. Wasden's, August 2020, concern that the sauna permit might require a plat amendment and investigated the CC&Rs, the City would have avoided this difficult situation.

The Applicant and members of the HOA were fully aware of the restrictions prohibiting construction outside the Limits of Disturbance Area and failed to disclose and apply for proper permitting. For the reasons indicated in the violation's complaint filed on November 10th, the Applicant and those HOA members that **reportedly** voted to approve the sauna are the primary contributors to the improper permit to build the sauna.

EXHIBIT "J"

APPLICANT LOT 4 - HOA - PLAT AND CC&R VIOLATIONS

Although requested by the City on numerous occasions, the sauna applicant has never produced a Certificate of Approval from the HOA…or even a tacit letter. The HOA cannot deliver a Certificate without admitting to violations of the platted "Limits of Disturbance Area", a City ordinance. This gives rise to the question of whether all members are aware of the restrictions and in violation, or the individual applicants are acting on their own volition risking construction. The applicant of the Lot 4 sauna, as well as all other homeowners, had Constructive Notice, Article 11.7, of the effect of the restrictions illustrated on the Plat and defined in their CC&Rs. Presumably, many owners have reviewed and voted on previous Plat Amendments. Is not the HOA president obligated to know the process and restrictions applicable to additional development and should he not diligently assist members with submission of legal development proposals?

A Certificate of Approval has not been produced determining a "hardship" as required by Article 3.3, and an application for a Plat Amendment has not been submitted.

Does not the claim of HOA "approval" infer compliance with all conditions, including the Plat? Will the HOA members testify that the sauna and pickle ball court plans received appropriate HOA approvals including a "hardship"? Is the approval process documented? In the event HOA approval has been granted and facilities constructed… is it not a violation of the Plat, an Ordinance.

> c. Review. Within 15 days from receipt of a complete submission, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The

The absence of a Certificate of Approval (compliance) has contributed to Staff's misinterpretation of the Plat. HOA members should be questioned about the "oversight" and veracity of the review and voting protocol, including Article 3.3, and the claims by the applicant regarding the Lot 4 sauna application.

The Committee may have disregarded the CC&Rs and circumvented the City's Plat Amendment requirements, a violation of a City Ordinance.

WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER
OF SECTION 5, T. 2S, R. 4E,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°05'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
3	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

Also the owner hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over the utility and drainage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 12th day of FEBRUARY, 1993.
Richard Dudley – President

Willow Ranch Development Inc., a Utah corporation

ACKNOWLEDGEMENT

State of Utah)
County of Summit)
On the 12th day of February, 1993 personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and forgoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

Notary Public — My commission expires: 1/6/96

NOTARY PUBLIC
MIKI BRINGHURST
7872 Avondale Drive
Salt Lake City, Utah 84121
My Commission Expires
June 1, 1996
STATE OF UTAH

LEGAL DESCRIPTION

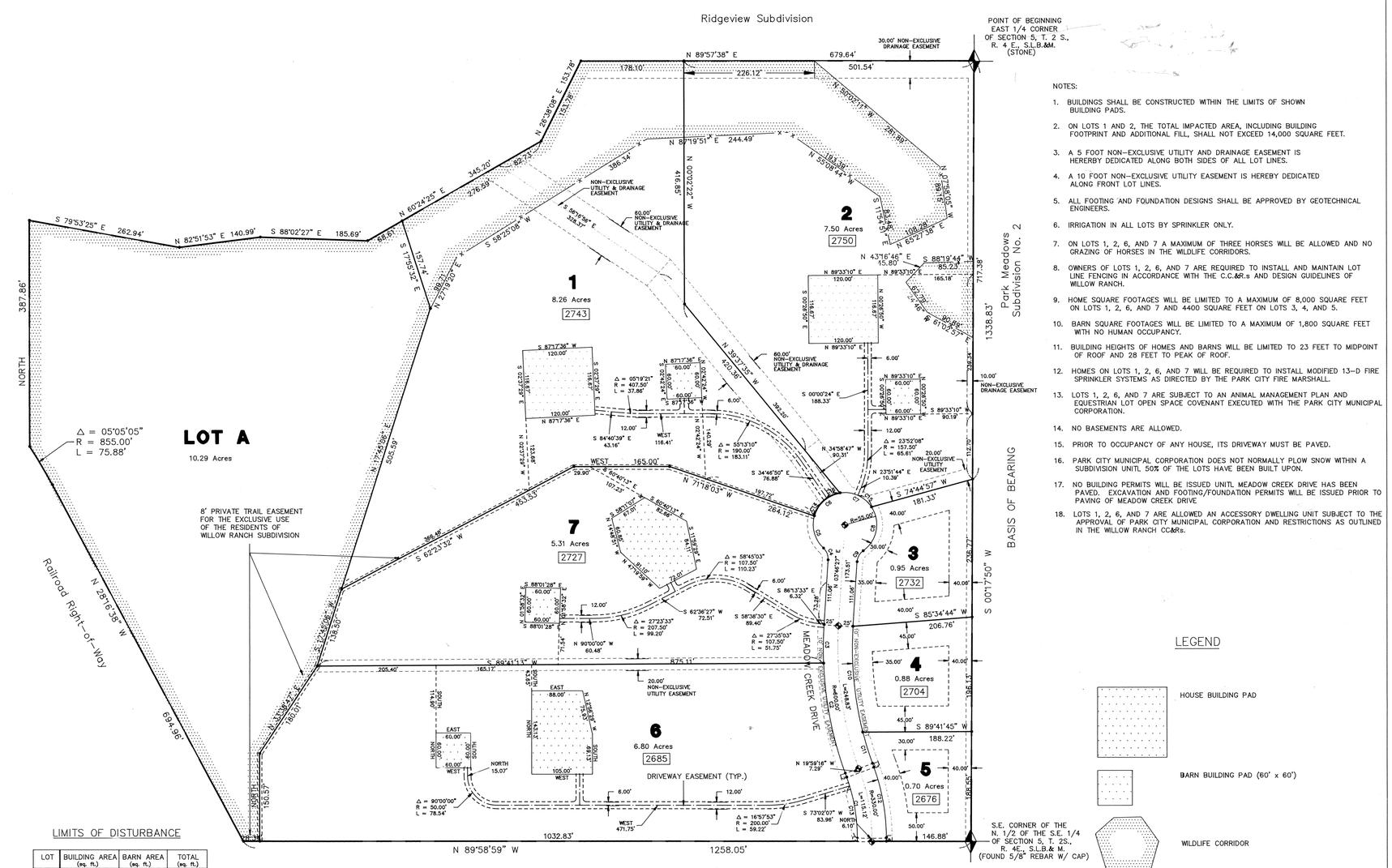
Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05", thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON — DATE: February 12, 1993



SCALE: 1" = 100'

NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR
- 2676 — ADDRESS
- STREET MONUMENT

PLOTTED: JANUARY 22, 1993

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 28TH DAY OF FEBRUARY A.D. 1993 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR — Bradley A. Olch
CITY RECORDER — Anita L. Sheldon

PARK CITY SUMMIT COUNTY CORPORATE SEAL MARCH 1, 1884

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 25TH DAY OF FEBRUARY A.D. 1993.

Eric W. DeHaan P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22nd DAY OF February A.D. 1993.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22nd DAY OF February A.D. 1993

CITY ATTORNEY

RECORDED

Nº. 374694.
STATE OF UTAH.
COUNTY OF SUMMIT.
RECORDED AND FILED AT THE REQUEST OF: Coalition Title
Date: 02-26-93
Time: 11:15 AM
Fee: $22.00

Alan Spriggs
COUNTY RECORDER

3-16-93 GG
SEC 5, T2S R4E
WILLOW RANCH

THE JACK JOHNSON COMPANY
1910 Prospector Avenue * Park City, Utah 84060
(801) 645-9000 * fax (801) 649-1620

22-00
WILLOW RANCH

PARK CITY MUNICIPAL CORPORATION

LAND MANAGEMENT CODE

PASSED AND ADOPTED DECEMBER 22, 1983
EFFECTIVE JANUARY 1, 1984

TWENTY-EIGHTH EDITION
REVISED AS OF NOVEMBER 5, 1992

PARK CITY MUNICIPAL CORPORATION
LAND MANAGEMENT CODE AMENDMENTS SINCE JANUARY 1, 1984 EDITION
(REFLECTED IN TEXT OF CURRENT EDITION)

Ordinance No. 84-5

An Ordinance Amending the Land Management Code of January 1984 to Designate Open Space Requirements in Master Planned Developments, and to Provide for Greater Flexibility in Allowing Height Variations within Master Planned Developments

Adopted May 17, 1984. Effective May 24, 1984. Replaced in its entirety by Ordinance 84-5(2).

Ordinance No. 84-6

An Ordinance Regulating the Placement of Satellite Receiving Antennas Within Park City, Utah.

Adopted June 7, 1984. Effective June 14, 1984.

Ordinance No. 84-10

An Ordinance Amending the Land Management Code of Park City, Utah to Provide for Support Commercial Uses Within Master Planned Developments in the RDM Zone, and Better Define Support Commercial

Adopted July 12, 1984. Effective July 19, 1984.

Ordinance 84-5(1)

An Ordinance Amending Ordinance No. 84-5 to Amend the Land Management Code Provision Concerning Height Exceptions in Master Planned Developments to Require Final Approval of the Exception by the City Council.

Adopted August 23, 1984. Effective August 30, 1984. Replaced in its entirety by Ordinance No. 84-5(2).

Ordinance 84-5(2)

An Ordinance Amending Section 10.9(e) of the Land Management Code to Provide for the Approval of Height Increases of Up to 25% of the Stated Zone Maximum by the Planning Commission, and to Require the City Council to Review Height Increases of More than 25% of the Stated Zone Maximum

Adopted November 15, 1984. Effective November 22, 1984.

Ordinance 85-10

An Ordinance Amending Section 10.14 of the Park City Land Management Code to Clarify the Application of the Unit Equivalent Option on Existing Approvals

Adopted September 19, 1985. Effective September 26, 1985.

Ordinance 85-12

An Ordinance Creating the Historic Recreation Commercial Zone, Establishing the Development Standards for that Zone and Amending the Official Park City Zoning Map

Adopted October 10, 1985. Effective October 17, 1985.

Ordinance 86-7

Review of Permitted Uses for Impact on Existing Infrastructures and Fees Required to Upgrade Existing Infrastructures

Adopted May 29, 1986. Effective June 5, 1986.

Ordinance 86-8

An Ordinance Amending the Park City Land Management Code of 1983, Section 13, Pertaining to Off-Street Parking Requirements

Adopted June 12, 1986. Effective June 19, 1986.

Ordinance 86-9

An Ordinance Amending the Land Management Code of 1983 of Park City, Utah to Clarify the Policy and Purposes for Requiring Security for Completion of Site Improvements on Building Projects

Adopted July 17, 1986. Effective July 24, 1986.

Ordinance 86-12

An Ordinance Amending the Park City Land Management Code to Create Two New Zones, the Single Family (SF) Zone and the Single Family - Nightly Rental (SF-N) Zone, and Amending the Official Zoning Map of Park City; to Modify the Zone Change Provision to Include the Requirement that 51% of the Ownership Interest is in Support of a Request for a Zone Change of a Legally Recorded Subdivision

Adopted November 20, 1986. Effective November 27, 1987.

Ordinance 86-14

An Ordinance Amending Section 8.20(b)(9) of the Park City Land Management Code Pertaining to Timeshare Conversions

Adopted December 11, 1986. Effective December 18, 1986.

Ordinance 87-2

An Ordinance Amending the Land Management Code to Make Nightly Rentals a Permitted Use Rather Than a Conditional Use in the Estate (E), Residential Development (RD), Residential Development-Medium Density (RDM), Residential District (R-1), Historic Residential District (HR-1), and Historic Residential Low Density Zones (HRL); and Amending the Land Use Tables of the Land Management Code

Adopted January 22, 1987. Effective January 29, 1987.

Ordinance 87-7

An Ordinance Amending Section 7.2.10(b) of the Land Management Code to Revise the Off-Street Parking Requirements in the Historic Commercial Business District

Adopted July 23, 1987. Effective July 30, 1987.

Ordinance 87-8

An Ordinance Amending Section 7.13 of the Park City Land Management Code Reducing Allowable Density in the Estate (E) District Zone and Amending Estate District Rezoning Provisions

Adopted September 17, 1987. Effective September 24, 1987.

Ordinance 87-11

An Ordinance Amending Section 7.1 of the Park City Land Management Code to Allow and Set Forth Criteria for Bed and Breakfast Inns as a Conditional Use in the Historic Residential Zone

Adopted October 22, 1987. Effective upon adoption.

Ordinance 87-13

An Ordinance Repealing Ordinance No. 7-20-79 Entitled Subdivision Ordinance in Its Entirety, and Incorporating the New Subdivision Ordinance as Chapter 14 of the Land Management Code, Entitled Subdivision Regulations

Adopted October 22, 1987. Effective upon adoption.

Ordinance 88-3

An Ordinance Amending Section 3.1 of the Park City Land Management Code Changing the Number of Planning Commission Members

Adopted January 7, 1988. Effective January 14, 1988.

Ordinance 88-5

Amendment to Section 9.5(b) of the Land Management Code to Allow the Planning Commission to Review and Approve the Limited Use of Aluminum Siding

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-6

Amendment to Section 7.8 of the Land Management Code to Allow Continuing Uses of Existing Commercial Structures in the Residential Medium Density (RM) Zone

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-7

An Ordinance Amending Section 1.17, Entitled Appeals and Call-Up Process of the Park City Land Management Code

Adopted July 28, 1988. Effective August 4, 1988.

Ordinance 88-10

An Ordinance Amending the Park City Land Management Code to Add an Historic Residential Overlay Zone (HR-2) Which Would Allow Commercial Uses in Existing Historic Structures Along the East Side of Park Avenue, Upper Main Street from the Intersection of Swede Alley and Hillside Avenue, and the East Side of Swede Alley and Grant Avenue

Adopted December 15, 1988. Effective December 22, 1989.

Ordinance 89-2

An Ordinance Amending the Park City Land Management Code to Add a Regional Commercial Overlay Zone (RCO) to Allow Regional Commercial Use Upon the Fulfillment of Certain Conditions

Adopted February 23, 1989. Effective March 2, 1989.

Ordinance 89-12

Omnibus Land Management Code Amendments, Including Appeals and

Review Process and Other Miscellaneous Revisions in Chapters 1, 2, 3, 4, 7, 9, and 12

Adopted May 25, 1989. Effective June 1, 1989

Ordinance 89-15

An Ordinance Amending Chapter 5, Board of Adjustment, Clarifying Its Duties and Powers

Adopted June 1, 1989. Effective June 8, 1989.

Ordinance 89-16

An Ordinance Amending Section 10.12 of the Land Management Code to Revise and Clarify the Unit Equivalent Formula

Adopted April 27, 1989. Effective June 15, 1989.

Ordinance 89-17

An Ordinance Amending Section 10.9 of the Land Management Code to Change the Maximum Density Requirements and the Land Use Tables of Section 7

Adopted July 6, 1989. Effective upon adoption.

Ordinance 89-19

An Ordinance Amending Section 7.2.11 of the Park City Land Management Code to Allow Alternatives to Screening of Exterior Mechanical Equipment in the Historic Commercial Business District

Adopted September 21, 1989. Effective upon adoption.

Ordinance 89-20

An Ordinance Amending Section 8.23 of the Park City Land Management Code to Allow Satellite Receiving Stations within the Historic District

Adopted October 5, 1989. Effective upon adoption.

Ordinance 89-23

An Ordinance Providing for the Annual Registration of Homeowners Associations and Notification to Registered Homeowners Associations of Building Permit Applications

Adopted November 9, 1989. Effective November 16, 1989.

Ordinance 89-25

An Ordinance Amending Various Sections of the Land Management Code to Clarify Noticing Requirements

Adopted December 21, 1989. Effective December 28, 1989.

Ordinance 90-1

An Ordinance Amending Various Sections of the Land Management Code to Require Community Development Department Review of Exterior Color Schemes in the Historic District

Adopted January 25, 1990. Effective February 8, 1990.

Ordinance 90-9

An Ordinance Amending Chapters 3 - Planning Commission, Chapter 4 - Board of Adjustment, and Chapter 5 - Historic District Commission of the Land Management Code to Establish Attendance Requirements for Board and Commission Members and Allowing Historic District Commission Members to Continue to Serve until Successors are Appointed

Adopted March 8, 1990. Effective March 15, 1990.

Ordinance 90-17

An Ordinance Amending Section 7.1.3. of the Land Management Code to Require Floor Area Ratios in the Historic Residential (HR-1) District

Adopted June 7, 1990. Effective June 14, 1990.

Ordinance 90-19

An Ordinance Amending Sections 4.1 and 4.3 of Chapter 4, Historic District Commission, of the Land Management Code

Adopted June 28, 1990. Effective June 28, 1990.

Ordinance 90-31

An Ordinance Amending Various Sections of the Park City Land Management Code to Clarify and Amend Processing Requirements for Development Proposals (Phase 1 of Growth Management Plan)

Adopted November 29, 1990. Effective December 6, 1990.

Ordinance 90-32

An Ordinance Amending Sections 7.5.5., 7.6.5., 7.15.5., and 7.16.5. of the Land Management Code Modifying Language Relative to Architectural Review of Single Family Residences

Adopted and Effective December 20, 1990.

Ordinance 91-4

An Ordinance Amending Chapters 2, 7, and 13 of the Land Management Code, Creating a New Chapter 14 which Regulates Child Care and Renumbering Subsequent Sections

Adopted February 21, 1991. Effective March 7, 1991.

Ordinance 91-5

An Ordinance Amending Sections 3.1 and 3.13 of the Land Management Code

Adopted and Effective February 28, 1991.

Ordinance 91-6

An Ordinance Amending Section 8.23 of the Land Management Code to Revise Provisions Regulating the Placement of Satellite Receiving Stations

Adopted and Effective April 25, 1991.

Ordinance 91-7

An Ordinance Amending Chapters 2 and 7 of the Land Management Code Deleting References to the Language "Child Nurseries" and "Day Care Center"

Adopted and Effective April 25, 1991.

Ordinance 91-18

An Ordinance Amending Sections 4.14, 4.15 of the Land Management Code, Adding New Sections 4.16, 4.17 and 4.18 and Renumbering the Remainder of Section 4 to Regulate Processing of Applications for Removal of Historic Structures

Adopted October 3, 1991. Effective October 10, 1991.

Ordinance 92-01

An Ordinance amending Section 7.19 of the Land Mangement Code to temporarily prohibit the placement of temporary sales offices in all zones

Adopted January 14, 1992. Effective January 21, 1992.

Ordinance 92-06

An Ordinance amending Section 1.15(a), (b) and (c) of Section 1.21 of the Land Management Code of Park City, Utah clarifying notice and vesting of zoning rights

Adopted March 5, 1992. Effective March 12, 1992.

Ordinance 92-07

An Ordinance amending various provisions of the Land Management Code (maximum house size on combined lots, secondary living quarters, parking in City right-of-way, all appropriate districts requiring single-family review, prohibiting chain link fences, definition of building pad and limits of disturbance, lot lines and setbacks for unusual lot configurations, amendments to setback requirements for satellite dishes, extension of frontage protection zone along SR224, and modification to HRC zone requirements)

Adopted March 5, 1992. Effective March 12, 1992.

Ordinance 92-11

An Ordinance amending Section 7.11.3(c) of the Land Management Code to allow affordable/moderate income housing in the Light Industrial (LI) Zone through the master planned development process and amending the Land Use Tables in Chapter 7

Adopted May 14, 1992. Effective May 21, 1992.

Ordinance 92-17

An Ordinance adopting the Sensitive Area Overlay Zone Regulations and amending the Official Zoning Map of Park City, Utah to include the Sensitive Area Overlay Zone and amending the Land Management Code of Park City, Utah to better regulate development on sensitive lands

Adopted September 24, 1992. Effective September 24, 1992.

Ordinance 92-19

An Ordinance amending the Land Management Code of Park City, Utah to include amendments to Chapter 2, definitions of floor area; Chapter 4, demolition permits; Chapter 7, lot size policy; Chapter 8, satellite dish screening; and Chapter 9, tower features on single family dwellings and limiting the use of stucco

Adopted November 5, 1992. Effective November 5, 1992.

Ordinance 92-20

An Ordinance adding Section 8.27 to the Land Management Code of Park City, Utah to add criteria for conditional use review of outdoor speakers in conjunction with outdoor dining

Adopted November 5, 1992. Effective November 5, 1992.

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ORDINANCE

AN ORDINANCE ADOPTING THE LAND MANAGEMENT CODE OF 1983 TO PROVIDE FOR A COMPREHENSIVE ZONING PLAN OF PARK CITY AND ADOPTING AN OFFICIAL ZONING MAP FOR PARK CITY, UTAH

Be it ordained by the City Council of Park City:

CHAPTER 1. GENERAL PROVISIONS/PROCEDURES

1.1. SHORT TITLE. This ordinance shall be known as the Park City Land Management Code, and is referred to herein as this Code or the Code.

1.2. STATEMENT OF PURPOSE. The Code is designed and enacted to implement the objectives of the Park City Comprehensive Plan and Development Guide, and to promote the general health and welfare of the present and future inhabitants of the City, and to protect property values of the City and the neighborhoods within the City, and to create an atmosphere attractive to visitors and residents. It is the intention of the City in adopting this Code to fully exercise all of the powers granted to the City by the provisions of the Utah Zoning Enabling Act, Section 10-9-1 et seq. Utah Code Annotated, 1953, as amended, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the City is to assure the proper and sensitive development of land within Park City to protect and enhance the quality of life in general. The Code is intended to allow development in a manner that encourages the preservation of scenic values, historic structures, the unique urban scale of original Park City, and provides for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. The Code seeks to prevent development that adds to existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community or detract from the quality of life in the community.

1.3. CONFLICT. The provisions of this Code are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. This Code shall not supersede any private land use regulations in deeds or covenants which are more restrictive than this Code. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.

1.4. EFFECT ON PREVIOUS ORDINANCES AND MAPS. The existing zoning ordinances of Park City, including the official zoning maps adopted with those ordinances, are hereby amended in their entirety to conform to the provisions of this Code, provided that this Code is a continuation of those existing ordinances, and not a new

enactment, in so far as the substance of the old and new provisions are the same. This Code shall not be construed as affecting the term of office of any board or commission member appointed under the prior enactment. Structures built prior to the adoption of this ordinance, or for which building permits were issued and on which work commences as required under the permit shall, to the extent they do not conform to this ordinance, be considered as non-conforming uses, and shall not be affected hereby. Uses which were non-conforming under the old enactments shall not be affected by this Code, unless the Code is changed in a manner that makes the use conforming to the zone.

1.5 AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP. It may become desirable from time to time to amend the provisions of this Code or the zoning map. All amendments shall be made in the following manner:

(a) Procedural Amendments. Amendments to the procedural provisions of the Code may be made by the City Council from time to time following a public hearing. Hearings on matters that are procedural in nature and do not directly affect the nature of uses on any given parcel of land, or which do not change allowed uses from permitted to conditional uses, shall be advertised for one week, prior to the week of the hearing, in a newspaper having general circulation in the City. The amendment may be adopted on the day of the hearing or at any time following the hearing.

(b) Substantive Amendments. Amendments to the Code which affect the uses to be made of land within the City by (1) allowing a use previously prohibited; (2) prohibiting a use previously allowed; (3) increasing or decreasing the density of the uses previously allowed; (4) changing a permitted use to a conditional use; (5) changing a conditional use to a permitted use, or (6) changing the zone of any property shall be made only after public hearings as required by this Code.

(c) Petition for Zone Change. A petition to change the zone of any land within Park City shall be filed first with the Community Development Department on a form prescribed for that purpose. The form shall contain a legal description of the land affected by the petition, and a statement of the petitioner's interest in the land included within the petition. The petition shall state the current zone of the property and the zone which the petitioners desire to have a new zone designation established, the petition shall so state, and give some indication of the uses and standards requested. A fee may be established for acting on a petition for a zone change. To change or amend the zone within a legally recorded subdivision, the petition must include signatures of owners of at least 51% of the platted lots in the subdivision.

(1) Hearings before Planning Commission. The Planning Commission shall hold a public hearing on all petitions for zone changes received from citizens or property owners affected by the change. The Commission shall also hold a public hearing on substantive amendments in the Land Management Code. Notice of all zone change hearings before the Planning Commission shall be given as set forth in Section 1.15 of this Code. The notice shall state generally the nature of the proposed amendment and land affected, and the time, place, and date of the hearing. More detailed information shall be available for public inspection at the office of the Community Development Department at the time the notice is published.

(2) Action by Planning Commission. Following the hearing, the Planning Commission shall adopt formal recommendations to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. The Planning Commission shall act on the proposal at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Commission fails to act at its next regularly scheduled meeting, the proposal shall be forwarded to the City Council for consideration without recommendation.

(3) Hearing before City Council. The City Council shall hold a public hearing on all petitions for zone changes and substantive amendments to the Land Management Code. Following the hearing, the Council shall approve, disapprove, or modify and approve the proposal before it. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Council may overrule the recommendations of the Commission. Council action on amendments to the Code or to the zoning map require the affirmative vote of three or more City Council members. Council may act on the petition at the time of the hearing or at subsequent meetings.

(4) Joint Hearings. At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes shall be taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall comply with the standards set forth in Section 1.15 of this Code.

1.6. CREATION OF DISTRICTS AND ZONE MAP. In order to carry out the purposes of the Code, zone districts have been established as set forth in Chapter 7 of the Code. These zone districts are identified on the official zoning map, which is adopted as a part of the this Code. In interpreting the zoning map, the following standards shall apply:

(a) The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which cast the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of this Code, the district lines shall be conformed to the lot lines.

(b) Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.

(c) Where the district lines are intended to follow natural land contours, such as the boundaries for the Estate District, the line shall be determined at the point at which the general slope of the land changes to 25% grade. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic date submitted to the Community Development Director. Where land of less than 25% slope is surrounded by land of 25% or greater slope, the Planning Commission shall entertain an application to rezone the land of less than 25% slope to RD if the Community Development staff determines that the land is accessible by two means, one of which is a road of standard width that does not exceed 10% grade, and that the grading of the road or roads to reach the land in question will not create hydrologic, erosion, geologic, or similar hazards for land lying below the proposed road,and that all cuts and fills for the road can be safely stabilized. See Section 7.12.5.

1.7. PENALTIES. Any person, firm, partnership, or corporation, or the principals or agents thereof violating or causing the violation of this Code shall be guilty of a Class "B" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring an action to enjoin the continuation of the violation.
Private Citizens of Park City or property owners shall also have a right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such

action shall give notice of the action to the City Recorder prior to filing the action.

1.8. LICENSING. All departments, officials and public employees of the City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall issue licenses and permits only in conformance with the provisions of this Code. Licenses issued in violation of this Code shall take no effect, and are null and void.

1.9. ZONING MAP ADOPTED. The zoning map for Park City as presented to the City Council and executed by the Mayor is the official zoning map for Park City. Upon amendment to the zoning map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

1.10. PROCEDURE UNDER THE CODE. No building permit shall be issued for any building project unless the plans for the proposed structure have been submitted to and approved by the Community Development Department. Proposals submitted to the Community Development Department shall be reviewed according to either the Permitted Use Review process or the Conditional Use Review process, which includes Small Scale Master Planned Developments. Projects in the Historic District are subject to design review under the Historic District Guidelines. Subdivisions, long-range development master plans, and Large Scale Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review and final approval. No planning review shall occur until all applicable planning application fees have been paid, and not final approval shall be effective until all other fees assessed by ordinance, including applicable staff review and engineering fees have been paid. Upon issuance of final planning approval under either review process, the plans are forwarded to the Building Department for building permit issuance under the provisions of the Uniform Building Code, as adopted and amended by Park City.

1.11. PERMITTED USE REVIEW PROCESS. On any proposal to construct a building or other improvement to property which is defined by this Code as a permitted use in the zone in which the building is proposed, the Community Development Department shall review the submission to determine whether the proposal (a) is a permitted use within the zone for which it is proposed, (b) complies with the requirements of that zone for building height, setback, side and rear yards, and lot coverage; (c) that the applicable parking requirements have been satisfied; and (d) the plan conforms to the architectural design guidelines established for that zone. Upon finding that the proposal complies with the applicable zoning requirements, and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for Building Code compliance and permit issuance. If the submission does not comply with the requirements of the zone, the Community

Development Department shall so notify the owner of the project or his agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a conditional use for that zone.

(a) Application for Permitted Uses. The application for a building permit for a permitted use shall contain the following information, in addition to information required by the Uniform Building Code:

(1) If the structure is being built on the "fast track" method, the footing and foundation details, site plan, and elevations of all sides of the structure shall be submitted with the application, and all fees paid.

(2) A Site Plan Showing the Lot and the Location of the Proposed Structure on the Lot. The site plan must be drawn to scale. A certified survey may be required on projects with structures on or near the lot lines, or when the lot lines are difficult to determine from existing plats and monuments. Topographic date may be required when the site is sloping or when the building height cannot be readily determined from the elevations without topographic data.

(3) A statement of the name and address of the owner or responsible agent, and a telephone number.

(4) The location of the proposed structure by street address or by reference to existing structures so that the location can be identified and assigned a street address.

(5) A legal description of the property and proof of ownership.

(6) Approval of permitted uses shall be noted by the issuance of a building permit in compliance with the provisions of the Uniform Building Code, Chapter 6, and Section 1.12 of this Code.

(6) The location and size of adjacent utility lines.

1.12. REVIEW OF PERMITTED USES FOR IMPACT ON EXISTING INFRASTRUCTURES AND FEES REQUIRED TO UPGRADE EXISTING INFRASTRUCTURES

(a) Infrastructure Review. Although the City endeavors to provide infrastructure which will adequately serve all types of buildings and structures allowable within each zone in Park City, certain buildings and structures, because of size, type of construction, or lot characteristics, present peculiar demands on City infrastructure. In order for the City to

determine whether existing infrastructure is adequate, or what additional infrastructure is needed to meet the peculiar needs of certain types and sizes of buildings and structures which are permitted uses in the zone; the following types and sizes of proposed buildings and structures are subject to review for impact on existing infrastructure and approval:

(1) All commercial or multifamily buildings or structures of Class III, IV or V construction, as defined by the Uniform Building Code, greater than 10,000 square feet, or;

(2) Any building or structure over 10,000 square feet within fire separations as defined in Section 505 of the Uniform Building Code, or;

(3) All commercial or multifamily buildings and structures located on parcels of one-half acre or larger, or;

(4) All buildings or structures which are required to have fire sprinkling systems under Park City Ordinance, or;

(5) All buildings or structures located on lots which have an average slope of more than 25 percent, or;

(6) Any industrial or manufacturing facility that deals with products or processing materials that are or could become explosive, flammable or toxic according to the Uniform Fire Code.

(b) Scope of Review. For proposed buildings or structures which are permitted uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing city infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of snow melt, storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, and ensuring safe access for users and emergency vehicles in accordance with City codes, standards, and ordinances as set forth in this ordinance which shall be in addition to all other adopted codes and ordinances. For proposed buildings or structures which are conditional uses or master planned developments in the zone in which the building or structure is proposed the infrastructure review which is historically and currently a part of the regular conditional use or master plan review process is specified below.

(c) Review Procedure. Buildings and structures which, although are permitted uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing

infrastructure according to the standards described in Chapter 1, and the following review procedure shall be followed:

(1) Application for Building Permit. Upon making an application for a building permit, the applicant shall supply the Building Official with plans and specifications sufficiently detailed to determine whether the proposed building(s) or structure(s) are subject to further infrastructure review. If, according to the standards found in Chapter 1, any proposed building or structure triggers infrastructure impact review, then a building permit shall not be issued and the Building Official shall refer the applicant to the Community Development Department for review of the impact of the proposed buildings and structures on existing city infrastructure and determination of what, if any, additional infrastructure is necessary.

(2) The Application. Upon referral of the application for a building permit to the Community Development Department for infrastructure impact review, the Community Development Department shall within ten working days request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information will be requested by the Community Development Department to the extent relevant:

To Determine the Impact on Drainage:

(1) a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, any known geologic or mine hazards, with north arrow and scale;

(2) topography with contours shown at intervals of not more than five feet of the site and as the site adjoins contiguous properties;

(3) vegetation type and location;

(4) soil type and load carrying capacity information;

(5) 100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;

(6) all existing roads, fences, irrigation ditches, and drainage facilities;

(7) location and size of the nearest storm drainage facilities the site could drain to, water lines and

sanitary sewer lines; and where and how the developer proposes to connect to the existing drains.

(8) site plan of the proposed buildings and structures showing building locations;

(9) proposed road locations and other circulation features;

(10) proposed finished grades;

(11) proposed drainage, drainage works, detention ponds, retaining walls,and erosion control plans;

<u>To Determine the Impact on Culinary Water, Water for Fire Flows and Sewage</u>:

(1) location and size of the nearest water main and sanitary sewer lines the project to which the project can drain; and where and how the applicant proposes to connect to the systems;

(2) site plan and floor elevations (building height) of all proposed buildings and structures showing building locations, construction type and materials;

(3) proposed easements for new utility services or relocated utility services;

(4) fire sprinkling plan.

(5) estimated peak culinary water demands, including irrigation and water demand for fire flows.

<u>To Determine the Impact on Slope Retention</u>:

(1) topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property;

(2) proposed drainage, drainage works, retaining walls, and erosion control plans;

(3) proposed landscaping;

(4) complete, detailed construction drawings and support documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings, showing roof plan and cuts and fills;

(5) other specific information and scientific data and opinions which, in the opinion of the Community Development Department, is useful or necessary for the meaningful review of the project. Such additional information may be required from the applicant based on the nature of the project or the site.

To Determine the Physical Impact on Streets and Pedestrian Facilities:

(1) prepare a site plan which coordinates pedestrian connections, sidewalks, and bike paths if any such pedestrian facilities are shown on the Trails Master Plan or the Old Town Sidewalks Master Plan.

(2) submit construction staging location plan.

(3) submit estimated truck traffic trip numbers for construction traffic.

(4) if requested by the City Engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street or roadway which will be utilized by any traffic generated by or relating to the proposed project, including but not limited to construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality testing machine as approved by the City Engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction such that repairs can be made at the expense of the project proponents to return the pavement to its original quality.

(d) Department Action. Within 15 working days from the receipt of the complete application including all requested information for infrastructure impact review, the Community Development Department and other appropriate City departments or officials shall have reviewed the project and determined whether existing infrastructure is sufficient to adequately serve any proposed buildings or structures. If the existing infrastructure is adequate to serve any proposed buildings or structures, then a building permit shall be issued in accordance with the Uniform Building Code and City Ordinances. If upon review existing infrastructure is found to be inadequate to serve any proposed buildings or structures, the building permit shall be withheld. At the option of the, city, the applicant may either

(1) change the type, scale or location of any and all proposed buildings or structures in such a manner that

existing infrastructure may adequately serve all proposed buildings or structures, or

(2) provide at applicant's expense the additional infrastructure necessary to adequately serve all of applicants proposed buildings or structures according to designs approved by the City, or

(3) pay a proportionate share of a City project that would mitigate the impact. Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or, upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as estimated by the City Engineer, a building permit shall be issued in accordance with City codes and ordinances.

(e) Appeal and Review. If the applicant does not agree with the determination of the Community Development Department that existing infrastructure is inadequate, or with the requirement for additional infrastructure, the applicant may request Planning Commission review. The Planning Commission is empowered to affirm, reverse or modify the determination of the Community Development Department. All actions of the Planning Commission are appealable to the City Council.

If the Community Development Department has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within 15 working days after submission, the application automatically forwarded to the Planning Commission for determination of adequacy of existing infrastructure.

(f) Transferability. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

(g) Expiration. If a building permit is not obtained within twelve months from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. If a permit is not taken in six months, the review shall determine whether off-site conditions or demands have changed the ability of the

system to meet the demands of the project under review. The permit requirements may be modified to adjust to the new capacity or demand.

(h) Standards for Review. No building permit shall be issued on buildings and structures subjected to infrastructure review unless it is found by the City that there is sufficient infrastructure capacity, according to the standards adopted by the City, either existing or to be provided by the applicant to adequately serve the proposed buildings and structures. Specific review items include: delivery of adequate water for culinary and fire flow purposes, safe access for users and emergency vehicles, and proper handling of snow melt and storm drainage and slope preservation. The standards to be applied for review are:

(1) Standards for Water Delivery. The standards for adequate delivery of water shall be: the Park City Fire Flow Standards; the Park City Design Standards, Construction Specifications and Standard Drawings; and, the State Board of Health Drinking Water Regulations as now constituted and as may be amended.

(2) Standards for Site Drainage. The standards for adequate site drainage are the Uniform Building Code Chapter 70, adopted by Ordinance 82-23, or its successor, and the Park City Design Standards, Construction Specifications and Standard Drawings as now constituted and as may be amended.

(3) Standards for Access. The standards for access to the building or structure are the 1985 Uniform Fire Code adopted by Ordinance 80-8, or its successor, the Streets Master Plan, and the Park City Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be amended.

(4) Standards for Slope Retention. The standards for slope retention are the Uniform Building Code Chapter 70, and the Park City Design Standards, Construction Specifications and Standard Drawings as now constituted or as may be amended.

1.13. CONDITIONAL USE REVIEW PROCESS. Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, resort lodging, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone, and if properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use,

the character of surrounding development, traffic capacities of adjacent and feeder streets, environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving neighborhood characters and assuring compatibility between the conditional uses, the uses on adjoining properties, and the City at large. Development of conditional uses will be subject to review by the Community Development Department, and may be allowed subject to conditions imposed for the purpose of preserving the character of the zone district, and mitigating potential adverse effects of the conditional use. Where conditions to the use cannot be devised to satisfactorily mitigate adverse effects of the conditional use, the application for a conditional use permit shall be denied. Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed according to the following procedure:

(a) Pre-Application Conference. A pre-application conference may be held with the Community Development Department to determine the nature of the use and the general nature of conditions that might be imposed. At the pre-application conference, the Department and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

(b) The Application. A conditional use application shall be filed on a form prepared by the Community Development Department, and shall be supported and accompanied by the following information (seven sets are required):

a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;

a map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;

the boundaries of the site, and any easements of record or known prescriptive easements;

topography with contours shown at intervals of not more than five feet;

vegetation type and location;

soil type and load carrying capacity information;

100 year flood plain and high ground water areas, known spring and seep areas and ditches or canals;

all existing roads, fences, irrigation ditches, and drainage facilities;

location of public utility facilities and easements;

site plan of the proposed conditional use showing building locations;

proposed road locations and other circulation features;

proposed finish grade;

proposed drainage, drainage works, retaining walls, and erosion control plans;

proposed location of all site improvements such as plazas, tennis courts, pools, and similar improvements;

proposed easements for new utility services or relocated utility services;

proposed landscaping;

designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;

proposed intersections with existing public streets;

general architectural concept drawings of proposed buildings;

lighting plans, if any;

signage plans, if any;

proposed location of a common satellite receiving station; and

other information as may be useful or necessary for the meaningful review of the project. Additional information may be requested at the pre-application conference based on the nature of the project or the site .

(c) Written Statement. A written statement shall be submitted containing the following information:

a preliminary title report showing the title to the property, and listing all encumbrances, covenants, easements, and other matters affecting title, and a legal description of the site;

copies of any covenants or easements which are referred to in the title report;

a development schedule indicating phased development, if any, and the estimated completion date for the project;

stamped and addressed envelopes for all property owners within three hundred (300) feet of the perimeter of the site with their current mailing addresses as shown from the most recently available county assessment rolls, provided that the name and address of the registered agent for a condominium project is sufficient in lieu of each owner;

a general description of the project, prospective tenants or types of tenants of occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;

and other information that might be helpful to the Department in reviewing the proposed use.

(d) Notice/Posting. Upon receipt of the complete conditional use application and payment of all applicable fees, the Community Development Department shall cause notice to be given to the public in accordance with the provisions of Section 1.15 of the Code.

(e) Public Comment. The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Community Development Department office during normal business hours. The notice shall provide a public comment period for not less than 15 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Department. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.

(f) Department Action. Once an application is received, the staff will work diligently to review the application as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application

is filed as to the projected processing time frame. The Community Development Department and other appropriate City departments or officials shall review the project and propose a conditional use permit encompassing all conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. If the developer accepts the conditions imposed, the conditional use application shall be placed on the consent agenda of the Planning Commission for final approval. After action by the Commission has become final, building permits are to be issued as provided in the Building Code and this Code.

If the Community Development Department and the developer are not able to agree on conditions of approval, the developer may go before the Planning Commission for review or may withdraw the application. The review shall appear on the agenda for the next regularly scheduled meeting that has available time. Priority shall be given to review in preparation of the agendas.

If the Community Development Department has not acted on an application or has not indicated to the developer what aspects of the plan are not acceptable as proposed within 45 working days after submission, the developer shall have the right of review by the Planning Commission. The developer may, at any time in the review process, request review of the conditions of approval by the Commission.

(g) Plat Approval. When a conditional use requires the recording of a condominium, planned unit development, or subdivision plat, the final plat shall be taken to Planning Commission for plat approval only. The scope of review for plat approval is limited as set forth below in Section 1.24(e). Plat approval may be granted at the same time as the conditional use approval.

(h) Transferability. A conditional use permit is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

(i) Expiration. Conditional use permits shall expire one year from the date of the Planning Commission approval of the conditional use, unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Permits may be issued in stages, but the issuance of a footing and foundation permit is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid for

within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction work for purposes of extending a conditional use permit. Whether construction has commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors.

(j) Standards for Review. No conditional use permit shall be issued unless the Community Development Department finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Park City Comprehensive Plan; and that the effects of any differences in use or scale have been mitigated through careful planning. The Department shall review each of the following items when considering a conditional use permit:

size and location of the site;

traffic considerations including capacity of the existing streets in the area;

utility capacity;

emergency vehicle access;

location and amount of off-street parking;

internal circulation system;

fencing, screening, and landscaping to separate the use from adjoining uses;

building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;

usable open space;

signage and lighting;

physical design and compatibility with surrounding structures in mass, scale, style, design,and architectural detailing;

noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site;

control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;

expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;

(k) Architectural Review. All conditional uses are subject to architectural review by the Community Development Department subject to a right of review by the Planning Commission for all zones, except those in the Historic District, where architectural review shall be by the Historic District Commission. Within the Historic District, conditional uses and permitted uses shall be subject to the architectural guidelines promulgated by the Historic District Commission and adopted by the Council by resolution as a supplement to this Code. Outside the Historic District, conditional uses are subject to the General Architectural Guidelines adopted as a part of this Code in Chapter 9. Compliance with the architectural criteria is a condition of approval of all conditional use permits.

(l) Sensitive Lands Review. If a conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.

1.14. MASTER PLANNED DEVELOPMENT REVIEW PROCESS. Applications for developments to be built according to a master plan which provides for mixes uses, and/or density transfers and concentrations within the site, commonly referred to as planned unit development (without regard to the manner in which title to the project will be held) shall be treated as conditional use applications and are divided into two review processes depending on the size and nature of the project. These review processes are described as follows:

(a) Small Scale Master Planned Development Review. Those projects having 50 or fewer Unit Equivalents, and/or less than 15% of the total project floor area (exclusive of parking) devoted to non-residential uses, are reviewed as Small Scale Master Planned Developments. The review process is identical to the conditional use process. Also reviewed as Small Scale Master Planned Developments are individual building projects within a previously approved large scale master planned development, regardless of the number of unit equivalents or the residential/commercial mix in the development proposal.

(b) Large Scale Master Planned Development Review. Those projects having more than 50 unit equivalents, and/or 15% or more of the total project floor area (exclusive of parking) devoted to non-residential uses shall be reviewed as Large Scale Master

Planned Developments according to the procedure described in Chapter 10 of this Code. The nature of the density transfers and zoning concessions within the project are set forth in Chapter 10 (see Section 1.15(c) for the application requirements). The substantive requirements for master planned developments are described in Chapter 10 of this Code.

(c) Sensitive Lands Review. If a master planned development is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.

1.15. NOTICE. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission concerning amendments to the comprehensive plan, zoning and zone changes, substantive amendments to the Land Management Code, preliminary and final subdivision and condominium plat approvals, master planned development approvals, certificates of appropriateness for demolitions, appeals and variances shall be provided in accordance with this section. Notice of amendments to the comprehensive plan and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing. All notice required under this section shall be given as follows:

(a) Posted Notice. The Community Development Department shall post notice on the property affected by the application and in at least three other public places within the City, stating that an application concerning the development of that property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department.

(b) Published Notice. Published notice shall be given by publication in a newspaper having general circulation in Park City. Published notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter.

(c) Courtesy Notice. As a courtesy to property owners, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls

except that the name and address of the registered agent for a condominium project is sufficient in lieu of the address for each unit owner. The courtesy notice shall state that an application has been filed affecting the subject property, or that an appeal or call-up has been made, the nature of the application or action, and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any board or commission.

Proof that notice was given pursuant to either subsection (a) or (b), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper

(d) Homeowners Associations Registration and Notification:

(1) Registration. Homeowners associations desiring notice of requests for building permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars ($50). This registration shall be due by January 31 of each year.

The registration shall consist of the name(s), address including post office box, and telephone numbers of at least three (3) authorized representatives of the homeowners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Any change(s) in the above information shall be forwarded in writing to the Building Department within ten (10) days of the change.

(2) Notice. Beginning January 31, 1990 prior to application for a building permit for all new construction or major alterations, additions or repairs, variances, conditional use permits or expansion of non-conforming uses in subdivision or condominium developments registered with the City, the applicant shall file with the City evidence of notification to the appropriate registered homeowners association. Acceptable evidence of notification shall be the following: (a) properly executed approval from the homeowners associations; (b) a singed return receipt from a certified letter posted to the proper association representative; and/or (c) the properly executed notice form, as approved by the City.

(3) No Notice Required. Minor alterations, additions or repairs, as defined by the Land Management Code Section 12.3(b), shall not require notice to the homeowners association prior to permit issuance.

Minor changes to projects after permit issuance shall not require further notice to the homeowners association.

Associations not registered with the City will not be included in the published list of homeowners associations and may not receive notice of building permit requests prior to their issuance.

(4) City Not Party to Disputes. The City shall not become a party to disputes between the permit applicant and the homeowners association and shall not delay the City's permitting process because of such dispute.

1.16. APPEALS, REVIEW AND CALL-UP PROCESS. Decisions by the Historic District Commission on architectural review in the Historic District may be appealed to the City Council. Decisions by the Planning Commission regarding conditional uses, including small or large scale Master Planned Developments, may be appealed to the City Council. Any person who submitted written comment on a proposal before the Historic District Commission or Planning Commission, the owner of any property within three hundred (300) feet of the boundary of the subject site, and the owner of the subject property shall have standing to appeal a decision of the Commissions. Appeals from Commission actions shall be by letter or petition to contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Code, if known, that are violated by the action taken.

(a) Written Findings Required. The Planning Commission or Historic District Commission (whichever has acted) shall prepare detailed written findings on any application that it denies. These findings shall state the reasons for denial and the provisions of this Code or other City ordinances, or guidelines, or applicable state or federal laws or regulations that would be violated by approval, and the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary.

(b) Non-owner Petitions. Any person who submitted written comment on a proposal before the Planning Commission or Historic District Commission, and the owner of any property within three hundred (300) feet of the boundary of the subject site has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission. The petition must be filed in writing with the City Recorder

within ten (10) calendar days of final project approval. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his agent, if any, the name of the project, and the grounds for the appeal. The City Council shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the Recorder. The City Recorder shall notify the petitioner and the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

(c) Petitions by the Owner. The owner of any project has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission affecting that project. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final project approval. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and the grounds for the appeal. The City Council shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City Recorder. The City Recorder shall notify the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

(d) Action on Petitions. The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(e) City Council Call-up. With fifteen (15) calendar days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 1.15 of this Code. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council shall act on the

matter within thirty (30) days of the call-up, or the prior action is deemed approved.

(f) Stay of Approval Pending Review or Appeal. Upon the filing of a non-owner petition or a petition by the owner for review by the City Council of a Historic District Commission or Planning Commission decision, any approval granted by the Historic District Commission or the Planning Commission will be suspended until the City Council has acted on the appeal. In the event the City Council votes to call-up an action taken by the Historic District Commission, Planning Commission or Community Development Department, any approvals granted by those entities shall be suspended until the Council has acted on the call-up.

(g) Appeal from the City Council. The owner of any project, or any person aggrieved by the approval of any project may appeal from the final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.

(h) Finality of Action. If no appeal or call-up has been taken at the end of fifteen (15) days from the date of final action by the Planning Commission, Community Development Department or Historic District Commission, the action is final.

1.17. TERMINATION OF PROJECTS. It is the policy of the city to require developers submitting projects to the planning process to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal, and the establishment of exact time requirements for review is impractical. It is the policy of the city to formally deny projects submitted to the process which remain inactive for long periods of time due to acts or omissions of the developer.

(a) Termination of Applications. When the Community Development Director believes that a project that has been formally submitted is not making normal progress towards final approval, he shall take the project before the Planning Commission and request the Planning Commission to deny the project application and close the files with respect to that project. No project shall be taken to Planning Commission for denial on the basis of inaction without giving 60 days written notice to the developer and the responsible agent by certified mail. Such notice shall state the intent of the Community Development Director to have the project denied because of inaction and the time, place, and date when the matter will be taken before the Planning Commission.

(b) Inaction Defined. A project shall be deemed inactive and subject to denial on the basis of inactivity if, through the act or omission of the developer and not the city:

(1) more than three months has passed since the last meeting of the Department staff and the developer;

(2) more than three months has passed since a request for additional information was made by the Department staff which request has not been complied with or the developer's reasons for non-compliance are not stated;

(3) the developer is more than 60 days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(4) the developer has stated his intent to abandon the project;

(5) the project appears to have been abandoned; or

(6) the application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

Delays occasioned entirely by internal delays of the City or any commission or board shall not be cause for termination.

(c) Reinstatement. A developer may appeal the Planning Commission's denial of a project for inactivity to the City Council in the same manner as any other appeal, or the action may be called up by the Council. The City Council may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, all interest in the application ends. If the developer desires to proceed with the project, he must start at the beginning of the process with a new submission and payment of new submission fees, and shall be subject to all ordinances then in effect.

1.18. APPEARANCES BEFORE PLANNING COMMISSION, HISTORIC DISTRICT COMMISSION, BOARD OF ADJUSTMENT, AND CITY COUNCIL ON APPEAL AND FOR REVIEW. All persons speaking before any city agency, department, commission, or board or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans, or if the owner is present. The Planning Commission or the Community Development Department may request other persons appearing to speak in any agency position with any project to provide a statement signed by

the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

1.19. VARIANCES. Any variances required shall be granted by the Board of Adjustments under the provisions of Chapter 5 of this Code prior to the issuance of any conditional use, master planned development, or other approval by the Planning Commission or Community Development Department. All action on an application shall be stayed upon learning that a variance is required until the applicant shall have obtained the variance or his request is denied by the Board of Adjustment. Appeals from final action of the Board of Adjustment shall be made to the District Court as provided by state law, and not to the City Council.

1.20. RELATION TO SUBDIVISION CONTROL ORDINANCE. The procedures set forth in this Code are intended to supersede inconsistent procedural provisions in the subdivision control ordinance. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein, and all applications for subdivision approval are subject to termination as set forth herein.

1.21. VESTING OF ZONING RIGHTS. Upon payment of the required application fees and submission of a completed application, as determined by the Community Development Department, an applicant shall be entitled to have the filed application reviewed and acted upon pursuant to the terms of the Land Management Code and zoning map in effect at the time of filing of the application, subject to the exceptions set forth below. The applicant may take advantage of changes in the LMC and zoning map that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

Non-zoning related matters, including, but not limited to site development standards, procedural requirements and building code requirements, will not vest until complete building permit applications have been filed and required fees have been paid. Water connection availability, costs of water connection and water development fees, and applicable fees and charges will vest only upon payment of the building permit application fees and submission of all the materials necessary for the issuance of a building permit.

Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

Exceptions. Applicants shall not be entitled to review and approval of applications pursuant to the terms of the LMC in

effect at the time of application when revisions to the LMC are pending at the time of application which would prohibit or further condition the approval sought, or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.

1.22. PLAT APPROVAL. On all projects requiring the recording of a plat or record of survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the City:

(a) Owner's Execution. A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. A condominium plat need not be signed by those holding security interest in the property. All owners' signatures must be acknowledged.

(b) Contents of Plat. The plat must have signature blocks for the Mayor, City Engineer, Recorder, Attorney, Planning Commission Chairman, and County Recorder's use. The survey data and accuracy of the plat must be certified by a licensed surveyor, and the plat must bear the surveyor's official stamp.

(c) Submission. The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property, and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.

(d) Recording. Upon granting of final approval by the City, the City Recorder shall release the fully executed plat and the declaration and covenants to the title company designated by the developer for recording. The City shall have no obligation to advance recording fees, but may deliver the plats to the County directly rather than through the developer's designated title company. No plat shall be recorded until the Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval.

(e) Effect of Approval. In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as

being in compliance with local zoning ordinances. The City does not make any representation concerning the accuracy of the information presented in the plat drawn by the developer, nor the value of the project.

PLANNING DEPARTMENT

APPLICATION NOTICE MATRIX

	POSTED	MAILED	PUBLISHED
ZONING OR REZONING	(15) days prior to each hearing before the PC and CC	to all owners of the property and all owners w/in 300 ft. (15) days prior to each hearing	once (15) days prior to each hearing before the PC and CC
SUBSTANTIVE AMENDMENT TO LMC	----------	----------	once (10) days prior to each hearing before the PC and CC
PROCEDURAL AMENDMENT TO LMC	----------	----------	one week prior to the hearing before the CC
PRELIM. AND FINAL SUBDIVISION & CONDO PLAT, CONDITIONAL USE, MPD AND TIMESHARE CONV APPROVALS	(10) days prior to each hearing before the PC	to owners w/in 300 ft. at least (10) days prior to each hearing before the PC	once (10) days prior to each hearing before the PC
APPEALS FROM HDC OR PLANNING COMM. INCLUDING CITY COUNCIL CALL-UP	----------	to all parties who received mailed notice for the original HDC or PC meeting (10) days prior to the CC meeting	----------
APPEALS TO BOARD OF ADJUSTMENT, VARIANCE REQUESTS	(10) days prior to the hearing before the Bd. of Adj.	to owners w/in 300 ft. (10) days prior to the hearing before the Bd. of Adj.	once (10) days prior to the hearing before the Bd. of Adj.

CHAPTER 2. DEFINITIONS

2.1. DEFINITION USAGE. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Chapter.

Unless the context clearly indicates to the contrary,words used in the present tense included the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Access. The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

Accessory Building. A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and customarily found in connection with such principal building or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use.

Administrative Permit. A permit issued by the planning staff for specified uses after compliance with applicable zoning regulations is determined.

Agriculture. The tilling of the soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Antenna. A device for sending and/or receiving radio, television, or similar communication signals.

Apartment House. A multiple dwelling; see Dwelling, Multi-Unit.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Arterial. A road intended to more through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators with the governmental unit; and/or as a route for traffic between communities or large areas.

Attached Building. Units connected on one or more side to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

Balcony. A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

Bed and Breakfast Inns. A dwelling of historical significance in which two to eight rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals in provided to the guests only, the price of which may be included in the room rate.

Block. A tract of land bounded by streets, or by a combination of streets an public parks, cemeteries, railroad rights-of-way, shore lines of water ways, or boundary lines of municipalities.

Boarding House. A building other than a hotel, cafe, or restaurant with two or more bedrooms where for direct or indirect compensation lodging and/or kitchen facilities or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building, Attached. (See Attached Building.)

Building, Detached. Any building or structure separated from another building on the same lot by at least six feet.

Building, Main. The principal building, or one of the principal buildings on a lot, or the building or one of the principal buildings housing a principal use upon a lot.

Building, Public. Structures constructed by or intended for use by the general public such as libraries, museums, the municipal buildings, etc.

Building and Zoning Inspector. The person designated by the City to enforce the Zoning Ordinance. If no Administrative Assistant to the Planning Commission is appointed to administer these regulations, the Building Inspector shall administer these regulations.

Building Pad Line. The building pad line denotes that area in which the entire new structure must lie. The area of construction disturbance attributable to the structure (as opposed to utilities installation) may not extend beyond ten (10) feet from the building pad line.

Business Offices. Any site or location which provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

Canopy. A roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

Child Care Center. A center-based facility in which the provision of Child Day Care for 13 or more children occurs on a regular basis.

Child Day Care. The provision (day or night) of supplemental parental care instruction and supervision (a) for a non-related child or children; (b) on a regular basis; and (c) for less than 24 hours a day. As used in this Ordinance, the term is not intended to include baby-sitting services or a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child-care by a group of parents in their respective domiciles.

City. The City of Park City, Utah.

City Attorney. The licensed attorney designated by the City to furnish legal assistance for the administration of these regulations.

City Council. The City Council of Park City, Utah.

City Engineer. The licensed engineer designated by the City to furnish engineering assistance for the administration of these regulations.

City Staff. The employee of Park City charged with the duties of performing ministerial or administrative functions under this Code. When specific job titles are referred to in this Code, it is done for convenience in designating the person or department primarily responsible for that particular function. All City staff functions are under the direction of the City Manager, or the Mayor in the absence of the City Manager, and the use of a specific job title shall not be construed as vesting authority with that person or department as all staff actions are under the direction of the City Manager and the departmental structure established by the Manager for the effective operation of City affairs.

Collector Roads. A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Common Open Space. Facilities and yard areas identified within projects for the use and enjoyment of the residents and maintained and operated by an organization of property holders.

Community Development Department. Community Development Department shall mean the division of the City staff and administration which has the primary responsibility over planning, building, engineering, zoning, and development related services. This is the department with the primary responsibility for project review, under the direction of the City Manager.

Community Development Director. The Director of the Community Development Department, with overall administrative control of the planning, building, zoning, and engineering functions of the City, under the direction of the City Manager.

Conditional Use. A use requiring special consideration and review in the manner set forth in Section 1.13. of this Code.

Condominium. Any structure which has been submitted to condominium ownership under the provisions of the Utah

Condominium Ownership Act. This includes residential, non-residential, and any other space.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or City Engineer as a condition of the approval of the plat.

Convalescent Home. An institution other than a hospital wherein people may gradually recover from an illness (see Nursing Home).

Coverage. Lot area covered by a building.

Cul-de-sac. A local street with only one outlet and have an appropriate terminal for the safe and convenient reversal of traffic movement.

Developer. The person, persons, corporation, firm or partnership owning the land proposed to be developed or a designated representative. Consent shall be required from the legal owner of the premises.

Development Credits. Points allocated to parcels of ground in certain districts based on the parcel's square footage. Development credits shall be used to determine volume of allowed uses. Development credits are non-transferable.

Dwelling. A building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, but not including hotel, motel, lodge, or nursing home rooms.

Dwelling, Multi-Family. A building arranged or designed to be occupied by two families or more living independently of each other in separate but attached dwellings.

Dwelling, Single Family. A building arranged or designed to be occupied by only one family; a structure having only one dwelling unit.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Equivalent Population. A population estimate based upon the year-round average occupancy of all permanent and transient units.

Escrow. A deposit of cash with the City or approved alternate in lieu of an amount required and still in force on a

performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account.

Family. An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.

Family Day Care. The provision of child day care for four to six children, inclusive, including the provider's own children under the age of 18, if they are cared for in the same area of the structure designated for Family Day Care.

Family Group Care. The provision of Child Day Care for seven to 12 children, inclusive, including the provider's own children who are under the age of 18, if they are cared for in the same area of the structure designated for Family Group Care.

Fence. A structure constructed for reasons of privacy, security, or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight obscuring or light tight.

Final Approval. Final approval by the Planning Commission or Community Development Department, where Commission action is not required, of a plan, project, rezoning, activity, or other action shall be given after all the requirements set out in the Preliminary Approval have been met and after all concerns of the reviewing agency regarding such plan, project, rezoning, activity, or other action have been addressed and answered. Final approval does not refer to plat approval unless the plat is submitted simultaneously.

Final Plat. The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flexible Zoning. Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permits and special uses, master planned developments, group housing projects, community unit projects, average density or density zoning projects.

Flood Plain Area. An area adjoining a river, stream, or water course, or other body of standing water in which a potential flood hazard exists due to inundation or overflow of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any area designated as a flood plain by the

Department of Housing and Urban Development of the United States Government.

Floor Area. The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Uniform Building Code.

Floor Area Ratio. The floor area shall be the floor area as defined in Chapter 2, divided by the total area of the lot or parcel.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side or a corner lot.

Frontage, Block. All property abutting one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line.

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Garage, Private. A detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

Garage, Public. A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Geologic Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, or shifting of the earth.

Governing Body. The body of the City (City Council of Park City) having the power to adopt ordinances.

Grade. The slope of a road, street, or other public way, specified in percentage terms.

Grade, Natural. Elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of run-off water.

For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs.

Guarantee. Any form of security including a letter of credit, escrow agreement, or instrument of credit in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

Guest House. An accessory building intended for the inhabitation by non-rent paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.

Habitable Space (Room). Habitable space (room) is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable.

Hard-surfaced. Hard-surfaced shall mean covered with concrete or asphalt surface.

Health Department and Health Officer. The agency and person designated by the City to administer the health regulations of the City.

Height. The vertical distance from natural undisturbed grade to the highest point of a flat roof or to the deck line of mansard roof or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deck line or maximum zone height, whichever is

lower. Roofs not fitting clearly any of the above three classifications shall be classified by the Planning Director in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. See Section 8.17.

Highway, Limited Access. A freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

Historic District Commission. The appointed Commission for the Park City Historic District, hereinafter referred to as the HDC.

Home Occupation. See Section 8.12 for definition.

Hotel/Motel. A building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or hotel apartments. This does not include lock-outs or boarding houses.

Hotel Room. A unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

Hotel Suite. Two interconnected rooms in a hotel with a single corridor or exterior access and without a kitchen, intended for the temporary occupancy of guests.

Impact Analysis. A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

Improvements. See Lot Improvements or Public Improvements.

In-Home Baby-sitting. The provision of child day care for fewer than four children.

Joint Ownership. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Kitchen. A room or space within a room equipped with such electrical or gas hook-up which would enable the installation of a range, oven, or like appliance using 220/240

volts or natural gas (or similar fuels) for the preparation of food.

Liftway. The necessary right-of-way, both surface and air space, for the operation of any tram covered by this ordinance.

Liftway Setback. The minimum allowable distance between the side line of the liftway and any structure.

Limits of Disturbance. The limits of disturbance line indicates the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of disturbance line as indicated on the plat or Master Plan unless the Community Development Director has amended the limit as per sections 10.9(k)3 or 15.4.2(d)3.

Local Government. The City of Park City, Utah.

Local Government Attorney. See City Attorney.

Local Government Engineer. See City Engineer.

Local Road. A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lockout Room. An area of a dwelling not to exceed one room with separate exterior access and toilet facilities, but no kitchen. Such a room may be rented independently of the main dwelling but shall not be sold independently. Only two lockout rooms are permitted for each dwelling. For density purposes, the lockout is counted as an additional bedroom of the dwelling it is a part of, and not counted as an independent unit. Nightly rental of lockout rooms is a conditional use.

Lot. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into smaller units.

Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135°.

Lot Depth. The minimum distance measured from the front property line to the rear of same property boundary.

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real

property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations and the Land Management Code.

Lot Line, Front. The property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel which borders a public or private street right of way, unless a project with private streets has previously designated specific setbacks. See Section 8.25 for specific setbacks on unusual lots.

Lot Line, Rear. The property line opposite the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot Width. The minimum distance between the side property lines.

Major Street Plan. See Official Zoning Map.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Master Plan. A comprehensive plan for development of the City, prepared and adopted by the Planning Commission and City Council, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Master Planned Development. A development designed and reviewed under the Master Planned Development review processes described in Chapter 1 and Chapter 10 of this Code.

Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments. The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Boards to insure the projects conform to regional and state needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Minor Subdivision. Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive

Plan, Official Zoning Map, Streets Master Plan, or these regulations.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two lots to be created according to the procedures for minor subdivisions, as set out in Chapter 14 of the Code.

Municipality. The City of Park City, Utah.

Neighborhood Park and Recreation Improvement Fund. A special fund established by the City Council to retain monies contributed by developers in accordance with the "money in lieu of land" provisions of these regulations within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision.

Nightly Rental. The rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

Non-Conforming Use. The use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

Non-residential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations and the requirements of the Land Management Code.

Nursery, Greenhouse. A place where young plants are raised for experimental purposes, for transplanting, or for sale.

Nursing Home. An institution described also as a "rest home", or "convalescent home", other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

Off-site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Zoning Map. The map established by the City Council pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out,

adopted and established by law, and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

Official Master Plan. See Master Plan.

One Bedroom Apartment. A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

Open Space. Open space shall be defined as five separate types dependent upon occupancy, use, and control. All five types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

Natural Open Space. Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over 30%, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission;

Neighborhood Open Space. Landscaped areas free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surfaced recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve fewer than three parking spaces; (c) the ground surface above underground facilities provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces and steps under 30 inches high provided they are not covered by a portion of a building; or

Recreational Open Space. Parks and areas of active recreation use including neighborhood or community

centers or clubhouses intended for use by residents of the development, neighborhood or community.

Ordinance. Any legislative action, however denominated, of the City Council of Park City which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations.

Parking, Public. A parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

Parking Lot. An area other than a street used for the parking of more than four automobiles.

Parking Lot, Commercial. A lot used for the temporary parking of automobiles for compensation.

Parking Lot, Private. A lot used for the temporary parking of automobiles for compensation.

Parking Space. An area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced or porous paved.

Parking Structure. A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

Passenger Tramway. Shall mean a mechanical device for the primary purpose of transporting passengers by means of chairs or enclosed compartments which are suspended from cables or travel along cables on or above the ground, including each of the devices described in Section 63-11-38 of the Utah Code Annotated, 1953, as amended, and also passenger carrying devices operating on rails.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Permitted Use. A use of land for which no conditional use permit is required.

Planning Commission. Planning Commission of the City of Park City, Utah established in accordance with law.

Porous Paving. A substantial surfacing material designed and intended to support light vehicular movement. Porous

paving includes paving systems such as modular pavers which provide at least 50% surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Professional Office. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

Property Line, Front. That part of a lot which abuts a public street or public right-of-way.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed.

Public Use. A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative, service facilities, and public utilities.

Quasi-Public Use. A use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, and universities, or similar uses.

Recreation, Commercial. Recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, ski lift, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

Recreation, Private. Recreation facilities operated on private property and not open to the public.

Recreation, Public. Recreation facilities operated by a public agency and open to the public with or without a fee.

Regional Planning Commission and Regional Council of Governments. See Metropolitan or Regional Planning Commission.

Registered Engineer. An engineer properly licensed and registered in the State of Utah.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State of Utah.

Restaurant. A building in which food is prepared and served for consumption within the premises.

Restaurant, Drive-In. A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roads, Classification. For the purpose of providing for the development of the streets, highways, roads, and rights-of-way in and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Zoning Map of the City and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Streets Master Plan of Park City. The required improvements shall be measured as set forth for each street classification on the Official Zoning Map.

Road, Dead End. A road or a portion of a street with only one vehicular traffic outlet.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, interstate succession, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Satellite Receiving Station. Shall mean and include any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

Screening. Either (a) a strip of at least ten feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will for a year-round dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with "For Patrons Only" or like limitation, not over two square feet in area, which shall be non-illuminated. Where required in the distract regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Secondary Living Quarters Areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest, or similar users. The Code requires these quarters to be small, on the same

meter system as the main dwelling, with limited access, and not separately rented or leased. Review for this use is undertaken by the Planning and Building Departments at the time of Building Permit request.

Semi-Detached Building. Units connected on one side by a common or party wall with separate exterior entrance for each unit.

Setback, Front. A front setback will be required for each side of a lot bordering a public street right of way. See Section 8.25 for specific setbacks on unusual lots.

Setback. The distance between a building and the street line or road right-of-way, or nearest property line thereto.

Shade Tree. A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Site Development Standards. Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space, and any other special regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

Sketch Plat. A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Street. See Road.

Street, Public. A thoroughfare which as been dedicated and accepted by the Council, which the City has acquired by prescriptive right or which the City owns, or accepted for dedication on an approved final plat, or a thoroughfare which as been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards. Any street or road shown on the streets master plan as a public street.

Structure. Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

Studio Apartment. A dwelling unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or kitchen for the exclusive use of that apartment, all having a combined floor area of not more than 1,000 square feet.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot parcel, unit,site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor. See Minor Subdivision.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

Support Commercial Facilities. Those commercial uses which are located on the site of a master planned development, and oriented toward the internal circulation of the development, for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development. Examples of support commercial uses are barber shops, beauty salons, travel agencies,

clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.

Tandem Parking. Parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another. Tandem parking is only permitted for single family and duplex dwellings within the Historic District.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.

Timeshare Conversion. The conversion into a timeshare project of any real property and the existing structure(s) attached thereto, which were not subject to a timeshare instrument prior to the date of such conversion, including, without limitation, the conversion into a timeshare project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project, or (c) any dwelling unit or units within an existing planned unit development.

In the event the developer of a condominium or similarly owned project reserves in the declaration of ownership establishing such condominium project the right to create timeshare intervals within (a) all or any portion of any additional land that may thereafter be added to the project, (b) any convertible land within the project, or (c) any convertible space within the project, then the subsequent creation of timeshare intervals within any portion of such additional land, convertible land, or convertible space shall not be deemed to be a timeshare conversion as defined in Chapter 1 of this Code, so long as (a) such right to create timeshare intervals is specifically reserved by the developer in accordance with the requirements of the Utah Condominium Ownership Act, Utah Code Annotated, Section 57-8-1, et. seq., (b) the reservation of such right to create timeshare intervals is fully disclosed in writing to the city at the time the city's approval to develop the project is sought by the developer, and (c) such right to create timeshare intervals expires no later than seven years from the date the declaration establishing such project is recorded in the office of the County Recorder of Summit County, Utah.

Timeshare Estate. An ownership or leasehold estate in property devoted to a timeshare fee (including, without limitation, tenants in common, time span ownership, interval

ownership, and cooperative timeshare ownership) created by a timeshare instrument and the documents by which it is granted.

Timeshare Instrument. Any instrument whereby the use, occupancy or possession of real property has been made subject to either a timeshare estate or timeshare use, and whereby such use, occupancy or possession circulates among three or more purchasers of the timeshare intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years in duration.

Timeshare Interval. A timeshare estate or a timeshare use.

Timeshare Off-Premises Contacting Activity. Activity occurring outside of a timeshare project that is engaged in by off-premises timeshare contacting personnel in an effort to induce persons willing to attend a timeshare sales presentation. Off-premises timeshare contacting must be confined to a fully enclosed building and is subject to business license regulation.

Timeshare Off-Premises Sales Activity. Original timeshare sales and resales activity occurring outside of a timeshare project. Off-premises timeshare sales shall be confined to a fully enclosed building and is subject to business license regulation.

Timeshare Off-Premises Contacting Location. A location within the city, but outside of a timeshare project, at which off-premises timeshare contacting personnel attempt to induce persons to attend a timeshare sales presentation. Such location must be within a fully enclosed building.

Timeshare Off-Premises Sales Office. An office located within the city, but outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or resales.

Timeshare On-Site Sales Activity. Timeshare sales activity occurring within a timeshare project in an enclosed building.

Timeshare On-Site Sales Office. An office located within a timeshare project within the city wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales.

Timeshare Project. Any real property that is subject to a timeshare instrument, including a timeshare conversion.

Timeshare Sales Presentation. (1) An offer to sell or reserve a timeshare interval; (2) an offer to sell an option to purchase a timeshare interval; (3) the sale of a timeshare interval, or an option to purchase a timeshare interval; or (4) the reservation of a timeshare interval, whether the timeshare interval is located within or without the State of Utah, where such offer, sale or reservation is made within the city.

Timeshare Unit. That unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

Timeshare Use. Any contractual right of exclusive occupancy created by a timeshare instrument which does not fall within the definition of a "timeshare estate" (including, without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

Unit Equivalent. The relative density factor applied in the Code to different sizes and configurations of dwelling units and commercial spaces within a Master Planned Development.

Use, Intensity. The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

Yard. A required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below grade structures must be provided unless a variance is obtained.

Yard, Front. A required space between the front line of the main building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the closest main building.

Yard, Rear. A required space between the rear line of the building and the rear lot line, or closer public street and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the main building.

Yard, Side. A required space between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

CHAPTER 3. PLANNING COMMISSION

3.1. PLANNING COMMISSION CREATED. There is hereby created a City Planning Commission to consist of eight members. Members shall be appointed by the Mayor with advice and consent of the Council.

3.2. TERMS AND ELIGIBILITY OF MEMBERS. Members of the Planning Commission shall serve terms of four years. The terms shall be staggered so that two members shall be appointed each year. Terms may expire on the second Monday in February but members on the Planning Commission shall continue to serve until their successors are appointed and qualify. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

3.3. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council.

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

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

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

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

3.8. PURPOSES. The Planning Commission is intended to act as a non-political, long range planning body for the city. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of the decisions of the Community Development Department. The Planning Commission shall review those matters designated in Section 1.15.

3.9. HEARINGS. The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues.

3.10. MINUTES. The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder.

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

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

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

3.14. REVIEW BY PLANNING COMMISSION. General planning and review of specific development projects by the Planning Commission shall be divided into the following functions: (a) City Comprehensive planning and zoning review, (b) subdivision approval, (c) Large Scale Master Planned Development approval (d) notification of conditional use applications, (e) review of decisions from the Community Development Department on appeal, (f) plat approval, (g) termination of inactive application and (h) review of trams and lifts outside the ROS and Estate Zones. The scope of review for each of these functions is as follows:

(a) City Comprehensive Planning. The Planning Commission shall have the primary responsibility to initiate long-range master planning for the City, including planning for adequate streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexation to the City and recommend action and zoning on land to be annexed. The Commission shall initiate or recommend zone changes and review the development standards within zones. The Commission shall hear all requests for zone changes. A member of the Community Development Department shall be designated to work with the Commission in this long-range planning function.

(b) Subdivision Approval. The Planning Commission shall review all applications for subdivisions under the provisions of the Park City Subdivision Control Ordinance.

(c) Large Scale Master Planned Developments. All proposals for Large Scale Master Planned Development approval shall be reviewed by the Planning Commission. An application must be filed with the Community Development Department on a form as described in Chapter 10. Large Scale Master Planned Development planning shall include those departments which propose more than 50 Unit Equivalents and/or 15% or more of the floor area (exclusive of parking) for non-residential use. In reviewing requests for Large Scale Master Planned Development approval, the Commission shall consider the overall planning for the proposed project, including:

Site planning for the project;

traffic circulation within the project and on the adjoining streets, both existing and proposed;

land uses within the proposed project area including the mixture of commercial and residential;

density of development;

identification of development parcels within the larger tract, and the order in which development is proposed or should be permitted to allow for the orderly and economic expansion of City services;

compatibility with surrounding land uses;

other pertinent planning and land use issues that are affected by the project, such as the effects on schools, fire protection, water and utility services, drainage, and similar on and off site issues; geologic hazards;

compatibility with comprehensive plans adopted by the City;

utility capacity;

emergency vehicle access;

location and amount of off-street parking;

internal circulation system;

fencing, screening, and landscaping to separate the use from adJoining uses;

building mass, bulk, and orientation, and the location of buildings on the site;

usable open space;

signage and lighting;

physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing, and general architectural theme;

noise, vibration, odors, steam, smoke, or other mechanical factors that affect people and property off-site;

control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;

expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;

(1) Nature of Approval. Upon review and consideration of the proposal, the Planning Commission may approve, disapprove, or modify and approve the request for Large Scale Master Planned Development approval. The approval process shall establish the following items:

designation of land uses within the project area;

designation of identifiable development parcels within the total project area. These development parcels are not required to be divided or platted as subdivision lots, but may be designated on maps as a part of the approval with a final legal description of the parcels to be required at the time each is developed or sold, leased, or

otherwise transferred or separated from the whole tract.

designation of the land use or mixture of uses for each development parcel;

designation of density ranges in Unit Equivalents for each development parcel identified;

designation of the order of development to ensure economical expansion of City services;

designation of specific conditions to the development of any parcels which are by their nature more subject to development constraints than the typical parcel in the proposed development;

designation of density transfers from one parcel to another, if any;

whether or not there will be commercial uses on all or some of the development parcels identified, and if so, the specific parcels that will include commercial uses;

the general architectural theme and character of the overall development.

(2) Length of Approval. The Large Scale Master Planned Development approval granted by the Planning Commission shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Approval will lapse after two years of inaction, unless extended for up to two years by the Planning Commission. Zone changes occurring while the approval is in effect shall not affect the approval. Changes in the Master Plan requested by the developer will be reviewed and approved as a revision to the Master Plan by the Planning Commission. A change will be defined as any change in concept, unit type, configuration or number. At that time, the Planning Commission shall review the entire MPD, even if only one parcel or phase is involved in the modification under the regulations in effect at the time of review. Modification shall act as an extension of the approval.

(3) Record of Approval. When Large Scale Master Development approval is granted, the approval shall be noted in a recordable document stating the legal description of the property involved, and at least the general nature of the approval. The notice shall direct interested persons to the Community Development Department to review the actual

master plan. The purpose of the recording is to put prospective purchasers on notice that the land has been included within a master plan that has established density ranges and land uses that might be more or less restrictive as to individual parcels than the underlying zoning regulations might imply.

(4) Development on Planned Parcels. Development proposals for each development parcel within the Large Scale Development Master Plan approval are reviewed by the Community Development Department as Small Scale Master Planned Developments under the conditional use process, regardless of the size or nature of the development.

(d) Ratification of Departmental Actions. The Planning Commission shall review all actions of the Community Development Department on the approval of conditional use applications, including approval of Small Scale Master Planned Development applications under that review process. Conditional use approvals shall be placed on the Planning Commission agenda under a section designated as the consent agenda, with such supporting material as the Department and the Commission Chairman determine is appropriate or necessary for the information of the Commission members. All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the developer requests the item to be tabled in order to prepare additional information to respond to the Commission's concerns. The following items may be placed on the consent agenda:

(1) conditional use permits;

(2) Small Scale Master Planned Development approvals;

(3) plat approvals for either of the above, or plat approvals for condominiums or other projects, and subdivisions;

(4) requests for extensions of conditional use approvals, Small Scale Master Planned Development approvals, or Large Scale Master Planned Development approvals;

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

(e) Review of Staff Actions. At any time, the developer or any non-owner as defined in Section 1.17(b) of this code may request that staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the staff level on the matters at issue.

(f) Plat Approval. The Commission shall review all plats to be recorded affecting land within the City limits or annexations to the City. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the staff or the Commission, have been satisfied. Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. No new conditions may be imposed at the plat approval stage. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(g) Inactive Projects. See Termination of Projects, Section 1.17.

(h) Review of Passenger Tramway Proposals. The Planning Commission shall hold hearings and perform the review of proposals for passenger tramways and liftways located in zones where they are conditional uses according to the standards of review set forth in Section 8.18 of this Code. Although these uses are conditional uses in these zones, the neighborhood impacts are such that specific review by the Planning Commission is required. Conditional use permits for passenger tramways and liftways shall be voted on by the Planning Commission, and shall not be ratified on the consent agenda. In the zones where passenger tramways or liftways are permitted uses, no Planning Commission action is required.

(i) Sensitive Lands Review. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

CHAPTER 4. HISTORIC DISTRICT COMMISSION, AND PRESERVATION OF HISTORIC BUILDINGS AND SITES

4.1. COMMISSION CREATED. Pursuant to the Historic District Act (Section 11-18-1, et seq, of the Utah Code, 1953) and other applicable powers, there is hereby created a Park City Historic District Commission. The Commission shall be composed of five (5) members, one of whom shall be a member of the Planning Commission

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

4.3. TERMS AND QUALIFICATIONS OF MEMBERS. Members of the Commission shall serve terms of two years. The terms shall be staggered. Terms may expire on July 1 but members of the Commission shall continue to serve until their successors are appointed and qualified. The member appointed from the Planning Commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the Planning Commission. The Mayor shall appoint a new Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

The Commission should include members with the following qualifications, or representing the following interests:

(a) A licensed architect or member of the American Society of Interior Design, with demonstrated experience in historic preservation.

(b) A member recommended by or associated with one of the following groups: Park City Historical Society; Utah State Historical Society; or Utah Heritage Foundation.

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

(d) A member from the Park City Planning Commission.

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

(f) A member associated with Main Street business and commercial interests.

4.4. PURPOSES. The purposes of the Historic District Commission are:

(a) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through comprehensive design guidelines;

(b) To protect and enhance the City's attraction to tourists and visitors;

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

(d) To safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history, and to promote interest in preservation;

(e) To promote the private and public use of landmarks and the landmark districts for the education, prosperity, and general welfare of the people;

(f) To make recommendations to the City Council on policies and ordinances that may encourage preservation.

4.5. PERMIT ISSUANCE, PROJECT APPROVAL:

(a) The Community Development Department shall review and approve, or deny, all applications for building permits to build, locate, demolish, construct, remodel, alter or modify any facade on any structure or building or other visible element including but not limited to signs, lighting fixtures, and fences located with the Park City Historic District.

(b) All building projects within the Historic District shall be reviewed by the Community Development Department for compliance with the guidelines promulgated by the Historic District Commission and adopted by the City Council by resolution or ordinance. Those proposals for conditional or permitted uses which, after review by the Department are found to be in compliance shall be approved by the Department without the necessity of Historic District Commission review or hearing. In those cases where the Department finds the proposal is not in compliance, or where it is unable to make a determination at all, the proposal is submitted for review by the Historic District Commission, which shall either approve, approve with conditions, or disapprove the proposal. The Historic District Commission shall state specific reasons for disapproval so the applicant has an opportunity to address those concerns. At any time in the review process, the applicant, or any person qualified to file a non-owner

petition pursuant to Section 1.17(b) of this Code, may request Historic District review of the application. Actions of the Historic District Commission are subject to review by the City Council in the manner described in Chapter 1.

(c) In reviewing applications for building permits, the Community Development Department (or Commission on review) shall approve each application if it is determined that the structure, construction, remodeling, modification, alteration, or building complies with the Historic District Architectural Design Guidelines as adopted by the City Council by resolution or ordinance.

(d) Application for demolition permits are reviewed by the Community Development Department except on those buildings which have been designated as "landmarks" or "significant" historic buildings by the Historic District Commission in which case, the permit is to be reviewed by the Historic District Commission.

4.6. ADDITIONAL POWERS. In addition to the powers set forth in Section 4.5, the Historic District Commission shall:

(a) Recommend to the City Council for adoption standards to be used by the City or Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any building or visible element within the Historic District.

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

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

(d) Advise the City Council on property owner incentives to preserve designated buildings in the district.

(e) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the area. Subdivision, conditional uses and planned unit development applications must continue to be acted upon by the Planning Commission.

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

(g) Provide advice and guidance on request of the property owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, including landmarks, landmark sites, historic district, or neighboring property within public view.

4.7. ORGANIZATION.

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

(b) Quorum. No business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by a majority of the appointed members of the Commission, including the Chairman.

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

4.8. STAFF ASSISTANCE. The City shall, subject to the approval of the City Manager, provide the Historic District Commission with such assistance as is reasonably necessary to enable it to perform its functions and duties. The following organizations and agencies may be invited, along with any other groups deemed necessary by the Commission, to provide assistance concerning matters related to their fields of expertise:

(a) Utah Heritage Foundation.

(b) National Trust for Historic Preservation.

(c) Utah State Division of History.

(d) Park City Historical Society.

4.9. LIMITATIONS. The Historic District Commission has no authority to waive or increase any requirement of any ordinance of the City.

4.10. ARCHITECTURAL DESIGN STANDARDS. The Commission shall promulgate Architectural Guidelines for use in the Historic District Zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be the design standards applied by the City (and Commission on review) in reviewing specific building proposals or reviewing City staff actions on appeal. The standards shall address renovation of existing structures, additions to existing structures, and the construction of new

structures. From time to time, the Commission may recommend changes in the design guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the Council.

The design guidelines shall apply in all zones within the Historic District, which are designated throughout this Code by the use of the word "Historic" in the zone district name, or the letter "H" in the abbreviation of that name.

4.11. PRESERVATION OF HISTORIC BUILDINGS AND SITES. 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 and sites of historic significance in Park City. These buildings and sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through expansion or change within the City, the preservation of the remaining buildings and sites of historic interest should be encouraged. This section is intended to provide an incentive for identification and preservation of historic buildings or sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

4.12. REVIEW OF HISTORIC SITES, BUILDINGS, AND PRESERVATION POLICY. The Park City Historic District Commission is the official body to review matters concerning designation and preservation of historic buildings and sites within Park City, and may take appropriate action as may be necessary, as authorized by other sections of this Code to preserve historic buildings and sites. The Historic District Commission is authorized to function as a committee on historic buildings and sites and to establish an official list of all existing buildings and sites within the City which it considers to be of historic significance and to make this information available to all interested citizens.

4.13. LIST OF HISTORIC BUILDINGS AND SITES. A list of historic buildings and sites is to be established and maintained by the Historic District Commission to describe as concisely as possible each building or site, the date of its construction as nearly as can be determined, or if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the Summit County Recorder. The Historic District Commission shall file such list and any subsequent amendments or any additions thereto with the City Recorder.

4.14. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS AND SITES. It is the intent of this and succeeding sections to preserve the historic and architectural resources of Park City, through limitations on demolition and removal of historic buildings and sites to the extent it is economically feasible, practical and necessary. The demolition or removal of historic buildings and

sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that structural deterioration, economic hardship and other factors not entirely within the control of a property owner may result in the necessary demolition or removal of a historic building or site.

4.15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION. With the exception of any building or structure falling under the purview of Section 203 of the Uniform Building Code or undergoing complete renovation\reconstruction in compliance with this Chapter, no building or other structure located within the Historic District or over 50 years old and deemed to be historically significant by the Historic District Commission may be demolished or removed without the prior issuance of a Certificate of Appropriateness (CAD) by the Planning Department or the Historic District Commission (HDC). Application for a CAD shall be made on forms prescribed by the HDC and shall be made first to the Planning Department. If, upon review of the application, the Planning Department concludes that the building or structure sought to be demolished or removed has been determined to not be a significant or contributory historic building according to the Historic Sites Survey on file in the Planning Department, the Department may issue a CAD. If, upon review, the Planning Department, in conjunction with the Chief Building Official, determines the subject building or structure to be structurally unsound, and a hazardous or dangerous building, the Department may issue a CAD. In the absence of a finding either of insignificance or of public hazard, the application for demolition or removal shall be stayed for 180 days.

4.16. PRE-HEARING APPLICATION REQUIREMENTS. Upon refusal of the Planning Department to issue a CAD, a pre-hearing period of (45) days shall commence, during which time the owner shall allow the City to post and sustain a visible sign stating that the property is "threatened." Said sign shall be at least 3'x 2', readable from a point of public access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the owner shall conduct negotiations with the City for the sale or lease of the property or some interest in the property such as a facade easement, or take action to facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially possible.

At the end of the (45) days, the owner may request a hearing before the HDC upon showing that the above requirements have been met. The applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Department staff shall, within (14) days, notify the owner if any additional

information is needed to complete the application. If the Department staff does not notify the owner, the application will be deemed complete. Within (45) days of receiving the completed application, the Department staff shall schedule a hearing regarding the application on the agenda of the HDC.

4.17. CAD HEARING FOR A COMMERCIAL BUILDING OR SITE. For the purposes of this Chapter, "Commercial Building or Site" shall mean and include all real property held primarily for the production of income rather than as an occupied primary or secondary residence for the owner. "Commercial Building or Site" shall include, but not be limited to, any property for which the owner claimed a depreciation deduction under Section 167 of the Internal Revenue Code of 1986 and all non-profit institutional or public properties. At the hearing, the HDC will only approve demolition or removal of a commercial building or site if the owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the demolition or removal application.

(a) Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the HDC may require the owner to provide information pertaining to whether the property is capable of producing a reasonable return for the owner. The HDC shall adopt separate standards for income producing and non-income producing properties. The information requested by the HDC may include, but not be limited to the following: Purchase date, price and financing arrangements; current market value; form of ownership; cost estimates of demolition and post-demolition plans; maintenance and operating costs; costs and engineering feasibility of rehabilitation; property tax information; rental rates and gross income from the property.

(b) Conduct of Owner Excluded. Demonstration of economic hardship by the owner shall not be based on conditions resulting from:

(1) Willful or negligent acts by the owner; or

(2) Purchasing the property for substantially more than market value at the time of purchase; or

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

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

(5) Failure to provide normal tenant improvements.

(c) Written Findings. The HDC shall make written findings supporting their decision in the matter. The HDC may

determine that unreasonable economic hardship exists and issue a CAD if the Commission finds that:

(1) The building or site cannot be feasibly use or rented at a reasonable rate of return in its present condition; and

(2) The building or site cannot be remodelled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner; and

(3) Rehabilitation or remodelling that would be compatible with preservation of the building or site is infeasible; and

(4) The building or site cannot be feasibly moved or relocated within the Historic District.

(d) Final Decision:

(1) Approval- If the HDC approves the application and issues the CAD, the owner may apply for a demolition permit with the Building Department and proceed to demolish the building or site in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the property owner to provide the HDC with documentation of the building or site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information specified by the HDC. The HDC may also require the owner to incorporate an appropriate memorialization of the building or site, such as a photo display or plaque, into the proposed replacement project of the property. Approval of a CAD shall be valid for one year.

(2) Denial. If the HDC denies the application for demolition, the owner shall not demolish the building or site and the City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available. The owner may not re-apply for demolition for a period of three years from the date of the HDC's final decision, unless the building or site is structurally unsound or other substantial changes in circumstance have occurred, in which case the owner may apply as conditions warrant.

(3) Appeal. All final decisions of the HDC are appealable to the City Council and are also subject to call-up by the City Council.

4.18. **CAD HEARING FOR A RESIDENTIAL BUILDING OR SITE.** For the purposes of this Chapter, "Residential Building or Site" shall mean any owner occupied property used as a primary or secondary home. It does not include any property used in rental pools or any property falling within LMC § 4.17. If the HDC finds that the owner failed to comply with the pre-hearing application requirements of LMC § 4.16, the Commission may issue up to an additional 180-day stay of demolition to allow the City sufficient time to undertake a pre-hearing evaluation to examine possible alternatives to the demolition or removal of the property. Upon completion of the pre-hearing evaluation, the applicant may request a hearing before the HDC and the Department shall schedule a hearing regarding the application on the agenda of the HDC.

(a) Economic Hardship Criteria. At the hearing, the owner must be prepared to provide information including, but not limited to, the following: type of occupancy, market value, feasibility of rehabilitation, property tax assessment and post-demolition plans.

(b) Irrelevant Criteria. In determining whether economic hardship exists, the HDC may not consider the most profitable use of the property or any factors resulting from the willful neglect of the property by the owner.

(c) Written Findings. The HDC shall make written findings supporting its decision in the matter. The HDC may authorize issuance of a CAD if it determines that:

(1) Denial of the application would deprive the owner of all reasonable use of the property; and

(2) The building or site cannot be feasibly renovated or rehabilitated to make it reasonably usable; and

(3) Relocation of the building or site to another location within the Historic District is infeasible.

(d) Final Decision:

(1) Approval. If the HDC approves the application, the CAD will be issued and the owner may proceed to demolish the building or site after obtaining a demolition permit from the Building Department and in compliance with other regulations as they may apply. The HDC may, as a condition of approval, require the owner to provide the HDC with documentation of the building or site as specified in LMC § 4.17.5(A). Approval of a CAD shall be valid for one year.

(2) Denial. In the event the HDC recommends denial of the application, and consultations with the owner, as

specified in LMC § 4.16, do not result in an agreement to retain the building or site, the HDC shall recommend whether or not the building or site should be purchased, leased or otherwise acquired by the City. Said recommendation shall be forwarded to the City Council at its next regular meeting for determination. If the City chooses not to provide the owner with economic assistance, acquire the property or take any other action to preserve the building or site, the CAD will be issued at the end of the applicable stay of demolition. The owner may then proceed to demolish the building or site, after obtaining a demolition permit from the Building Department and in compliance with other regulations as they may apply. The HDC, may as a condition of issuing the CAD, require the owner to provide the HDC with documentation of the building or site as specified in LMC § 4.17.5(A).

(3) Appeal. All final decisions of the HDC are appealable to the City Council and are also subject to call-up by the City Council.

4.19. NEW CONSTRUCTION. New construction and exterior remodeling within the Historic District zones shall conform to architectural standards and regulations promulgated by the Historic District Commission and adopted by the City Council. These standards shall be applied by the staff and the Commission, subject to the review process.

CHAPTER 5. BOARD OF ADJUSTMENT

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

5.2. TERM OF OFFICE. Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

5.3 ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Council.

5.4. ORGANIZATION.

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

(b) Quorum. No business shall be conducted unless at least three members of the Board, not counting the alternate, are present.

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

The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public record.

5.6. HEARINGS BEFORE THE BOARD. The Board of Adjustments is created to hear four (4) classifications of cases as follows:

(a) Variance Applications. Whenever any application or permit has been stayed or denied by the Planning Commission or City staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code.

(b) Modifications of Non-Conforming Uses. The Board shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Chapter 12 of this Code.

(c) Appeals. The Board shall hear and decide appeals where any party with standing as defined in Section 1.17 of this Code alleges that there is an error in any order, requirement, decision or determination made by the Community Development Department in the enforcement of Article 1, Chapter 9, Title 10 of the Utah Code (1953, as amended), or any City ordinance adopted pursuant thereto.

(d) Special Exceptions. The Board may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals and other matters upon which the Board is required to pass judgment under this Code.

5.7. VARIANCE. Variances from the provisions of the Code may be granted by the Board whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the historical development of Park City, which has resulted in a number of irregular lots, encroachments by public streets, and the access problems inherent in the area because of these misplaced streets and steep grades, the Board shall exercise broad discretion in acting on variances to assure the public and the owners of property on which variances are requested that substantial equity results from Board actions. Variances shall be granted when the strict application of this Code would:

(a) Deprive the owner of the property in question of the substantial property rights and privileges available to others owning similar property within the same zone, and

(b) The deprivation results from conditions on the property, including irregular lot size, lot shape, access, presence of easements or rights-of-way across the property including non-platted but existing public streets, or similar factors not of general application to other properties in the zone, and not from conditions created by the applicant, and

(c) The granting of the variance would not be detrimental to the public health and safety or contrary to the comprehensive plan for the City, and strict adherence to the letter of the Code will cause hardships, the imposition of which are not necessary in order to carry out the general purpose of the plan.

5.8. APPLICATION FOR VARIANCE REVIEW. An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

5.9. HEARING. The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.

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

5.11. DECISION. In exercising the above-mentioned powers the Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order,requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken.

5.12. VOTE NECESSARY FOR REVERSAL. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

5.13. LIBERAL CONSTRUCTION. Because of the unique historical factors in the platting of the older portions of Park City, and the fact that many times existing public streets encroach on platted lots, or that platted lots may be adjacent to platted but unopened street rights-of-way, the powers of the Board shall be liberally construed to grant the flexibility reasonably necessary to enable the owners of property within the affected parts of the City reasonable opportunities to develop that property to the same extent as others similarly situated within the zone, but without the unique site constraints affecting the applicant's site.

5.14. JUDICIAL REVIEW OF BOARD DECISION. The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the District Court in Summit County provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision with the City Recorder.

CHAPTER 6. ZONING ADMINISTRATION AND ENFORCEMENT

6.1. ADMINISTRATION AND ENFORCEMENT. The provisions of this Ordinance shall be administered by the Community Development Department under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Community Development Director shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land use related ordinances or regulations. The Community Development Director, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a development is in substantial compliance with this Code, or when strict compliance should be demanded or excused, or other enforcement actions taken. The failure of any person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building under improperly issued permits do so at their own risk.

6.2. ZONING AND BUILDING PERMITS. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the City staff for compliance with this Code and issuance of a building permit by the Building Official.

6.3. OCCUPANCY PERMIT. Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Building Official to the effect that the use, building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

6.4. INSPECTION. The City, through its designated officials, shall, upon presentation of evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

6.5. SITE PLAN REQUIRED. A detailed site plan, drawn to scale, shall be filed with the City, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:

Scale and north arrow.

Lot lines and their dimensions.

Adjacent streets, roads, rights-of-way, and easements.

Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, fences, etc.).

Existing utility line locations and sizes

Existing and proposed grading, drainage, and landscaping plans.

Location of proposed construction and improvements, including location of all landscape elements retaining walls, drainage works, and signs.

Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.

Necessary explanatory notes.

Name, address, and telephone number of builder and owner.

Other information which may be requested by the City or in this Code.

6.6. TIME LIMIT. Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

6.7. PENALTIES/ENFORCEMENT. The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by affected property owners in the manner set forth below:

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

(b) Civil Actions. The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative

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

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

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

CHAPTER 7. DISTRICTS AND REGULATIONS

7.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line. The Historic District Commission advises that all resubdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 x 75 feet. Because combinations of lots are permitted for larger structures, development potential of resubdivided parcels is not affected. However, smaller lots do allow the potential for the development of smaller single family structures, while resubdivisions into larger lots promotes the construction of larger houses, duplexes, and triplexes.

(b) Floor Area Ratio. The floor area of all new structures constructed within the HR-1 District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet, the maximum FAR shall be .9. For lots from 1876 square feet to 3750 square feet in area, the maximum FAR shall be .75. For lots larger than 3750 square feet in area, the maximum FAR shall be .6. In calculating the FAR for a single family structure, 400 square feet may be added to the total floor area for a two-car garage after calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage addition shall be 400 square feet for each residential unit.

In an effort to further maintain Park City's Historic District, this Floor Area Ratio requirement shall not apply to renovations, additions, or expansions to historic structures (structures at least 50 years old, as approved by the Historic District Commission).

(c) Side Yard. The minimum side yard for any structure of two units or more shall be 5 feet, except that a side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet. The minimum side yard for a single family structure shall be 3 feet. For side yards of less than 5 feet, the special side yard exceptions as provided in Section 8.14. shall not apply, except for projections of less than 4 inches as specified in Section 8.14.(a) and for allowance for a driveway as specified in Section 8.14.(h). On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet. For structures on lots exceeding 25 feet in total width, the sum of the side yard set backs must total 10 feet.

(d) Rear Yard. The minimum depth of the rear yard for all main buildings shall be 10 feet and for accessory buildings shall be one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory buildings shall be located no closer than 5 feet to the rear property line.

(e) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

7.1.4. SPECIAL PARKING REGULATIONS.

(a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.

(b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to both properties must provide for the preservation of such a shared drive.

(c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard set

backs above grade, but may occupy below grade side yard areas between participating developments.

(d) In order to minimize the amount of hard-surfaced paving in front yards, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:

1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 35 feet in total width, regardless of placement on the lots involved.

2. For all other buildings, the total drive area shall not exceed 27 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single drive.

3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.

(e) It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.

7.1.5. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No

volume or area above this 28 foot height may be used for facade variation open space.

7.1.6. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The following impacts shall be considered in reviewing conditional uses:

(a) Scale of the building in relation to historic structures in the district.

(b) The need for increased yard areas and the resulting impact on the established set backs in the block.

(c) The impact of noise or nearby residences.

(d) The impact of traffic and on-street parking in the block.

7.1.7. CRITERIA FOR BED AND BREAKFAST INNS. Bed and Breakfast Inns may be approved as conditional uses by the Planning Commission. In making a determination whether a Bed and Breakfast Inn use is appropriate, the Planning Commission shall consider the following criteria:

(a) Bed and Breakfast Inns are to be considered for structures of historical significance, whether or not they are officially listed on the National Register of Historic Places. As a part of the renovation of a structure as a Bed and Breakfast Inn, every attempt will be made by the applicant to restore the structure to its original condition so that it may become eligible for listing on the National Register.

(b) Bed and Breakfast Inns are only appropriate for the larger residential structures in the Historic District. The houses should have a minimum of two rentable rooms. The maximum number of rooms will be determined by the applicant's ability to demonstrate that impacts such as parking and neighborhood compatibility can be adequately mitigated.

(c) The length of stay for patrons of Bed and Breakfast Inns will be limited to less than 30 days (nightly rental).

(d) It is preferable that Bed and Breakfast Inns have an owner/manager living on the site, but may, as a minimum requirement, have 24 hour on site management and check in. The check in facility may be off site if it is within close proximity of the Bed and Breakfast Inn.

(e) Common kitchen facilities are allowed for the benefit of overnight guests only and are not intended to serve outside visitors. Individual kitchens within rooms shall not be permitted.

(f) Signage shall be limited to one sign which shall not exceed six square feet in size. A permit must be obtained for the sign and it must comply with the provisions of the Park City Sign Ordinance.

(g) Parking shall be provided on site at a rate of one space per rentable room. If no on site parking is possible, parking in close proximity to the Inn shall be provided. The Planning Commission may waive the parking requirement if it is found that no on-site parking is possible and all alternatives for other parking have been explored and exhausted. The Planning Commission must find that the structure which is to be a Bed and Breakfast Inn is not economically feasible to restore or maintain without the granting of the adaptive use. The burden of proof in requesting a parking exception shall be on the applicant. In no case may parking spaces on the downhill side of public streets and those partially or totally within the City right-of-way be counted toward parking requirement.

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

7.2. HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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

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

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

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

(a) Sidewalk Provision. Buildings shall be located so as to provide an unobstructed sidewalk at least 9 feet wide, such width being measured from the front face of curb to the front of the building. However, the alignment of new building fronts with adjacent historic fronts is encouraged and therefore where a narrower sidewalk may result from the alignment of building fronts, an exception to the minimum sidewalk width may be granted by the Planning Department. In no case may facade alignment or column placement be such as to create an unobstructed sidewalk of less than 7 feet in width.

(b) Canopies and Balconies. Canopies and balconies attached to a building may extend into public right-of-way over the sidewalks and pedestrian ways only. Supports for canopies may not exceed 18 inches square and are permitted only within 36 inches of the front face of the curb. Canopies are allowed only on the second floor level. Canopies and balconies shall provide clearance of not less than 10 feet from the sidewalk. A canopy or balcony may not be enclosed. With reasonable notice, the City may require that canopies be removed from City property without compensating the building owner. No canopy shall be erected, enlarged, or altered over the Main Street sidewalk without the advance approval by the City Council.

1. Insurance Required. No canopy or balcony projecting over City property shall be erected, re-erected, located or relocated, or enlarged or modified structurally or changed in ownership, without first receiving approval of

the City Council, and submitting a certificate of insurance or a continuous bond protecting owner and City against all claims for personal injuries and/or property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the Certificate of Insurance as an Additional Insured. A 30 day written notice to Park City Municipal Corporation of cancellation or expiration must be included in the Insurance Certificate. The name of the owner of the canopy or balcony must be clearly identified on the application for a permit as an official corporation, partnership, or sole proprietorship with appropriate names of individuals involved.

7.2.5. USES TO BE WITHIN ENCLOSED BUILDING. All uses, except outdoor dining, shall be conducted within a completely enclosed building, except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic Commercial Business District. All storage shall be within a completely enclosed building.

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

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

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

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

7.2.10. OFF-STREET PARKING. Each new structure shall provide

off-street parking spaces, as provided in Chapter 13, with these exceptions:

(a) Structures designated as historic buildings by the Historic District Commission and renovations of those structures are exempt from off-street parking requirements.

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

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

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

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

7.2.11. MECHANICAL SERVICE. All mechanical equipment to be installed on the roofs or walls of buildings must be shown on the plans prepared for architectural review by the Historic District

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

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

7.3 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT.

7.3.1. PURPOSE The purpose of the newly established zone is to provide a visual terminus of the Main Street Commercial District, to provide a transition in scale and land uses between the HR-1 and HCB zones, to provide a moderate density bed base at the Town Lift, to allow for limited retail and commercial uses consistent with a hotel district, and to encourage master planned development that incorporates the various parcels of property into well planned, cohesive projects.

7.3.2. USES. The permitted uses in the zone are as follows:

(a) Residential uses without restrictions on size, configuration, tenancy, or density (except as limited by building setback and height and parking) including hotels, apartments, and time share intervals.

(b) Public and quasi-public uses as defined in the Land Management Code.

(c) In-home baby-sitting, family day care, family group care, and child care center.

(d) Retail uses, provided however, that the combination of commercial (non-residential) uses within any project (except existing structures as of October 1, 1985) are limited to a minimum floor area ratio as described below, and that retail uses shall be limited to those uses generally associated with the accommodation of hotel guests and other tourism related businesses, such as:

antique store
art gallery, museum or supply store
bakery
camera shop
candy store
clothing store
florist
gifts and sundries
liquor store
pharmacy or drug store
sporting goods store, including equipment rental
ski storage and repair
ski ticket sales
tobacco store
variety store

(e) Service commercial establishments oriented to the service of tourists, provided that service commercial uses are included in the total FAR allowed for non-residential uses as described below, and are allowable only in conjunction with and as a

part of a residential project (except that they may occupy existing structures) such as:

auto rental outlet
barber, beauty salon
check-in, reservations
public or private parking garage (apart from required parking)
travel agency, airline or ground transportation ticket office

(f) Business Offices

7.3.3. CONDITIONAL USES. The following uses are conditional uses within the HRC zone, and may be allowed after complying with the standards of the Conditional Use Review Process of the Land Management Code:

(a) Master Planned Developments

(b) Restaurants, bars, liquor serving establishments, private and fraternal clubs, in conjunction with a full service restaurant seating at least 50 persons at one time, provided that no such uses will be permitted in a free standing building or as a primary land use, unless located entirely within a structure on October 1, 1985. These uses, except when in existing structures, will be subject to the FAR of commercial (i.e. non-residential) use within the project. Existing structures, while not subject to the FAR, are not allowed to house a bar or private club unless in combination with a full service restaurant with seating for at least fifty persons at a time.

(c) Ski lift way and passenger tramway base facilities as provided in Section 8.18 of the Land Management Code.

(d) Any of the above retail or service commercial uses whether permitted or conditional that would include more than 2,000 square feet within any single commercial or retail business.

7.3.4. PROHIBITED USES. Any land use not identified in the classification or similar to those above as being permitted or conditional is prohibited.

7.3.5. SITE DEVELOPMENT STANDARDS. The site development standards for the HRC zone are as follows:

(a) Setbacks. 10 feet from the front and rear property lines, or existing curb lines, where the curb encroaches; 5 feet on side yards. On corner lots, both street frontages must maintain the 10 foot setback.

(b) Facade Variations. Five feet, as defined in the standards for the HR-1 zone are required (see Section 7.1.4 of the Land

Management Code).

(c) Building Height. The maximum allowable building height is 35 feet.

(d) Parking. The residential parking requirement for the zone is the same as that for the RC zone (see Chapter 13 of the Land Management Code). All parking must be both on-site and fully enclosed unless the property is a part of a Master Planned Development. For projects within existing structures where there is insufficient area to provide for parking on-site, the parking requirement may be waived by the Community Development Director when necessary to retain the building intact. Parking for all other uses shall be consistent with the requirements set forth in Chapter 13.3(c).

(e) Vehicular Access. Projects shall have only one vehicular access from Park Avenue, Heber Avenue, Swede Alley or Deer Valley Drive, unless the project is a Master Planned Development, in which case additional accesses may be permitted. This provision shall not preclude the use of vehicular service accesses through alleys or service corridors developed within the zone or specific projects.

(1) Driveways must maintain the minimum side yard, unless serving more than one property.

(2) Vehicular access of Park Avenue is allowed only when the property has no other frontage on another public street, or in master planned developments.

(3) Projects on the west side of Park Avenue must access from Park Avenue or from a cross street, and may not enter from Woodside Avenue.

(f) Pedestrian Access. Sidewalks are required on all street frontages, with a minimum width of five feet. Covered arcades between projects are exempt from side yard set backs, provided that the uppermost element of the arcade may not be more than fifteen feet above the elevation of the enclosed walk. Bridges are permitted between buildings on levels other than ground level, provided that no more than ten percent of the spatial volume of the side yard may be filled with bridges or bridge enclosures.

(g) Existing Structures. Structures in the HRC zone that were in existence as of October 1, 1985 are exempt from the Floor Area Ratio and parking requirements of this code. The existing structures are also exempt from the setback, side yard, and driveway location standards, provided however that no additions to those buildings can violate the setback or side yard, nor shall any addition eliminate parking now in

existence and associated with the building in question. Any substantial addition or alteration to an existing building will be reviewed under Chapter 12 of the Land Management Code as non-conforming uses.

(h) Floor Area Ratio. In all projects within the HRC Zone, except the Heber Avenue sub-zone area, non-residential uses are subject to a floor area ratio to restrict the scope of non-residential uses within the zone and within specific projects. All non-residential uses, except parking, are subject to the floor area ratio. On properties located east of Park Avenue, the floor area ratio of non-residential space to total lot area is 1:1. On properties located on the west side of Park Avenue, the floor area ratio of non-residential space to total lot area is 0.7:1 with 0.7 applying to the floor area and 1 to the lot area. In both cases, the ratio is determined by taking building gross floor area as a ratio of total lot area, without reduction for set back, side yards, or rear yards. Structures existing as of October 1, 1985 are not subject to the floor area ratio, and may be used in their entirety for non-residential uses as provided in this ordinance.

7.3.6. SIGNAGE. Signage is allowed within the zone as provided in the Park City Sign Code and the Historic District Design Guidelines. Sign setback reductions may be permitted within Master Planned Developments.

7.3.7. ARCHITECTURAL REVIEW. All projects within the HRC zone are subject to the Historic District Design Guidelines adopted by Resolution No. 12-83, and will be reviewed for compliance prior to the issuance of building permits. The procedure for architectural review is identical to that for projects within the balance of the Historic District (see Chapter 9 of the Land Management Code). In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

7.3.8. MECHANICAL SERVICE. No free standing mechanical equipment is permitted within the HRC zone (except for the terminals of approved ski lifts). Because of the location of this zone adjacent to the ski lift terminal, screening from overhead view is required. Mechanical equipment attached to or located on roofs of buildings must be screened with a visual barrier so that it is not open to view from nearby properties looking down on roofs. Screening may not exceed the allowable zone height unless it is incorporated into an architectural element that is allowed to exceed the maximum height by the Land Management Code. Mechanical equipment must also be acoustically screened to minimize noise infiltration to adjoining properties.

7.3.9. SERVICE ACCESS. All developments must provide on-site refuse collection and loading areas, so that these services

may be performed without obstructing traffic on public streets. Refuse and service areas must be properly ventilated so that a nuisance is not created by odors and sanitation problems. Refuse collection areas may not be located in the set back areas or side yards.

7.3.10 USES TO BE FULLY ENCLOSED. All land uses, whether conditional or permitted, are to be located within a fully enclosed building, with the exception of the operation of approved ski lifts. The Planning Commission may authorize the extension of allowable uses into outside areas when it finds that the development of the outdoor use is in the best interest of the HRC Zone, and does not adversely impact adjoining properties due to noise, light or visual conditions.

7.3.11 SCREENING OF USES. Wherever a commercial or multifamily, or mixed use project adjoins the HR-1 Zone boundary, a substantial light-tight fence constructed of natural materials approved for the Historic District must be erected to a height of between four and six feet along the property line.

7.3.12. HEBER AVENUE SUB-ZONE. Properties fronting on Heber Avenue or Swede Alley, and east of Pacific Avenue (Main Street extended), are included in the Heber Avenue sub-zone for a depth of 150 feet from the street frontage. Within the Heber Avenue Sub-zone, all of the site development standards and land use limitations of the HRC apply, except as follows:

(a) The land uses allowable as permitted uses within the sub-zone shall be identical to the land uses allowed in the HCB zone as permitted uses.

(b) The land uses allowable as conditional uses within the sub-zone shall be identical to the conditional uses allowable in the HCB zone.

(c) The floor area ratio limitation of the rest of the HRC Zone does not apply.

It is the intention of this provision to create a zone district boundary line for the sub-zone 150 feet back of the right-of-way or curb, whichever is nearer the property, for Heber Avenue and Swede Alley, regardless of the present configuration of the properties and not to follow existing property boundaries, in anticipation that the boundaries as they now exist will be substantially modified prior to development occurring in that area.

7.4 HISTORIC TRANSITIONAL OVERLAY ZONE (HTO) DISTRICT.

7.4.1. PURPOSE. It is the intent of this overlay zone to encourage lower building heights and a variety of building heights along Main Street by permitting land with the HR-1 Zone to be developed as part of HCB projects in such a way that the commercial development is below the grade of adjacent residential streets. The overlay contemplates commercial facilities with primary entrances, commercial and support activities oriented toward Main Street or Swede Alley, and residential uses or landscaped open space oriented toward adjacent residential streets.

7.4.2. LOT AND SITE IMPROVEMENTS.

(a) Relationship to Underlying Zone Districts. Those portions of the project located within the HCB District must comply with the provisions of all ordinances for that district. Those portions of the project located in the HR-1 District must comply with the provisions of all ordinances for that district, except as modified by this section. Under this ordinance, commercial development within HR-1 Zone is permitted, subject to the provisions of this section. Such development must maintain a set back of at least 50 feet from residential streets. The height of such commercial uses shall be coordinated with the site planning and building design of the HR-1 parcels in such manner that the impact of the commercial structures is minimized, however, in no case may the height exceed 28 feet above natural grade.

(b) Lot Size. Only lot area within the HCB District may be used to calculate the maximum size of commercial structures. The permitted floor area ratio shall be 4.0, measured as: Gross floor area divided by the total HCB lot area. The Community Development Department may permit the floor area ratio to be increased to 4.5 if the project demonstrates exceptional compatibility with existing buildings through sensitive massing of building elements. The number of residential units permitted on the HR-1 portion of the site is subject to the provisions of the HR-1 District. Residential units in the HR-1 District are permitted in addition to the subterranean commercial development.

(c) Set Backs. All structures must conform to the setbacks of the districts in which they are located, except that set backs shall be required for subterranean commercial development only around the periphery of the property in the HR-1 District.

7.4.4. SPECIAL REQUIREMENTS.

(a) Access. All entrances for the commercial facility shall be located in the HCB District. Commercial exits to the HR-1

District shall be designed in such a manner as to prohibit non-emergency use. The orientation of the project shall be such as not to encourage traffic generation on residential streets, except for residential structures located in the HR-1 District. The primary access to parking structures for commercial use shall not be from the residential district.

(b) Architectural Design. Architectural design shall conform to the architectural design guidelines for the district in which the structure is located. Commercial portions of the project within the HR-1 Zone must be designed in such a manner that their presence is minimized through elimination of windows, addition of sound proofing, and addition of special landscaping. Grading and landscaping or small scale residential uses are encouraged atop commercial structures in the HR-1 District. No loading docks, service yards, detached mechanical equipment, or trash compounds, will be permitted within the HR-1 District. No commercial signage, displays, or visible indications of commercial activity will be permitted within or oriented specifically toward the HR-1 District. Appeals of staff decisions on architectural matters is to the Historic District Commission.

(c) Preservation of Existing Structures. On sites which include structures classified as contributing to the character of the Historic District, the Planning staff may require preservation and/or restoration of the existing structures as a condition precedent to permitting commercial activity in HR-1 District. Adjoining historic structures, if owned or controlled by the developer, may be considered a part of the site for review purposes.

7.4.5. MECHANICAL SERVICE. No free standing mechanical equipment is permitted in the HR-1 zone. Mechanical equipment attached to or on the roofs of buildings must be screened with a visual barrier so that it is not open to view from nearby properties looking down on the roofs of buildings in the zone. Screening may not exceed the allowable height for the zone, unless incorporated into an architectural element that is permitted to exceed the maximum allowable height by this code. Mechanical equipment in the HR-1 zone shall also be acoustically screened to minimize noise infiltration to adjoining properties. All developments within the HTO zone shall provide refuse storage and collection facilities on-site, and accessible through the HCB zone and not from the HR-1 property. Refuse collection and storage areas shall be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

7.4.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design

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

7.5. RESIDENTIAL DEVELOPMENT DISTRICT (RD)

7.5.1. PURPOSE. To allow residential uses in areas of developable land within Park City that will be compatible with the City's development objectives and growth capabilities; to encourage the clustering of residential units in order to preserve natural open space, and minimize the cost of municipal services; to allow commercial and recreational activities that are in harmony with residential neighborhoods.

7.5.2. USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional uses in this zone. All other uses are prohibited.

7.5.3. LOT AND SITE REGULATIONS.

(a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are encouraged to cluster development around common open space.

(b) Required Yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:

   Side Yards. Side yards of 12 feet will be provided for all structures, but side yards between connected structures may be waived by the construction of two semi-detached units with a party wall on the lot line.

   Front Yard. The minimum depth of the front yard for all buildings shall be 25 feet. In subdivisions allowing single family structures, the Planning Commission may designate specific single family lots on which the front yard set back is 10 feet for the main building and 5 feet for the garage (and habitable space above the garage). This exception to the front yard set back minimum shall be granted by the Planning Commission when it is appropriate or reasonably necessary to solve access problems to lots with relatively steep grades, to preserve vegetation, or eliminate or minimize cut and fill areas. Lots to which this exception applies, shall be so designated on the subdivision plat at the time the plat is approved by the Planning Commission.

   Rear Yard. There shall be a 15 foot rear yard for main buildings and ten foot rear yard for accessory buildings provided.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than

a ten foot separation in adjacent structures except as provided for in 7.5.3.(b)(1).

7.5.4. HEIGHT REGULATIONS. No building shall be erected to a height greater than 28 feet, measured from natural grade at the building site. On lots specifically designated by the Planning Commission and recorded on the subdivision plat, no building shall be erected to a height greater than 12 feet above natural grade for uphill lots within the area between the five-foot setback allowed for garages and the 25-foot setback. On lots with a downhill orientation, no building shall be erected to a height greater than 12 feet above grade measured at the top back of curb within the area between the five-foot setback allowed under special consideration and the regular 25-foot setback.

7.5.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.5.6. MAXIMUM HOUSE SQUARE FOOTAGES ON COMBINED LOTS
Any requested increase in house square footage must be made on forms provided by the Planning Department. Each application shall be reviewed and approved by the Community Development Director for compliance with the following criteria:

(a) House Size. The maximum house size may not exceed 150 percent of the house size allowed on each single lot when those maximums are combined and averaged. For example: if 2 lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum are combined, the maximum house size would be 5250 square feet. The average of the two lots is 3500 square feet. 3500 x 150% = 5250 square feet. In subdivisions where maximum house size is not specified, the house size on combined lots must be approved by the Community Development Director based upon neighborhood compatibility.

(b) Setbacks. The required setbacks for homes on combined lots shall increase in proportion to the percentage of increase in the house size above the defined maximum size for a given subdivision. For example: if the home size is 20 percent greater than the maximum house size on any of the lots being combined, the setbacks shall be 20 percent greater than the

standard setbacks of the zone. Lots with unusual configurations, topography, access, or significant vegetation may have the setbacks shifted upon approval of the Community Development Director but in no case shall they be less than the required zone setbacks.

(c) Vegetation Protection. Every effort to protect significant vegetation shall be made by the property owner/developer. This includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Limits of disturbance for the house on combined lots must be approved by the Community Development Director.

(d) Easement Vacations. If an easement has to be vacated, the applicant shall show evidence that it can be vacated or relocated without affecting service to the adjacent lots. An easement relocation agreement showing this shall be required to be filed with the County Recorder's office.

7.6. RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM)

7.6.1. PURPOSE. To allow continuation of medium density residential and transient housing in the newer residential areas of Park City; to encourage the clustering of residential units in order to preserve natural open space and minimize the cost of construction and municipal services; to allow commercial and recreational activities that are in harmony with residential neighborhoods.

7.6.2. USES. Uses shall be limited to those uses specifically identified in the land use tables as either permitted or conditional uses in this zone district. All other uses are prohibited.

7.6.3. LOT AND SITE REGULATIONS.

(a) Density. The maximum density residential uses in the RDM zone shall be five units per acre. Subdivisions are encouraged to cluster development around common open space.

(b) For non-residential uses, the minimum lot size shall be 14,000 square feet with 1,000 square feet of land required for each 1,000 square feet of floor area, for a floor area ratio of 1:1.

(c) Required Yards.

1. In standard subdivisions with lots of 9,000 square feet or more, the setbacks will be as follows:

Side Yard. The minimum side yard for any dwelling or other building shall be 10 feet, except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. The longest dimension of a building joined at the property line shall not exceed 100 feet.

The minimum side yard for a private garage or other accessory building located at least six feet from the rear of the main building shall be five feet.

On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than 15 feet.

Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings except garages shall be 20 feet. Garages must be setback so that there is at least 20 feet of driveway provided on the property.

Rear Yard. The minimum depth of the rear yard for all

main buildings shall be ten feet, and for the accessory buildings five feet except on corner lots which rear upon the side yard of another lot, in which case the setback shall be ten feet.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.6.3(c)(1)

7.6.4. BUILDING HEIGHT. Buildings shall be erected to a height no greater than 28 feet, measured from natural grade at the building site.

7.6.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.7. RESIDENTIAL (R-1) DISTRICT

7.7.1. PURPOSE. To allow continuation of the land uses and architectural scale and styles of the original Park City residential area and to encourage densities that will preserve the desirable residential environment and that will allow safe and convenient traffic circulation.

7.7.2. USES. Uses within the zone are limited to those shown on the land use table as permitted or conditional uses for the zone. All other uses are prohibited.

7.7.3. LOT AND SITE REGULATIONS.

(a) Lot Size. The minimum lot area for a single-unit dwelling shall be 2,812 square feet. Two-unit dwelling shall have a lot size of 3,750 square feet. Three-unit dwelling shall have a lot size of 5,625 square feet. The minimum width of a lot shall be 37.50 feet, 15 feet back from front lot line.

(b) Side Yard.

1. The minimum side yard for any structure or accessory buildings or uses shall be five feet except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. (The longest dimension of buildings thus joined shall not exceed 50 feet.)

2. The minimum side yard for accessory buildings or uses or other structures located at least six feet behind the rear of the main building shall be one foot, except when openings are proposed on an exterior wall adjacent to the property line, at which time the minimum shall be three feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

(c) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings and uses, except garages and open parking, shall be 15 feet. Garages shall be placed no closer than ten feet from the front property line. Open parking spaces may be permitted within the required front yard area, but not within five feet of side property lines.

(d) Rear Yard. The minimum depth of the rear yard for all main structures shall be ten feet; and for accessory structures or uses one foot. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five feet to such rear yard.

7.7.4. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. Conditional uses shall maintain the following yard areas:

(a) Side Yard. The minimum side yard for any structure permitted as a conditional use shall be ten feet.

(b) Front Yard. The minimum front yard for any structure permitted as a conditional use shall be 20 feet. In cases of structures permitted as conditional uses, which front on more than one street, all yards of structures fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

(c) Nightly Rentals. Nightly rentals may be permitted, provided there is adequate parking to meet the needs of this more intense use.

7.7.5. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet from natural grade.

7.7.6. ARCHITECTURAL DESIGN. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.8 RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

7.8.1. PURPOSE. To allow continuation of medium density residential and transient housing in original residential areas of Park City outside the Historic District.

7.8.2. USES. Uses shall be limited to those uses specifically identified in the land use tables as either permitted or conditional uses in this zone district. All other uses are prohibited, except as provided in Section 7.8.6.

7.8.3. LOT AND SITE REQUIREMENTS.

(a) Lot Size. Minimum lot sizes shall be as follows:

Single family	2,812 square feet
Two-unit dwelling	3,750 square feet
Three-unit dwelling	4,687 square feet
Four-unit dwelling	5,625 square feet

Developments proposing greater than four dwelling units may be permitted with lot area at least equal to the area required for the corresponding combinations of units required in Section 7.8.3.(a).

(b) Open Space. Projects proposing three or more dwelling units must provide open space equal to at least 60% of the total site. Parking may not be permitted within the required open space. The open space must be landscaped except for the required driveways.

(c) Lot Width. The minimum width of a lot shall be 37.50 feet, 15 feet back from the front lot line.

(d) Front Yard. The minimum depth of the front yard for all single or two unit dwellings, accessory buildings and uses except garages shall be 15 feet. Garages for single family and duplexes shall be placed no closer than 10 feet to the front property line.

(e) Side Yard. The minimum side yard for any single family or duplex or accessory building or use shall be five feet except that a side yard between connected structures shall not be required where structures are designed with a common wall on a lot line. The longest dimension of a building joined at the property line shall not exceed 100 feet.

1. The minimum side yard for a private garage or other accessory building located at least six feet behind the rear of the main building shall be one foot.

2. On corner lots, the side yard which faces on a street for

both main and accessory buildings shall not be less than ten feet.

(f) Rear Yard. The minimum depth of the rear yard for all main buildings shall be ten feet, and for the accessory buildings one foot except on corner lots which rear upon the side yard of another lot. Accessory buildings shall be located no closer than five feet to such side yard.

7.8.4. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(a) Side Yard. The minimum side yard for any multi-unit dwelling shall be ten feet.

(b) Front Yard. The minimum front yard for any multi-unit dwelling shall be 20 feet. In cases where multi-unit dwellings front on more than one street, all yards of buildings fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

(c) Rear Yard. The minimum depth of the rear yard for all buildings shall be ten feet.

7.8.5. BUILDING HEIGHT. Buildings shall be a height no greater than 28 feet, measured from natural grade at the building site.

7.8.6. CONTINUING USES OF EXISTING COMMERCIAL STRUCTURES. Existing structures within the RM zone which were originally constructed to house commercial uses are exempt from the abandonment provisions of Section 12.2 of the Land Management Code. In the event the structure is demolished, the non-conforming commercial use will be deemed abandoned. All other provisions of Chapter 12 of the Land Management Code will apply to such structures, except that additions to such structures may not exceed 10% of the current square footage or building footprint area, unless the use of the structure is being changed to a permitted or conditional use within the zone.

7.8.7. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.9. GENERAL COMMERCIAL DISTRICT (GC)

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

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

7.9.3. LOT AND SITE REGULATIONS.

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

(b) Front Yard. The minimum front yard shall be 20 feet.

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

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

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

7.9.6. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.10. RECREATION COMMERCIAL (RC) DISTRICT

7.10.1. PURPOSE. To allow for the development of hotel and convention accommodations in close proximity to the major recreation facilities. This district allows a relatively high density of transient housing with appropriate supporting commercial and service activities.

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

7.10.3. LOT AND SITE REQUIREMENTS.

(a) Development credits will be allocated on the basis of one credit per 1,000 square feet of lot area. To determine the number of units or square footage of commercial space permitted, multiply the number of development credits for the parcel by the credit multiplier for desired uses.

(b) Development Credit Table.

Type of Use	Credit Multiplier
Hotel or studio unit	2
One bedroom unit or hotel suite	1
Two bedroom unit	0.66
Three bedroom unit	0.50
Four bedroom unit	0.40
Commercial or office unit (one unit equals 1,000 square feet or any portion thereof);	1

(c) For purpose of density calculation, every habitable room in addition to the primary living room in one bedroom and larger units, except kitchens designed only for the preparation and consumption of food and bathrooms, shall be counted as a bedroom. To calculate the Unit Multiplier for units larger than four bedrooms, divide two by the number of habitable rooms, except kitchens designed only for the preparation and consumption of food and bathrooms.

(d) Side Yard. A ten foot side yard shall be provided for all uses.

(e) Front Yard. All uses shall provide a 20 foot front yard for main and accessory buildings.

(f) Rear Yard. A ten foot rear yard shall be provided for all uses.

(g) Open Space. On any lot of greater than 25,000 square feet in

area, at least 60% of the lot shall be devoted to usable open space.

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

7.10.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.11 LIGHT INDUSTRIAL ZONE (LI)

7.11.1. PURPOSE. The light industrial district is provided to allow light industrial or manufacturing uses which will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems. Because of the nature of the uses permitted and the potential impacts caused by their operating characteristics and appearance, all uses in the light industrial district will be subject to the conditional use procedure.

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

7.11.3. COMMUNITY REQUIREMENTS. Applicants in the light industrial district shall provide evidence of compliance with the following:

(a) Consideration for each industrial use will be based on the criteria that it will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside the building walls except as may be normal for a residential or commercial use.

(b) Any open yards used for storage or parking shall be screened effectively by a landscaped berm or structural means as determined by the Community Development Department.

(c) The Community Development Department shall review the buffer between a structure housing an industrial use and a residential area to determine the most effective way to screen the industrial or residential use.

(d) Utilities shall be placed underground.

7.11.4. LOT AND SITE REQUIREMENTS.

(a) Loading and Unloading. The loading and unloading of goods shall take place entirely upon the site. Loading areas shall be screened from general public view.

(b) Open Space. At least 15% of the total site area shall be developed as landscaped open space and shall not be utilized for streets, roads, or parking areas.

(c) Lot Size. The minimum lot or site area shall be 10,000 square feet and each site shall have a minimum width of 50 feet.

(d) Side Yards. There shall be a minimum 10 foot side yard.

(e) Front Yard. The minimum front yard shall be 20 feet.

(f) Rear Yard. There shall be a 10 foot rear yard.

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

7.11.6. ARCHITECTURAL DESIGN. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.12. RECREATION AND OPEN SPACE (ROS) DISTRICT

7.12.1. PURPOSE. The purpose of the Recreation and Open Space District is to establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, roads and parking lots, while permitting recreational pursuits and preserving recreational developed and undeveloped open space land. Parks, golf courses and certain types of public or private recreational facilities are suitable uses of this district, provided that such uses remain open space in character.

7.12.2. USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional in the zone.

7.12.3. LOT AND SITE REGULATIONS. All buildings or other structures shall be at least 25 feet from the boundary line of the district or public right-of-way.

7.12.4. BUILDING HEIGHT. No building shall be erected to a height of more than 28 feet measured from the natural grade to the building height.

7.12.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.13. ESTATE (E) DISTRICT

7.13.1. PURPOSE. The Estate Zone is intended to preserve the natural environment and resources of Park City, to protect the health and welfare of the residents of the community, to mitigate geologic and flood hazards, and to preserve open space uses.

7.13.2. USES. Those uses designated on the Land Use Tables as permitted or conditional uses are allowed within the Estate Zone. All other uses are prohibited.

7.13.3. LOT AND SIZE REGULATIONS.

(a) Lot Size. The minimum lot for residential uses shall be three acres. The minimum lot width shall be 100 feet.

(b) Set Backs. All structures shall be located more than 30 feet from the lot boundary line, except within master planned developments.

(c) Height. No structure shall be erected to a height of more than 28 feet measured from the natural grade at the building site.

7.13.4. CONDITIONAL USE REVIEW. All conditional uses in the Estate Zone shall be subject to an additional review for hillside stabilization and flood control. The developer shall submit the following materials with a conditional use application in the estate zone:

(a) A map of the site showing the contours in intervals of no more than 5 feet in elevation;

(b) A map showing access routes, both existing and proposed, showing the grade of public and private rights-of-way, widths, curve data, and similar information for evaluation of emergency vehicle access;

(c) Soils analysis, showing that there are no serious geologic, hydrologic, or mining hazards, and that development on the site will not create or exacerbate such hazards. The soils report shall be from a qualified engineer.

(d) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project;

(e) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

7.13.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code. Appeals of departmental actions on architectural compliance are heard by the Planning Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Single family residences in this zone are not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants

7.14. HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY

7.14.1. PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

7.14.2. USES. Those uses designated on the land use tables as permitted or conditional uses are allowed in this zone. All other uses are prohibited.

7.14.3. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

(a) The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.

(b) The minimum frontage of lots shall be 37.5 feet in width measured at a point 15 feet back from the front lot line.

(c) The minimum side yard shall be 5 feet.

(d) The minimum rear yard shall be 10 feet for main buildings, and one foot for accessory buildings, provided however, that accessory buildings less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.

(e) The minimum front yard setback shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the setback area, but not within 5 feet of the side lot lines. The minimum setback for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.

(f) Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.

7.14.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted

by resolution of the Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone is not subject to design review by the City, but may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

7.14.5. SPECIAL PARKING REGULATIONS It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.

7.15. SINGLE FAMILY (SF) ZONE

7.15.1 PURPOSE. To allow for neighborhoods which are predominately permanent single family in character. This zone is very similar to the Residential Development (RD) Zone.

7.15.2. USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional uses in this zone. All other uses are prohibited. Rental for periods of less than 30 days shall be prohibited except as specified in Section 7.15.6. contained herein.

7.15.3. LOT AND SITE REGULATIONS.

(a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are generally encouraged to cluster development around common open space.

(b) Required yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:

Side yards. Side yards of 12 feet will be provided for all structures.

Front yard. The minimum depth of the front yard for all buildings shall be 25 feet. In subdivisions allowing single family structures, the Planning Commission may designate specific single family lots on which the front yard set back is 10 feet for the main building and 5 feet for the garage (and habitable space above the garage). This exception to the front yard set back minimum shall be granted by the Planning Commission when it is appropriate or reasonably necessary to solve access problems to lots with relatively steep grades, to preserve vegetation, or eliminate or minimize cut and fill areas. Lots to which this exception applies, shall be so designated on the subdivision plat at the time the plat is approved by the Planning Commission.

Rear yard. There shall be a 15 foot rear yard for main buildings and 10 foot rear yard for accessory buildings provided.

Exceptions. Reduced site requirements as outlined in Section 8.3 of this code shall be effective in the applicable SF-N and SF Zones. In Thaynes Canyon Subdivision I and II and Prospector Village, the front yard for main buildings shall not be less than 20 feet and the front yard for garages shall not be less than ten

feet; the side yard shall not be less than five feet, except on corner lots; the side yards abutting the street shall not be less than ten feet; and the rear yard shall not be less than ten feet. In addition, Prospector Park Subdivisions 1, 2, and 3 shall have setback and lot size requirements as outlined in the RDM Zone.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.15.3(b)(1).

7.15.4. HEIGHT REGULATIONS. No building shall be erected to a height greater than 28 feet, measured from natural grade at the building site. On lots specifically designated by the Planning Commission and recorded on the subdivision plat, no building shall be erected to a height greater than 12 feet above natural grade for uphill lots within the area between the five-foot setback allowed for garages and the 25-foot setback.

On lots with a downhill orientation, no building shall be erected to a height greater than 12 feet above grade measured at the top back of curve within the area between the five-foot setback allowed under special consideration and the regular 25-foot setback.

7.15.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission and then may be appealed to the City Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.15.6. TERMINATION OF NIGHTLY RENTALS. Properties which have been rented for periods of less than 30 days may continue to do so for a period of three (3) years from January 1, 1987, subject to business licensing requirements. After that three year period, rental for periods less than 30 days shall be prohibited in this zone. Only those properties which obtain a license for rental for periods of less than 30 days prior to January 1, 1987 may continue to so rent after January 1, 1987 until December 31, 1989.

7.15.7. MAXIMUM HOUSE SQUARE FOOTAGES ON COMBINED LOTS
Any requested increase in house square footage must be made on forms provided by the Planning Department. Each application shall

be reviewed and approved by the Community Development Director for compliance with the following criteria:

(a) House Size. The maximum house size may not exceed 150 percent of the house size allowed on each single lot when those maximums are combined and averaged. For example: if 2 lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum are combined, the maximum house size would be 5250 square feet. The average of the two lots is 3500 square feet. 3500 x 150% = 5250 square feet. In subdivisions where maximum house size is not specified, the house size on combined lots must be approved by the Community Development Director based upon neighborhood compatibility.

(b) Setbacks. The required setbacks for homes on combined lots shall increase in proportion to the percentage of increase in the house size above the defined maximum size for a given subdivision. For example: if the home size is 20 percent greater than the maximum house size on any of the lots being combined, the setbacks shall be 20 percent greater than the standard setbacks of the zone. Lots with unusual configurations, topography, access, or significant vegetation may have the setbacks shifted upon approval of the Community Development Director but in no case shall they be less than the required zone setbacks.

(c) Vegetation Protection. Every effort to protect significant vegetation shall be made by the property owner/developer. This includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Limits of disturbance for the house on combined lots must be approved by the Community Development Director.

(d) Easement Vacations. If an easement has to be vacated, the applicant shall show evidence that it can be vacated or relocated without affecting service to the adjacent lots. An easement relocation agreement showing this shall be required to be filed with the County Recorder's office.

7.16. SINGLE FAMILY - NIGHTLY RENTAL ZONE (SF-N)

7.16.1 PURPOSE. To allow for neighborhoods which are predominately single family in character, but in which transient residential uses (such as nightly rental) are appropriate.

7.16.2 USES. Uses shall be limited to those uses shown on the land use table as either permitted or conditional uses in this zone. All other uses are prohibited.

7.16.3. LOT SITE AND REGULATIONS.

(a) Density. The maximum density for approved standard subdivisions shall be three units per acre. Subdivisions are encouraged to cluster development around common open space.

(b) Required yards.

1. In standard subdivisions with lots of 12,000 square feet or more, the setbacks will be as follows:

Side yard. Side yards of 12 feet will be provided for all structures.

Front yard. The minimum depth of the front yard for all buildings shall be 25 feet. In subdivisions allowing single family structures, the Planning Commission may designate specific single family lots on which the front yard set back is 10 feet for the main building and 5 feet for the garage (and habitable space above the garage). This exception to the front yard set back minimum shall be granted by the Planning Commission when it is appropriate or reasonably necessary to solve access problems to lots with relatively steep grades, to preserve vegetation, or eliminate or minimize cut and fill areas. Lots to which this exception applies, shall be so designated on the subdivision plat at the time the plat is approved by the Planning Commission.

Rear yard. There shall be a 15 foot rear yard for main buildings and 10 foot rear yard for accessory buildings provided.

Exceptions. Reduced site requirements as outlined in Section 8.3 of this code shall be effective in the applicable SF-N and SF Zones. In Thaynes Canyon Subdivision I and II and Prospector Village, the front yard for main buildings shall not be less than 20 feet, and the front yard for garages shall not be less than ten feet; the side yard shall not be less than five feet except on corner lots; the side yards abutting the street

shall not e less than ten feet; and the rear yard shall not be less than ten feet. In addition, Prospector Park Subdivisions 1, 2, and 3 shall have setback and lot size requirements as outlined in the RDM Zone.

2. In subdivisions with clustered single family lots, the yards may be varied by the Planning Commission. In no case shall setbacks be approved which result in less than a ten foot separation in adjacent structures except as provided for in 7.16.3(b)(1).

7.16.4. HEIGHT REGULATIONS. No building shall be erected to a height greater than 28 feet, measured from natural grade at the building site. On lots specifically designated by the Planning Commission and recorded on the subdivision plat, no building shall be erected to a height greater than 12 feet above natural grade for uphill lots within the area between the five-foot setback allowed for garages and the 25-foot setback. On lots with a downhill orientation, no building shall be erected to a height greater than 12 feet above grade measured at the top back of curve within the area between the five-foot setback allowed under special consideration and the regular 25-foot setback.

7.16.5. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for neighborhood compatibility in keeping with the architectural design guidelines adopted as Chapter 9 of this Code and with the Park City Design Guidelines. Appeals of departmental actions on architectural compliance are heard by the Planning Commission and then may be appealed to the City Council as set forth in Chapter 1 of this Code. Single family residences may also be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

7.16.6. MAXIMUM HOUSE SQUARE FOOTAGES ON COMBINED LOTS
Any requested increase in house square footage must be made on forms provided by the Planning Department. Each application shall be reviewed and approved by the Community Development Director for compliance with the following criteria:

(a) House Size. The maximum house size may not exceed 150 percent of the house size allowed on each single lot when those maximums are combined and averaged. For example: if 2 lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum are combined, the maximum house size would be 5250 square feet. The average of the two lots is 3500 square feet. 3500 x 150% = 5250 square feet. In subdivisions where maximum house size is not specified, the house size on combined lots must be approved by the Community Development

Director based upon neighborhood compatibility.

(b) Setbacks. The required setbacks for homes on combined lots shall increase in proportion to the percentage of increase in the house size above the defined maximum size for a given subdivision. For example: if the home size is 20 percent greater than the maximum house size on any of the lots being combined, the setbacks shall be 20 percent greater than the standard setbacks of the zone. Lots with unusual configurations, topography, access, or significant vegetation may have the setbacks shifted upon approval of the Community Development Director but in no case shall they be less than the required zone setbacks.

(c) Vegetation Protection. Every effort to protect significant vegetation shall be made by the property owner/developer. This includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Limits of disturbance for the house on combined lots must be approved by the Community Development Director.

(d) Easement Vacations. If an easement has to be vacated, the applicant shall show evidence that it can be vacated or relocated without affecting service to the adjacent lots. An easement relocation agreement showing this shall be required to be filed with the County Recorder's office.

7.17. HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT.

7.17.1. PURPOSE. To allow for the adaptive reuse of the historic structures on Upper Main Street, on the east side of Park Avenue, and along Swede Alley, by permitting, as Conditional Uses, commercial and office uses, thereby providing an economically viable alternative to the uses permitted in the HR-1 zone which would encourage the renovation of historic structures and which would establish a transition between the HCB and the HR-1 zones, and provide space for uses not presently being provided for in Park City's existing zones. This overlay zone applies only to historic buildings, all others must comply with the requirements of the HR-1 zone.

7.17.2. CONDITIONAL USES. In this overlay zone, a historic building may be used for one or more of the uses designated on the Use Table as a Conditional Use ("C"), as determined by the Planning Commission to be in the best interest of the Historic District, and as formally recommended for Conditional Use by the Historic District Commission.

7.17.3 HISTORIC DISTRICT COMMISSION REVIEW. Prior to consideration by the Planning Commission, the Conditional Use Permit request shall be reviewed by the Historic District Commission and a recommendation made to the Planning Commission on the use's compatibility and appropriateness within the Historic District and determination that the building is historically significant.

All facade improvements and signage shall be reviewed and approved by the Historic District Commission to ensure compliance with the Historic District Design Guidelines and the Park City Sign Ordinance, and the necessary permits shall be secured. (Note: Amend Sign Ordinance to allow one sign of maximum 6 sq.ft.).

All structures must comply with the Uniform Building Code requirements for the approved use. The owner must receive the required Building Permits, Certificates of Occupancy, and meet any other requirements of the Park City Building Department to ensure the adequate health and safety of the occupants and surrounding properties. For many commercial uses, substantial improvements to the property may be necessary to comply with the Uniform Building Code which may include, among other things, fire sprinklers and fire walls. The Chief Building Official should be contacted as soon as a commercial use is contemplated.

7.17.4. PARKING REQUIREMENTS. An effort shall be made by the applicant to provide on-site parking for two or more vehicles wherever possible.

7.17.5. DONATION OF A FACADE EASEMENT. The owner shall be encouraged to donate a preservation easement to assure preservation of the building. The easement shall include, as minimum stipulations, design approval for exterior changes, and an architectural program for restoration and maintenance following the Secretary of Interior's Standards for Rehabilitation. A time frame for completion of the restoration program may be specified in the easement agreement. This easement agreement will utilize the City's standard form available from the Legal Department, with specific items to be negotiated with the Commission. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

7.17.6. MECHANICAL SERVICE. No free standing mechanical equipment is permitted in the HR-2 zone. Mechanical equipment attached to or on the roofs of buildings must be screened with a visual barrier so that it is not open to view form nearby properties looking down on the roofs of buildings in the zone. Screening may not exceed the allowable height for the zone, unless incorporated into an architectural element that is permitted to exceed the maximum allowable height by this code. Mechanical equipment in the HR-2 zone shall also be acoustically screened to minimize noise infiltration to adjoining properties. Refuse collection and storage areas shall be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

7.17.7. USES TO BE WITHIN ENCLOSED BUILDINGS. All uses shall be conducted within a completely enclosed building, except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic District. All storage shall be within a completely enclosed building.

7.18. REGIONAL COMMERCIAL OVERLAY ZONE (RCO)

7.18.1 PURPOSE. To allow for regional commercial uses on properties not otherwise zoned for commercial uses upon the conditions established in this section. This overlay zone affords the land owner the option to apply for commercial development of lands affected by the overlay zone. In the event the application is denied, the underlying zoning shall govern permissible development of the property.

7.18.2. PROCEDURE. An applicant may apply for the commercial development option if the subject property is located in an area to which the overlay is applied. The application for the commercial development option will be reviewed as a Master Planned Development (MPD) pursuant to Chapter 10 of the Land Management Code. The Planning Commission shall consider all factors set forth in Chapter 10, and shall also consider the criteria listed below in Subsection 3 to determine whether implementation of the commercial option is warranted.

7.18.3. CRITERIA. An application for the commercial development option under this section must meet the following minimum standards:

(a) The minimum lot size for any proposal shall be five (5) acres. Each proposal shall include one commercial anchor, a minimum of thirty thousand (30,000) square feet in size, and a maximum of sixty-five thousand (65,000) square feet. Not every parcel affected by the overlay area will be eligible to apply for the commercial development option. An assemblage of properties may be necessary to meet the minimum lot size required. The lot size per anchor may be in excess of five (5) acres.

(b) An anchor of at least thirty thousand (30,000) square feet shall be required to be built first, with such other development to be built subsequently if the Planning Commission deems appropriate.

(c) Internal circulation must be provided. Access to arterials shall be limited.

(d) Buffering from highway frontages will be required. The buffering shall include extensive landscaping and berming to be approved by the Planning Commission. Parking shall be screened from public roadways to the extent possible.

(e) A buffer will be required when the commercial development is adjacent to residential uses. The minimum width shall be one hundred (100) feet and the buffer shall include extensive landscaping and berming to be approved by the Planning Commission. The Planning Commission may increase or decrease

the buffer size depending on proposed uses and proposed buffer design. The Commission may require that the buffer be put in place prior to commencement of construction, so that construction impacts on adjacent residences may be mitigated. The buffer may be required to include retaining walls, mature trees and berming, as deemed appropriate by the Planning Commission.

(f) Any application to use the commercial option will constitute an MPD to be reviewed and approved by the Planning Commission.

(g) Architectural plans shall be submitted and approved by the Planning Commission. The entire MPD shall have coordinated architecture which shall be consistent with the Park City Design Guidelines.

(h) A sign plan shall be approved at the MPD stage. All signage will be coordinated within the project and shall be combined so as not to crate a visually cluttered or competitive environment. All signage will be consistent with the Park City Sign Code.

(i) The site plan for the MPD shall take into consideration significant natural features such as existing vegetation, stream channels and ridge lines. Development shall occur outside of these significant areas and, in some cases, the elements of those features may be required to be enhanced.

(j) A lighting plan shall be approved at the MPD stage. The lighting shall be consistent with the Park City Design Guidelines and shall be directed downward without spilling over to adjacent properties.

(k) Pedestrian circulation is very important and shall be addressed in the site planning for the MPD. Bicycle paths will be required if called for in the trails master plan.

(l) Service and delivery access and dumpster locations shall be addressed in the site planning for the MPD. Service and delivery access shall not occur adjacent to residential uses. The service and delivery bays shall be fully screened from residential view by a 100% opaque masonry wall or wood fence. Trash must be stored in closed containers.

(m) Outdoor storage and display of merchandise is not permitted except as allowed for temporary sales under Ordinance No. 82-27.

7.18.4. PLANNING COMMISSION FINDINGS. To approve an application for use of the commercial option, the Planning Commission must approve the MPD pursuant to Chapter 10 of the Land Management Code and must find that:

(a) The proposal is consistent with the criteria set forth in Subsection 7.18.3.

(b) The proposal is in the best interest of the City and is located in an appropriate location.

(c) The proposal adequately mitigates potential impacts from adjacent properties and land uses. Special consideration shall be given to buffering MPD boundaries which are adjacent to different land uses.

7.19. SCHEDULE OF REQUIREMENTS - LAND USE TABLES

7.19.1. To facilitate public understanding of this ordinance and for better administration and convenience of use thereof, the following schedule of "permitted uses" and conditional use for the various zoning districts is hereby adopted and declared to be a part of this ordinance, and may be amended in the same manner as any other part of this ordinance.

7.19.2. USES. In each zoning district any use category not expressly permitted shall be deemed excluded. If a question arises as to whether a specific use does or does not come within the following expressed use categories any person may apply to the Planning Commission for a determination as to whether a specific use is expressly permitted. In using the following tables, the letter "A" indicates permitted use, the letter "C" indicates conditional use, and an "asterisk" indicates a use which is prohibited in the zone.

REFERENCE NOTES:

Permitted uses are designated by the letter "A".
Conditional uses are designated by the letter "C".
Prohibited uses are designated by an asterisk "*".

[1]These uses are allowed within the zone only as a part of a master planned development subject to the provisions of Chapter 10, and not as an isolated land use.

[2]These uses are permitted only with special underground parking requirements. All parking must be completely enclosed and so located on the site that at least 50% of the parking structure mass is below natural grade. The underground parking structure may serve one or more developments so long as ownership of the parking structure is tied to the ownership of the dwellings through easements or condominium ownership.

[3]When the use requires eight or fewer development credits, it will be treated as a permitted use instead of a conditional use, and is not subject to conditional use review. If the use requires more than eight development credits, it will be considered and processed as a master planned development, subject to the provisions of Chapter 10.

[4]See the supplemental regulations for specific review standards.

[5]These commercial uses are allowed in the zone only as a secondary or support use to a primarily residential development. Commercial uses are intended as a convenience for the people occupying the adjacent or adjoining residential development, and not as a general commercial area to serve people coming to the commercial spaces from off site.

[6]Drive-in restaurants require special conditional use review to consider traffic impacts on surrounding streets. The applicant must demonstrate that at periods of peak operation of the drive-in window, restaurant patrons will not be backed up to the adjoining public streets or obstruct driveways to adjoining properties.

[7]Any retail or service commercial uses, whether permitted or conditional that would include more than 2,000 square feet within any single commercial or retail business shall be considered a conditional use.

[8]Restaurants, bars, liquor serving establishments, private and fraternal clubs, in conjunction with a full service restaurant seating at least 50 persons at one time, provided that no such uses will be permitted in a free standing building or as a primary land use, unless located entirely within a structure on October 1, 1985. These uses, except when in existing structures, will be subject to

the FAR of commercial (i.e., non-residential) use within the project. Existing structures, while not subject to the FAR, are not allowed to house a bar or private club unless in combination with a full service restaurant with seating for at least 50 persons at a time.

[9]Duplexes are permitted only on lots designated for duplexes on the official subdivision plat.

[10]These uses are conditional for historic structures only. New construction must comply with the HR-1 Zone requirements.

[11]This is not permitted in this zone unless it is for employees of a permitted business with the same business operating as the child care facility.

[12]This use shall receive an Administrative Permit which requires a yearly renewal. (See Section 14.4(g).)

[13]The City will require extensive buffering on any side of a moderate income housing project where the adjacent parcel is zoned LI and where there <u>is</u> or <u>could be</u> industrial uses. A minimum buffer area of 50 feet wide will be required. The 50-foot requirement will be divided between the two adjoining parcels (25 feet on each) unless one parcel is already developed. In that case, the entire 50-foot buffer must be provided on the remaining undeveloped parcel. A detailed landscape plan must be submitted, and the applicant will be required to show the Planning Commission and staff that the proposed landscaping effectively buffers the residential uses from existing or potential industrial uses.

LAND USE TABLE

USE DESCRIPTION	E	SF	SF-N	RDRDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Single family detached dwelling	A	A	A	A	A	*	A	A	A	A	A	A	*	A	*	*	A
Two dwelling structure, duplex	C[1]	*[9]	*[9]	C	A	*	A	A	A	A	A	*	A	A	*	*	*
Three dwelling structure, triplex	C[1]	*	*	C[1]	C	*	A[2]	A[2]	A[2]	A	*	*	A	*	*	*	*
Four dwelling structure, fourplex	C[1]	*	*	C[1]	C	C[1]	*	C[1]	*	A	A	A	A	A	*	*	*
Multi-dwelling structure more than four, but not more than eight	C[1]	*	*	C[1]	C[1]	C[1]	*	C[1]	*	A	A	A	A	C[3]	*	*	*
Multi-dwelling structure, more than eight dwellings	C[1]	*	*	C[1]	C[1]	C[1]	*	C[1]	*	C	A	A	A	C[3]	*	*	*
Rental of dwellings for periods less than 30 days	A	*	A	A	A	A	A	A	A	A	A	A	A	A	*	*	A
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	A
Secondary living quarters	A	A	A	A	A	A	A	*	*	A	A	*	*	A	A	A	*
Guest house (on lots of one acre or larger)	C	C	C	C	C	*	C	C	C	C	*	*	C	*	*	*	*

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Lock-out rooms	A	*	*	A	A	A	A	A	A	A	A	A	A	A	*	*	C
Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	A
Public and quasi-public institutions, churches, schools, private schools with curriculum similar to public schools	C	C	C	C	C	C[1]	C	C	C	C	C	C	C	C	C	C	*
Group care facilities, including halfway houses, rehabilitation centers, group foster care, senior citizen group homes	C	C	C	C	C	C[1]	C	C	C	C	C	C	A	C	C	*	*
Activities for conservation of soil, water, and wildlife	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Agriculture, crop production, orchards, flower production, forest land, but not retail sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Raising, grazing horses (limit of two horses/acre, 75 feet from nearest neighboring dwelling)	A	C	C	C	C	*	*	*	*	*	*	*	*	*	C	A	*
Raising, grazing of sheep or goats	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*
Cemetery	C	C	C	C	C	*	*	*	*	*	*	*	*	*	*	C	*

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
facilities not included)	C	C	C	C	C	C[1]	C	C	C	C	C	C	C	C	C	C	C
Professional offices, medical and dental clinics	*	*	*	*	C	C[1]	*	*	C	*	A	A	C[5]	C[4]	C	*	*
Business office	*	*	*	*	*	C[1]	*	*	C	*	A	A	A	A	*	*	*
Temporary building for construction project management and temporary sales, in conjunction with active building permit for development project	C	C	C	C	C	C[1]	C	C	C	C	C	C	C	C	C	C	C
Temporary sales office	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Commercial parking lot or garage	*	*	*	*	*	C[1]	*	*	*	*	A	A	A	A	C	*	*
Passenger tramway stations and base facilities (see Supplemental Regulations)	C	*	*	*	*	C[1]	*	*	*	*	C	C	C	C	*	A	*
Liftway, no loading or unloading (see Supplemental Regulations)	A	*	*	*	*	C[1]	C	C	C	*	C	C	C	C	*	A	C
Retail commercial establishments limited to the following and similar uses: antique store, art gallery, art supply store, bakery, book store, camera store, clothing store, candy store, tobacco and cigarette store, florist, food store, gift shop, liquor store, pharmacy, sporting goods store, and variety	*	*	*	*	*	C[1]	*	*	C[10]	*	A	A	A[7]	C[5]	*	*	*

LAND USE TABLE (Continued)	E	SF	SF-N	RDRDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Retail establishments limited to the following and similar uses: department store, furniture store, hardware store, job printing shop, and office supply store	*	*	*	*	*	C[1]	*	*	*	*	A	A	*	*	C	*	*
Retail commercial establishments limited to the following and similar uses: automobile sales, plant nursery stock production and sales; and service commercial establishments limited to the following and similar uses: auto rental customer outlet, business office, financial institutions, handicraft production, personal services, including barber and beauty shops, dry cleaning pick-up station, laundromat, studio for instruction in the arts, travel agency	*	*	*	*	*	C[1]	*	*	C[10]	*	A	A	C[5]	C[5]	C	*	*
Service commercial establishments limited to the following and similar uses: catering service, mortuary, tailoring and shoe repair, radio or television broadcast facility	*	*	*	*	*	C[1]	*	*	C[10]	*	A	A	C[5]	C[5]	C	*	*
Service commercial establishments limited to the following and similar uses: animal hospitals, automobile repairing and washing, bulk dry cleaning and laundry, transportation services, trucking services, printing shops, product assembly, auto rental, or storage lot, wholesale business	*	*	*	*	*	*	*	*	*	*	A	*	C[5]	C[5]	C	*	*
Gasoline service station	*	*	*	*	*	C[1]	*	*	*	*	C	*	*	*	C	*	*
Restaurant	*	*	*	*	*	C[1]	*	*	C[10]	*	A	A	C[7]	C[5]	C	*	*

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Restaurant, outdoor dining	*	*	*	*	*	C[1]	*	*	C[10]	*	C	C	C[5]	C[5]	C	*	*
Restaurant, drive-in, or drive-up window	*	*	*	*	*	C[1]	*	*	*	*	C[6]	*	*	*	C	*	*
Bar, tavern, private liquor club, fraternal organization	*	*	*	*	*	C[1]	*	*	*	*	C	C	C[8]	C[5]	*	*	*
Hospital, emergency medical care facility	*	*	*	*	*	C[1]	*	*	*	*	A	A	*	C[5]	C	*	*
Indoor entertainment such as bowling alleys, skating rinks, movie theater, performing arts center	*	*	*	*	*	C[1]	*	*	*	*	A	A	C[7]	C[5]	C	*	*
Golf courses, outdoor entertainment, and recreation facilities	C	C	C	C	C	C[1]	*	*	*	*	C	*	C[5]	C	*	A	*
Timeshare projects	*	*	*	*	*	*	*	*	*	*	C	C	A	C	*	*	*
Timeshare conversions	*	*	*	*	*	*	*	*	*	*	C	C	A	C	*	*	*
Timeshare sales office, off-site within an enclosed building	*	*	*	*	*	C[1]	*	*	*	*	C	C	*	C	*	*	*
Recreation facilities owned by a home owner or property owners association for private use by members, including tennis court, and swimming pool	A	A	A	A	A	A	A	A	*	A	A	A	A	A	A	A	A

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Commercial recreation facility, racquet club, athletic club, or gymnasium, not including stables	C	C	C	C	C	C[1]	*	*	*	*	C	C	C[7]	C[5]	C	C	*
Commercial stables, riding academy	C	C	C	C	C	*	*	*	*	*	*	*	A	*	C	C	*
Mines and mine exploration, ore loading, but not processing	C	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*
Ore shipping and loading facilities, truck and rail heads	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Mine and milling and ore processing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*
Hotel, motel, inn, boarding house with 16 or more rooms	C[1]	*	*	C[1]	C[1]	C[1]	*	*	*	*	A	A	A	A	*	*	*
Hotel, motel, inn, boarding house with fewer than 16 rooms	C[1]	*	*	C[1]	C[1]	C[1]	*	*	*	C[1]	A	A	A	A	*	*	*
Bed and breakfast inns	*	*	*	*	*	*	C	C	C	A	A	A	A	A	*	*	*
Master planned development including service and limited retail commercial support services	C[1]	*	*	C[1]	C[1]	C[1]	*	*	*	*	C[1]	C[1]	C[7]	C[1]	*	*	*
Master planned development with full commercial uses, heavy retail, and services designed for general public use rather than support services	*	*	*	*	*	C[1]	*	*	*	*	C[1]	C[1]	*	C[1]	*	*	*

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Master planned development with residential and transient lodging uses only	C[1]	*	*	C[1]	C[1]	C[1]	C[1]	C[1]	*	C[1]	C[1]	C[1]	C[1]	C[1]	*	*	*
Master planned developments with moderate income housing density bonus	C[1]	*	*	C[1]	C[1]	C[1]	*	*	*	C[1]	C[1]	*	C[1]	C[1]	C[13]	*	*
Mobile homes, trailer parks	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Commercial campgrounds	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*
Commonly owned garage for four or more cars, above grade or below, and not connected to dwellings or commercial structure	C	*	*	*	C	C[1]	C	C	*	C	C	C	A	*	*	*	C
In-home baby-sitting	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*[11]	*[11]	A
Family day care	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*[11]	*[11]	A
Family group care	A[12]	A[12]	A[12]	A[12]	A[12]	A	A[12]	A[12]	A[12]	A[12]	A	A	A	A	*[11]	*[11]	A[12]
Child care center	C	C	C	C	C	C[1]	C	C	C	C	A	A	A	A	C	C	C

CHAPTER 8. SUPPLEMENTARY REGULATIONS

8.1. PURPOSE. The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

8.2. SUBSTANDARD LOTS. Nothing in this Code shall be construed as preventing the division of approved and platted duplex lots into separate ownership under the terms of either a condominium ownership structure, a planned unit development ownership structure, or a party-wall agreement. No new lots may be platted or created by deed which do not comply with the minimum lot size requirements established for that zone.

8.3. REDUCED SITE REQUIREMENTS. Any lot under separate ownership of record prior to April 4, 1968, which has dimensions which would prevent building because of the front yard, rear yard, and side yard set back required by the zone in which the lot is located, and any lot which has been approved by the City Council prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for development on construction on or near lot lines must be met.

(a) Notwithstanding 8.3 above, in the HR-1 zone for single unit dwellings, the side yards shall be no less than three feet and if reduced pursuant to this section, then no side yard exceptions as provided in Section 8.14 shall be permitted; and in the RD zone for single unit dwellings (namely in Thaynes Canyon Subdivision I and II, Prospector Village), the front yard for main buildings shall not be less than 20 feet, and the front yard for garages shall not be less than ten feet, and the side yard shall be not less than five feet except on corner lots. On corner lots, the side yards abutting the street shall not be less than ten feet, and the rear yard may be reduced to ten feet. In the Prospector Square Commercial Subdivision, Lots 2 to 38 in the GC zone, front, side, and rear yards may be reduced to zero feet except for commercial lots which front on state highways.

(b) This section is not intended to conflict with Subsection 8.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 8.9.

8.4. LOT STANDARDS. Except as may otherwise be provided in this Code, no building permit shall be issued for a lot unless such lot shall have area, width, and depth as required by the regulations for the zone in which the lot is located, and the lot has frontage on a street shown as a City street on the streets

master plan, or on private easements connecting the lot to a street shown on the streets master plan.

8.5. SALE OR LEASE OF REQUIRED SPACE. No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

8.6. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS. No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

8.7. FENCES, WALLS, AND/OR HEDGES.

(a) Fences, walls, and hedges higher than six feet may be erected or allowed within the buildable area, provided that any physical structure over six feet in height shall receive conditional use approval and a building permit. Fences, walls, and hedges shall not exceed four feet in height within any required front yard or side street side yard and shall not exceed six feet within any required rear yard or interior side yard. Where a fence, wall, or hedge occurs along a property line separating two lots and there is a difference in the grade of the properties, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

(b) Restrictions on Materials. Chain link fences are prohibited in all zones with the following exceptions which must be approved by the Community Development Director.

1. For recreational facilities such as tennis courts,
2. As temporary vegetation protection during construction as directed by the Community Development Department.
3. Chain link fences may be permitted in other circumstances by the Community Development Director when it is found that the fence is necessary in the interest of security or public safety, and when the fencing needs cannot be reasonably met with any other type of fencing.

8.8. FRONTAGE PROTECTION, LIMITED ACCESS TO HIGHWAYS. The frontage along both sides of Park Avenue (SR 224) from 15th Street north to the north City limits, both sides of Marsac Avenue (SR 224) from its upper intersection with Prospect Avenue to the south City limits, both sides of Kearns Boulevard (SR 248) from Park Avenue east to the east City limits, and Deer Valley Drive from Park Avenue to Heber Avenue (the U-224 Belt Route) ar38.24e subject to special review for protection of the highway frontage. These areas are shown as a supplement to the zoning district map. Any

building proposal within a distance of 100 feet back from the nearest right-of-way line of these highways is subject to review by the Community Development Department. The highway frontage review shall be limited to the following factors:

(a) To the extent possible to minimize access points and driveways to the highways, access shall be from existing City streets that join with the highways rather than direct highway access. Common driveways between adjoining projects shall be used when possible, and driveways that are required in order to provide access shall be placed where they create the least interference with through traffic on the highways.

(b) The Department shall review proposals for pedestrian and bicycling pathways through the frontage property, proposals for open space, buffered areas, and preservation of view corridors.

(c) Regardless of the zone setbacks in Chapter 7, no structure shall be erected within 30 feet of the nearest highway right-of-way line in order to preserve view corridors, buffer areas, and allow for possible future improvements of the highway themselves. The Board of Adjustment may grant variances of this setback.

(d) All construction in the setback area between 30 feet and 100 feet from the nearest right-of-way line is a conditional use, and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

8.9. CLEAR VIEW OF INTERSECTING STREETS. In all zones, no obstruction to view in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street lines, except a reasonable number of trees pruned low enough to permit automobile drivers an unobstructed view. This shall not require changes in the natural grade on the site.

8.10. PUBLIC UTILITY STRUCTURES. Public utility structures may be permitted on less than the required size lots in any district as approved by the Community Development Department. These facilities are conditional uses.

8.11. ZERO SIDE YARD REQUIREMENTS. In subdivisions or master planned developments where the arrangement and placement of buildings are fixed and so designated on both the preliminary and final plats, the Planning Commission may, after review, approve the subdivision or planned unit development waiving one of the required side yards. In the Prospector Square Commercial Subdivision, Lots 2 through 38 in the GC Zone, the front, side, and rear yard set

backs may be reduced to zero set back, except those lots fronting on a state highway, if any, or if the set back is necessary to comply with Section 8.9. of this Code. This reduction in the Prospector Square Commercial Subdivision is predicated on the preservation of the common areas, pedestrian malls, and common parking lots. If those common areas do not exist for the use and benefit of a lot on which development is proposed, the normal GC Zone requirements shall apply.

8.12. HOME OCCUPATION. A home occupation is a lawful use conducted and carried on entirely within a dwelling by persons residing in the dwelling or by those persons at sites away from the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall not include the sale of goods or merchandise except those which are produced on the premises and shall not involve the use of any yard space or activity outside of the buildings not normally associated with residential use. The use of mechanical equipment shall be limited to small tools whose use shall not generate noise, smoke, or odors perceptible beyond the premises of the dwelling. Home occupation will not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone or automatic answering device related to the home occupation, but shall not allow frequent or constant visitation to the residence by clients to transact business. Home occupation shall include the care of fewer than three children other than members of the family residing in the dwelling. In all cases, there shall be no advertising of said home occupation by window displays or signs, and no one outside of the immediate family may be employed. In the event covenants applicable to the property preclude this use, the covenants shall control.

8.13. CONDOMINIUM CONVERSION. Existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Community Development Department, City Attorney, and plat approval from the City. Required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the building code as a condition precedent to plat approval. (Timeshare conversion is addressed in Section 8.20.)

8.14. SIDE YARD EXCEPTIONS. The area of a required side yard shall be open and unobstructed except for the following and similar uses:

(a) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than four inches.

(b) The projection of an eave not more than two feet.

(c) The projection of a step not over two feet.

(d) Awnings projecting over doorways and windows not more than three feet.

(e) A bay window or chimney not over ten feet long projecting not more than two feet, provided such extension maintains the minimum side yard allowable for the smallest side yard in that district.

(f) A light or window well not over two feet in width.

(g) Walls or fences not more than six feet in height.

(h) A driveway leading to a properly located garage or parking area; however, a side yard cannot be used for a parking area except as hereinafter provided, nor for storage, nor can it be hardsurfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located parking area in the rear yard.

(i) A detached garage may be located in a side yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for buildings in close proximity to the lot lines.

(j) Hot tubs, decks or similar uses at ground level shall be allowed in a side yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from property line.

8.15. REAR YARD EXCEPTIONS. The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

(a) A bay window or chimney not over ten feet long projecting not more than two feet.

(b) Window wells extending not more than four feet.

(c) The projection of an eave or cornice not more than two feet.

(d) Private swimming pools, tennis courts, and similar uses shall be allowed in a rear yard provided they are located at least

30 feet from any dwelling on an adjoining lot and at least ten feet from any property line.

(e) Garages and other accessory buildings as hereinafter provided. Such structures shall not cover over 50% of the rear yard area.

(f) Hardsurfaced parking areas subject to the same location requirements of a garage.

(g) Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.

(h) Air conditioners.

(i) Fences not over six feet in height.

(j) Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from property line.

8.16. FRONT YARD EXCEPTIONS. The area of a required front yard shall be open and unobstructed except for the following which are permitted:

(a) A fence or wall not more than four feet in height; no fence more than three feet in height shall be allowed within 30 feet of the intersection on any corner lot.

(b) Uncovered steps leading to the main building; provided, however, that they are not more than four feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet above grade must maintain the required setback line.

(c) Eaves or cornices projecting not more than two feet.

(d) A driveway leading to a properly located garage or parking area; provided, however, no portion of a front yard as required in this Code except for those approved driveways, shall be hardsurfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the City allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located parking areas. Hardsurfaced parking may be permitted in the front yard of HR-1 and R-1 properties subject to compliance with the zone district requirements. Such parking shall not be permitted in the required side yard extended forward to the front property line.

(e) Circular driveways shall be permitted in required front yard areas of single-family dwellings leading to and from a properly located garage or carport on the property subject to the following conditions:

1. Such drives shall be hardsurfaced.

2. Such drives shall not be over 16 feet in width.

3. There shall be an area in landscaping at least 15 feet in depth from the front property line to the inside of the drive.

4. Driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the area to be used for permanent parking of any vehicle.

5. Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private property.

8.17. HEIGHT PROVISIONS. The total height of the building shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of a flat roof or the deck line of a mansard roof, or to a point midway between the lowest part of the eves or cornice and the ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18 inches above the maximum height limitation in the zone. Roofs not fitting clearly any of the above three classifications shall be classified by the Community Development Director in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

(a) The ridge of a gable, hip, gambrel, or similarly pitched roof may extend up to five feet above the specified maximum height limit for the zone.

(b) Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified maximum height limit for the zone.

(c) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.

(d) Church spires, bell towers, and like architectural features, as well as flag poles, may extend over the specified maximum height limit by up to 50% of the height limit, but shall not

contain any habitable spaces above the maximum zone height stated.

8.18. REGULATION OF SECONDARY LIVING QUARTERS WITHIN RESIDENTIAL DWELLINGS: Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to Building Permit issuance:

(a) Size. The maximum size for secondary living quarters shall be 800 square feet. This amount shall be included in the total building square footage calculations for all structures.

(b) Parking. One on-site parking space shall be provided in addition to the underlying parking requirement.

(c) Single Utility Meters. The main dwelling and the secondary quarters shall be on the same utility meters.

(d) Access. The secondary quarters shall be designed to have direct access into the main dwelling.

(e) No Separate Leases. The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly or seasonal rentals are prohibited.

(f) Prohibited in Historic District. Secondary living quarters will not be approved in the Historic District.

8.19. SPECIAL REVIEW PROCESS FOR PASSENGER TRAMWAYS IN HR-1, HRL, AND HCB ZONES.

(a) Conditional Use. The location and use of the liftway is a conditional use in the HR-1, HRL, and HCB Zones. The location of base and terminal facilities for the passenger tramway shall be a conditional use in the HCB zone. (See land use table for passenger tramways in other zones).

(b) Conditional Use Review. Conditional use permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

1. Ownership of Liftway. The applicant owns or controls the liftway necessary to construct and operate the passenger tramway. For the purpose of this section, ownership or control is established if the applicant can demonstrate that he has title to the property being crossed by the liftway, or an easement over that property, or options to acquire the property or an easement or a leasehold interest in the property (or an option to acquire a

leasehold) of at least 15 years duration. Ownership or control of portions of the liftway which cross over public streets may be demonstrated by a written permit or license to cross the street, signed by the governmental entity which has jurisdiction over the street crossed. Any combination of ownership and leasehold interests that gives the applicant possession and control over the entire course of the liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the applicant standing to apply for the conditional use.

2. Width. The liftway shall extend a distance of at least ten feet outward from the vertical plane established by the outermost surface of the passenger tramway (which generally is the outside edge of the chair or passenger compartment) on each side of the tramway's course excluding base and terminal structures. Width is computed in this manner, rather than measuring from the center line of the passenger tramway or the cable in order to provide a minimum clearance of ten feet on each side of the liftway regardless of the configuration of the passenger-carrying elements.

3. Base or Terminal Facilities. The passenger tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL Zones. Mid-loading and unloading points are allowed in the HR-1 and HRL Zones.

4. Crossing of Public Roads. The applicant must show that all components of the passenger tramway and any components of the liftway, such as safety netting provide a minimum clearance of 18 feet over major roads and 14 feet over residential streets. In addition, the applicant must show compliance or the ability to comply with any safety or height restrictions which might be imposed by any governmental agency having jurisdiction over public roads crossed by the liftway.

5. Utility Clearance. The applicant must show all portions of the passenger tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet over any wires or utility lines which it crosses, and that the applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

6. Parking and Traffic Plans. The applicant must present a parking, traffic, and transportation plan pertaining to the passenger tramway for the review and approval of the

Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic which could be generated by the tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the tramway and how that parking would be provided. The traffic and parking plan may be included in the neighborhood impact analysis.

The parking requirements and impacts of a tramway will vary within the zones depending upon the location and the ability of the applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The applicant is expected to show workable means of dealing with the traffic generated by the tramway construction and operation, including such regulations as resident parking permits, off site traffic controls and facilities, or similar means for controlling traffic and minimizing off site impacts on adjoining properties .

7. Liftway Setback. The minimum setback between the liftway and any existing dwelling shall be eight feet, in addition to the width of the liftway itself. This setback may be waived with the written consent of the owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

8. State Regulation. Any tramway constructed under a conditional use permit will be subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The applicant is expected to involve the State in the planning process to the extent necessary to inform the Commission of state requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

9. Public Purpose Served. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the tramway on adjoining properties.

(c) Status of Land Within Liftway. Owners of lots or other land which is burdened by the easement for the liftway are entitled to count the land within the liftway for calculation of open space for improvement of that property. Normal setback and side yard requirements apply from the lot line or property boundary. Structures may be constructed within the liftway, subject to the terms of the easement agreement between the lot owner and the owner of the liftway.

(d) Structures Within Liftway. The owner of a lot or other property which is subject to the liftway easement may build within the confines of the easement, provided however that all construction within the easement is a conditional use which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(e) Preservation of Historic Structures. It is the policy of the City to protect and preserve historic structures within the City whenever it is economically reasonable to do so. The proponent of the tramway project must provide a study which catalogues any structures within the liftway easement and identifying their historic value, and indicating whether the structure will be removed to accommodate the tram. The proponent must also show what alternatives have been considered for the protection and preservation of those structures, such as making improvements of structural or fire safety systems or relocation of the structures.

8.20. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(a) Policy.

1. Security Required. In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate site improvements on private construction projects, it is the policy of the City to require that developers either complete all site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility facilities, soil retention structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities.

No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.

2. No Third Party Beneficiaries Intended. It is the intention of the City that this financial security given by the developer be limited to a contract between the City and the developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws of 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 Community Development Director.

(b) Construction According to Approved Plans. All construction shall be completed according to the approved plans on which the building permits were issued. The approved plans shall also include the site improvements shown on the site plan. For purposes of this Code, the term "site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and building permits are based. Deviations from the approved plans must be approved in advance by the Community Development Department.

(c) Security for Completion. No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the building and all required site improvements are completed, or the developer has provided adequate security to guarantee completion of the site improvements. When the site improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the City may grant plat approval for recording and/or issue certificates of occupancy for the project, provided the following conditions are met:

1. The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent

that only exterior site improvement work remains unfinished; and,

2. The Building Official determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,

3. The developer posts adequate security for the benefit of the City to insure completion of the site improvements in full compliance with the approved plans within one year from the date of plat approval (if required) or issuance of the certificate of occupancy, whichever occurs first.

(d) Amount of Security. The amount of the security to be posted by the developer shall be determined by the Community Development Department, and shall be equal to 125% of the amount reasonably estimated by the Department as being necessary to complete remaining site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Department, 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 at 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. The terms of any security arrangement offered to the City shall state a date certain by which the developer agrees to have site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the City may at its option and on its schedule, draw on the funds escrowed, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements.

(f) Form of Security. Security arrangements offered in lieu of simultaneous completion of buildings and site improvements

shall be in an amount fixed under the terms of Section 8.19.(d), and shall be in one or more of the following forms:

1. An irrevocable letter of credit from a bank authorized to do business in the State of Utah, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for one year, or,

2. A deposit of cash with a third party escrow, or,

3. An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 8.19.(d), above, and will disburse those funds only with the written consent of the City, and only for the completion of site improvements. As site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

4. Some combination of the above approved by the City.

(g) Retainage. The amount in excess of the actual construction costs, but in no event more than 25% of the actual construction cost, shall be held for a period of one year following final inspection and approval of the site improvement work by the City. No retainage shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retainage amount may be provided in any of the ways described in Section 8.19(f). If the developer fails to provide new security instruments within 30 days from the expiration of the security instruments provided for the initial construction under Section 8.19(f), the City shall make a demand or draw on that security to the extent of the required retainage amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retainage will be used to replace or repair any site improvements which fail or appear to be defective during the one year retainage period. The corrective work may be done by the City or the developer. At the completion of that work, the retainage, or so much of it remains, shall be released. Retainage 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 be contested by the developer.

(h) Modification of Plans. A developer may, at its option, request modifications to plans covering site improvement work by submitting revised plans to the Community Development Department for review and action. Until the revised plans have received approval by the Department, the developer shall be

required to offer security for the performance of the site improvement work as shown on the last set of plans to have received Department approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required site improvements, additional security must be provided by the developer to cover the increased costs.

(i) Payment of Interest. Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the City, and the City shall not be required to pay interest to the developer on any funds escrowed for this purpose.

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

(k) Single-Family Homes. This provision shall apply to all construction in Park City, including single-family homes, provided, however, that the amount of security required for single-family homes shall be the reasonably estimated cost to complete construction of any retainage and drainage works on a labor and materials basis, and the estimated cost to complete landscaping (to the extent necessary to hold the soil in place) on the basis of materials only.

(l) Phased Projects. Site improvements applicable to each phase of a phased project or development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

8.21. TIMESHARE CONVERSION, CONDITIONAL USE REQUESTS

(a) Timeshare Conversion. Developers of timeshare conversions shall file with the Community Development Department the following information as part of a conditional use permit application:

1. The proposed duration of timeshare intervals, which shall not be less than seven days.

2. Identification of the timeshare interval as a timeshare estate or timeshare use.

3. Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

4. A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.

5. The name, address and phone number of the managing agent of the project having authority to act on behalf of the developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

6. The name, address and phone number of the central contact person for the developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the developer as provided by the timeshare instrument. Any change in name, address or phone number of the central contact person shall be filed with the Community Development Department and the Park City Business Licensing Division.

7. A list of all owners of the property being converted, or if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots. This list shall be prepared by a title company or licensed abstractor.

8. A plan showing in reasonable detail the means by which the timeshare conversion will comply with the Park City parking requirements for timeshare projects, including the purchase of any necessary additional property.

9. Evidence of a review and approval by the appropriate sewer district and the Park City Water Department regarding anticipated increases in sewer flows and water use resulting from the change in use.

10. For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements from not less than 65% of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than 90 days prior to the date of the application for a conditional use permit.

11. Any other information that the developer or Community Development Department deems reasonably necessary to the consideration of the project.

(b) Conditions for Conversion Approval. In determining whether, and under what conditions, to issue a conditional use permit for timeshare conversions, the City shall review the following conditions and considerations and approve the project if:

1. Timeshare conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to time share uses being exempt from sales tax. The cumulative effect of the subject project and other timeshare projects may be considered.

2. Timeshare conversion will have no serious adverse effect on traffic circulation and parking.

3. The applicant's ability to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare conversion.

4. Whether an office of the managing agent or agency is located locally or within the timeshare conversion and the impact that may cause.

5. Timeshare conversion will have no serious adverse effect on meeting space, convention business and nightly rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

6. Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of application.

7. Compliance with the Park City Uniform Building Code and other Park City Building Department regulations in force at the time of application.

8. Any other factors that the applicant or Planning Commission deems reasonably necessary to the consideration of the timeshare conversion.

9. For the conversion of any units in any condominium project or dwelling units in any planned unit development project, the written statements of not less than owners of 65% of all existing units or dwelling units in the project indicating their unconditional approval of the timeshare conversion signed by such owners not more than 90 days prior to the date of the application for a conditional use permit.

10. The structure proposed for conversion is in substantial compliance with the building codes and fire codes adopted by Park City.

(c) Denial or Approval. The City may approve or deny the request for timeshare conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Community Development Department (subject to ratification by the Planning Commission) or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

(d) Off-Premises Timeshare Contacting Locations Permitted Subject to a Conditional Use Permit. In determining whether, and under what conditions to issue a conditional use permit for an off-premises timeshare contacting location, the Community Development Department may consider:

1. The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.

2. The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same timeshare project.

3. Whether the off-premise contacting can be confined to a completely enclosed building.

4. Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of application, and compliance with the business licensing provisions of Park City.

5. Any other factors that the applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another person with the consent of that person. No conditional use permit is required under these circumstances.

(e) Timeshare Conversions. Existing projects, properties or units, including, without limitation, those presently owned and operated as condominiums, planned unit developments, hotels and motels, shall not be converted to timeshare projects as defined in Chapter 2 without first obtaining a conditional use permit as required by this Chapter. A conditional use permit must be obtained for the conversion of each separate project or property being converted.

8.22. TIMESHARE PROJECTS.

(a) Information to be Filed with Timeshare Project Applications. The developer of any timeshare project other than a timeshare conversion shall file with the Planning Department the following information as part of a building permit application:

1. The proposed duration of timeshare intervals, which shall not be less than seven days.

2. Identification of the timeshare interval as a timeshare estate or timeshare use.

3. Any restrictions on the use, occupancy, alteration or alienation of timeshare intervals.

4. A copy of the proposed timeshare instruments whereby the timeshare project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the timeshare project and/or units.

5. The name, address, and phone number of the managing agent of the project having authority to act on behalf of the developer and/or the Owners' Association in emergency situations. Any change in name, address or phone number of the managing agent shall be filed with the Community Development Department and the Park City Business Licensing Division.

6. The name, address and phone number of the central contact person for the developer and/or the timeshare project for business license, tax and utility service payments who will be responsible for making such payments on behalf of the developer as provided by the timeshare instrument. Any change in name, address or phone number of the

central contact person shall be filed with the Community Development Department and the Park City Business Licensing Division.

7. Whether the developer plans to offer resale assistance and/or exchange program affiliation to timeshare interval purchasers.

8. A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the timeshare project.

9. Any other information that the developer or Community Development Department deems reasonably necessary to the consideration of the project.

(b) Denial of New Timeshare Projects. The creation of new timeshare projects is a conditional use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in Section 8.20., except that the consent of the unit owners is required only in the case of a conversion of an existing structure. Unless the applicant has established that there is no seriously adverse effect on City services, or City finances through the loss of sales tax revenue, or adverse affect on the use of convention and meeting space, the project's conditional use permit will be denied.

(c) Existing Projects - Effect of Timeshare Amendments to Ordinances. Any timeshare project established by a timeshare instrument wherein timeshare intervals were sold or offered for sale on or before July 16, 1981, and the rights and obligations of all parties interested in any such existing timeshare project shall, to the extent that the timeshare instrument concerning such existing timeshare project is inconsistent with this and other ordinances relating to timeshare projects, be governed and controlled by the ordinances of the City as they existed prior to the adoption of the timeshare regulation ordinance and by the terms of such existing timeshare project's timeshare instrument to the extent that the terms of such timeshare instrument are consistent with applicable City ordinances other than these amendments; provided, that any expansion of an existing timeshare project or the creation of any additional timeshare intervals therein must fully comply with these amendments.

8.23. SALE OF TIMESHARE UNITS

(a) Presale of Timeshare Intervals. Prior to the time that: (1) a building permit has been obtained for a timeshare project other than a timeshare conversion or (2) a conditional use

permit has been obtained for a timeshare conversion, a timeshare developer may offer reservations to purchase timeshare intervals subject to the following requirements:

1. A reservation to purchase a timeshare interval shall be binding upon the timeshare developer but shall provide that the reservation may be cancelled by the prospective purchaser at any time prior to the date that (1) a building permit has been obtained for the timeshare project if the project of which the timeshare interval is a part is a timeshare project other than a timeshare conversion, or (2) a conditional use permit has been obtained for the timeshare project if the project of which the timeshare interval is part is a timeshare conversion.

2. The form of reservation agreement used by the timeshare developer must call for execution of a final contract of purchase before the prospective purchaser is legally bound to purchase the timeshare interval, and execution of such final contract of purchase may not take place prior to the date that (a) a building permit has been obtained for the timeshare project if the project is a timeshare project other than a timeshare conversion, or (b) a conditional use permit has been obtained for a timeshare project if the project is a timeshare conversion.

3. Any presale activity by a timeshare developer, its agents, employees or subcontractors must meet all requirements governing the offering or sale of timeshare intervals other than the requirement for project approval pursuant to a permitted use or conditional use application.

(b) Violations of Requirements. Any timeshare developer who violates the requirements of this section in the reservation of timeshare intervals shall be guilty of a Class B misdemeanor and upon conviction thereof may be punished by a fine and/or imprisonment as described in the current Park City Criminal Code. Each sale or other violation shall be a separate offense. In addition to criminal penalties for violations of the provision of this Code relating to sales of timeshare intervals, the City Council may, upon hearing at which the timeshare developer is permitted to state his position, rescind the conditional use approval, and vacate the platting of timeshare intervals or timeshare estates as to those units which are not sold as of the date of recision.

8.24. REGULATION OF THE PLACEMENT OF SATELLITE RECEIVING ANTENNAS.

(a) Purpose. To ensure that satellite receiving stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial areas, and the Historic District, installation of these devises is governed by the following regulations. The intent of these requirements is to locate such antennae and equipment where they are least visible from public streets and public areas and, to the extent possible, provide screening from adjacent property owners.

(b) Permit Required. The installation of satellite receiving stations, unless otherwise provided in this ordinance, shall be deemed a permitted use. It shall be unlawful to install any satellite receiving station without first having obtained a building permit from the City. Plans of such satellite receiving station shall be submitted with each application for a building permit, which shall include a site plan indicating the height, color, location, setbacks, foundation detail, landscaping, and screening and such plan shall be subject to approval by the Community Development Department.

(c) Installation Standards. The following standards apply to the installation of a satellite receiving station:

1. **Height.** Ground-mounted receiving stations shall be limited to a maximum height of ten (10) feet above grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished grade beneath the apparatus, with the apparatus set in its operating position. Finished grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

2. **Setbacks.** Satellite receiving stations installed on the ground must maintain all normal building setbacks applicable to the zone in which the station is located. If setbacks are not specified for the development, setbacks for the underlying zone must be met. The Community Development Director may vary setback requirements if the most effective screening can be achieved by placing the station within one of the required setbacks.

3. **Location.** All ground based receiving stations shall be located behind the front facade of the main building on the site. Stations may be allowed in the front yard area if it can be shown that no other reasonable locations are available and that site specific conditions including steep grades, dense vegetation, or other natural features

which serve to screen the receiving station exist on the site. A satellite receiving station may be located in the front yard area only upon written approval by the Community Development Department Director.

4. **Screening.** Each satellite receiving station mounted on the ground shall be screened from ground view from public streets, rights-of-way, parks and golf courses through the addition of non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent property owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the property. When initially installed, screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the satellite receiving station, and low level screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the site. A security shall be required to be posted to ensure installation of required screening. The security shall be 125% of the estimated cost of the screening.

5. **Materials and color.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish antennas shall be of a wire mesh material. Variations may be reviewed by the Community Development Department. Highly reflective materials shall not be permitted.

6. **Roof or wall-mounted.** Roof or wall-mounted satellite receiving stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any public street, and maintain normal setbacks. Satellite receiving stations on flat roofs may be approved if they are screened by the addition of architectural features which integrate with the characteristics of the structure and are not located on the portion of the roof fronting on any public street. The receiving station and screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for architectural details such as chimneys, vents, or similar structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Historic District Commission providing no other feasible location exists and they meet the criteria of this section. The HDC shall review all applications for receiving stations and shall consider screening

materials, integration into the structure, visibility, size of the receiving station and such other factors as deemed necessary by the HDC to achieve compatibility of the receiving station with the architecture and aesthetics of the Historic District.

7. **Cables to be underground.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a building or the structure of the receiving station are the only exceptions.

8. **Multi-family development.** One satellite receiving station shall be allowed per project. A second receiving station may be allowed upon written approval by the Community Development Department Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station shall be required as part of the permit application filed with the City.

(d) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of satellite receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of satellite receiving stations are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Owner's Association or Management Committee, the applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station within the common area has been granted as a part of the permit application filed with the City.

(e) Penalty. Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of satellite receiving stations, the business license of the contractor or vendor shall forfeit upon the second conviction within any one calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

8.25 SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS. All lots shall have a front, two side and a rear setback with the following exceptions and clarifications (see illustration at end of section):

(a) Development on corner lots shall have two front setbacks. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the owner or developer may specify which is the rear yard.

(b) Lots with more than four sides shall have a sideyard on either side of the front yard. The third side yard and rear yard may be specified by the developer or owner.

(c) Lots with three sides will have a front setback, side setback and rear setback. In those cases where one side is clearly opposite the front, the rear setback must be opposite the driveway. If it is not clear where side and rear setbacks should be, the developer or owner may choose which is side and which is rear.

(d) On those lots which border a street on both the back and front, both sides must have a front setback.

(e) Any lots which are not specified in this section shall have setbacks determined by the Community Development Department.

8.26. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

8.27. CRITERIA FOR CONDITIONAL USE REVIEW OF OUTDOOR SPEAKERS IN CONJUNCTION WITH OUTDOOR DINING.

(a) Conditional Use Required. The Planning Commission will consider, as a conditional use, the placement of outdoor speaker systems in conjunction with approved outdoor dining. In reviewing whether a conditional use should be granted, the Planning Commission shall consider adjacent land uses. If outdoor music cannot be mitigated so as not to adversely impact adjacent uses, the request for a conditional use will be denied by the Planning Commission.

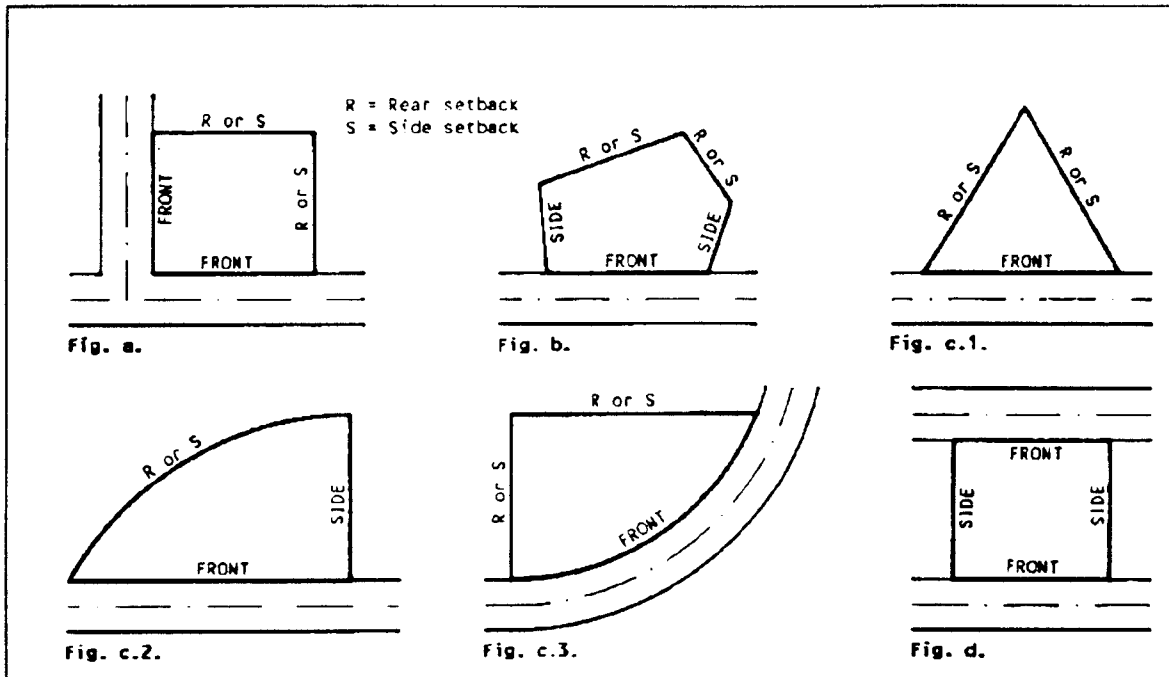
(b) Criteria. The Planning Commission shall attach criteria and conditions appropriate to reduce any potential impact of outdoor speaker systems on adjacent properties. At a minimum, the following criteria shall be applied to all requests for the use of outdoor speakers:

1. Music shall have hours limited to between 11:00 A.M. and 10:00 P.M.

2. Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent property and shall not be audible beyond the boundaries of the outdoor dining area.

3. Speakers shall be placed at table level or below and shall not be directed off site.

(c) Review for Compliance. All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.



CHAPTER 9. ARCHITECTURAL REVIEW

9.1. POLICY AND PURPOSE. As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and property owners of Park City. It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those building materials which, by their nature, are foreign to this area, and this climate, and therefore tend to detract from the appearance of the community. Park City's older neighborhoods are a National Register Historic District, which is a point of considerable importance to the tourism industry. New development, while distinct from the Historic District, should not detract from it. Park City is densely developed due to the shortage of level, buildable land. The effects of one development are felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a unified architectural theme.

9.2. HISTORIC DISTRICT. All uses within the Historic District, both permitted and conditional, are subject to design review by the Community Development Department for compliance with the Architectural Guidelines adopted by the City Council in a resolution of June 16, 1983. Those guidelines are incorporated into this Code by this reference, but may be revised from time to time by resolution of the Council. Design review is initially performed by the Community Development Department, with a right of appeal to the Historic District Commission. Review by the Historic District Commission is limited to matters of design compliance, with all functional review (of conditional uses) performed by the City staff. Decisions regarding design review may be reviewed by the City Council in the manner described in Chapter 1 for appeals from the Historic District Commission.

9.3. CONDITIONAL USE REVIEW. Conditional uses outside the Historic District zones are subject to design review by the Community Development Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code, but additional design review standards may be adopted by resolution of the Council, provided that resolution is consistent with the provisions of this Code.

9.4. PERMITTED USE REVIEW. Permitted uses in all zones outside the Historic District are subject to design review by the Community Development Department, with a right of review by Planning Commission. The standards of review are set forth in this Code, and design review standards in the Park City Design Guidelines as adopted by resolution of the Council, provided that the guidelines are consistent with the provisions of this Code.

(a) Single-family dwelling design review is intended to be a broad review to ensure neighborhood compatibility.

9.5. ARCHITECTURAL DESIGN GUIDELINES. The following architectural design guidelines apply to all conditional and permitted uses in all zones outside the Historic District:

(a) Prohibited Architectural Styles and Motifs. The following architectural styles and motifs are prohibited in Park City:

A-frame structures;

Geodesic dome structures;

Mediterranean motifs;

Tudor or mock tudor (half timbering)

"Swiss" chalets;

Highly ornate victorian;

Rustic frontier;

Colonial;

Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not conical and if the roof line is integrated into the main structure. Round exterior walls are permitted but not as semi-detached round rooms (i.e., a round room may not exceed 270 degrees).

Other historical or period design motifs that have a strong connection or association with other regions, or which have no historical connection with Park City.

New structures designed to imitate historic structures built in Park City or elsewhere, unless the project complies with the Historic District Design Guidelines.

The above provisions addressing tudor, victorian, and colonial styles and tower elements shall not apply in the Prospector Park Subdivision.

(b) Prohibited Siding Materials. The following materials have proved to be unsuitable for use in Park City due to the extremes of climate, or because their appearance is such that the values of adjoining or abutting properties are adversely affected:

Thick shake shingles;

Ceramic tile;

Slump block, weeping mortar;

Plastic or vinyl siding;

Used brick;

Simulated stone or brick, cultured stone or brick, synthetic stone products, pre-cast stone or concrete imbedded with stone fragments;

Lava rock, clinkers;

Asphalt or hardboard siding;

Plywood siding;

Aluminum siding is generally not considered an appropriate material. The Planning Commission may, however, consider requests for the use of aluminum siding. The design of the structure shall be consistent with the Park City Design Guidelines. The applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Commission. When aluminum siding is approved by the Planning Commission, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam.

In order to avoid architectural styles which are foreign to Park City (particularly Mediterranean, Southwestern, or Adobe), building designs which include large, unbroken expanses of stucco will not be approved. Stucco must be of earth tones; white and pastel colors are prohibited.

(c) Design Ornamentation. Architectural design in Park City has historically been simple. Highly ornate buildings are inconsistent with the architectural patterns of the community, and due to the close proximity of one development to another, inconsistent ornamentation may become unsightly and detract from property values. To add architectural interest to buildings, special ornamental siding materials may be used, provided that no more than 25% of any facade of the building may be covered with ornamental siding. Examples of ornamental siding, provided for information purposes only and not as a limitation, are as follows:

Fish scale cut shingles;

Half timbered stucco;

Match-sticked wood or other inlays;

(d) Number of Exterior Wall Materials. Different exterior siding materials add interest to a building, and to the community as a whole, however, the use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining properties. Exterior walls of any building may be sided with up to three different materials per building, but no more than three materials may appear on any one wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than 10% of a side of the building, it shall be counted as a siding material on that side.

(e) Roofing Materials. Because of the steep grade changes within Park City, and the fact that residents and visitors are frequently in a position to look down on the City from the adjoining mountains, the appearance of roofs in Park city is of more significance than in other communities. The following roofing materials are prohibited, either because of their appearance, or because they are not likely to perform satisfactorily in the harsh climate of Park City:

Untreated aluminum or metal (except that copper may be used);

Reflective materials;

Brightly colored roofing materials such as bright red, blue, yellow, or similar colors that are highly visible;

Except on historic renovations or reconstructions with adequate documentation, roof ornamentation such as scroll work, finials, and bead-and-dowel work are prohibited.

(f) Roof Shapes. The following roof shapes are prohibited in Park City because they either do not perform well in the harsh climate, or tend to detract from the values of adjoining property:

Mansard or fake mansard roofs;

Gambrel roofs;

Curvalinier roofs;

Domed roofs;

Geodesic domes;

Conical roofs;

A-frame or modified A-frame roofs;

Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby properties.

(g) Skylights and Solar Panels. Skylights and solar panels must be designed to fit flush with the roof surface, or up to a maximum of two feet above the roof's surface. No reflective materials may be used unless thoroughly shielded to prevent reflection into adjoining or nearby properties.

(h) Window Treatments. Windows other than rectangular windows may be used as accents and trim, but arched, rounded, or bay windows as the primary window treatment are prohibited. Untreated aluminum or metal window frames are prohibited. Small pained colonial style windows are not allowed.

9.6. PERMITTED DESIGN FEATURES. Any design, or any material that is not expressly prohibited by this Chapter, or a resolution adopted to supplement it, or by the Historic District Guidelines are permitted.

9.7. EXCEPTIONS. In some cases, the Community Development Director may vary from these standards if warranted by unusual and unique circumstances. In single family subdivisions, the Community Development Department will consider the predominant architectural style and materials in the neighborhood to determine compatibility. This may result in variation from the strict interpretation of this section and may be granted by the Community Development Director.

9.8. FACADE LENGTH AND VARIATIONS.

(a) Structures greater than 60 feet, but less than 120 in length must exhibit a prominent shift in the facade of the structure so that no greater than 75% of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten foot change in building facade alignment or a 10 foot change in roof line height, or a combined change in facade and roof line totaling 10 feet.

(b) Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the structure at each 120 foot interval (or less if the developer desires) reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in building facade alignment or a 15 foot change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the building plane, a 15 foot total change will be considered as full compliance.

(c) The special facade and volume requirement of the Historic District are found in Chapter 7 and in the Historic District Guidelines.

9.9. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

CHAPTER 10. MASTER PLANNED DEVELOPMENTS

10.1. PURPOSE. The Master Planned Development (MPD) concept of development is allowed in Park City in order to encourage the establishment of common open space, achieve economy in the provision and maintenance of public facilities, allow design flexibility in development, and to preserve the natural and scenic features of open areas. To this end, the clustering of structures, whether single or multiple, may be undertaken; structures may be joined by party walls or be separated by minimal but adequate side yards, and conditional uses may be integrated into the development. Densities within clusters may exceed those allowed for standard housing development when appropriate open space and buffer areas are provided elsewhere on the site.

10.2. SCOPE. Application for Master Planned Development may be made for land located in any zoning district. Application for and approval of Master Planned Development is required prior to development of subdivisions and residential projects on contiguously owned property larger than five acres and for commercial projects on contiguously owned property larger than two acres. Residential projects for less than four units and commercial projects less than 5,000 square feet in floor area are exempt from this requirement. The requirement may be waived by the Community Development Director with the finding that the proposed development would preserve development options and allow efficient installation of public improvements for the balance of the property. Unless expressly provided in this Chapter, there shall be no density increase or height increase in the number of dwelling units which can be constructed under the applicable basic zone regulations however, there may be density transfer between zoning districts provided the proposed Master Planned Development cluster is found to be compatible in terms of building types and character with the surrounding area and would not alter the essential character of the district. clarify

10.3. LAND USE INTENSITY ALLOWANCE. The density and type of development permitted on a given site will be finally determined as a result of impact and site plan analysis, the following table for absolute maximum densities in Master Planned Developments is provided:

GROSS DENSITY ALLOWED
(Total Site)

Zone	Maximum Allowable Density
Residential Development (RD)	Density up to 5 unit equivalents per acre
Residential Development,	

Medium Density (RDM)	Density up to 8 unit equivalents per acre
Sensitive Area Overlay Zone	Density established by Sensitive Area Overlay Zone regulations
All other zones	Density established by Chapter 7

10.4. PROCESSING. An application for approval of a Master Planned Development may be filed by the owners of the property for which the approval is requested and shall be made on a form provided by the City and must include written consent by the owners of all property to be included in the Master Planned Development. The procedure for review is described in Chapter 1.

10.5. PRE-APPLICATION CONFERENCE. A pre-application conference may be held with the Community Development Department in order for the applicant: (1) to become acquainted with the Master Planned Development procedures and related City requirements; (2) to obtain from the department a written list of what the formal application should include; and (3) to obtain from the department copies of guidelines to the interpretation of provisions of this section.

10.6. THE APPLICATION. The Master Planned Development application must be submitted with a completed application form on a form supplied by the City. Additional application requirements may apply for projects within the Sensitive Area Overlay Zone. The application shall be supported by the following (seven sets required):

(a) Map of Existing Site. A map of the existing site shall show the following information for the site prior to demolition of any existing improvement or alterations to natural vegetation and terrain:

Vicinity map (not less than 1"= 100');

Scale and north arrow;

Site boundaries and dimensions;

Topography with contours at no greater than five foot intervals;

Vegetation, location, and type;

Soil quality;

100 year flood plain and high water areas;

Existing structures and their current uses;

Existing roads and other improvements;

Location of public utilities and utility easement; and

Other data as may be required.

(b) The Site Plan. The site plan portion of the application shall consist of a plan showing the major details of the proposed Master Planned Development prepared at a scale of not less than 1" = 100' (or 1" = 50' for sites of less than one acre). The plan shall contain sufficient detail to evaluate the land planning, building design, and other features of the Master Planned Development proposed. The site plan shall contain, insofar as applicable, the following minimum information:

Scale and north arrow;

Proposed name of the development;

Identity of a subdivision Master Development Plan of which the site may be a part;

Topography with finished contours at no greater than five foot intervals;

The location and size of all existing and proposed buildings, structures, and improvements;

Natural and proposed vegetation and landscaping, streets, walkways, and easements to be reserved for public use;

Location and general dimension of all impervious paved areas such as streets, walks, parking lots, tennis courts, plazas, etc.;

Proposed open spaces with an indication as to use and ultimate ownership, if applicable;

Proposed drainage system;

Proposed utility distribution;

Proposed traffic circulation with anticipated average daily traffic volumes, and access to the existing street system;

Perspective sketches showing general architectural concepts of all new or remodeled buildings;

Maximum height of all buildings, dimensions, and square footage of all lots or parcels proposed with project;

Preliminary limit of disturbance/vegetation protection and temporary erosion control plan showing the maximum limits of disturbance for all construction activity including utilities and public improvements;

A general landscape plan at time of initial submission to be followed by a detailed landscaping plan, once the site plan has been approved, showing the spacing, sizes, and specific types of landscaping material;

Lighting plan; and

Proposed placement of a common satellite receiving station.

(c) Written Statement. The written statement to be submitted with the Master Planned Development application must contain the following information (only two sets required):

A statement of the present and future ownership and tenancy and a legal description of the land included in the Master Planned Development application, including identification of all mortgages, easements, covenants or restrictions on land use, liens, and judgments which may affect the site;

A development schedule indicating the approximate date when construction of the Master Planned Development, or stages of the development, can be expected to begin and be completed.

Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the Master Planned Development and any of its common areas;

A mailing list of the owners of abutting properties and properties located within 100 feet of the property lines of the land included in the Master Planned Development as required by Chapter 1 of this Code.

An explanation of the objectives to be achieved by the Master Planned Development, including building descriptions, variations in building setbacks, parking, height or other requirements that are being sought; sketches of elevations, or other information as may be required to described objectives.

A phasing plan which addresses the proposed timing of public improvements and construction consistent with Section 15.2.1(d).

10.7. PROPERTY POSTED, NOTICE MAILED. Upon receipt of a fully completed application form and the submission of the accompanying information, and upon the payment of the fee for review as prescribed by ordinance, the Planning Department shall cause notice to be given as described in Section 1.15. of this Code.

10.8. FINAL PLAN REQUIREMENTS. The final plan shall be presented in permanent mylar final sheets; all drawings showing proposed site development shall have a scale of no less than 1" = 100' (1" = 50' for sites less than one acre), with one sheet showing the entire project, its vicinity within the City, and a key to the detailed drawings. The final plan shall include all information required by the Master Planned Development application, plus the following:

(a) Accurate dimensions for all lines, angles, and curves used to describe streets and other public right-of-ways sufficient to satisfy final plat requirements of the Park City Land Subdivision Ordinance.

(b) Detailed sizes and dimensions for the utility and drainage systems with specific locations of fire hydrants.

(c) Detailed dimensions and treatment of all common open space, including lighting.

(d) Architectural drawings of proposed new or remodeled structures with floor plans and elevations at a scale no less than one-eighth inch to a foot. Drawings shall indicate all exterior materials and colors.

(e) Final limits of disturbance or building pads, and vegetation protection and erosion control plan.

(f) Location of utilities and connections.

10.9. GENERAL CRITERIA FOR REVIEW. A Master Planned Development shall implement the purposes of this ordinance and of this section. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations. In addition, shall meet the following standards and requirements:

(a) Uses Permitted. The uses in a Master Planned Development must be uses that are shown on the land use table in Chapter 7 as permitted or conditional uses in the zoning district in which the Master Planned Development is located. In addition the approving agency may permit limited commercial uses (as shown on the Land Use Table) not generally associated with the

residential zone if, in the opinion of the approving agency, such uses are primarily for the service and convenience of the residents of the development and the immediate neighborhood. Such uses, if any, shall not change or destroy the predominantly residential character of the Master Planned Development. The amount of area and type of such uses, if any, to be allowed in a residential Master Planned Development shall be established by the approving agency on the basis of these criteria:

1. Relationship to the Purpose and Policies of the Comprehensive Plan. The Master Planned Development must be consistent with the purposes and polices of the Comprehensive Plan as set forth therein.

2. Relationship to Surroundings. The Master Planned Development's relationship to its surroundings shall be considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridge line and view corridor intrusion, wetland encroachment, or intrusions on privacy.

(b) Maximum Density Requirements. The requirements of Chapter 7 (Use Tables) regarding maximum densities shall apply to all Master Planned Developments except as may be allowed pursuant to Chapter 11, Master Planned Moderate Income Housing Development.

(c) Open Space. A minimum of 60% open space shall be required for all master planned developments. In approving an MPD, the Planning Commission shall designate the type and mix of open space to be provided (natural neighborhood, recreational, common or private). MPDs which are portions of large scale MPDs already providing 60% open space will not be required to provide an additional 60% open space. Commercial projects which are in the GC zone and all commercial projects on Main Street shall also be excepted from providing 60% open space.

(d) Off-Street Parking. The number of off-street parking spaces in each Master Planned Development may not be less than the requirements stated in Chapter 13 (Off Street Parking except that the reviewing agency may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

1. Probable number of cars owned or required by occupants of dwellings in the Master Planned Development;

2. Parking needs of any non-dwelling uses, including the traffic attracted to commercial uses from off-site;

3. Varying time periods of use, whenever joint use of common parking areas is proposed.

4. Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the approving agency shall obtain assurance that the nature of the occupancy will not change. No parking reductions shall be granted for developments requiring eight or fewer parking spaces. Parking requirements are stated in Chapter 13.

(e) Variations in Setbacks. The setback requirements of Chapter 7 shall apply to Master Planned Developments except that the reviewing agency may reduce setbacks in consideration of site planning issues addressed in this chapter. Variations in setbacks, if requested, shall be addressed in the written statement and shall be specifically called out on the Master Planned Development site plan, or shall be handled through a Master Planned Development control document to be submitted as part of the written statement. Minimum setbacks along the boundaries of the site must be observed.

(f) Variations in Height Requirements. The height requirements of Chapter 7 shall apply to Master Planned Developments, except that after review by the Planning Commission, the Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable height of some or all of the buildings in the development bY up to 25% of the maximum building height established for that zone in Chapter 7 of this Code (not including those adjustments permissible under Section 8.17) after due consideration of the following site specific review standards, in addition to the other standards established for Master Planned Developments by this Chapter. If the requested height increase is greater than 25% of the stated zone maximum, the request shall be reviewed by Planning Commission, then submitted to the City Council with recommendations from the Commission, with final approval, disapproval, or approval with modifications of the request to be made by the City Council, based on the same review criteria. The Council may act on the height increase request at any time during the review process following Planning Commission's review of the height request, and may act on the height request prior to final Commission approval of the overall master plan.

1. The geographical position of the building and possible visual effects on existing structures on or off-site;

2. Potential problems on neighboring sites caused by shadows, loss of solar access, loss of air circulation, closing of views, or ridge line intrusion;

3. The influence on the general vicinity including contact with existing buildings and structures, streets, traffic congestion and circulation, and adjacent open space;

4. Appropriateness of the uses within the building in the neighborhood;

5. Landscaping and buffered areas of other physical separations that may be proposed to buffer the site from adjacent uses;

6. The size of the side yard areas between buildings and adjacent streets and alleys and their relationship to pedestrian traffic and open space;

7. The provision of more than the required 60% open space within the project;

8. Reduction of the height of other buildings or portions of a building to a point that is lower than the underlying zone maximum;

9. In no case will any increase in height be permitted when the effect of the height increase is to increase the allowable square footage or building volume (above grade) over that which is, or would be, possible under normal zone standards for the zone in which the site is located. When determining the possible building square footage and/or volume possible under the underlying zone regulations, the Community Development Department shall consider the unit configuration proposed (i.e., the mix of hotel rooms, apartments, and commercial space) and the reasonable circulation space needed to serve that configuration, exiting requirements, light and air requirements and other requirements of the Uniform Building Code which would affect the location and placement of building volume, and not merely calculate volume based on the zone's setback and yard requirements.

10. The amount of any increased height is not specified for each zone district as the minimum allowable height that is compatible with good planning practices and good design iS a site specific review item. The burden of establishing the needs and benefits of a height increase is on the developer, and in the absence of a satisfactory showing that the additional height will result in a superior plan and project, the zone height shall be applied.

11. Height variations shall not be permitted in the HR-1, RM, R-1, and HRL zones.

(g) Nightly Rentals, Timesharing, and Condominiumization to be Declared. If nightly rentals are desired in a Master Planned Development, this must be declared at the time of application. If timesharing, as defined by ordinance or nightly rental use, is desired in a Master Planned Development that has already been approved by the City, a conditional use permit must be obtained and the project instruments must either be drafted initially or amended by the required majority (in no event less than 65%) to explicitly and prominently authorize timesharing within the project. If the Master Planned Development is to be turned into a condominium, as defined in the Code, it must be declared at the time of application, or the condominium conversion fees and review will apply to the subsequent change.

(h) Site Planning. The approving agency must be satisfied that the site plan for the Master Planned Development has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:

1. The relationship of these areas to other areas, structures, and uses within the Master Planned Development.

2. The degree to which these areas contribute to the quality, livability, and aesthetics of the Master Planned Development.

3. Protect ridges from development which would be visible on the skyline from prominent areas in Park City.

4. Units should be clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with significant vegetation and in may cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners. Any areas not left in a natural state should be designed for water conservation.

5. Roads and utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized.

6. Existing natural drainage ways should be maintained and designed around.

7. Consideration must be given to soil conditions and ground water existence.

8. Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

   Although required trails may not link to adjacent rails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners will be required to maintain the trails.

9. A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

10. Common open space is encouraged and may be counted as part of the required open space within a Master Planned Development provided they are to be used and are suitable for scenic, landscaping, or recreational purposes and they are on land which is accessible and available to persons for whose use the common park area is intended, and ownership is vested in a way that preserves the open space.

11. Common open spaces in a Master Planned Development site shall be preserved and maintained as provided for in an irrevocable dedication declaration, or restrictive covenants approved by the reviewing agency and filed and recorded in the office of the County Recorder, or other mechanisms acceptable to the approving agency. The irrevocable dedication, covenant, and declaration shall take place as mutually agreed upon by the approving agency and the applicant, provided, however, no building permit shall be issued for the Master Planned Development until the dedications, covenants, and declarations have been filed and recorded. The areas designated in the covenants as common open space shall be maintained, repaired, preserved, and retained as open spaces by the owners in common of the property and/or the developer.

12. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Private internal

streets may be permitted if they can be used by police and fire department vehicles for emergency purposes. Width, and cul-de-sac design must accommodate fire fighting apparatus. Bicycle traffic shall be considered and provided for and, where appropriate, connection of the bike and pedestrian system to other city systems shall be addressed. Proper circulation in parking areas in terms of safety, convenience, separation, and screening shall also be considered.

13. Utilities shall be addressed in terms of adequacy, availability, and locations of services.

14. Variety shall be addressed in terms of housing type, densities, facilities, and open space.

15. Privacy shall be addressed in terms of the needs of individuals, families and neighbors, and adjoining land owners.

16. Pedestrian traffic shall be addressed in terms of safety, separation, convenience, access to points of destination, and attractiveness.

17. Building type shall be addressed in terms of appropriateness to density, site relationship, and bulk.

18. Building design shall be addressed in terms of orientation, spacing, materials, color and texture, storage, signs and lighting, and compliance with the architectural criteria contained in the Land Management Code appendices.

19. Landscaping of the total site shall be addressed in terms of purpose of planting such as screening or ornamentation; hard surface materials used, if any; maintenance, water needs, suitability; and effect on the neighborhood.

(i) Building and Lot Requirements. Buildings may be attached, semi-detached, or individual units. The uses within buildings may be mixed. The separation between detached buildings shall be a minimum of ten feet.

1. Structures greater than 60 feet but less than 120 feet in length should exhibit a prominent shift in the facade of the structure so that no greater than 75% of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten foot change in building facade alignment or a ten foot change in roof line height, or a combined change in facade and roof line totaling ten feet.

2. Structure shall not exceed 120 feet in length without complying with the following guidelines:

   A prominent shift in the mass of the structure shall occur at each 120 foot interval (or less) reflecting a change in function or scale. The shift shall be in the form of either a 15 foot change in building facade alignment or a 15 foot change in roof line.

   A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the building plane, a 15 foot total change will be considered as compliance with this section.

3. At least 60% of the area of any site, subject to a Master Planned Development review shall remain as open space, not counting roads.

(j) Support Commercial Facilities. Within any Master Planned Development in those zones which permit mixed uses within Master Planned Developments, no more than 10% of the total gross floor area may be devoted to support commercial facilities as defined by this Code. All support commercial facilities shall be oriented to the internal pedestrian circulation system of the Master Planned Development. Signage on support commercia] facilities must be visible only from within the development, and shall not orient to the adjacent public streets or off-site circulation areas.

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the

building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

6. A security must be posted to ensure compliance with the limits of disturbance plan.

10.10. APPROVALS. Approvals of Master Planned Developments shall be granted in the following manner:

(a) Master Plan Approval. The approval for a Master Planned Development shall be given in a form that states the density allocated to the property as a number of units. The configuration and mix of the units can be adjusted by the developer according to the table provided beLow. Approval shall be given by the Community Development Department on small scale Master Planned Developments (as defined in Chapter 1.13., subject to ratification by the Planning Commission), and by the Planning Commission on large scale Master Planned Developments, as defined in Chapter 1.14.).

(b) Project Site Plan. Project site plan approval of the site plan for the project or development shall be granted by the Community Development Department for all development within Master Planned Developments as long as the density is within the range of unit equivalents established in the master plan approval, subject to ratification by the Planning Commission. Commission action will still be required for final plat approval, subdivision approval, and any other approvals or reviews required by Chapter 1.

(c) Form or Approval. Once a density range and preliminary plan have been approved by the reviewing agency, a master plan shall be signed by the reviewing agency and the developer. In the case of a large scale Master Planned Development, in which density transfers from one portion of the site to another may have occurred, the approval shall take the form of a recordable instrument which states the legal description of the land affected by the approval, and is sufficient to put subsequent purchasers of all or parts of the tract on notice that the density allowed on that property may be different from what basic zoning would suggest as a result of the Master Plan Approval.

(d) Construction. Construction within two years is required to preserve a large scale Master Plan Approval within the time limits by Chapter 1.14. Construction on a small scale Master Planned Development must commence within one year, or the approval will expire. Extensions may be granted as provided in Chapter 1.

(e) Transferability. Approved Master Plans are transferrable with the title to the property to which the approval pertains, but no portion of the density allocation within any approval may be transferred off site.

(f) Expiration and Extension. A large scale master plan development approval will be reviewed four years from the original date of approval or as otherwise specified in the phasing plan regardless of the progress to date. The approval will be extended pursuant to Section 3.14(c)(2) unless:

(1) New information is available which differs from assumptions of the original approvals which would result in significant impacts on the neighborhood not considered in the original approval; or

(2) Evidence of significant adverse environmental impact can be documented resulting from the MPD as originally approved.

In the event that either of these situations occur, the Planning Commission will make every effort to mitigate the impacts without significantly altering the overall concept or densities.

At any point, changes in the Master Plan requested by the developer which constitute a change in concept, density, unit type or configuration on any portion or phase of the MPD will justify review of the entire Master Plan by the Planning Commission.

10.11. REVIEWING AGENCY. As used in this Chapter, the term "reviewing agency" shall refer to the Planning Commission on the master plan approval of Large Scale Master Planned Developments, and to the Community Development Department on the preliminary and approval of Small Scale Master Planned Developments, and also to the staff when referring to final site plan approvals within Large Scale Master Plan Approvals following density determinations by the Planning Commission.

10.12. UNIT EQUIVALENT. Density of development is a factor of both the use and the size of the structures built within a Master Planned Development. In order to maximize the flexibility in the development of property, the following table of unit equivalents is provided:

Configuration	Unit Equivalent
Motel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room	.25
Hotel suite, or one bedroom apartment not exceeding 650 square feet, including bathroom areas, but not corridors outside of room	.33
One bedroom or studio apartment, or two bedroom apartment, not exceeding 1,000 square feet	.50
Apartment of any number of rooms, not exceeding 1,500 square feet	.75
Apartment of any number of rooms, not exceeding 2,000 square feet	1.00
Apartment of any number of rooms, not exceeding 2,500 square feet	1.33
Apartment of any number of rooms, in excess of 2,500 square feet	1.50
Single family house	1.00
Commercial spaces (approved as part of Master Plan Approval), for each 1,000 square feet of gross floor area, exclusive of common corridors, or for each part of a 1,000 square foot interval	1.00

Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election

to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and an additional 5% for support commercial areas without requiring the use of a unit equivalent of commercial space.

Circulation spaces including lobbies inside or outside of units, do not count as floor area of the unit, or as commercial unit equivalents.

Computation of floor areas and square footage shall be as provided in the Uniform Building Code adopted by Park City.

Where the unit configuration fits one of the above designations, but the square footage exceeds the footage stated for the configuration, the square footage shall control, and the unit equivalent for that size unit shall apply.

10.13. UNIT EQUIVALENCE ELECTION. The developer shall have the right to make his election of how to apply the unit equivalency on his site at any time in the review process, provided, however, that commercial uses and hotel uses of specific development parcels may be designated or prohibited on the Large Scale Master Plan Approval when the Planning Commission finds that there are neighborhood, traffic, or similar considerations for limiting or clustering these uses. The election of the final unit configuration must be made at the time the application for final site plan is submitted, and the election of unit mixes is part of the conditional use process that the final site plan is reviewed under.

10.14. EFFECT ON EXISTING MASTER PLANS.

(a) Development parcels within existing master planned developments which received master plan approval prior to the adoption of the unit equivalent formula (January 1, 1984), may apply the unit equivalent formula to the specific development parcels identified within the master plan on a site by site basis. The number of unit equivalents assigned to the site will be equal to the number of units approved for that development parcel in the original master plan.

(b) On those development parcels where some, but not all of the approved units have been constructed, or have received building permits, the election to apply unit equivalents must apply to the entire parcel. Existing units, or those units on which permits have been issued, will be counted under the unit equivalent formula according to their size and configuration for purposes of determining the number of unit equivalents remaining on that development parcel. The developer is not required to use the unit equivalent formula, and may continue to build under the existing approval.

(c) Development parcels within master planned developments may be subdivided under the provisions of the Park City Subdivision Ordinance. In the absence of a formal subdivision, the City will review all development parcels as they were originally established, without regard to developers phasing lines, subsequent changes in ownership or financing, or similar divisions made for financing purposes. In submitting an approved development parcel within a master plan to a formal subdivision, the Planning Commission and City staff will deal with the site independently. Each subdivided parcel must meet the standards for setback, side yards, street access, utility capacity, open space, and similar standards applied to subdivisions. The result of a subdivision of a development parcel identified within the master plan may be the total density allocation, or number of unit equivalents assigned to the parcels within the subdivision may be greater or lesser than the number previously applied to the unsubdivided development parcel as originally approved.

10.15. PARKING. Parking within a Master Planned Development shall be required as provided in Chapter 13, unless the reviewing agency finds that a reduction in parking is justified as provided by this Code. Parking is based on the unit configuration as set forth in Chapter 13, and not on the basis of unit equivalents.

10.16. MASTER PLANNED DEVELOPMENTS IN THE RC ZONE. In the RC Zone, Master Planned Developments are based on a gross density of one unit equivalent for each 2,000 square feet of land area on the site.

10.17. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

CHAPTER 11. MASTER PLANNED MODERATE INCOME HOUSING DEVELOPMENT

11.1. PURPOSE. The purpose of the master planned moderate income housing development is to promote housing for a diversity of income groups by providing dwelling units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop low and moderate income housing alternatives within Park City. A Moderate Income Rental or Sales Program (MIRSP) will be administered by the Housing Authority of Park City, to maintain the supply of low and moderate income housing stock and to insure that dwelling units once committed for low and moderate income persons shall be maintained in the low and moderate housing stock of Park City for a period of at least 15 years. Housing projects erected on qualifying property are allowed a density incentive greater than that normally allowed under the applicable zoning district and master planned development regulations with the intent of encouraging quality development of permanent rental and permanent owner-occupied housing stock for low and moderate income families within the Park City area.

11.2. QUALIFYING PROPERTY, DEFINED. "Qualifying property" is defined as a parcel of land located within one of the following zoning districts: Residential Development (RD); Residential Development-Medium Density (RDM); or in those portions of the Estate District (E) where a minimum of 50% of the land area of a specific parcel qualifies for rezoning to the Residential Development (RD) District regulations because of its grade. A qualifying property shall be the subject of a binding agreement with the Park City Housing Authority restricting the use of rental and sales parcels to the provisions of the MIRSP.

11.3. RENTAL OR SALES PROGRAM. If a developer seeks to exercise the increased density allowance incentive by providing low or moderate income rental or sales housing in a project, the developer must agree to participate in the moderate income rental or sales program. The MIRSP sets the guidelines under which the units can be sold or rented.

11.4. RESPONSIBILITIES OF THE PARK CITY HOUSING AUTHORITY. The responsibilities of the Park City Housing Authority shall include: the determination of rental rates and sales prices of units participating in the MIRSP; and making recommendations to the reviewing agency as to the appropriateness of a proposed project with regard to density based on the MIRSP project agreed to by the developer, investigation and recommendation on the type of dwelling and the need for rental or owned housing.

11.5. MIXED RENTAL AND OWNER/OCCUPANT PROJECTS. When projects are approved that comprise both rental and owner/occupant dwelling units, the combination and phasing of the development shall be specifically approved by the reviewing agency and become

a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

11.6. DENSITY BONUS. The reviewing agency may increase the allowable density for qualifying property up to 20 dwelling units per acre. The unit equivalent formula may be applied, provided that hotel rooms, hotel suites, lockout, and other arrangements for transient lodging purposes are not permissible in taking advantage of the moderate income density bonus. The net density within such a parcel should be planned to preserve usable open space. The reviewing agency at its discretion, may grant an additional density incentive of up to five units per acre based on its determination of the recreational usability of the open space of the development.

11.7. SETBACKS, BUILDING HEIGHT, AND PARKING. Variation in setbacks, building height and parking from the requirements of Chapter 7 and Chapter 13 (Off-Street Parking) shall be permitted, provided such variations are reviewed and approved in accordance with the master planned development review process in Section 10.11.

11.8. SITE. A minimum of 50% of the parcel shall be retained or developed as open space. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational buildings, etc.; open space may not be utilized for streets, roads, or parking areas.

11.9. RENTAL RESTRICTIONS. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, nightly rentals or timesharing shall not be permitted within developments using this exception.

11.10. ARCHITECTURAL REVIEW. The Master Planned Moderate Income Housing Development is a conditional use, and as such, is subject to architectural review by the Planning staff for compliance with the design guidelines adopted for that zone in a resolution adopted by the City Council. Appeals of architectural design decisions are to the Planning Commission as set forth in Chapter 1.

CHAPTER 12. NON-CONFORMING USES

12.1. PURPOSE. This chapter describes the status of the uses of land or structures which were lawful before the Land Management Code was passed or amended but which are now or became prohibited, restricted, or substandard. While permitting non-conforming uses, structures and improvements thereto to continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the Code. The purpose of the non-conforming review is to look at the impacts of the proposed changes and evaluate them based on the character of the surrounding area, traffic capacities of adjacent streets, and potential environmental effects. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

12.2. OCCUPANCY.

(a) Continuation. The occupancy of a building or a parcel of land by a non-conforming use existing at the time of passage of the Land Management Code may be continued.

(b) Occupation Within a Year. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became non-conforming. Occupation shall mean a full resumption of the use with the intent that it continue indefinitely.

(c) Use of Land. The non-conforming use of land existing at the effective date of this Code or amendments affecting that use may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property except in accordance with the provisions of this section and provided that if such non-conforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land must be in conformity with the provisions of this Code.

(d) Abandonment of Use. Any non-conforming use in existence or created by the adoption of this Code is deemed abandoned by the owner of that use unless the non-conforming use and the rights established as a non-conforming use, are exercised for at least twelve weeks during every calendar year. It shall be the obligation of the owner of such a use to provide evidence that the right to maintain the non-conforming use was so exercised by providing affidavits or other evidence of the

exercise of the use upon request of the Community Development Department.

(e) Change or Expansion of Non-Conforming Use. Pursuant to the procedures provided in 12.4, a non-conforming use may be:

1. Increased in size or expanded within a building or upon the same lot;

2. Changed to another non-conforming use, provided that a change in use (not a change in tenancy) requires the parking to be brought up to the standards of Chapter 13.

12.3. ADDITIONS AND ENLARGEMENT

(a) A single non-conforming principal building upon a lot, or any accessory buildings which have less than 50% of their building area situated in the required yards, may be structurally altered, repaired, or enlarged; provided however, that any addition conforms to the setback requirements of the district in which it is located, and in the case of principal buildings, all current development requirements and conditions of this Code and other City codes are complied with.

(b) Minor additions, alterations, or repairs to improve the appearance, safety, or efficiency of the building and which do not constitute an expansion of the use within a non-conforming building, may be permitted; provided however, that non-conforming buildings that do not qualify under either this or Paragraph 12.3.(a) may be enlarged or extended only pursuant to the procedures provided in Section 12.4. For the purposes of this section, minor additions, alterations or repairs are defined as additions, repairs or alterations which do not increase the square footage of either enclosed or exterior spaces of the building, or change the building envelope.

(c) A building on a non-conforming lot may be structurally altered, repaired, or enlarged to improve appearance, safety and/or efficiency, in accordance with the required setbacks of the district in which it is located, when the addition or alteration does not constitute an expansion of the principal use; otherwise, any modification must comply with the procedures set forth in Section 12.4.

(d) Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe under the City's Building Code or other codes may be strengthened or restored to a safe condition and the use may continue.

(e) A non-conforming building or a building containing a non-conforming use which has been damaged by fire, flood, wind, or

other calamity or Act of God may be restored to its original condition, provided such work is started within six months of such calamity and completed within 18 months of the time the restoration is commenced, and the intensity of use is not increased or changed.

12.4. PROCESSING. An application for approval for changes, additions or expansions to non-conforming uses may be filed by a person having an interest in the property for which the non-conforming use is requested and shall be made on a form provided by the City.

(a) Criteria for Review. Approval of request for changes, additions, or expansions under this section shall be granted only when it can be shown that the following criteria, insofar as applicable, are met.

1. All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the non-conforming use or building upon abutting properties or in the neighborhood; i.e., objectionable conditions, visual or noise pollution, vehicular traffic, or on-street parking.

2. All changes, additions, or expansions shall comply with all current development requirements and conditions of this section and other applicable City codes, except as to use.

3. Additions to buildings will provide for storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage.

4. The building as it exists, and/or the land or use involved cannot reasonably be utilized under the provisions of this code, or cannot reasonably be made to conform with this code.

(b) Pre-Application. Prior to the filing of an application for a modification to a non-conforming use under Sections 12.2.(e). and 12.3., a pre-application conference shall be held with the Community Development Department where the applicant will be advised of the information required for review and the procedures to be followed.

(c) Application. Upon filing of the application, the Community Development Department shall post the property indicating that a modification of a non-conforming building or use has been filed and that more detailed information may be obtained from the City. When only modification or extension of a building is involved, the Community Development Department shall notify by mail the owners of abutting properties. When any change,

extension, or expansion of any non-conforming use is involved, all owners of properties located within 100 feet of the property lines of the land for which such application has been filed shall be notified that they may review the application during the Department's regular office hours, provided however, if a condominium is located within 300 feet of the property, notification of the condominium management committee shall suffice for that owner. The aforementioned notice by mailing is to reasonably ensure that surrounding property owners are aware of a proposed non-conforming use being considered, but any minor omission or defect in the mailing shall in no way impair the validity of the proceedings. If any omission or defect in the mailing is brought to the attention of the Board of Adjustment, at or prior to the public hearing, the Board shall consider the defect or omission prior to proceeding on the application. If the Board finds that the omission or defect impairs, or has impaired a surrounding property owner's ability to participate in the public hearing, then the Board of Adjustment shall continue the public hearing on the proposed non-conforming use for at least ten days. Any omission or defect in the aforementioned notice which is not serious enough to have impaired a surrounding property owner's ability to participate in the public hearing by the Board of Adjustment shall in no way impair the validity of the proceedings for the proposed non-conforming use.

(d) Notification of Abutting Property Owners. The applicant shall include with his application a list of owners of abutting properties and properties located within 100 feet of his property, along with the current mailing addresses of all such owners; provided however, if a condominium is located within 100 feet of subject property, the addresses for the condominium management committee shall suffice.

(e) Board of Adjustment Hearing. Within 30 working days of receipt of a complete application by the Community Development Department, and after giving public notice, the Board of Adjustment shall hold a public hearing on the non-conforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application.

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

CHAPTER 13. OFF-STREET PARKING

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

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

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

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

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

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

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

(1) 9 feet x 18 feet minimum parking space dimensions;

(2) 24 foot minimum aisle width (for 90° layout);

(3) any reduction proposed in stall length (no width reductions allowed) require conditional use approval; and

(4) in addition to the specification of minimum stall dimensions, all parking structures shall be reviewed for provision of adequate circulation and to ensure that each required space is readily accessible as well as usable. Column and wall locations shall be specifically addressed in terms of maneuvering and where automobile doors will swing open.

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

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

(1) adequate, non-hard surfaced and landscaped snow storage areas shall be provided adjacent to each surface lot in a usable, readily accessible location.

(2) said snow storage areas shall be on-site and the equivalent of 15% of the total hard surfaced area; including, parking spaces, aisles, driveways, curbing, gutters, and sidewalks. Reductions below the 15% requirement outlined shall be treated as conditional uses and reviewed on a case-by-case basis.

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

Single Garages: In single family homes, single car garages shall have a minimum interior dimension of 11 feet x 20 feet to ensure their usability. Double car garages shall be at least 20 feet wide by 20 feet deep.

(e) Design of Parking Areas for Use by More than Four Automobiles. The design of parking areas for use by five or more standard sized automobiles shall provide adequate ingress and egress. The design of parking facilities shall not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways in conducting parking and unparking operations. The spaces shall be independently accessible so that the access of any required space may not be obstructed by any other required space. All parking lots shall maintain the required front yard and side yard setback as would be required for a structure on the property. Wherever a parking lot or driveway to a parking lot abuts a residential use, a substantial light-tight fence constructed of natural materials not less than four or more than six feet high shall be constructed and maintained along the property line up to the building setback line. An earth berm may be substituted for the fence where adequate area

exists. Driveways must not exceed 30 feet in width were they cross a sidewalk, adjacent driveways must be separated by an island of the following widths: single-family residential-minimum width 10 feet, residential, multi-family - minimum width 18 feet, commercial - minimum width 24 feet; and driveways must be at least ten feet from the property line of any intersecting street.

(f) Street Access. Off-street parking areas shall have unobstructed access to a street or alley.

(1) Driveways: The following width dimensions are required. Please also note additional driveway standards for the Historic District as outlined in the Land Management Code Section 7.1.4(d).

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

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

Street Type	Minimum Spacing	Minimum Distance From Intersection
Local	15 feet	25 feet
Collector	50 feet	75 feet
Arterial	75 feet	150 feet

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

(g) Tandem Spaces. Parking designs which necessitate parking one vehicle behind another are only permitted for single family and duplex dwellings within the Historic District.

(h) Clear View of Intersecting Streets. In all zones, no obstruction will be permitted to the view of drivers and pedestrians ingressing and egressing in excess of two feet in height above road grade on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points twenty-five feet from the

intersection of the street right-of-way lines , except a reasonable number of trees pruned high enough to permit automobile drivers and pedestrians an unobstructed view.

13.3. SPECIFIC REQUIREMENT FOR EACH LAND USE.

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

Single family dwelling:	Two spaces
Duplex:	Two spaces per unit (4)
Triplex:	Two spaces per unit (6)
Multi-Family structures larger than triplex structures	See table
Dormitory:	One space per 200 square feet of area devoted to accommodations

(b) Any time the required parking for a residential use is greater than six parking spaces, the parking must be provided in an enclosed structure with internal vehicle circulation. Special requirements for parking structures in the HR-1 and HTO Zones are described in Chapter 7.

(c) Non-Residential Requirements. In projects which are non-residential in nature, or for non-residential space associated with primarily residential structures, the following parking requirements shall apply to the non-residential space:

Golf course, tennis court and similar recreation areas:	Determined by specific review by Community Development Department based on hourly capacity and the location of the facility with respect to the anticipated users' living accommodations.
Hotel, motel, lodge, boarding house and similar	In addition to the parking required under the Multi-

uses:	Family Parking Requirement Table, one space per 200 square feet of restaurant, banquet, assembly, meeting or similar space, subject to specific review by the Community Development Department for reduction based on site specific mitigating factors.
Intensive retail, commercial shops selling directly to public:	Three spaces for each 1,000 square feet of shop space.
Less intensive retail or commercial such as furniture, appliance, lumber and hardware stores:	One space for each 1,000 square feet of commercial space
Offices, personal services, medical and dental clinics:	One space for each 500 square feet of space plus one space per employee per shift, or one space per 200 feet of net usable office space, whichever is greater.
Restaurants, bars, dining rooms:	One space for every 100 square feet, including kitchen areas.
Churches, auditoriums, assembly halls:	One space for every five seats.
Industrial and wholesale establishments:	One space for every two employees in the largest shift plus one space for each vehicle used in conducting the business
Hospitals, schools, civic buildings:	Determined by the Community Development Department on a site specific review, based on numbers of employees, numbers of patrons, and or visitors that can be reasonably anticipated.
Shopping centers or complexes of multi-tenant retail spaces:	At least 3.5 parking spaces per 1,000 square feet of rentable floor area, excluding corridors.

Child day care:	Specific parking requirements for various types of child day care are specified in Chapter 14 - Child Care Regulations

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

MULTI-FAMILY PARKING REQUIREMENT TABLE

	Hotel Room/Suite	Studio Apt.	One Bedroom Apt.	Two Bedroom Apt. Or Other Not To Exceed	Apt.	Apt.	Apt. in Excess of
Square Feet	650	1,000	1,000	1,500	2,000	2,500	2,500
HR-1	1	1	2	2	2	3	3
HRL	1	1	2	2	2	3	3
R-1	1	1	2	2	2	3	3
Estate	1	1	2	2	2	3	3
RD	1	1	2	2	2	3	3
RDM	1	1	2	2	2	3	3
GC	1	1	2	2	2	3	3
HCB	.66	1	2	2	2	3	3
RC[1]	1	1	2	2	2	3	3
RC[2]	1	1	1	1.5	2	2	2
RC[3]	.66	.66	.66	1	1.5	2	2
RM[4]	1	1	2	2	2	3	3
RM[5]	1	1	1	1.5	1.5	2	2
RM[6]	.66	.66	.66	1	1	2	2
LI	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ROS	N/A	N/A	N/A	N/A	N/A	N/A	N/A

[1]Projects having 1 through 17 development credits.
[2]Projects having more than 17 development credits and less than 24.
[3]Projects having 24 or more development credits.
[4]Projects located south of 12th Street, or those projects north of 12th Street having fewer than 5 units.
[5]Projects north of 12th Street having more than 4 but fewer than 16 units.
[6]Projects north of 12th Street having more than 16 units.

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

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

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

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

within the Historic Commercial Business (HCB) District located to the south of Heber Avenue.

CHAPTER 14. CHILD CARE REGULATIONS

14.1 POLICY AND PURPOSE. It is the intent of Park City to encourage, through the private sector, the provision of child care which meets the fluctuating needs and demands of the City's residents, employees, and employers. The City has determined that health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of child care facilities. Accordingly, the City has adopted the following definitions and regulations which are believed to reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

14.2 IN-HOME BABY-SITTING. In home baby-sitting includes the provision of child care for fewer than four children within a private home, and within commercial buildings outside of residential zones. In-home baby-sitting shall be permitted in all zoning districts except for the Light Industrial (LI) and Recreation Open Space (ROS) zones, wherein In-home baby-sitting shall only be allowed if it is for employees of an approved business with the same business providing the child care service. In-home baby-sitting shall not be regulated by any other child care provisions contained herein. Standard zoning regulations shall be complied with.

14.3 FAMILY DAY CARE. Family day care is a small scale facility which includes the provision of child day care for four to six children. Family day care in residential zones must be within the provider's primary residence and shall include the provider's own children under the age of eighteen if they are cared for in the same area of the structure designated for family day care. Conformance to the criteria contained herein and all State Building Code requirements meet Park City requirements; however, State licensing requirements for child care may be more restrictive.

A family day care home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zones unless it is for the use of the employees of a business, with the same business operating the child care facility. Family day care homes shall be permitted in all other commercial and residential zoning districts subject to issuance of an administrative permit issued by the City Planning Director which shall be subject to the following conditions:

(a) Parking. One off-street parking space is provided for each nonresident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose if parking is not within the setbacks established for that zone or if the driveway is not required for a drop-off/pick-up area.

(b) Drop-off/Pick-up Area. Two drop-off/pick-up (parking) spaces must be provided. These spaces can be street parking spaces provided that they are located within 50 feet of the property and can be reached without crossing the street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking.

(c) Play Area Size and Location. A play area of at least 240 sq. ft. shall be provided on-site. No structured area for active play or play structures may be located in a front yard in residential zones.

(d) Arterial Street. If located on an arterial street, an off-street drop-off/pick-up area is required.

(e) Signage. All signage must conform to the requirements of the zoning district. (In single family zones, no signage will be permitted for a Family Day Care.)

(f) Primary Residence. If child care is provided in a residential structure, the structure must be the primary residence of the care provider and the residential character of the house and its lot shall be maintained.

(g) Multi-family Housing. Family day care in a multi-family housing project (projects which are condominiumized) is a conditional use and must receive Planning Commission approval. Family day care will not be approved for multi-family housing projects unless it can be shown that playground areas are on private property and not within common areas, or unless the applicant gets approval from 100% of the owners for use of the common area, or unless the project was designed to accommodate a child care facility.

14.4 FAMILY GROUP CARE. Family group care is a medium scale facility which includes the provision of child day care for seven to 12 children, inclusive. Family group care in residential zones must be provided within the provider's primary residence and shall include the provider's own children under the age of 18 if they are cared for in the same area of the structure designated for family group care.

A family group home shall not be permitted in the Light Industrial (LI) or Recreation Open Space (ROS) zone unless it is for the use of the employees of a business, with the same business operating the child care facility. Family group homes shall be permitted in all other commercial and residential zoning districts subject to issuance of an administrative permit by the City Planning Director and subject to the same conditions listed in Section 14.3 of this ordinance and subject to the following exceptions and additions:

(a) Drop-off/Pick-up Area. Four drop-off/pick-up spaces shall be provided (rather than two) with two of the spaces being provided on the site. The driveway may be used for this purpose if the driveway is not necessary for employee or resident parking.

(b) Density. No more than one family group home may be permitted on any one street or within any 300-foot radius (whichever area is less), and no more than two family group homes may be located in any one 500-foot radius area. Family day care homes and other family child care operations which are not regulated shall not be included in density calculations. Also, family group homes in commercial zones shall not be subject to density restrictions.

(c) Play Area Size and Location. A play area of at least 480 sq. ft. shall be provided on-site. No structured area for active play or play structures may be located in a front yard in residential zones.

(d) Screening. Screening of all play areas in residential zones is required. Screening may consist of an opaque fence, berm, dense shrubbery, or similar, subject to Community Development Department approval.

(e) Structure Inspection Required. The structure shall conform to UBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional structural requirements must be met before a family group care permit can be issued for more than ten children.

(f) Neighborhood Meeting. Prior to permit issuance for a facility in a residential zone, a neighborhood meeting, under the direction of the Community Development Department, shall be held to discuss the proposed facility with property owners within 300 feet of the subject parcel, subject standard notification requirements. Very often neighbors' concerns can be eased by explaining beforehand how the group care home shall be operated. Moreover, the hearing gives the child care provider an opportunity to understand the neighbor's concerns and perhaps modify operational policies or make reasonable modifications to the site plan in an effort to maintain a positive neighborhood relationship.

(g) One Year Review. The administrative permit shall receive a one time review by the Planning Commission one year following permit issuance. The Review request shall be placed on the consent agenda of the Planning Commission. However, the Staff may determine to place the item under New Business if it is determined that there have been excessive problems related to

this use which justify further discussion by the Planning Commission . Such decision shall be based on Staff observation and/or public input received during the past year of operation alleging the following:

(a) The facility has consistently generated more parking demand than can be handled within 50 feet of the parcel boundary on the same side of the street.

(b) The facility has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

(c) Patrons of the facility have consistently violated traffic laws.

(d) The facility and uses or objects related to the facility do not conform to code defined standards.

If the Planning Commission finds that the facility meets all code defined standards and that there have been no excessive problems related to its use, the use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the applicant of specific concerns and require a second review in one year.

(h) Multi-family Housing. Family group care in a multi-family housing project is a conditional use and must receive Planning Commission approval. Family group care will not be approved for multi-family housing projects unless it can be shown that playground areas are on private property and not within common areas, or unless the applicant receives approval from 100% of the owners for use of the common area, or unless the project was designed to accommodate a child care facility.

14.5 CHILD CARE CENTER. A child care center is a large scale center based facility in which the provision of child day care for 13 or more children occurs on a regular basis.

A child care center is a permitted use in all nonresidential zones except for the Recreation Open Space (ROS) and Estate (E) zones wherein a conditional use permit is required, and in the Light Industrial (LI) zone where a child care center is not permitted unless it serves the employees of a business, with the business operating the facility, in which case a conditional use permit is required. A child care center may be located within a residential zone with conditional use approval. A site designated and planned for a child care center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for child care.

The Planning Commission shall consider, as part of the conditional use review, the proposed building for architectural compatibility and shall also consider the following locational guidelines and site requirements during the review process.

(a) Locational Guidelines. For projects within a residential neighborhood, the Planning Commission shall consider the following locational guidelines:

(1) Traffic will not be encouraged onto local roads within a subdivision and the facility can be conveniently accessed by existing collector roads.

(2) The facility is on the periphery of the subdivision.

(3) The facility is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.

(4) The facility is conveniently accessed by public transportation.

(5) The subdivision or multi-family project was designed to accommodate a child care center.

(b) Site Requirements. The following site requirements shall be observed. The Planning Commission may grant an exception to these site requirements if it can be shown that the impact of the facility on traffic circulation or on adjacent properties will not be increased if the exception is granted.

(1) Parking. At least one parking space shall be provided for each on-duty staff person per shift and one space for every six children cared for.

(2) Circulation. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.

(3) Fencing. An opaque fence six feet in height must be installed around all designated play areas. Dense shrubbery may compensate for fencing requirements provided that the lot is secured according to state regulations. If the lot is adjacent to open fields or playgrounds, a less opaque fencing material may be used with Planning Commission approval, but chain link fencing shall not be used in any area of Park City.

(4) Play Areas. No structured area for active play or play structures may be located in a front yard.

(5) Density. No more than one child care center shall be permitted in any one residential subdivision or multi-family project. If the center is in a residential zone, it shall be no closer than 300 feet to a family group care home within the same neighborhood. Family day care homes and other family child care operations which are not regulated shall not be included in density calculations.

(6) Lot Size and Configuration. The minimum lot size for a child care center shall be 12,000 square feet. The lot shall be reasonably standard in its configuration so that all portions are easily developed for child care use. The Planning Commission may, at its discretion, deny a child care center on a lot which is unusually narrow or which does not allow for usable play areas which are contiguous to the structure.

(7) Setbacks. Standard setbacks shall be observed except that facilities located in residential zones shall provide at least 18-foot side yards and 25-foot rear yards.

(8) Play Area within Setbacks. No more than 50 percent of the required play area may be within the standard setback area of the lot as defined in the underlying zone unless the setback area is adjacent to perpetual open space or playing fields.

(9) Signage. One small sign, either free-standing or wall mounted, may be permitted for a day care center. The sign must be no larger than six square feet, setback at least ten feet from the property line and must conform to all other criteria of the Park City Sign Code.

CHAPTER 15 - SUBDIVISION REGULATIONS

15.1 GENERAL PROVISIONS

15.1.1. TITLE. These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Park City, Utah (Chapter 15, Land Management Code).

15.1.2. POLICY.

(a) It is hereby declared to be the policy of Park City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of Park City pursuant to the official Comprehensive Plan of Park City for the orderly, planned, efficient, and economical development of Park City.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(c) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the Comprehensive Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, Comprehensive Plan, Official Zoning Map, and capital budget and program of Park City.

15.1.3. PURPOSES. These regulations are adopted for the following purposes:

(a) To protect and provide for the public health, safety, and general welfare of Park City.

(b) To guide the future growth and development of Park City, in accordance with the Comprehensive Plan.

(c) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump areas, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(d) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial development of all parts of the municipality.

(e) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(g) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(h) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(i) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

(j) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance and the removal of native vegetation and soil erosion; and to encourage the wise use and management of natural resources throughout the municipality In order to preserve the integrity, stability, and beauty of the community and the value of the land.

(k) To preserve the natural beauty and topography of Park City and to insure appropriate development with regard to these natural features.

(l) To provide for open spaces through the most efficient design and layout of the land, including the use of flexible density or cluster-type zoning in providing for minimum width and area of lots, while preserving the density of land as established in the Land Management Code of Park City.

15.1.4. AUTHORITY.

(a) By authority of ordinance of the City Council of Park City (hereinafter referred to as "City Council") adopted pursuant to the powers and jurisdictions vested through Chapter 5, Title 57 and Chapter 9, Title 10 of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdivision land within the corporate limits of Park City which show lots, blocks, or sites with or without new streets or highways.

(b) By the same authority, the City Council does hereby exercise the power and authority to pass and approve development in subdivisions of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(c) The subdivision shall be considered to be entirely or partially undeveloped if:

1. said plat or subdivision has been recorded with the County Recorder's office without a prior approval by the City Council, or

2. said plat or subdivision has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a building permit, on the partially or entirely undeveloped land and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original final subdivision approval.

15.1.5. JURISDICTION.

(a) These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Park City.

(b) No land shall be subdivided within the corporate limits of Park City until

1. the subdivider or his agent shall submit a sketch plat of the parcel to the Planning Commission through the Park City Planning Department;

2. obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission and City Council; and

3. the approved plat is filed with the County Recorder.

(c) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by

subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations or approved under prior subdivision ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the applicable city regulations.

15.1.6. ENACTMENT. In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

15.1.7. INTERPRETATION, CONFLICT, AND SEPARABILITY.

(a) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) Conflict with Public and Private Provisions.

1. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the city is under no obligation to enforce private covenants.

(c) SEPARABILITY. If any part or provision of these regulations or application thereof to any person or circumstances

is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

15.1.8. SAVING PROVISION. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15.1.9 RESERVATIONS AND APPEALS. Upon the effective date of these regulations according to law, the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, is hereby repealed, except as to such sections expressly retained herein.

15.1.10 AMENDMENTS. For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner prescribed by law and outlined in the Land Management Code.

15.1.11 CONDITIONS. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Park City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large.

15.1.12 VACATION, ALTERATION OR AMENDMENT OF PLATS. The City Council may, on its own motion, or pursuant to a petition, consider at a public hearing any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Section 57-5-6 through 57-5-8 of the Utah Code Annotated (1953) as amended. If a petition for vacation, alteration or amendment is filed, a public hearing shall be held within 45 days of the date of filing.

15.1.13 VACATION, ALTERATION OR AMENDMENT OF PLATS.

(a) General. Where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result form strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Board of Adjustment shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case and that the requirements outlined in the Land Management Code have been satisfied.

(b) Conditions. In approving variances, the Board of Adjustment may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(c) Procedures. A petition for any such variance shall be submitted in writing in accordance with the Land Management Code and on an application provided by the City by the subdivider at the time the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

15.1.14. ENFORCEMENT, VIOLATIONS, AND PENALTIES

(a) It shall be the duty of the Community Development Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, nd filed with the County Recorder.

(c) The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. Except that the City may approve metes and bounds descriptions for purposes of lot line adjustments, resolving conflicting boundary descriptions, and the recombination of historically platted properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described subdivisions shall be subject to all of the requirements contained in these regulations.

(d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

(e) Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

(f) Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

15.2. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

15.2.1 GENERAL PROCEDURE.

(a) Classification of Subdivisions. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes basically two (2) steps for a minor subdivision and three (3) steps for a major subdivision:

1. Minor Subdivision: sketch plat and final subdivision plat.

2. Major Subdivision: sketch plat, preliminary plat, and final subdivision plat.

(b) Official Submission Dates. At its discretion, the Planning Commission May waive one or more of the steps in the approval process by allowing the subdivider to combine the requirements of both preliminary and final subdivision plats into a single submittal. For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(c) Coordination of Master Planned Development Application with Subdivision Approval.

1. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments. Required applications shall be submitted in a form to satisfy both the requirements of the subdivision regulations and master planned development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

2. General Requirement. All subdivisions and residential projects on contiguously owned property larger than five acres shall be processed as a Master Planned Development,

subject to the provisions outlined in Chapter 10. Subdivisions containing fewer than four units would be exempt from this requirement. Whenever the Land Management Code authorizes Master Planned Development (MPD) applications which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated, and/or the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, or conditions, including resubdivision, whether residential or nonresidential, subdivision approval of the application shall be required by the Planning Commission and City Council in addition to all other procedures and approvals required in the Land Management Code, whether or not such zoning procedures also require City Council approval, review or recommendation.

3. Procedure to be followed:

(i) Sketch Plan and Preliminary Plat Approval Required. Whenever a Master Planned Development (MPD) application is submitted which involves a subdivision of land as set forth in Section 2.1(3)(b) of these regulations, such application shall be submitted first to the Planning Department Staff authorized to accept such application under the Land Management Code. The application shall be made on the forms required for a sketch plat as set forth in Section 2.2 of these regulations and shall include all information required of a sketch plat application as set forth herein. The Planning Department shall thereupon refer the application to the Staff Review members and Planning Commission through sketch plat and preliminary plat approval. The Planning Department shall also, when applicable under the provisions of the Land Management Code, make such reviews of use, density, and bulk standards as required under the MPD zoning regulations.

(ii) Referral Back for Zoning Approval. The Planning Department and city staff shall thereupon refer the sketch plat and preliminary plat with its recommendation of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density, and bulk standards as it was required to make under the Master Planned Development and Sensitive Area Overlay Zone

regulations of the Land Management Code, to the Planning Commission as authorized under the Land Management Code to approve the application. Application shall then be made to the Planning Commission and City Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application for the MPD has been finally approved and final subdivision plat approval has been given and the subdivision plat is recorded with the County Recorder.

4. Resubdivisions of Master Planned Developments

(i) A Master Planned Development may be subdivided or resubdivided for purposes of sale or lease after the project plan has been finally approved and development completed or partially completed.

(ii) If the subdivision or resubdivision of a Master Planned Development (MPD) will create a new lot line, the applicant shall make application to the Planning Department requesting Planning Commission approval of the subdivision or resubdivision. The Planning Commission and City Council shall approve the subdivision only if simultaneously an amended MPD application is approved for the development plan by the Planning Commission as having jurisdiction under the Land Management Code for all provisions governing use, density, and bulk standards.

(d) Phasing Plan Required.

1. When a phasing plan is required. All residential subdivisions with more than 20 lots or condominiums shall include a phasing plan which specifies the timing of public improvements and residential construction.

2. Phasing plan requirements. A phasing plan shall include:

(i) The number of units or parcels to be developed in each phase and the timing of each phase.

(ii) The timing on construction of public improvements and subdivision amenities to serve each phase.

(iii) The relationship between the public improvements in the current subdivision and contiguous land previously subdivided and yet to be subdivided.

3. If the subdivision is in an area covered by an approved Master Planned Development which has a phasing plan, the phasing plan for the subdivision shall be consistent with the phasing plan for the Master Planned Development.

4. A developer may request a revision of the phasing plan which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

15.2.2 Sketch Plat

(a) Discussion of Requirements. Before preparing the sketch plat for a subdivision, the applicant should arrange for a pre-application conference with the Planning Department to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those agencies who must eventually approve these aspects of the subdivision plat coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(b) Application Procedure and Requirements. Prior to subdividing land, an owner of the land or his representative shall file an application for approval of a sketch plat. The application shall:

1. Be made on a form available at the office of the Planning Department.

2. Include all contiguous holdings of the owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the applicant to make the application.

3. Be accompanied by a minimum of twelve (12) copies of the sketch plat as described in these regulations and complying in all respects with these regulations.

4. Be presented to and received by the Planning Department.

5. Be accompanied by a review fee in accordance with the adopted Fee Ordinance of Park City in effect at the time the application is filed.

6. The application shall include an address and telephone number of an agent located within either the territory of Park City or the State of Utah who shall be authorized to receive all notices required by these regulations.

7. Be accompanied by a list of all property owners within three hundred (300) feet of the proposed subdivision boundary; except, in the case of a resubdivision of those lots previously created by the recording of the original Park City Survey or Snyder's Addition to Park City record maps, where one hundred (100) feet shall be deemed sufficient.

(c) Classification. Tentative classification of the sketch layout shall be made by the Staff Review team members as to whether the subdivision is a major or minor subdivision as defined in these regulations. Subsequent to classification of the subdivision by the Staff Review members and its preliminary report, as required by Section 2.2(4) of these regulations, the Planning Department shall place the matter on the next available regular meetings agenda of the Planning Commission for formal approval of the sketch layout. Subsequent to such approval by the Planning Commission, the applicant may proceed directly to the filing a final subdivision plat as provided in these regulations if classified as a minor subdivision, and, if classified as a major subdivision, an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

(d) Review of Sketch Plat. The Staff Review members shall consider and render a report to the next regular meeting of the Planning Commission concerning the sketch plat. The Planning Department staff shall transmit the sketch plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff Review team

within seven (7) calendar days after receipt of the request. The Staff Review members will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an application is received, the staff will work diligently to review the application, as quickly as time and workload allows. It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within 90 days of receipt of the application. The scale or complexity of a project or staff workload may necessitate a longer processing period. In such cases, the staff will notify the applicant when an application is filed as to the projected time frame.

(e) Planning Commission Review of Sketch Plat. The Planning Commission shall study the sketch plat and the report of the staff, taking into consideration the requirements of the Subdivision Ordinance and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to sewerage disposal, drainage, erosion, location of mine or geologic hazards, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Zoning Map, Comprehensive Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.

(f) Approval of Sketch Plat. After reviewing and discussing the sketch plat and report from the Staff Review team and other reports, as submitted by invited agencies and officials, the Planning Commission will advise the applicant of the specific changes or additions, if any, lt will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Commission may require additional changes as a result of further study of the subdivision in final form. Said approval shall constitute authorization to prepare and submit a preliminary plat in the case of a major subdivision and a final subdivision plat in the case of a minor subdivision.

(g) Approval of the sketch plat by Planning Commission shall expire within one year unless a preliminary plat or a final plat in the case of a minor subdivision, in compliance with the following section, has been submitted for review.

15.2.3 Preliminary Plat.

(a) Application Procedure and Requirements. Based upon the approval of the Planning Commission of the sketch plat for a

major subdivision, the applicant should file an application for approval of a preliminary plat. The application shall:

1. Be made on forms available at the office of the Planning Department.

2. Include all land which the applicant proposes to subdivide and all land immediately adjacent extending three hundred (300) feet therefrom, or of that directly opposite thereto, extending three hundred (300) feet from the street frontage of such opposite land, with the names and addresses of the owners as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
3. Be accompanied by a minimum of twelve (12) copies of the preliminary plat as described in these regulations.

4. Comply in all respects with the sketch plat as approved.

5. Be presented to the Planning Department at least two (2) weeks prior to the Staff Review meetings and four (4) weeks prior to a regular meetings of the Planning Commission. The Planning Department shall refer the proposed preliminary plat to the Staff Review members for their review, recommendations, and report. Such report shall be submitted in writing to the Planning Commission prior to the next regular meeting of the Planning Commission.

(b) Public Hearings. The Planning Commission shall hold a public hearing on the preliminary plat. Such hearings shall be advertised in accordance with the requirements of Section 1.15 of the Land Management Code and in the same manner as the subsequent public hearings o the final subdivision plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final subdivision plat approval.

(c) Preliminary Approval. After the Planning Commission has reviewed the preliminary plat and the report of the staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing land for public use (other than proposed public streets) proposed to be dedicated to the local government, the Planning

Commission shall obtain preliminary approval of the park or land reservation from the City Council.

(d) Public Improvements. The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the Chairman of the Planning Commission, the amount of the guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the applicant at the time of application for final subdivision plat approval. The Planning Commission shall require the applicant to indicate on both the preliminary and final plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all city approved street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the subdivision plat to the Official Zoning Map and the Master Plans of Park City.

(e) Effective Period of Preliminary Approval. The approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval on the subdivision must have been obtained from the Planning Commission, although the plat need not yet be signed and filed with the County Recorder. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application and plat for preliminary approval subject to all new review requirements, zoning restrictions and subdivision regulations.

(f) Zoning Regulations. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or use, provided the final approval is obtained within the one-year period.

15.2.4 Final Subdivision Plat.

(a) Application Procedure and Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Department an application for final approval of a subdivision plat. The application shall:

1. Be made on forms available at the office of the Planning Department.

2. Include the entire subdivision, or section thereof, which derives access from an existing state, county or local government highway.

3. Be accompanied by a minimum of twelve (12) copies of the subdivision plat and the four (4) sets of construction plans, as described in these regulations.

4. Comply in all respects with the sketch plat and/or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.

5. Be presented to the Planning Department at least four (4) weeks prior to a regular meeting of the Planning Commission in order that a public hearings may be scheduled and the required notice given in accordance with the Land Management Code. The date of the regular meetings of the Planning Commission at which the public hearings on final approval, including any adjourned date thereof, is closed, shall constitute the official date of the plat for the purposes of these regulations.

6. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, city of Park City uses, utilities, parks, and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

   "The owner, or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication."

   If required by the City Attorney, the applicant shall deliver a full covenant and warranty deed to all such lands in proper form for recording, together with a title policy for the Park City Municipal Corporation in the sum not less than Ten Thousand Dollars ($10,000.00), which sum shall be determined by the City Attorney before signing of the final subdivision plat.

7. Be accompanied by the performance guarantee, if required, in a form satisfactory to the City Attorney and in an amount established by the Planning Commission, in accordance with the provisions of the Land Management

Code, upon recommendation of the City Engineer and shall include a provision that the principal of the guarantee shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local government free and clear of all liens and encumbrances on the premises.

8. Be accompanied by a list of owners of property immediately adjacent extending three hundred (300) feet therefrom, or of that directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite property owners as are correct within the knowledge of the applicant as shown on the latest tax assessment roll, together with a stamped, addressed envelope for each such owner.

9. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval.

10. Provide evidence that all property taxes are current and that no other city debts or obligations are outstanding.

11. Provide a title report or commitment for title insurance from a licensed title company and no older than thirty (30) days.

(b) Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Planning Department shall schedule a public hearing for the next scheduled meeting of the Planning Commission for which adequate notice, in compliance with the noticing requirements contained in Section 1.15 of the Land Management Code, can be given.

(c) Public Hearing and Determination. After the public hearing, the Planning Commission shall, within thirty (30) days after closing of the public hearing, approve, modify and approve, or disapprove the subdivision application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In the final resolution the City Council shall stipulate the period of time when the performance guarantee shall be filed or the

required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon, and the reasons therefore accompanying the plat.

(d) Submission and Review. Subsequent to the resolution of the Planning Commission, three (3) paper copies of the construction plans, and one copy of the original of the subdivision plat on tracing cloth or reproducible mylar, and two (2) copies of the subdivision plat on sepia paper and two (2) copies of the subdivision plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the resolution have been met.

(e) Vested Rights. Vesting for purposes of zoning occurs upon the filing of a complete application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the final plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

15.2.5 Signing and Recording of Subdivision Plat

(a) Signing of Plat

1. When a guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the guarantee has been approved by the City Council, and all the conditions of the resolution pertaining to the plats have been satisfied.

2. When installation of improvements is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the

resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(b) Recording of Plat

1. The Chairman of the Planning Commission and the Mayor of Park City will sign the tracing cloth or reproducible mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer with the original given to the applicant's title company.

2. It shall be the responsibility of the developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

3. In addition to the formal subdivision plat requirements of the State of Utah and City of Park City, the Summit County Recorder requires that an assessor's map be submitted that is 18" x 18" square. Photographic or comparable reductions on sepia paper are adequate for their purposes.

(c) Sectionalizing Major Subdivision Plats. Prior to granting final approval of a major subdivision plat, the Planning Commission and City Council may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Planning Commission and City Council may require that the performance guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance guarantee principal amount until the remaining sections of the plat are offers for filing. The developer may also file irrevocable offers to dedicate streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall

automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance guarantees approved and actually filed with the County Recorder within one year of the date of final subdivision approval of the subdivision plat. (See Section 15.2.3(6) of these Regulations.)

SECTION 15.3. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

15.3.1 Improvements and Performance Guarantee

(a) Completion of Improvements. Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the street, sanitary sewer, and other improvements (i.e: storm drainage, trails, sidewalk, curb, gutter, street signs, water lines, etcetera), including lot improvements on the individual lots of the subdivision as required, specified in the final subdivision plat, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

(b) Performance Guarantee

1. The City Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an acceptable guarantee (in accordance with Section 8.19 of the Land Management Code) at the time of application for final subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall also secure all lot improvements on the individual lots of the subdivision as may be required. Such performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the resolution 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

Community Development 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 additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

2. 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 3.3(1) or 3.1(2)(a). The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on applicant's successors and assigns, to install or guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the guarantee requirements of Section 3.1(2)(a) 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 3.1(1) or 3.1(2)(a) hereof.

(c) Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the city a separate suitable guarantee, In accordance with the Land Management Code, for temporary facilities, which guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

(d) Costs of Improvements. All required improvements shall be made by the applicant, at their expense, without reimbursement by the city or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

(e) 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.

(f) 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 resolution 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 local government 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.

(g) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City Council of any street, easement, or park shown on said plat. The Planning Commission may require said plat to be endorsed with appropriate notes to this effect.

15.3.2 Inspection of Improvements

(a) General Procedure and Fees. The Planning Commission in consultation with or upon the advice of the City Engineer or Community Development Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the city's fee ordinance, pay to the city an inspection fee and the subdivision plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the city and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards,

the developer shall first obtain a Notice to Proceed from the Community Development Director.

(b) Release or Reduction of Performance Guarantee

1. Certificate of Satisfactory Completion. Subject to maintenance provisions contained in Section 3.4(1) below, the city will not accept dedication of required improvements, or release or reduce a performance guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and grade of all public improvements is in accordance with the city approved construction plans for the subdivision and that a title insurance policy has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

2. Reduction of Performance Guarantee. A performance guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below the twenty-five percent (25%) retainage (per the Land Management Code Section 8.19) of the principal amount until completion.

15.3.3 Escrow Deposits or Letters of Credit for Lot Improvements

(a) Acceptance of Escrow Funds. Whenever, by reason of the season of the year any lot improvements required by the subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of said improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

(b) Procedures on Escrow Fund. All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the city to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

15.3.4 Maintenance of Improvements.

(a) The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a street not dedicated to the city, the city may on twelve (12) hours notice plow the street or effect emergency repairs and charge same to applicant. The city will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over 50% of the lots within the subdivision are built upon.

(b) The applicant shall be required to file a maintenance guarantee with the city, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one year after the date of their acceptance by the city and dedication of same to the local municipality.

15.3.5 Deferral or Waiver of Required Improvements.

(a) The Planning Commission may recommend that the City Council defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(b) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the city government prior to the signing of the final subdivision plat, or the applicant may post a guarantee insuring completion of said improvements upon demand of the municipality.

15.3.6 Issuance of Building Permits and Certificate of Occupancy.

(a) Where a performance guarantee has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the city, as required in the Planning Commission's and City Council's final approval of the subdivision plat.

(b) The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of any occupancy permit. The developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the city in a sum determined by the City Engineer for the necessary final improvement of the street.

(c) No building permits shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2) for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the local government.

15.3.7 Consumer Protection Legislation and Conflicts of Interest Statutes.

(a) No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of

land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(b) With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(c) Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" laws; state subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 1.15 hereof.

SECTION 15.4 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

15.4.1 General Improvements

(a) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with the following law, rules, adopted policy statements and regulations, unless otherwise approved by City Council:

1. All applicable statutory provisions.

2. The Land Management Code, Sensitive Area Overlay Zone regulations, Uniform Building and related Codes, and all other applicable laws of the appropriate jurisdictions.

3. The Official Streets Master Plan, Comprehensive Plan, Official Zone Map, Trails Master Plan, public utilities plans, and Capital Improvements Program of the local government, including all streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the subdivision.

4. The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Sewer Improvement District (SBSID), and/or appropriate state agencies.

5. The rules of the Utah Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connection street.

6. The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

7. All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.

8. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 1.3 of these regulations.

(b) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

(c) Plats Straddling Municipal Boundaries. Whenever a subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the property involved. In general, neither lot lines nor roads shall not be laid out so as to cross municipal boundary lines.

(d) Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer.

1. Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings and located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

2. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the final plat unless a performance guarantee is established in accordance with the provisions of this ordinance.

(e) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer hired by the developer and approval of the City Engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the

developer. Such land shall be set aside or reserved for uses as shall not involve such a danger.

(f) Subdivision Name. The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the subdivision and to select street names, both of which shall be determined at the time of sketch plat approval.

(g) Ridge Line Development. Protect ridges from development which would be visible on the skyline from prominent areas in Park City.

(h) Open Space. Units should be clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with significant vegetation and in many cases, should be left in the natural state. Open space areas will be the maintenance responsibility of the homeowners.

(i) Roads and Utility Lines. Roads and utility lines should be designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities should be placed so that disturbance of significant vegetation is minimized.

(j) Drainage Ways. Existing natural drainage ways should be maintained and designed around.

(k) Soil Conditions. Consideration must be given to soil conditions and ground water existence and may include appropriate setbacks.

(l) Trails and Sidewalks. Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners will be required to maintain the trails.

(m) Limits of Disturbance/Vegetation Protection. A separate plan which addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

15.4.2 Lot Improvements.

(a) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Uniform Building Code, the Land Management Code, and in providing reasonable driveway access to buildings on such lots from an approved street.

(b) Building Sites. Building sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating building envelopes, consideration should be given to minimum separations between structures.

(c) Landscaping. The amount of area available for formal landscaping will be restricted. Outside irrigation creates a significant water demand and irrigated areas may be limited.

(d) Limits of Disturbance/Vegetation Protection. Limits of disturbance or building pad lines shall be shown on the preliminary and final plats if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the limits of disturbance plan.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some plats instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the platted limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final plat. Because limits of disturbance or building pad lines are sometimes varied by the Community Development Director, the plat may not reflect the final location of the limits.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

(e) Square Footage. Maximum dwelling or unit square footage will be required. Smaller parcels will be expected to limit building sizes significantly so that homes relate to the parcels upon which they are built. Limited building heights may also be required for visually sensitive areas. Both the limitations of building square footages and building height will be required to be shown on recorded plats for the project.

(f) Architectural Standards. Architectural standards will be required to be developed which will result in compatible building design and materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment rather than compete with it.

(g) Fire Sprinkling. Fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to Fire District response time.

(h) Staggered Front Setbacks. In new subdivisions, front setbacks shall be staggered with consideration of existing

site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed.

(i) Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Land Management Code. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Land Management Code and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Land Management Code.

(j) Double Frontage Lots and Access to Lots.

1. Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

2. Access from Major and Secondary Arterials. Lots shall not, in general, derive access exclusively from an arterial or collector street as defined in the Streets Master Plan. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials or collectors.

(k) Soil Preservation, Grading, and Seeding.

1. Top Soil Preservation and Final Grading. No final plat approval or certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat

and the lots recovered with top soil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting (see also Sections.19 of the Land Management Code). Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

2. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings in accordance with the Uniform Building Code and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from any lot to adjacent lots.

3. Lawn-Grass Seed and Sod. All lots shall be topsoiled and revegetated in accordance with Section 8.19 of the Land Management Code. At a minimum, lawn-grass seed shall be sown at not less than four (4) pounds to each one-thousand (1,000) square feet of land area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot. No final plat approval or certificate of occupancy shall be issued until respreading of soil and seeding of lawn has been completed; except that between October 1 and March 15, August 15, the applicant shall submit an agreement in writing signed by the developer and/or the property owner, with a copy to the Building Official, that respreading of soil and seeding of lawn will be done during the immediate following planting season

as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.

(l) Debris and Waste. Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy on a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(m) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines upon the recommendation of the Community Development Director that a hazardous condition may exist. The fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

(n) Water-bodies and Water-courses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission upon the recommendation of the Community Development Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a city responsibility. No more than twenty-five per cent (25%) of the minimum area of a lot required under the Land Management Code may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure, of design approved by the City Engineer.

(o) Performance Guarantee to Include Lot Improvements. The performance guarantee shall include an amount to guarantee completion of all requirements contained in Section 8.2 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.

15.4.3 Roads

(a) General Requirements

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Streets Master Plan unless such street is:

(i) an existing state or county highway; or

(ii) a street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's office. Such street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance guarantee required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Streets Master Plan.

Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided hereinabove.

2. Grading and Improvement Plan. Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval. Prior to final plat approval the Public Works Director and the Community Development Director shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.

3. Topography and Arrangement.

(i) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of lot appearance and to discourage

through traffic. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

(ii) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the Streets Master Plan.

(iii) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land uses.

(iv) Minor or local streets shall be laid out to conform as much as possible to the natural topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(v) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

(vi) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(vii) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize

conflict of movement between the various types of traffic, including pedestrian.

4. Blocks

(i) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or water ways.

(ii) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas should not exceed one thousand two hundred (1,200) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (1,000) feet in length.

(iii) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

5. Access to Arterial or Collector Streets. Where a subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that access to such streets be limited by one of the following means:

(i) The subdivision of lots so as to back onto the arterial or collector and front onto a parallel local street; no direct access shall be provided from the primary arterial or collector, and screening shall be provided in a strip of land along the rear property line of such lots.

(ii) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial or collector roadway.

6. Road Names. The sketch plat as submitted shall not indicate any names upon proposed streets. The developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road which is or is planned as a continuation of an existing road shall bear the same name.

7. Road Regulatory Signs. The applicant shall erect or post acceptable guarantees ensuring each road sign required by the City Engineer at all road intersections. All road signs shall be installed before issuance of certificates of occupancy for any residence on the streets approved.

Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the City Engineer. Street signs shall be designed according to City specifications.

8. Street Lights. Installation of street lights shall be required in accordance with Park City Design and Specification Standards and shall be approved by the City Engineer.

(i) Reserve or Protection Strips. The creation of reserve or protection strips may be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street, provided such a strip is clearly shown on both the preliminary and final subdivision plat.

9. Construction of Roads and Dead-End Roads.

(i) Construction of Roads. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is

undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abuttors whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations .

(ii) Dead-End Roads (Permanent). Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to six hundred and fifty (650) feet.

(b) Design Standards.

1. General. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be determined by the Planning Commission.

2. Road Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the

City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. Excess Right-of-Way. Right-of-Way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the City Engineer.

4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(i) In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

(ii) In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, shall be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(iii) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections.

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle within ten (10) degrees of perpendicular is required. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

(ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred and fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets (i.e: arterials or collectors), their alignment shall be continuous. Intersections of major streets shall be at least eight hundred (800) feet apart.

(iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

(v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

(vi) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.

6. Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the full expense of the applicant without reimbursement from the city. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Planning Commission, will be fixed by special agreement between the City Council and the applicant.

(c) Road Dedications and Reservations.

1. New Perimeter Streets. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width.

2. Widening and Realignment of Existing Roads. Where a subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code.

15.4.4 Drainage and Storm Sewers.

(a) General Requirements. The Planning Commission shall not recommend for approval any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of

more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(b) Nature of Storm Water Facilities.

1. Location. The applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located ln the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

2. Accessibility to Public Storm Sewers.

(i) Underground Storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

(ii) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the subdivision plat.

3. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Land Management Code. The City Engineer must review and approve the design.

4. Effect on Downstream Drainage Areas. The City Engineer shall also require the developer's qualified engineer to study the effect of each

subdivision on existing downstream drainage facilities outside the area of the subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

5. Areas of Poor Drainage. Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve (12) inches above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer. Development in areas of extremely poor drainage is discouraged.

6. Flood Plain Areas. The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(c) Dedication of Drainage Easements.

1. General Requirements. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

2. Drainage Easements.

(i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(ii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(iii) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

(iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedure nor for computing the area requirement of any lot.

15.4.5 Water Facilities.

(a) General Requirements.

1. Necessary action shall be taken by the applicant to extend or create a water-supply system for the

purpose of providing water-supply capable of providing domestic water use and fire protection.

2. Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the State and City. All water mains shall be at least eight (8) inches in diameter.

3. Water main extensions shall be approved by the City Engineer and the Public Works Director.

4. To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance guarantee to be furnished by the developer.

5. Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the Public Works Director and Community Development Director as to the location and extent of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.

(b) Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than one thousand (1,000) feet apart and within one hundred and fifty (150) feet of any structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

15.4.6 Sewerage Facilities.

(a) General Requirements. The applicant shall install sanitary sewer facilities in manner prescribed by the Snyderville Basin Sewer Improvement District (SBSID) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the applicant to extend

sanitary sewer service for the purpose of providing sewerage facilities to the subdivision.

(b) Residential and Nonresidential Subdivisions. Sanitary sewerage facilities shall connect with the public sanitary sewerage at sizes required by the Sewer District. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way) shall be subject to the SBSID's specifications, rules, regulations, and guidelines.

15.4.7 Sidewalks, Hiking Trails, Bike Paths, Horse Trails.

(a) Required Improvements.

1. Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal concerns.

2. Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.

3. Sidewalks shall be improved as required in Section 4.3(2) (b) of these regulations.

4. Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.

5. Hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Chapter 3 of the code.

15.4.8 Utilities.

(a) Location. Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Park City's streets and water personnel in the opinion of the Public Works Director and Community Development Director. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the subdivider, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

(b) Easements.

1. Easements centered on rear lot lines shall be provided for utilities (private and municipal); such easements shall be at least ten (10) feet wide. Proper coordination shall be established by the subdivider between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties.

2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. All easements shall be indicated on the plat.

3. Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the City Engineer.

15.4.9 Public Uses.

(a) Parks, Playgrounds, and Recreation Areas.

1. Recreation Standards. The Planning Commission, in its review of each major or minor subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate access for the particular purposes

envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The developer will also be required to install improvements to the recreation areas. These improvements will be built to City specifications.

When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula which has been prepared: providing one acre of recreation area for every one hundred (100) single family dwelling units or commercial lots and one acre per two hundred (200) multifamily dwelling units. This calculation equates to four hundred thirty seven (437) square feet per single family dwelling unit or commercial lot and two hundred eighteen (218) square feet per multifamily dwelling unit. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the city official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas and facilities to the city as a condition of final subdivision plat approval.

2. Minimum Size of Park and Playground Reservations. In general, land reserved for recreation purposes shall have an area of at least one acre. When the percentages from the above formula would create less than one acre, the Planning Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the subdivision or when the staff feels that the reduced size will result in a usable recreation site. Where recreation land in any subdivision is not reserved, or the land reserved is less than required in Section 4.9(1)(a) the provisions of Section 4.9(1) (d) shall be applicable.

3. Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the City standards

required by the Planning Commission, which improvements shall be included in the performance guarantee. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the city official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the city for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

4. Alternative Procedure for Subdivisions of Fewer than 30 Lots. Subdivisions, including commercial subdivisions, with fewer than 30 lots would result in a land area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the developer shall pay an "In Lieu of" fee in those cases where the "in-lieu" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

5. Applicability to Land Utilizing Average Density. Any subdivision plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the city for park and recreation purposes. If no further area, other than the area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 4.9(1) (d). If further land is required for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 4.9(1) (d).

6. Other Recreation Reservations. The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(b) Other Public Uses.

1. Plat to Provide for Public Uses. Except when an applicant utilizes a master planned development concept in which land is set aside by the developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation uses, or other public use as indicated on the Master Plan or any portion

thereof, such space shall be suitably incorporated by the applicant into his sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate city official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

2. Referral to Public Body. The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

3. Notice of Property Owner. Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on both the preliminary and final plats that area proposed to be acquired by the public body

15.4.10 Preservation of Natural Features and Amenities.

(a) General. Existing features which add value to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible on the sky line from prominent areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15.4.11 Nonresidential Subdivisions.

(a) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require.

A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Land Management Code. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by the Planning Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

(b) Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.

3. Special requirements may be imposed by the city with respect to street, curb, gutter, and sidewalk design and construction.

4. Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and storm water drainage.

5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential

development and provisions for a permanently landscaped buffer strip when necessary.

6. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION 15.5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

15.5.1 Sketch Plat. Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to an engineers' scale of not more than one hundred (100) feet to an inch and shall show the following information.

(a) Name.

1. Name of subdivision if property is within an existing subdivision.

2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.

3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(b) Ownership.

1. Name and address, including telephone number, of legal owner or agent of property, a property report, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

2. Citation of any existing legal rights-of-way or easements affecting the property.

3. Existing covenants on the property, if any.

4. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

(c) Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and acres.

1. Location of property lines, existing easements, burial grounds, mine or known geologic hazards, railroad rights-of-way, water courses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of

adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

2. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

3. Approximate topography, at the same scale as the sketch plat with at least 5-foot contour intervals.

4. The approximate location and widths of proposed streets.

5. Preliminary proposals for connection with existing municipal water supply and District sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.

6. The approximate location, dimensions, and areas of all proposed or existing lots.

7. The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

8. The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field.

9. Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street and trail system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

10. A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

11. A plan designating limits of disturbance for each parcel and for subdivision improvements, such as utilities and roads.

15.5.2 Preliminary Plat.

(a) General. The preliminary plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch equals one hundred (100) feet, may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than 24" x 36". It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(b) Features. The preliminary plat shall show the following:

1. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets.

2. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

3. The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, or as determined by the Planning Commission.

4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-ways and building setback lines.

5. The location, dimensions, and areas of all proposed or existing lots.

6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

7. The name and address of the owner or owners of land to be subdivided, the name and address of the

subdivider if other than the owner, and the name of the land surveyor.

8. The date of the map, approximate true north point, scale, and title of the subdivision.

9. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground, the location of all proposed monuments.

10. Names of the subdivision and all new streets, subject to the approval of the Planning Commission.

11. Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all use other than residential proposed by the subdivider.

12. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

13. All information required on sketch plat should also be shown on the preliminary plat, and the following notation shall also be shown:

    (i) Explanation of drainage easements, if any.

    (ii) Explanation of site easements, if any.

    (iii) Explanation of reservations, if any.

    (iv) Owners dedication, if any, and Consent to Record as required by applicable State Law.

14. Form for endorsements by Planning Commission Chairman and Mayor, as well as signature blocks for the City Attorney and City Engineer.

15. Any restrictions or requirements necessary to ensure solar access shall be defined.

16. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or on accompanying engineering plans.

17. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a preliminary plat.

18. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.

15.5.3 Construction Plans.

(a) General. Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

2. The Planning Commission may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross-sections of all proposed streets be shown.

3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, street lights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight (8) inches or more, measured four (4) feet above ground level. The water elevations of adjoining lakes or streams at the date of the survey, and the

approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such water ways.

5. Topography at the same scale as the sketch plat with a contour interval of two (2) feet, referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

6. All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire subdivision.

7. Notation of approval as follows:

_____
Owner Date

_____
Public Works Director Date

_____
City Engineer Date

8. Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

9. A limits of disturbance and revegetation plan.

15.5.4 Final Subdivision Plat

(a) General. The final subdivision plat shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the preliminary plat. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, and locations of any building lines proposed to be

established in this manner, if required by the Planning Commission in accordance with these regulations.

2. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(b) Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

CHAPTER 16. REPEALER; SAVINGS CLAUSE; CONTINUATION OF PRIOR ORDINANCES

16.1. The Land Management Code of August 1981 enacted by the City of Park City is hereby amended and recodified in its entirety to read as herein provided.

16.2. The amendment of all zoning ordinances heretofore enacted by the City of Park City shall not:

(a) Affect suits pending or rights of the City existing immediately prior to the effective date of this ordinance.

(b) Impair, void, or affect any grant or conveyance made or right acquired or cause of action now existing.

16.3. The provisions of this ordinance insofar as they are the same or substantially the same as any prior ordinances shall be construed as a continuation of the prior ordinance.

16.4. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unlawful by any court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

16.5. EFFECTIVE DATE. This Ordinance shall become effective January 1, 1984.

PASSED AND ADOPTED this 22nd day of December, 1983.

LEGAL NOTICE
PUBLIC HEARING

Public notice is hereby given that a public hearing will be continued before City Council on September 22, 1983, at 5 p.m. at the Marsac Building for the purpose of hearing further public comment on:

The adoption of the 1983 Land Management Code, including procedural and substantive revisions. The initial public hearing was held on September 8, 1983, but due to further revisions the hearing has been continued. Copies nof the code will be available for public inspection at the Marsac Building and the Library. Copies may be purchased at the Marsac Building for $7.00 each.

William Gatherum
City Recorder

Published in the Park Record on September 15 and 22, 1983.

When Recorded Mail to:

THOMAS T. BILLINGS, ESQ.
Van Cott, Bagley, Cornwall & McCarthy
314 Main Street, Suite 205
P.O. Box 4611
Park City, Utah 84060

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DECLARATION OF COVENANTS, CONDITIONS

AND RESTRICTIONS FOR

WILLOW RANCH SUBDIVISION

PARK CITY, UTAH

THIS DECLARATION is made this 24th day of February, 1993, by Willow Ranch Development Company, a Utah corporation, referred to below as "Declarant":

RECITALS:

A. Declarant is the owner of the following described real property (the "Property") located in Park City, Summit County, Utah:

See the attached Exhibit A

B. Declarant intends to develop a residential subdivision on the Property. Declarant will develop and convey all of the Property within the Subdivision subject to a general plan of development, and subject to certain protective covenants, conditions and restrictions all as set forth in this Declaration, and which are deemed to be covenants running with the land, mutually burdening and benefiting all of the Property and each of the Lots.

C. Declarant hereby declares that all of the Property shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to these protective covenants, conditions, restrictions and equitable servitudes, all of which are created for the mutual benefit of the Owners of the Property and the Lots. It is the intention of the Declarant in imposing these covenants, conditions and restrictions to create a generally uniform pattern of development, to protect and enhance the property values and aesthetic values of the Property by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners of the Lots. The covenants, conditions and restrictions are intended to, and shall in all cases run with the title of the land, and be binding upon the Owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property, and shall inure to the benefit of all other Property in the Subdivision. The covenants, conditions and restrictions shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant, by the Association, or by any Owner.

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Notwithstanding the foregoing, no provisions of this Declaration shall prevent the Declarant from the completion of the Subdivision Improvements, or from using any Lot owned by the Declarant as a model home, temporary construction or sales office, nor limit Declarant's right to post signs or engage in other reasonable activities on the Property incidental to sales or construction which are otherwise in compliance with applicable City ordinances.

ARTICLE I

DEFINITIONS

1. Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, (including that portion hereof headed "Recitals") shall have the following meanings:

The term "Accessory Dwelling Unit" shall mean a part of the dwelling unit on a Lot, attached to the Dwelling, and used to provide housing for Owner's employees or guests. No nightly rental of the Accessory Dwelling Unit is permitted.

"Approved Color List" shall mean those colors ("Approved Colors") described on Exhibit "B" to this Declaration.

"Approved Plants List" shall mean those plants ("Approved Plants") described on the Park City Plant List of Approved Drought Tolerant Plants, as it may be amended from time to time and native evergreens, aspens and willows.

"Association" shall mean the Willow Ranch Subdivision Homeowners Association, whether incorporated or not, and as the context requires, the Officers and Trustees of that Association.

"Barn" shall mean an agricultural outbuilding intended for the care and occupancy of not more than three horses and one un-weaned colt, together with storage areas for supplies, tack, equipment, and livestock feed for the horses kept on an Equestrian Lot.

"Barn Limits of Disturbance Area" shall mean the area designated on the Plat for any Equestrian Lot containing the location of a Barn and any typical agricultural appurtenances such as corrals and watering areas.

"Builder" shall mean the person or entity engaged by an Owner for the purpose of constructing, altering, or maintaining a Permitted Improvement. In this context, the Owner may also be the Builder, provided that if the Owner is not acting as Builder, the Builder shall be a duly licensed contractor as defined by Utah State law.

"City" shall mean Park City Municipal Corporation and its appropriate departments, officials, and boards.

"Committee" shall mean the architectural committee created under Article III of this Declaration.

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"Declarant" shall mean and refer to the signer of this Declaration.

"Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions, and any other matters or conditions shown on the official Plat of the Willow Ranch Subdivision, which are incorporated into this Declaration by reference.

"Dwelling" or "Dwelling Unit" shall mean the single family residence built or to be built on any Lot.

"Equestrian Lot" shall mean any numbered Lot on the Plat of the Willow Ranch Subdivision that is designated as such, including but not limited to Lots 1, 2, 6 and 7.

"Equestrian Lot Open Space" shall mean those portions of any Equestrian Lot that are designated as such on the Plat.

"Excavation" shall mean any disturbance to the surface of the land, including the removal of native vegetation, and also including trenching which results in removal of soil or rock from a depth of more than 12 inches from the natural surface of the land, or any grading of the surface. Excavation shall include any activities for which an excavation or grading permit would be required under the Uniform Building Code as adopted by the City.

"Family" shall mean one household of persons related to each other by blood, adoption or marriage, or one group of not more than five people not related living together as a unit who maintain a common household.

"Fencing" see Permitted Fencing below.

"Fill" shall mean the depositing of earth, soil, rock or other materials to the surface of the land, whether imported from off-site or resulting from the re-grading of excavated material from on-site, to raise the natural elevation of the surface. Fill shall also include any fill material as defined under the Uniform Building Code, as adopted by the City.

"Floor Area" shall mean the total of all floor surfaces surrounded by the exterior walls of any Dwelling or habitable structure (or in the case of Equestrian Lots, also of any Barn), on all levels. Porches, patios, balconies and decks are not counted as Floor Area unless under roof and enclosed on three sides by the walls of the Dwelling. The first 600 square feet of attached garage space is not counted as Floor Area. The maximum Floor Area for each Lot is shown on Exhibit "F" to this Declaration.

"Improvement" shall mean all structures and appurtenances of every type and kinds, including but not limited to buildings, Dwelling Units, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

Area calculations. For a Lot, the Barn Limits of Disturbance Area shall mean the area designated as such on the Plat, and as shown on Exhibit F hereof. Each Lot owner will be required to comply with the terms and conditions of the permit issued by the Army Corps of Engineers relating to Wetlands mitigation and restoration. A copy of the Permit is attached as Exhibit "H" to this Declaration.

"Lot" shall mean any numbered building Lot shown on the Plat of the Willow Ranch Subdivision.

"Natural Area" shall mean the portion of any Lot that is outside of the Limits of Disturbance Area.

"Open Space" shall mean any areas designated on the Plat as such, which may be dedicated to the public or owned by the Association, or an individual Owner, and may or may not provide for public access or access by the Association.

"Owner" shall mean the person or persons having title to any Lot or other parcel of Property as shown on the Plat of the Willow Ranch Subdivision. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title for purposes of securing performance of an obligation.

"Permitted Fencing" shall mean any fences and their appurtenances installed, constructed, maintained or allowed to stand on the Property in conformity with this Declaration and the Fencing Standards described in the attached Exhibit "C".

"Permitted Improvements" shall mean any Improvements installed, constructed, maintained or allowed to stand on the Property in conformity with this Declaration.

"Person" shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

"Plat" shall mean the Plat of the Willow Ranch Subdivision as approved by the City and recorded in the office of the Summit County Recorder, and any amendments that may be made from time to time.

"Property" shall mean all of the land described on the Plat, including Lots, Trail Corridors, and any Equestrian Lot, Equestrian Lot Open Space, Natural Area, roads, Wildlife Corridors and common areas.

"Public View" shall mean that the object, Improvement, or activity on the Property is or would be in the line of sight originating from a point five feet above the surface of any public streets, including Roadways within the Subdivision.

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"Roadway" shall mean those portions of the Property that have been or will be dedicated to the City of Park City as a public way, as shown and described on the Plat.

"Subdivision" shall mean the Willow Ranch Subdivision, and all Lots and other Property within the Subdivision as shown on the Plat, and as it may be amended or expanded from time to time.

"Trail Corridor" shall mean those areas designated on the Plat as the location of trails for horses and human foot traffic.

"Trustees" shall mean the duly elected and acting board of trustees of the Willow Ranch Homeowners Association.

"Wildlife Corridor" shall mean those portions of the Willow Ranch Subdivision that have been designated as such.

ARTICLE II

HOMEOWNERS ASSOCIATION

2. Homeowners Association Purposes. To effectively enforce this Declaration, the Declarant has created a Utah Non-Profit corporation called Willow Ranch Homeowners Association, Inc. The Association shall be comprised of the Owners of Lots within the Willow Ranch Subdivision, and is established to perform the following functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot, and is transferable only in conjunction with the transfer of the title to the Lot. The Association shall have and exercise, as necessary, the following powers:

2.1. Enforcement Powers. The Association shall have the power to enforce this Declaration by actions in law or equity brought in its own name, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. The Officers of the Association shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Trustees of the Association shall have the exclusive right to initiate enforcement actions in the name of the Association, however, this shall not limit the individual rights of Lot Owners to personally enforce this Declaration in their own name. The Association may appear and represent the interests of the Subdivision at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually.

2.2. Maintenance Responsibilities. The Association may own or be granted easements over portions of the Property within the Subdivision. The responsibility to maintain and properly control the use of these parcels, when granted, vests in the Association, which has the power to perform maintenance services, construct Permitted Improvements, and in all other respects manage or supervise the management of those portions of the Property.

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2.3. Association's Obligation to Accept Grant of Open Space. The Owners, and the Association, agree to accept a grant of the fee or an easement to portions of the Property which may be designated as Open Space. Any such grant will be made free of liens and financial encumbrances, except taxes and accruing expenses and made subject to this Declaration. Open Space granted to the Owners or Association may be subject to conservation easements or similar third party limitations on use and access. Declarant or its successors are under no obligation to grant or arrange for the grant of any land to the Owners or the Association. Consideration for any such grant will not exceed Ten Dollars, and Grantor will bear all

transactional expenses. For the purpose of this section, the Wildlife Corridor, except when it is located on a Lot or Equestrian Lot shall be treated as Open Space.

2.4. Guardian of the Wildlife Corridor. The Association is hereby specifically charged by the Declarant and by the City with the responsibility and powers to enforce this Declaration as it pertains to the Lot A Wildlife Corridor. In the event title to Lot A is transferred to a third party, then this obligation as set forth in paragraph 2.4 of this Declaration shall cease.

2.5. Snow Removal. The City presently is requiring the Association to provide snow removal service within the Subdivision until 50% of the Lots have been improved by the construction of a Dwelling. Until such time as the snow removal service has been assumed by the City, the Association shall be responsible for snow removal, and shall have the power to make assessments against the owners, including the Owners of unimproved Lots, for purposes of providing this service.

2.6. Assessments. The Association has the power to levy assessments against each Lot as necessary to carry out its functions. All assessments will be equal on all Lots, whether vacant or improved. The non-Equestrian Lots will not be assessed for arena expenses. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of landscape maintenance, taxes, water for irrigation, reimbursement of expenses incurred by the Trustees and Architectural Committee in performance of their obligations, and enforcement of this Declaration. Notice of the Assessment and the proposed amount of the annual Assessment will be given in advance along with the notice of the annual meeting of the Association, provided that the amount of the proposed assessment may be increased or decreased at the meeting in which it is approved by the Owners.

The Association may also levy special assessments to cover unanticipated expenses or shortfalls. No special assessment will be levied without approval of the Owners in a meeting called for that purpose.

2.7. Assessments Constitute Lien, Mortgagee Protection. Any validly imposed assessment by the Association shall constitute a lien against the Lots in the Subdivision. The Association shall have the right to foreclose on that lien when any assessment remains unpaid for a period of more than 90 days from the date the assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder, and is subordinate to any previously recorded liens or encumbrances filed against that Lot, specifically including any purchase money mortgage or trust deed. Notwithstanding the lien rights of the Association, the obligation to pay assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or the prior Owner of any Lot in the event of a sale. No Mortgagee or Beneficiary under a Trust Deed who takes title by foreclosure or non-judicial sale, shall be held liable for the unpaid assessments of the Owner whose Lot was acquired by the Mortgagee or Beneficiary under a Trust Deed.

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2.8. Statement of Account. Any Owner may request the Association to provide a statement of his account to any lender or prospective buyer of that Lot showing the

assessments to be paid in full, or the amount of any past due assessments. The Buyer or lender for whom such a statement was prepared will be entitled to rely on its accuracy, and will not be held liable for any amounts not shown on the statement.

2.9. Formative Documents. The Articles of Incorporation and the By-laws of the Association are included as Exhibits "D" and "E" and incorporated by reference as part of this Declaration.

ARTICLE III

ARCHITECTURAL COMMITTEE

3. Introduction. It is the intention and purpose of this Declaration to impose Architectural Design Standards of a type and nature that result in Dwellings and Improvements which are compatible with the area landscape. The placement, massing, dimensions, materials, colors, and public view aspects of the Improvements will be guided, but still allow for diversity in style and the vitality in design.

To accomplish this goal, the Declarant hereby establishes the Architectural Committee, which is empowered to oversee and enforce the Architectural Design Standards set forth in this Declaration.

3.1. Architectural Committee Created. The Committee will consist of three members, who shall be members of the Board of Trustees of the Homeowners Association. The initial committee will consist of three people appointed by the Declarant, who do not need to be Owners. At the time 50% of the Lots are sold to persons other than the Declarant, two members of the Committee will be elected from the Board of Trustees, to replace the appointees of the Declarant. At the time that 80% of the Lots are sold to persons other than the Declarant, or following the second anniversary of the recording of the original Plat (whichever occurs first), all three members of the Committee will be elected by the Lot owners from the Board of Trustees.

3.2. Approval by Committee. No improvements of any kind, including without limitation the construction of any Dwelling Unit, garage, Accessory Dwelling Unit, Barn, out building, parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, poles, trampolines, satellite dishes or antenna, solar panels, or any other permanent structure may be constructed, installed, maintained or allowed to stand in the Subdivision without the prior written approval of the Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the prior written approval of the Committee. Approval of the Committee will be sought in the following manner:

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a. Plans submitted. Plans for the construction of any new Dwelling Unit and/or Barn must be submitted to the Committee for review. It is recommended that preliminary plans be submitted before the expense of final construction drawings is incurred. The plan must be in sufficient detail to show the location on the Lot of the exterior walls of the Dwelling Unit and/or Barn and all other structures to be built with it; detailed drawings of all elevations of all buildings showing locations of windows,

doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification to an existing Dwelling, the Committee may waive any of the foregoing requirements.

b. Review Fee. The applicant will pay a review fee to the Committee of $100 for each new dwelling, $20 for each addition or remodel, or, in the case of Improvements which cost less than $1,000, or which make no structural changes, the applicant will pay a fee of $10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the Committee determines the submission to be complete.

c. Review. Within 15 days from receipt of a complete submission, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The Committee will review preliminary plans, without fee, and make its comments known to the Owner, provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign a copy of the plans, which shall be left to the Committee. Any construction that is not in strict compliance with the approved plans is prohibited.

d. Written Record. The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years.

e. Failure to Act. If the Committee has not approved or rejected any submission within 45 days after payment of the review fee and submission of complete plans, the submission is deemed to have been disapproved.

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3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

3.4. Extraordinary Costs. Whenever it deems appropriate, and with the consent of the Board of Trustees, the Committee may engage the services of an architect, or civil

or structural engineer to assist in its review of any proposed Improvements. All costs of such additional review will be paid by the Applicant, provided however that no architect or engineer will be hired without advance notice to the Applicant of the intention to hire a review architect or engineer, and the aspects of the proposal that caused the Committee to believe that professional review was required, and the estimated cost of that review. If the applicant does not withdraw the proposal within five days after receipt of that notice, he is deemed to have consented to the Committee retaining such professional assistance. Whenever the Committee retains outside professional services in its review, the reviewing architect or engineer is acting only in an advisory capacity, and the applicant, for himself and his successors and assigns, waives any and all claims against the Committee in the event that advice from, or conditions imposed by, the reviewing professional prove ineffective, unnecessary, or inappropriate to the circumstances. The costs of such review will be billed directly to the applicant.

3.5. General Design Review. The Committee will use its best efforts to provide a consistent pattern of enforcement, and consistent application of the Architectural Design Standards of this Declaration. These Standards are, of necessity, general in nature, and the Committee shall apply them in a manner that results in a high quality, attractive, and well-designed community.

3.6. Declarant, Trustees and Committee not Liable. The Declarant, the Trustees, and the Committee and its members shall not be liable to the applicant for any damages, or to the Owners of Lots within the Subdivision for their actions, inactions, or approval or disapproval of any set of plans submitted to the Committee for review. In the absence of bad faith or malicious actions, the Owners shall have no claim against the Declarant or Committee as a result of the performance or failure to perform the duties created by this Declaration. Each Owner has the right to enforce this Declaration against another Owner, and may seek independent redress if he believes the Committee has acted improperly.

3.7. Limitations on Review. The Committee's review is limited to those matters expressly described in this Declaration. The Committee shall have no authority over the enforcement of building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of the Property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation. Corrections or changes to plans as may be subsequently required to bring them into conformity with any applicable codes must be reviewed and approved by the Committee prior to construction.

3.8. Approval to Proceed. The Committee shall promptly issue as Certificate of Approval to the Owner once the plans have been approved and the pre-construction conference required in Articles III and X has been held, and all other conditions of construction set forth in Articles III and X have been satisfied.

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ARTICLE IV

RESTRICTIONS ON ALL PROPERTY

4. The following Restrictions on use apply to all Property within the Subdivision.

4.1. Governing Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance. If the Covenants, Conditions and Restrictions in this Declaration are more stringent than applicable zoning, it is the intent that the provisions of this Declaration control. This Declaration shall not authorize any uses, improvements, or activities that are prohibited by any local, state or federal law or regulation.

4.2. No Mining Uses. The property within the Subdivision shall be used for residential purposes only, and no mining, drilling, or quarrying activity will be permitted at any time.

4.3. No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent (a) the Declarant from using one or more Lots for purposes of a construction office during the actual period of construction of the Subdivision Improvements or (b) the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate family or household. No retail sales of any kind may be made in the Subdivision.

4.4. Restrictions on Signs. No signs will be permitted on any Lot or within the Subdivision, except for traffic control signs for Roadways placed by the City, or temporary signs warning of some immediate danger. Signs indicating the Lot is for sale may be placed in accordance with City sign regulations, and no such sign may exceed six square feet. The Declarant may erect a sign of not more than thirty-two square feet at the entrance to the Subdivision announcing the availability of Lots and giving sales information. No permanent signs stating the address or the name of the owner of the Lot may be installed without the advance consent of the Committee.

4.5. Completion Required Before Occupancy. No Dwelling may be occupied prior to its completion and the issuance of a certificate of occupancy by the City.

4.6. Dwelling to be Constructed First. No garage, Barn, Accessory Dwelling Unit, storage unit, or other out-building may be constructed prior to the construction of the Dwelling on the Lot.

4.7. Wood-Burning Fireplaces. To limit increases in air pollution, no Dwelling shall have more than one wood-burning fireplace, stove, furnace, or device. If an Owner combines two or more Lots and constructs one Dwelling, the Dwelling shall be entitled to one wood-burning fireplace for each Lot combined. The right to install a wood-burning fireplace is specific to each Lot, and may not be otherwise transferred to any other Lot. No wood-burning fireplaces, stoves, or furnaces will be permitted in any Barn. No coal-fired fireplaces, stoves, furnaces or devices of any kind will be permitted in the Subdivision.

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4.8. Animals. No animals other than ordinary household pets and horses for the Equestrian Lots may be kept on any Lot. This specifically excludes keeping horses on lots 3, 4 and 5.

4.9. No Re-Subdivision. No Lot may be re-subdivided without the consent of the Architectural Committee, and no re-subdivision of any Lot or group of Lots may result in an increase in the number of Lots within the Subdivision.

4.10. Underground Utilities. All gas, electrical, telephone, television, and any other utility lines in the Subdivision are to be underground, including lines within any Lot which service Improvements entirely within that Lot.

4.11. No Oil or L. P. Gas Tanks. The primary heat sources for all Improvements shall be solar, natural gas delivered by pipeline, or electric heat. Except for temporary periods during construction of the Dwelling, no heating oil, propane, butane, or other bulk fuel storage tank may be installed on the Property.

4.12. Service Yards. All clothes lines, service yards, storage yards, and exterior mechanical equipment must be screened in a manner approved by the Architectural Committee so that they are not visible from the Public View or other residence located in the Subdivision.

4.13. Maintenance of Property. All Lots, and the Improvements on them, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair.

4.14. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

4.15. No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be unreasonably dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires (other than properly supervised and contained barbecues).

4.16. No Unsightliness. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Dwelling or Improvements); open storage or parking of farm or construction equipment, with the exception of one (1) horse trailer that can be parked in the barn area.; inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; any bales of hay or woodshavings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle, or equipment on the Lot in a manner that it is visible from the Public View or other residences located in the Subdivision.

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4.17. No Annoying Lights. Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the confines of the Lot on

which it is installed. This shall not apply to street lighting maintained by the City. The flood lighting of tennis courts or similar sports courts is deemed to be annoying to abutting Owners, and is expressly prohibited.

4.18. No Annoying Sounds. No speakers, or other noise making devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for security or fire alarms.

4.19. Municipal Water Connection. The Property is served by municipal water service, and no Owner shall drill his own well for culinary or irrigation water production, except that the Owners of Equestrian Lots may drill irrigation wells with the authorization of the Utah Division of Water Rights. The pump house for any such well or irrigation system must be approved by the Architectural Committee.

4.20. Sewer Connection Required. All Lots are served by sanitary sewer service, and no cesspools, septic tanks, or other types of waste disposal systems are permitted on any Lot. All Dwellings Units must be connected to the sanitary sewer system in accordance with the rules and regulations of the Snyderville Basin Sewer Improvement District.

4.21. Groundwater Protection. No underground storage tanks for fuels or chemicals of any kind may be installed on the Property. No above ground storage tanks shall be permitted.

4.22. Vehicles Restricted to Roadways. No motor vehicle will be operated on the Property except on Roadways and driveways. No snowmobiles or motorcycles will be operated on the Property except for loading the equipment for lawful transport on public streets. This shall not preclude the operation of agricultural equipment on any Equestrian Lot or Equestrian Lot Open Space for the cultivation of crops, mowing of natural vegetation, and other agricultural necessities.

4.23. Kennels. No kennel or dog run may be placed closer than 50 feet to any Dwelling Unit other than that of the Owner of the Kennel.

4.24. No Transient Lodging Uses. The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot shall be for a period of less than 30 days. No Lot shall be subjected to any form of time interval ownership, or ownership in a manner that rotates the use among multiple Owners in a manner that would permit the right of use to be sold separately from the fee simple title to the Lot.

4.25. No Hunting. The hunting, trapping, and harassment of wildlife, by firearms or any other means, is expressly prohibited within the Subdivision.

4.26. Stallions. No stallions may be kept on any Lot.

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ARTICLE V

PERMITTED USES AND IMPROVEMENTS

5. Introduction. The following uses and Improvements are permitted within the Subdivision in the areas of the Property designated. Uses not specifically permitted are prohibited, unless, in the sole judgment of the Architectural Committee, the proposed use is a reasonable and logical extension or appurtenance of a use that is expressly permitted. The Property is divided into the following classifications of Property, with specific uses permitted or prohibited within each classification:

a. Limits of Disturbance Area of a Lot
b. Barn Limits of Disturbance Area
c. Equestrian Lot Open Space
d. Wildlife Corridor

5.1. Uses and Improvements Permitted Within the Limits of Disturbance Areas. All construction activity, Excavation, and Fill are to be confined to the Limits of Disturbance Area within the Lot. Having carefully located the Limits of Disturbance Area for each Lot, the Declarant encourages that each Dwelling be designed to conform to the natural topography of the site, and to preserve the natural texture, appearance and vegetation of the undeveloped site to the extent possible. No Improvements, additions, alterations or other construction may be installed, constructed, maintained or allowed to stand within the Limits of Disturbance Area except as follows:

a. The construction, maintenance, and use of one single family Dwelling together with a garage with capacity for at least two automobiles and storage of recreational and maintenance equipment; and

b. The construction, maintenance, and use of those Improvements generally and customarily associated with the use and enjoyment of a single family Dwelling, including driveways, Accessory Dwelling Unit, utility connections, garages, retaining walls, stairways, decks, patios, pools and spas, swing sets, trampolines, walkways, fences, lighting, tennis courts or sports courts, sprinklers, antennas and satellite dishes, and irrigation systems.

c. The construction, maintenance and use of driveway and underground utility connections to the Dwelling Unit from other portions of the Lot.

5.2. Uses and Improvements Permitted Within the Barn Limits of Disturbance Area. Within each Equestrian Lot there is a designated Limits of Disturbance Area for the Barn. Within the Barn Limits of Disturbance Area, no Improvement shall be installed, constructed, maintained or allowed to stand except as follows:

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a. The construction, maintenance and use of a free-standing Barn for the housing of horses and storage of equipment and livestock feed for use on the Equestrian Lot. The construction of the Barn shall conform

to the Architectural Design Standards and all other provisions of this Declaration, and shall be treated as a separate building for review purposes by the Committee; and

b. The construction, maintenance and use of driveway and underground utility connections to the Barn from other portions of the Lot; and

c. The construction, maintenance and use of Permitted Fencing to confine horses and of such Improvements reasonably necessary for the feeding of horses including mangers and watering troughs.

The following restrictions apply to the use of Barn Limits of Disturbance Areas:

a. No hay, grain, or other livestock feed in excess of one day's consumption may be stored outside of the Barn at any time.

b. If not used as a fertilizer and spread over the Equestrian Lot Space, manure must be removed and disposed of, off the Property, to maintain a clean, attractive, and healthy environment for the horses and to avoid annoyance of adjoining Owners.

c. The Homeowners Association shall budget for and cause the semi-annual removal of stored manure from each Equestrian Lot.

5.3. Uses and Improvements Permitted Within the Trail Corridor. The Trail Corridor shall be used only for hiking, cross-country skiing, and horse back riding. No motor vehicles of any kind or description may be operated on the Trail Corridor except for authorized vehicles engaged in the construction or maintenance of the trail or Improvements within the Trail Corridor. No Improvements of any kind may be installed, constructed, maintained or allowed to stand in the Trail Corridor.

5.4. Uses and Improvements Permitted Within the Equestrian Lot Open Space. The Equestrian Lot Open Space is intended to provide an area for the Equestrian Lot Owner to maintain up to three horses and one un-weaned colt. A foal is deemed an adult horse after six months. Equestrian Lot Open Space may also serve as pasture land, and be maintained in a green and vegetated state. The right to graze horses on the Equestrian Lot Open Space is conditioned upon the Owner providing property maintenance and rotation of stock in order to prevent over-grazing, scuffing, and soil erosion. All riparian areas shall be fenced to prevent horses from entering or breaking the natural banks of the stream channel. No outdoor haystacks, feed storage, manure storage, or similar accumulations of materials is permitted. No motor vehicles may be operated on the Equestrian Lot Open Space except when engaged in the care of animals or the maintenance of the Open Space. No horse trailers or other equipment may be stored on the Equestrian Lot Open space. No stallions may be kept on Equestrian Lot Open Space. No cattle, sheep, goats, mules, asses, pigs, hogs or other animals may be kept in the Equestrian Lot Open Space. No Improvements of any kind shall be installed, constructed, maintained, or allowed to stand in the Equestrian Lot Open Space except:

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a. Those disturbances related to the construction, maintenance, and use of any Roadway on the Property, including the installation and maintenance of underground utility facilities, structures, devices, traffic controls and accessories as may be required by the City in the operation of the Roadways as a public streets; and

b. Those disturbances related to the construction, maintenance and use of Driveway Connections as provided in Article VII, including driveway culverts, retaining walls, Excavations and Fills, provided that driveways shall be located on the Lot in a manner that minimizes the need for Excavation, Fill, or the use of retaining walls; and

c. Those disturbances related to the construction, maintenance, and use of Utility Connections to extend utility services from the adjacent Roadway to the Dwellings. This shall include underground electrical, telephone, and cable television lines, and water, sewer and natural gas supply pipes. Underground irrigation systems and their appurtenances may be constructed, maintained, and used in the Natural Areas as permitted by the City; and

d. Those minor disturbances related to the construction, maintenance and use of any Permitted Fencing; and

e. The construction, maintenance and use of those Improvements reasonable and necessary for the grazing of animals and razing of forage crops, such as irrigation systems, watering troughs, and feed mangers, and ditches, ponds and unpaved paths; and

f. The number of horses raised or grazed in the Equestrian Lot Open Space may be limited by the City pursuant to its rights under that certain Animal Management and Maintenance Covenant executed by and among the Declarant, the City and the Association as evidenced by Exhibit "G". Use of the Equestrian Lot Open Space by any other animals will require specific approval by the City and the Association.

5.5. Uses and Improvements Permitted in the Wildlife Corridor. Within the boundaries of some of the Lots shown on the Plat is an area shown as "Wildlife Corridor", which is intended to serve the Owners as a visual amenity while functioning as a wildlife habitat and a significant link in the Subdivision's hydrologic system. The Wildlife Corridor is the property of the Owners of the Lots on which it is located and each such Owner accepts his or her Lot subject to these special Covenants, Conditions, and Restrictions. No Improvements, except Permitted Fencing, of any kind or nature are allowed in the Wildlife Corridor.

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ARTICLE VI

ARCHITECTURAL DESIGN STANDARDS AND CONDITIONS ON IMPROVEMENTS

6. Introduction. The guiding design concept for the Willow Ranch Subdivision is that the dominant visual feature of the Subdivision, whether viewed from within the Property or from locations off-site, should be the natural landscape consisting of the alpine meadow. Dwellings and other Improvements are intended to blend into this natural setting and not dominate it. These Architectural Design Standards have been prepared with the intention of insuring that the impacts of construction of the Subdivision are minimal, acceptable, and respectful of the natural landscape. Suggested clear standards of design will provide direction and guidance to the Owners and their design professionals in the planning and construction of Improvements on each Lot's unique setting. It is not the intention of these standards to create uniformity, but to encourage a diversity of design and materials within an architectural approach that respects each site, and is compatible with the landscape and community.

6.1. Site Evaluation. It is expected that each Dwelling and its accompanying Improvements will be designed to suit each individual Lot, and to preserve, and benefit from the site's natural and unique character. The Owner is encouraged to use the services of experienced design professionals to evaluate the site and determine the best building approach for that site. The Limits of Disturbance Area is intended to begin this process, but should not be construed as the complete site evaluation. Limits of Disturbance Areas have been located to protect wetlands and natural drainage features, and protect view corridors. Improvements shall be sited and designed to minimize cuts and fills and other site disturbance.

6.2. Placement and Massing. All Dwellings and Improvements, and the entire construction disturbance (including Excavation and storage of excavated material) must be confined within the designated Limits of Disturbance Area, except for permitted driveway and utility connections. The central mass of the Dwelling should step down in height and reduce in bulk as it reaches the edges of the Dwelling to feather the building mass into the natural setting. Curvilinear and multi-faceted wall forms are strongly discouraged and alien to the mountain community.

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

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6.4. Dwelling Size. the minimum Floor Area for Dwellings in the Subdivision is 2,400 square feet, and the maximum Floor Area is 4,400 square feet, except on an Equestrian Lot, the maximum Floor Area shall be 8,000 square feet. No Dwelling shall be constructed or altered in a manner that would violate these limits. Up to 600 square feet of

attached garage space is allowed in excess of these limits. Garage area in excess of 600 square feet shall be counted as Floor Area.

6.5. Dwelling Setback and Placement. All portions of the Dwelling and any other Improvements are to be within the Limits of Disturbance Area or set backs designated (or revised by variance granted as per 3.3 hereof) for each Lot, and must also comply with the City's minimum front, rear and side yard setbacks.

6.6. Dwelling Height. The maximum ridgeline height is 28 feet above natural grade, a special height restriction which sets the maximum ridgeline height. On all Lots, the intention of this Article is to prohibit the construction of simple, box-like Dwellings and to eliminate continuous or repetitious multi-story wall planes from the Public View. For multi-story Dwellings, the area of the second-floor template shall not exceed 40% of the Dwelling's footprint. All definitions and the manner of measurement shall be as set forth in the City's Land Development Code.

6.7. Upper Floor Levels. Loft-space above a garage may be developed as living space provided that such development shall not result in raising of the garage exterior wall height or eave line above that necessary to contain the actual garage area volume.

6.8. Maximum Exterior Wall Height. No exterior wall may exceed 23 feet in height when measured from the overhanging drip eave line to the lesser in elevation of either natural grade or finished grade.

6.9. Restrictions on Use of Accessory Dwelling Units. Any Accessory Dwelling Unit may only be used in conjunction with the Owner's use of the Dwelling on that Lot, and may not be separately sold. No Accessory Dwelling Unit may be occupied prior to the commencement of substantial and committed construction of the Owner's Dwelling.

6.10. City Approval Required for Accessory Dwelling. Notwithstanding the foregoing intent of the Declarant, an Owner's ability to construct and use any Accessory Dwelling Unit may be prohibited or further restricted by the City.

6.11. Roof Characteristics. The following restrictions apply:

a. Shapes. Double-pitched roofs, hip roofs, and partial hip roofs are permitted. Shed roofs are only permitted if they are smaller, secondary roof forms attached and terminating with their ridge or highest point in continuous contact with a major building form. Mansard roofs, A-frames, gambrel roofs (including on Barns), domes and curvilinear roof elements are prohibited on the Property. Flat roofs are permissible only when not visible from the Public View, and are limited to a maximum size of 10% of the Dwelling's Floor Area. Except for permitted flat roofs, all roofs shall overhang exterior walls by a minimum of 24 inches. Roof pitches shall be not less than 4 in 12 pitch, and no greater than 10 in 12 pitch, and should generally follow or respond to the underlying grade, with steeper pitches used on steeper terrain, and flatter pitches used on flatter terrain. All roof planes descending from a common ridge or connected

ridge shall be of the same pitch, regardless of length. A second roof pitch on any one Dwelling may be used only for secondary roof forms such as permitted sheds or dormers. Only hip roofed or double-pitched roof dormers are permitted. Two or more dormers placed above and well-apart from the eave line on the same roof surface shall be spaced no closer than 0.75 times the width of the largest such dormer unless their fascias intersect, in which case they shall be considered as a continuous or repetitive dormer.

No turrets, towers, or other thematic decorative elements are permitted and no complex, multi-faceted roof planes twisting to conform to irregular building shapes are permitted.

b. Materials. Careful design should consider the visual impact of the roof materials, and minimize their contrast with the surrounding natural landscape. Roofing materials are classified as follows:

Permitted:	Unfinished metals of copper, zinc, or terne or steel
	Fire retardant wood shingles or medium shakes with no more than 10 inches to the weather
	Asphalt shingles weighing more than 270 pounds per 100 square feet
Prohibited:	Heavy, hand-split wood shakes
	Glazed tile
	Curved tile
	Synthetic Shingles or Tile, including aluminum interlock shingles
	Highly reflective metals
	Roll and membrane roofing
	Composition or tar and gravel roofing

c. Roof Colors. All roofing material shall be of an Approved Color.

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d. Fascia. Fascia and roof trim shall be sized to be in scale with the roof and building mass, and shall not be less than twelve inches wide. The use of compound or build up trim adds detail to the roof element and is encouraged. Roof trim shall be finished in an Approved Color to match or mildly contrast with adjacent siding or roof material.

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e. Roof Appurtenances. All vents, stacks, gutters, flashings, snow diverters, furnace flues, trim and metal work shall match the color of the surface to which it is attached or from which it projects. Whenever possible, vent stacks must be combined to minimize roof penetrations, and concealed from the Public View. No mechanical equipment, exhaust fans, coolers or attic ventilation equipment shall protrude more than 6 inches from the roof. Skylights are permitted when mounted close to and consistent with the underlying roof pitch. Domed or barrel-vaulted skylights are prohibited. Solar collectors shall lie flat on the roof surface, with attention to minimizing glare and reflection to the Public View, and to integrate such devices into the form and plane of the roof. Greenhouse or conservatory roofs shall match the plane and slope of adjoining roofs; curved portions of these elements are not allowed where in the Public View. All visible parts of such roof appurtenances, except glazing, shall match the color of the underlying or adjacent roof surface.

6.12. Chimneys. Chimneys must be constructed of or enclosed in approved siding material. No exposed metal flues are permitted. Visible metal parts, other than flashings, are not permitted. If more than one chimney is used on a Dwelling, then each must be of the same design, finish and appearance, although sizes may differ. Whenever possible, chimneys shall contain and conceal the Dwelling's vent stacks, furnace flues and other permitted roof penetrations. All flues must be flat-topped, side-venting, and equipped with spark arrestors.

6.13. Antennas. All antennas must be enclosed within the Dwelling. Any satellite dishes must be located and screened from the Public View and adjoining buildings in a manner approved in advance by the Architectural Committee.

6.14. Siding and Trim Characteristics. The materials that clad the exterior of the Dwelling shall be natural materials that blend with and are compatible with the natural landscape. The textures and patterns of siding material affect the perceived scale and mass of the Dwelling.

a. Materials. Whenever possible, major wall surfaces should express their mass by being finished with plaster, stucco, or stone.

Neither plaster nor stone shall be used as an infill (i.e. "Tudor" or "half-timbered"). Heavier materials should be used below lighter materials whenever more than two siding materials are exposed on the same surface. No more than three permitted siding materials may be used on any one building facade, and no more than four on any one Dwelling. Siding materials may affect fire sprinkling requirements under the Uniform Fire Code. Siding materials are classified as follows:

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Permitted: sidings, boards, or shingles of natural wood (cedar, fir, redwood, cyprus or spruce) tight-knot grade or better,

plaster, including stucco, Dri-vit and similar systems, which shall be seamless except for expansion joints

natural stone indigenous to the mountain environment laid in a random or rubble pattern

solid, irregular, structural logs

Prohibited: textured plywood

synthetic sidings such as particle board, vinyl, aluminum, metal, masonite or asphalt tiles, charm stone, etc.

metal

brick

b. Trim Materials. The use of skirt boards, water tables, banding, battens, headers, sills, casings and other trim can enrich the exterior of a Dwelling and is encouraged. Permitted trim materials are limited to better quality cedar, cypress, redwood, fir, spruce, pine, or durable weather resistant hardwoods such as teak and mahogany. When placed with or against siding or boards, the trim material shall be of the same wood variety as the adjoining siding material, except for casings on windows and doors provided by the manufacturer of the window or door.

c. Colors and Finishes. Wood sidings and shingles shall be finished in colors selected from the Approved Colors List. Siding shall not be painted, but shall be stained with semi-transparent or semi-solid stains that permit the natural grain and textures of the wood materials to show through.

Stucco and similar permitted materials shall be blended or finished in warm, off-white, light gray or light tan colors, and applied in a manner that does not obscure the natural texture or "tooth" of the material. Stone shall be finished only with a clear water repellant to prevent infiltration or staining of the Dwelling by oxidation. Highly contrasting trim is prohibited on any portion of the Dwelling visible from Public View. Trim may be finished to match or mildly contrast with any adjacent wood siding materials, or any rock or stucco siding, provided that colors are from the Approved Colors List.

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d. Siding Appurtenances. Flashings and other accessories shall be finished to match the siding and be made unobtrusive. Gable vents shall be finished to match the siding and shall be rectangular, or if triangular or trapezoidal, shall match the slope of the adjacent roof slope. All curvilinear gable vents and louvers are prohibited. Vent, stacks, meter troughs, meters, junction boxes and other devices which penetrate or

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mount upon exterior walls shall be concealed from Public View when possible, and shall be finished to match the surrounding or underlying surface, except for approved exterior light fixtures or lighting devices.

6.15. Windows.

a. Design. Window openings should be arranged and combined in a manner to reference the indigenous architecture of the mountain community. Where large glazed areas are desired, windows should be grouped together. When in the Public View, the use of single glass surfaces (lites) of over 20 square feet is strongly discouraged, and no single lite on any Dwelling shall exceed 50 square feet. A grouping of windows, each separated by trim, mullions, or siding material, is preferable to windows attached jamb-to-jamb in a strip or gang. Windows shall be rectilinear in shape, although trapezoidal forms are allowed when the top leg is parallel to the roof slope above, and other legs are vertical and the base horizontal. Free-standing round-topped, quarter rounded, and elliptical, windows are prohibited. Any half-round, constant radius windows, incremental to a Palladian window assembly, and consisting of no more than three glazed elements, of which the round-top is the central and highest element, all trimmed as a single unit, is permitted. Free-standing round or octagonal windows of less than 24 inches in sash diameter or width are permitted. Glass block may not be used if within the Public View.

b. Material. Windows must be either wood or, clad wood. All windows must be double or triple glazed. The use of non-wood snap-in or artificial muntins is prohibited. The use of true divided lites or wood, full-sectioned applied muntins is encouraged and will enrich the appearance of large glazed areas. Windows shall be finished in an Approved Color to match or mildly contrast with their adjoining trim.

No window part will be finished in white or in any sharply contrasting color. No reflective glazing is permitted, and the use of opaque tints, and films applied to clear glass is prohibited.

6.16. Exterior Doors. Door openings should be protected by overhanging eaves and otherwise located to provide shelter from mountain weather and snow shedding from the roof. When adjacent, doors and windows shall have matching head heights, and when grouped together, doors should be of identical size and type. Doors shall be rectangular in shape and constructed and glazed to the same standards as the windows, as described above. Doors shall be finished in an Approved Color to match the trim or to mildly contrast with the trim and siding.

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6.17. Garage Doors. Garage doors may vary in height but shall match the trim details of any other doors and windows on the same wall surface or within 4 horizontal feet on the same elevation in the Public View. Adjacent garage doors may vary in width but shall otherwise be identical. Surfaces in the Public View shall be solid wood or wood veneer, finished in an Approved Color to match or mildly contrast with adjacent trim and siding.

6.18. Balconies and Decks. Balconies and decks can add visual interest and further enrich the design of the Dwelling. Balconies should be small, private areas and designed and located to minimize accumulations of snow and ice. Decks are larger and should closely relate to the adjoining grade and landscape areas. The area under any deck must either be landscaped or screened so that the Public View is not of the unfinished underside of the deck. The area under any deck shall not be used for storage of equipment, firewood, building material, or similar material. The underside of any deck more than four feet above grade must either be completely screened with shrubbery, vertical lattice or siding, or, if exposed (as in the case of a second story deck or balcony) then treated or stained to match the adjacent wood siding and trim. All deck railings and their posts and other parts shall be constructed of wood or metal and finished in an Approved Color to match or mildly contrast with the adjacent wood siding or trim.

6.19. Fire Protection. All dwellings must comply with the fire exposure provisions of the Uniform Fire Code, and may be required to use only flame retardant exterior materials or be equipped with an automatic fire sprinkler system as defined in the Uniform Fire Code.

6.20. Foundations. No foundation may be exposed for more than eight inches above the finished grade. Foundations that extend above that height must be covered with an approved siding material.

6.21. Parking Areas. Each Dwelling shall include a garage for at least two vehicles. Dwellings may garage more than two vehicles, provided that no more than three car-widths of garage entrance may face the Public View. Double loading of garage areas is permissible. Each Dwelling must also provide paved driveway parking for two vehicles. No on-street parking is permitted. Parking areas may not be used for the storage or parking of boats, campers, or motorhomes.

6.22. Barns. On an Equestrian Lot, one Barn as defined above is permitted. Barns must comply with the Architectural Design Standards for Dwellings, except that (a) windows may be single glazed or not glazed, and (b) hanging or sliding doors and window closures are permitted. Barns shall have matching siding and roofing materials to that of the Dwelling. Barns may not exceed 1500 square feet in Floor Area. No Dwelling Unit or Accessory Dwelling Unit may be installed in any Barn. The maximum height of a barn, at the ridgeline of the roof, shall not exceed 22 feet above natural grade.

6.23. Driveways, Walkways and Other Paving. Each Lot shall be permitted one curb-cut on the Roadway for a driveway. The location, slope, grading conditions, and other impacts of the proposed driveway shall be considered by the Committee in its review of the Owner's plans. Once driveway and utility connections for a Lot have been designated by the Owner and approved by the Committee, and approved construction of the Improvements has begun, the driveway connection will cease to be Natural Area, and is deemed a part of the Limits of Disturbance Area on the Lot. Such conversion will be permitted only one time on each Lot, and should construction be abandoned, any future Improvement on that Lot is bound to the same driveway connection. Any separate utility connections will remain Natural Area, and must be re-vegetated in accordance with Article VII of this Declaration.

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6.24. Driveways, Walkways and other Paving. Asphalt, pigmented concrete of an Approved Color, natural stone, and stone-dust, or bound gravel are the only permitted materials for driveways.

Walks may be constructed of wood block, boards or planking as well as any approved driveway material. Permitted materials for patios, decks, terraces or other on-grade exterior finished areas are the same as for walks.

ARTICLE VII

LANDSCAPE STANDARDS

7. Introduction. The intent of this Declaration is to conserve water, and preserve the natural vegetation and condition on the property to the extent possible, given the construction of the Subdivision. The use of each Lot is subject to the following Landscape Standards:

7.1. Irrigation of Lots. Water is a precious commodity in this semi-arid alpine desert climate, and any choice of vegetation materials should consider the irrigation needs. While Declarant recognizes and accepts that an Owner may want to plant and care for lawns and other water intensive plants, any species requiring long-term irrigation is clearly dependent upon the continued availability and affordability of water for irrigation purposes. The permanent irrigation heads and the application of water shall be contained in the Limits of Disturbance Area on any Equestrian Lot. Temporary irrigation is required to repair damage to the natural vegetation in all Natural Areas or Open Space, and is necessary while establishing new growth of Approved Plants. Additional irrigation of Equestrian Lot Open Space is permitted in accordance with an approved irrigation system delivering water through sprinkler heads in accordance with the existing irrigation water agreement with the City.

7.2. Re-Vegetation of Disturbed Areas. The Owner of any Lot must promptly re-vegetate portions of the Natural Area that are disturbed in the course of construction or otherwise. Re-vegetation shall occur as soon as possible weather permitting. Any vegetation disturbance to the Natural Area of a Lot or Equestrian Lot Open Space, whether permitted or accidental, shall immediately be repaired and re-vegetated with plants from the Approved Plant List. Within the Limits of Disturbance Area of all Lots, re-vegetation and landscaping must be completed as soon as possible following the issuance of a Certificate of Occupancy, but in no event later than the spring following the issuance of the Certificate of Occupancy. Within the Limits of Disturbance Area of any Lot, and within the Open Space of an Equestrian Lot, the Owner may plant grass seed or trees, shrubs, and other plantings, and while the use of plants from the Approved Plant List is encouraged, it is not required. All vegetation should be planted in a naturalistic manner, grouping similar species and creating soft and flowing transitional lines where plant species and levels of maintenance change. On non-Equestrian Lots, the mowed turf grass area may cover the remaining area of the Lot. The remaining area shall be transitionally planted with shrubs, trees, and ground covers when adjacent to the Dwelling and Improvements, and unmowed natural grasses, wildflowers, and compatible trees and shrubs as transition to a natural area. Planting of trees is encouraged, provided that the location of trees will be subject to review by the Committee so that view corridors from adjoining Lots are preserved.

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7.3. Re-vegetation of Equestrian Lot Open Space. Equestrian Lot Open Space is intended to function as pasture for horses. While the planting of vegetation from the Approved Plant List is allowed, the planting of drought tolerant pasture grasses is encouraged. Planting of turf grasses is prohibited.

7.4. Fences. Perimeter fencing shall be permitted in the Subdivision in a manner consistent with the Declarant fencing of the Wildlife Corridor. All property lines, Limits of Disturbance Areas and driveways may be fenced in a similar manner subject to the approval of the Architectural Committee. Specific fencing standards are attached as Exhibit "C." Interior pasture fencing on Equestrian Lot Open Space shall be by electric wire fence or monofilament fence per Exhibit "C."

ARTICLE VIII

COMBINATION OF LOTS

8. Right to Combine Lots. Subject to the provisions of this Declaration and the limitations set forth in this Section, any Owner may combine two or more adjoining Lots within the Subdivision. In the event an Owner desires to combine more than two Lots, the determination of new Limits of Disturbance Area will be based on the sizes for the two largest Lots combined, and no additional Limits of Disturbance Area will result from the addition of a third or any subsequent Lot.

8.1. Limits of Disturbance Area Revision. As a result of the combination of Lots, the Limits of Disturbance Areas of the two Lots must be revised. The Owner of the Lots must submit the proposed Limits of Disturbance Area for the combined Lot to the Committee for its review. In no case may the combined Limits of Disturbance Area exceed 75% of the sum of the two Limits of Disturbance Areas for the Lots if developed independently. Siting of the Dwelling should spread the resulting building mass more or less evenly over the combined Lots. In no event shall the entire Dwelling mass be allocated to a single Lot. In all circumstances City approval shall be required.

8.2. Dwelling Size. The maximum Dwelling Size for the Dwelling on the combined Lots shall not exceed 75% of the sum of the maximum allowable Dwelling Sizes stated in this Declaration for the two Lots if developed independently.

8.3. Equestrian Lots. Equestrian Lots may be combined with other Lots, provided that in no event shall additional Limits of Disturbance Area or Dwelling Size be based on the Limits of Disturbance Area for the Barn. The Barn shall not be re-located in a manner that places it closer to any other Owner's Dwelling.

8.4. Driveways and Utilities. The driveway and utility corridor requirements of this Declaration are based on each Dwelling, not on each Lot, and no additional driveway, curb-cut, or utility width is permitted for a combined Lot.

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8.5. Combination Deemed Permanent. The combination of Lots is deemed to be permanent and the Lots may not be independently sold once construction has commenced on the Improvements for the combined Lot.

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8.6. Record Notice of Combination. The Owner of any Lots that have been combined will execute and deliver to the Committee a notice in recordable form, containing the name of the Owner and the legal description of the Lots combined, which Notice will state that the two Lots have been combined and cannot subsequently be subdivided. The Committee shall record this Notice with the Summit County Recorder upon the commencement of construction.

ARTICLE IX

OWNERS' MAINTENANCE OBLIGATIONS

9. It is the obligation of each Owner to properly maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision:

9.1. Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the Improvement to the Lot in a good state of repair and an attractive, safe, and healthy condition.

9.2. Repair by Association. In the event that an Owner permits his Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or an unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid accounts will bear interest at the lawful judgment rate under applicable state law.

9.3. Alterations of Exterior Appearance. The Owners will maintain their Lots and Improvements in substantially the same condition and appearance as that approved by the Committee. No subsequent exterior alterations, improvements or remodeling, whether structural or cosmetic will be made without the advance consent of the Committee.

9.4. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Committee, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction beings. Such temporary measures may be taken without the consent or approval of the Committee, provided that any such measures must be of a temporary nature, and repair or reconstruction must being as soon as circumstances will permit.

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No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing, and any damaged structure which does remain unrepaired after 90 days following the occurrence of damage is deemed a nuisance which may be abated by the Association.

ARTICLE X

CONSTRUCTION COVENANTS

10. Introduction. In order to insure that the Natural Area outside of the Limits of Disturbance Area on each Lot is not damaged during any construction activities, and to minimize the inconvenience to adjoining Owners, the following construction regulations shall be enforced. These regulations shall be made a part of the construction contract between the Owner and the Builder of each Dwelling or other Improvements on a Lot. The Owner shall be bound by these regulations, and violations committed by the Builder or its employees, sub-contractors or others shall be deemed a violation by the Owner for which Owner is liable.

10.1. Pre-Construction Conference. Prior to the commencement of construction, the Owner and Builder will meet with the Committee to review these regulations and coordinate the construction activities within the Subdivision. At the conference, or prior to the Committee granting its approval, the Owner or Builder must supply a construction site plan showing the location of material storage areas, the portable toilet, any construction office or trailer, and the trash dumpster. This plan must be approved by the Committee prior to the commencement of construction.

10.2. Marking Limits of Disturbance. Prior to the commencement of construction, the Owner shall survey and mark the Limits of Disturbance Area(s) of the Lot. The Limits of Disturbance Area boundary will be marked with surveyors tape and roped-off or fenced to prevent any intrusion by construction activity into the Natural Area of the Lot.

10.3. Occupational Safety and Health Act Compliance. The Builder shall comply with the standards and regulations of the United States Department of Labor under the Occupational Safety and Health Act.

10.4. Portable Office or Trailer. Any Builder who desires to bring a portable office or trailer on to a Lot shall first apply for and receive written approval from the Committee. The Committee will work closely with the Builder and Owner to determine the best possible location for the portable office. The portable office will be located in a location approved by the Committee and within the Limits of Disturbance Area.

The temporary office may not be installed prior to the commencement of construction, and must be removed upon the first to occur of (i) the issuance of a Certificate of Occupancy, (ii) the termination, expiration, or cancellation of the Building Permit, or (iii) the suspension or construction activities for a period of 60 days.

10.5. Construction Debris Removal. The Builder must comply with City ordinances requiring the placement and maintenance of a trash container or dumpster on the Lot. The Builder shall collect trash at the end of each work day and depositing construction trash, packing material, unusable scraps, and other debris in a suitable container, protected from the wind, and regularly serviced. No trash may be burned, buried, or otherwise disposed of on the Property. No concrete trucks may be cleaned out on the Lot, the Property, or anywhere within the Subdivision.

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10.6. Construction Area Appearance. The Lot must be maintained in a reasonably organized and neat condition at all times during the construction of a Dwelling or other Improvements. Once the Dwelling is enclosed, materials shall be stored inside, and out of sight, whenever practical and possible.

10.7. Sanitary Facilities. The Builder is responsible for the installation and maintenance of an approved portable toilet facility during construction. The portable toilet must be located on the Lot at a location approved by the Committee, and removed from the site at such time as the permanent plumbing system is operational.

10.8. Construction Parking and Vehicles. Construction crews must park their vehicles on the Lot on which they are working, and shall not use or park on any other Lot, Open Spaces or any other Property within the Subdivision. All vehicles must be parked to allow the free flow of traffic within the Subdivision.

10.9. Construction Sign. During periods of actual construction on the Dwelling, the Owner or Builder may install a sign not to exceed six square feet in area identifying the Lot and the Builder. The sign must be removed upon completion or abandonment of construction.

10.10. Hours of Work. Daily working hours on the site shall be limited to the period beginning at 7:00 a.m. and ending at 7:00 p.m., unless otherwise restricted by Park City ordinances. The Builder is responsible for controlling noise emanating from the site.

10.11. Soil Conservation, Dust. At all times when the surface of the Lot is disturbed by construction activity, and re-vegetation has not been completed, the Builder shall practice reasonable dust, sedimentation and erosion control measures as described in the USDA Soil Conservation Service Guidelines.

10.12. Removal of Mud. The Builder is responsible for cleaning up and removing mud from the construction site that is deposited on the Roadways of the Subdivision.

10.13. Construction Access. Construction access to the Dwelling is limited to the Driveway and Utility Corridors designated on the approved site plan for the Dwelling. The Natural Areas shall not be used for ingress or egress, temporary utility lines, delivery of material, or otherwise disturbed during construction.

10.14. Duration of Construction. No construction shall be undertaken without a Building Permit and all other necessary permits from the City, Snyderville Basin Sewer Improvement District and any other governmental entity having jurisdiction over construction on the site. No materials, tools, temporary offices or portable toilets, excavation or construction equipment or similar materials or equipment may be delivered to the site prior to the issuance of the Permit(s). It is the obligation of the Owner to proceed with construction with all reasonable speed once construction has commenced, and in any event, all exterior surfaces of the building shall be substantially complete within a period of six months from commencement. All landscaping and soil stabilization work must be completed as soon as possible after completion of the exterior of the Dwelling, but in no event later than the summer season following completion of the exterior of the Dwelling.

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10.15. Repair of Damage. The Owner is responsible for the prompt repair of any damage to the Property caused by or incidental to Owner's construction. The Association, if necessary shall initiate legal action against any Owner for the repair of damage that occurs from construction activity pertaining to that Owner's Lot.

ARTICLE XI

GENERAL PROVISIONS

11. The covenants, conditions, and restrictions contained in this Declaration may be enforced as follows:

11.1. Violation Constitutes Nuisance. The violation of the provisions of this Declaration is deemed to be a nuisance, and the Owner of the Property on which the violation occurs is responsible for the removal or abatement of the nuisance.

11.2. Remedies.

a. Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by the Declarant (for so long as the Declarant is the Owner of any Lot), by any other Owner, or by the Association in its own name. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorneys fees and costs of court.

b. Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law.

c. The remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative.

d. The failure to take enforcement action shall not be construed as a waiver of the covenants contained in this Declaration in the future or against other similar violations.

11.3. Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

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11.4. Limited Liability. Neither the Declarant, the Trustees, or the Committee or its individual members, nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants, provided that any such actions

or inactions are the result of the good faith exercise of their judgment or authority under these covenants, and without malice.

11.5. Term of Covenants, Renewal. This Declaration shall expire seventy-five years from the date it is first recorded with the Summit County Recorder, provided however that in the last year prior to expiration, the Owners of 90% of the Lots may, by written notice which is recorded with the Summit County Recorder, agree to extend the covenants for a period of an additional twenty years.

11.6. Amendment, Mortgagee Not Bound. At any time while this Declaration is in effect, the Owners of 70% of the Lots subject to this Declaration may amend the provisions of this Declaration, provided that if the Declarant owns or controls an interest in all or a portion of the Additional Land at the time of the proposed Amendment, the consent of the Declarant will be required. Any such consent shall be in the exclusive judgment of the Declarant. Any Amendment must be in writing and be properly recorded in the office of the Summit County recorder. No Amendment will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the Amendment. This Declaration may not be repealed by amendment. No Amendment shall have the effect of eliminating the Limits of Disturbance Area and limitations on site disturbance, increasing the number of Lots or Dwellings within the Subdivision beyond that approved by the City and this Declaration, or making less restrictive those provisions regulating the uses of the Open space within the Subdivision.

11.7. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the Covenants, Conditions and Restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

11.8. Reservation of Easements. For the mutual benefit and convenience of all-of the Owners, each Lot is burdened by an easement five feet in width across the front of the Lot for the installation and maintenance of utility services to the Subdivision. The Owner grants the right to public utilities to enter upon each Lot for purposes of utility installation, meter reading, and maintenance, and the right to public agencies providing utility-type services and emergency and public safety services to enter on to the Lot as needed to perform their functions.

11.9. Notices. All notices under this Declaration are deemed effective 72 hours after mailing, whether delivery is proved or not, provided that nay mailed notice must have postage pre-paid and be sent to the last known address of the party to receive notice. Notices delivered by hand are effective upon delivery.

11.10. Liberal Interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development of the Subdivision. Paragraph headings are inserted for convenience only and shall not be considered in interpretation of the provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

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11.11. Pre-existing Conditions As of the date of this Declaration, a variety of Improvements may exist on the Property. These pre-existing conditions, when not in

conformance with this Declaration, shall not be deemed to be in violation of the intent and purpose of this Declaration or the uniform plan for the development of the Subdivision, and shall be exempt from the enforcement and remedies provided herein.

Executed on the date stated above.

WILLOW RANCH DEVELOPMENT COMPANY

By _____

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24 day of February, 1993, by Richard Dudley, the President, of Willow Ranch Development Company, a corporation.

_____
NOTARY PUBLIC
Residing at: Park City, Ut.

My Commission Expires:
4/2/94

Notary Public
DIANE ZIMNEY
P. O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

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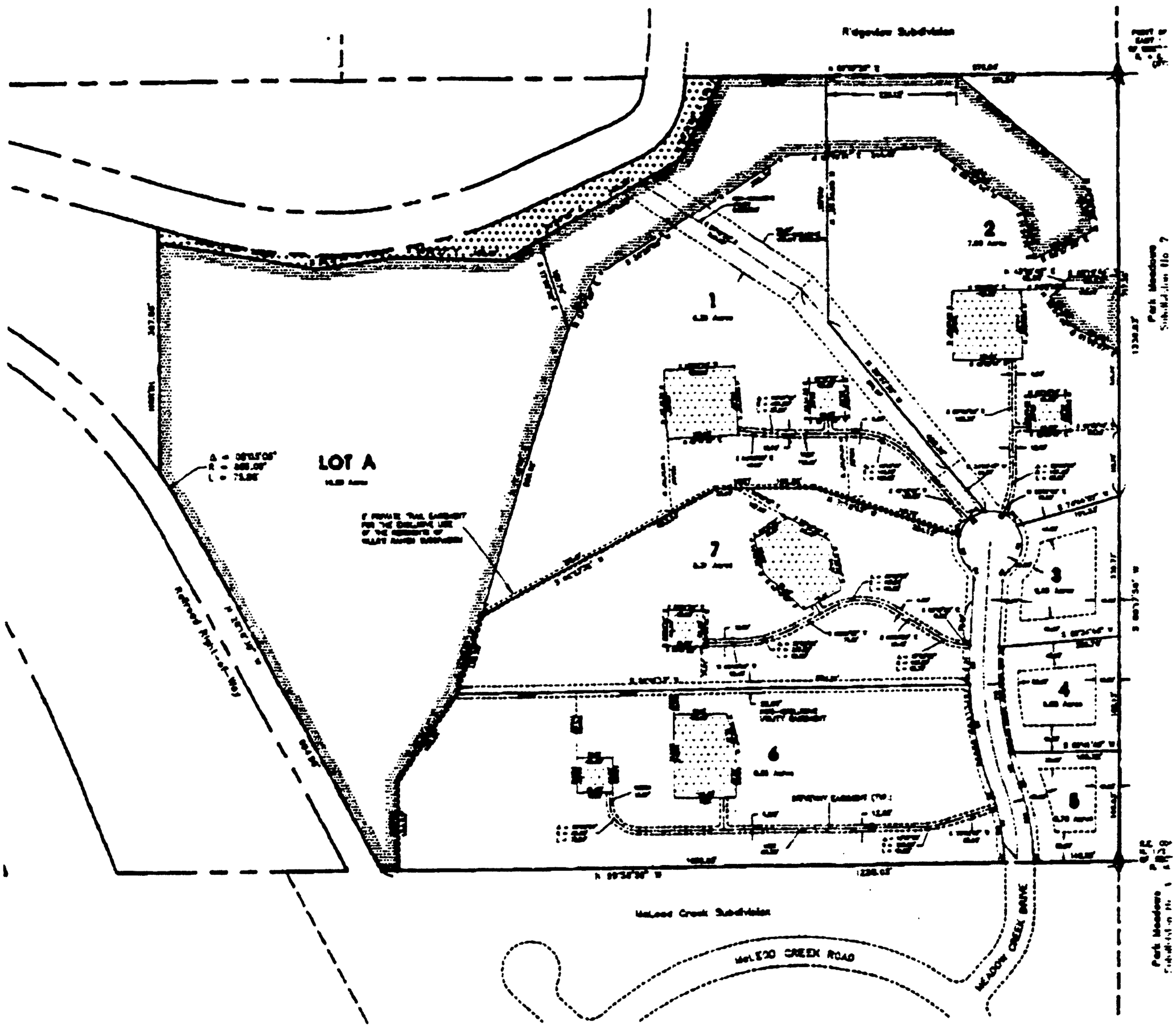
WILLOW RANCH SUBDIVISION

EXHIBIT A



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Ex-131-A

Innovators in Project Direction . .

WILLOW RANCH SUBDIVISION

Legal Description

December 22, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

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Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

EXHIBIT "B"

Approved Colors List

INTRODUCTION:

It is the intention of the Declarant that the dwellings constructed within the subdivision shall not visually dominate the natural landscape. To harmonize with the natural palette, dwelling colors shall be soft, earth tones, in the range of colors and intensities typical of native river stone.

To more accurately describe Approved Colors, they are quantified by reference to the accepted standard of the Munsell System, i.e., the Munsell Book of Color. Original color chips from Munsell are on file with both the Committee and the City, and color copies which are not fully accurate but are of illustrative value are also available from the Committee.

The Munsell System arranges and identified colors by three variables, "Hue," "Value" and "Chroma." The Hue notation indicates the relation of a color to red, yellow, green, blue and purple. The Value notation indicates the lightness of the color. The Chroma indicates the strength of the color, i.e., its departure from a neutral of the same lightness.

The colors displayed on the Munsell Color Charts are of constant Hue, designated by a symbol in the upper right-hand corner of the card. Vertically, the colors become successively lighter from the bottom of the card to the top by visually equal steps; their value increases. Horizontally they increase in Chroma to the right and become grayer to the left. The Value notation of each chip is indicated by the vertical scale in the far left column of the chart. The Chroma notation is indicated by the horizontal scale across the bottom of the chart.

As arranged in the collection the charts provide three scales: (1) radial, or from one chart to the next in hue, (2) vertical in value; and (3) horizontal in chroma.

"The nomenclature for color consists of two complementary systems; (1) Color names and (2) the Munsell notation of color. Neither of these alone is adequate for all purposes." The color names and their limits are given in the diagrams which appear opposite each chart.

"The Munsell notation for color consists of separate notations for hue, value, and chroma, which are combined in that order to form the color designation. The symbol for hue is the letter abbreviation of the color of the rainbow (R for red, YR for yellow-red, Y for yellow) proceeded by numbers from 0 to 10.

Within each letter range, the hue becomes more yellow and less red as the numbers increase. The middle of the letter range is at 5; the zero point coincides with the 10 point of the next redder hue. Thus, 5YR is in the middle of the yellow-red hue, which extends from 10R (zero YR) to 10YR (zero Y)."

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"The notation for value consists of numbers from 0, for absolute black, to 10, for absolute white. Thus, a color of value 5/ is visually midway between absolute white and absolute black. One of value 6/ is slightly less dark, 60 percent of the way from black to white, and midway between values of 5/ and 7/."

"The notation for chroma consists of numbers beginning at 0 for neutral grays and increasing at equal intervals to a maximum of about 20, which is never really approached in soil. For absolute achromatic colors (pure grays, white, and black), which have zero chroma and no hue, the letter N (Neutral) takes the place of a hue designation."

"In writing the Munsell notation, the order is hue, value, chroma with a space between the hue letter and the succeeding value number, and a diagonal between the two numbers for value and chroma. If expression beyond the whole numbers is desired, decimals are always used, never fractions. Thus, the notation for a color of hue 5YR, value 5, chroma 5, is 5YR 5/6, a yellowish red. The notation for a color midway between the 5YR 5/6 and 5YR 6/6 chips is 5YR 5.5/6; for one midway between 2.5 YR 5/6 and 5YR 6/8, it is 3.75YR 5.5/7. The notation is decimal and capable of expressing any degree of refinement desired. Since color determinations cannot be made precisely in the field-generally no closer than half the interval between colors in the chart-expression of color should ordinarily be to the nearest color chip."

Quoted in part from U.S. Department Agriculture Handbook, 18 - Soil Survey Manual.

The following colors are the "Approved Colors" for use at Willow Ranch:

COLOR	HUE	VALUE	CHROMA
Reddish Gray	10R	5-6	1
Pale Red	10R	6	2-3
Weak Red	10R	5	2-3
Dark Reddish Gray	10R	3-4	2
Weak Red	10R	4	
Reddish Gray	5R	5-6	1
Pale Red	5R	6	2-3
Weak Red	5R	5	22-3
Dark Reddish Gray	5R	4	1
Weak Red	5R	4	2
Dark Reddish Gray	5R	3	1
White	5Y	8	1-2
Pale Yellow	5Y	7-8	3
Light Gray	5Y	7	1-2
Light Gray/Gray	5Y	6	1
Gray	5Y	5	1
Light Olive Gray	5Y	6	2
Pale Olive	5Y	6	3

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COLOR	HUE	VALUE	CHROMA
Olive Gray	5Y	5	2
White	2.5Y	N8-8	0-2
Pale Yellow	2.5Y	7-8	3
Light Gray	2.5Y	N7	0-2
Light Gray/Gray	2.5Y	N6	0
Light Brownish Gray	2.5Y	6	2
Light Yellowish Brown	10YR	6	3
White	10YR	8	1-2
Very Pale Brown	10YR	8	3
Light Gray	10YR	7	1-2
Very Pale Brown	10YR	7	3
Light Gray/Gray	10YR	6	1
Light Brownish Gray	10YR	6	2
Pale Brown	10YR	6	3
Gray	10YR	5	1
Grayish Brown	10YR	5	2
White	7.5YR	N8	0
Pinkish White	7.5YR	8	2
Light Gray	7.5YR	N7	0
Pinkish Gray	7.5YR	7	2
Light Gray/Gray	7.5YR	N6	0
Pinkish Gray	7.5YR	6	2
Light Brown	7.5YR	6	3
White	5YR	8	1
Pinkish White	5YR	8	2
Light Gray	5YR	7	1
Pinkish Gray	5YR	7	2
Light Gray/Gray	5YR	6	1
Pinkish Gray	5YR	6	2
Light Reddish Brown	5YR	6	3
Gray	5YR	5	1
Reddish Gray	5YR	5	2
Gray	2.5YR	N6	0
Pale Red	2.5YR	6	2
Light Reddish Brown	2.5YR	6	3
Gray	2.5YR	N5	0
Weak Red	2.5YR	5	2

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COLOR	HUE	VALUE	CHROMA
Reddish Brown	2.5YR	5	3
Dark Gray	2.5YR	N4	0
Weak Red	2.5YR	4	2
Light Greenish Gray	5GY	7	1
Greenish Gray	5GY	6	1

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EXHIBIT "C"

Permitted Fencing

Only the following types of fencing are permitted to be constructed, installed, maintained or allowed to stand within the Subdivision:

TYPE I - EXISTING FENCES

All fences on the Property existing as of the date of recording of this Declaration, are permitted.

TYPE II - POST AND RAIL WOOD FENCE

1. General

1.1 Description and Use. This fence consists of wood posts and wood rails constructed in accordance with these specifications and the details and dimensions shown on the accompanying drawing attached as Exhibit "I" to this document. This fence may be used throughout the Subdivision on property lines, entry lanes and drives and around the residential disturbance pads of the equestrian lots.

2. Materials

2.1 Fence Rail Logs. The fence rails shall be sound, peeled lodgepole pine free from rot, disease or insects. Fence rails shall be a minimum of 4 3/4 inches. The rails are to be cut with a 2 1/2 inch doweled end 3 inches long. The rails shall be treated with a shingle oil or similar preservative.

2.2 Fence Posts. The fence posts shall be sound, peeled lodgepole pine free from rot, disease or insects. Minimum diameter at the small end shall be 7 inches. The posts shall be treated with shingle oil and the buried end shall be dip treated.

The dip treatment preservative shall be Pentachlorophenol and diesel of a 10:1 ratio or the equivalent.

Before any timber posts are placed, the Contractor shall furnish to the Architectural Committee a sample of the materials to be used.

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2.3 Height. Maximum height shall be 5'0".

2.4 Wire Application. Wire box fence (2" x 4" box) may be fastened to the owner's side of any permitted post and rail fence. Farm fence shall be of 12 1/2 gauge woven or welded steel wire with a constant mesh size. Top and/or bottom strands of 10 gauge smooth wire may also be applied.

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2.5 Gates, Braces, Misc. When used between Lots or to divide a Lot, gates, braces and other usual appurtenances shall be constructed of wood to match the appearance of the post and rail fence, or metal and approved by the Architectural Committee. When used against Open Space, gates, braces and other usual appurtenances may be of an "agricultural style" and constructed of weather resistant or protected metals. All gate hardware shall be of weather resistant or protected metals.

3. Execution

3.1 General. Clearing, grubbing and grading for fence installation are not allowed and disturbance of the ground cover shall be kept to a minimum.

3.2 Construction. The fence shall be constructed to meet the dimensions, line and grade as shown on the approved plans.

3.3 Cleanup. When the fence has been installed, the general area shall be cleaned up to present a natural appearance. All debris and material not utilized shall be removed from the Subdivision.

TYPE III - ELECTRIC WIRE OR MONOFILAMENT

1. General

1.1 Description and Use. This fence consists of three strands of steel or monofilament wire stretched through wood posts in accordance with these specifications and the details and dimensions shown on the accompanying drawing attached as Exhibit "II" to this document. This fence shall be used in the Subdivision to subdivide pastures as needed.

2. Materials

2.1 Steel Wire. Wire suitable for electric charge carrying capacity.

2.2 Monofilament. 9 guage BAYCO or equivalent monofilament line.

2.3 Wood Posts. Wood cedar posts as described in Exhibit "II".

2.4 Gates, Braces, Misc. Gates and braces and other usual appurtenances shall be constructed of steel or aluminum. Gates may be of pipe frame or corrugated or channel stock or wood.

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2.5 Finishes. Finishes. All steel fence components shall be protected from weather by zinc or aluminum coating. Braces and gates may be painted a typical "farm green" or an Approved Color.

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3. Execution

3.1 General. Clearing, grubbing and grading are not allowed and disturbance of the ground cover shall be kept to a minimum. In general, the fence shall be erected on undisturbed natural ground and may deviate from the line as staked to negotiate trees and obstacles. Such deviations must be contained within the installing Owner's Lot unless a Fenceline Agreement exists between the abutting Owners.

3.2 Construction. The fence shall be constructed to meet the dimensions, line and grade as shown on the approved plans.

3.3 Cleanup. When the fence has been installed, the general area shall be cleaned up to present a natural appearance. All debris and material not utilized shall be removed from the Subdivision.

3.4 Approved Materials. In no case shall an electric fence utilize any wire other than 9 gauge wire. In the alternative, a fence may be constructed with a 9 gauge monofilament line manufactured by BAYCO fencing or similar quality.

TYPE IV - STALL FENCE

Stall fencing within the barn zone of each equestrian lot shall consist of 4 or 5 rail welded pipe that is prefabricated in panels. Panel sections are joined together in various lengths to design a desired stall size and shape.

TYPE V - EXCEPTION

Nothing in the foregoing shall preclude the owners of Lots 2, 3, 4 and 5 from constructing on their eastern boundary line a 5' high solid wood fence of cedar or redwood material. No paint is allowed, however, clear preservative stains are allowed and recommended.

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EXHIBIT I

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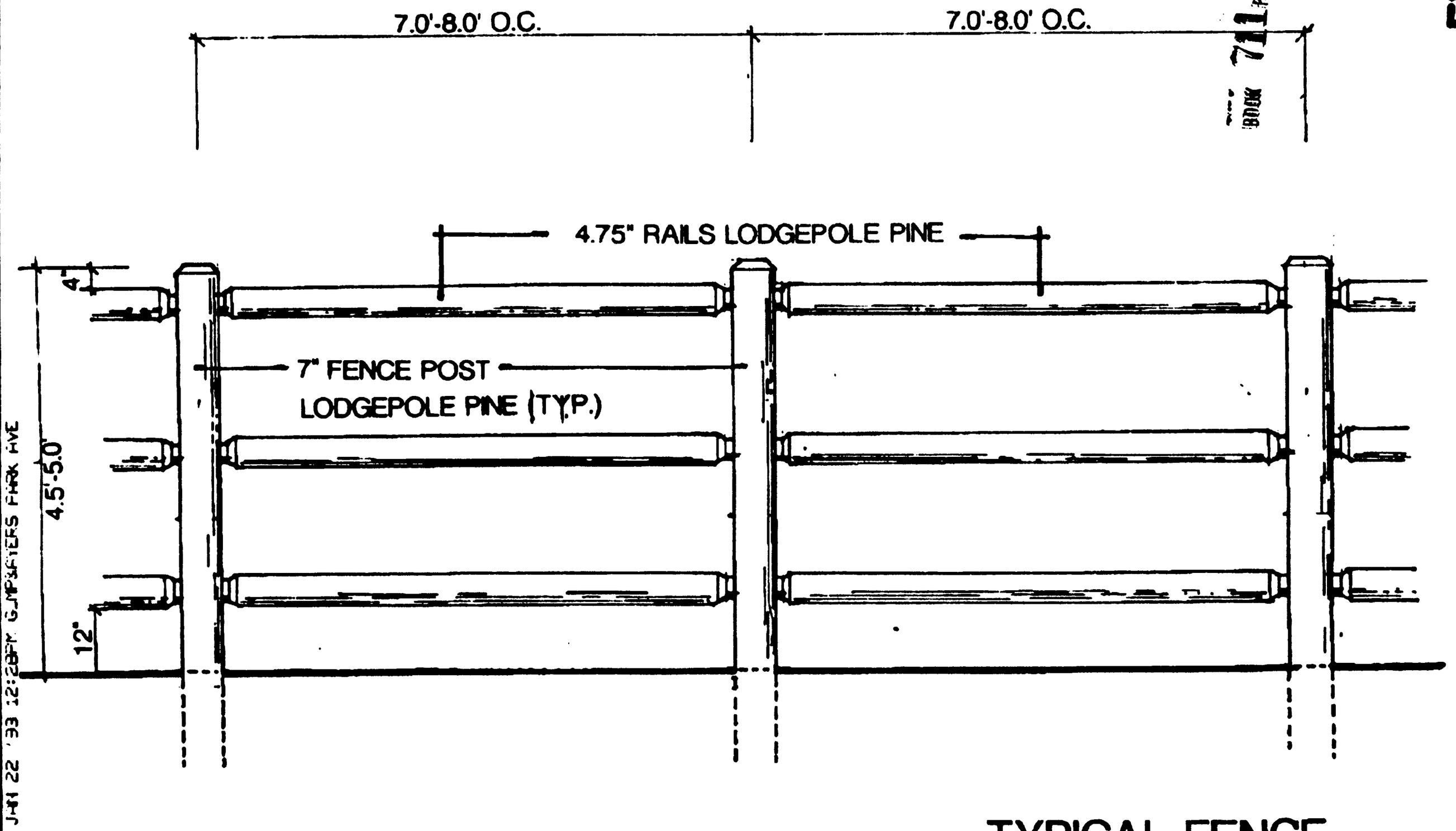

TYPICAL FENCE

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EXHIBIT 2

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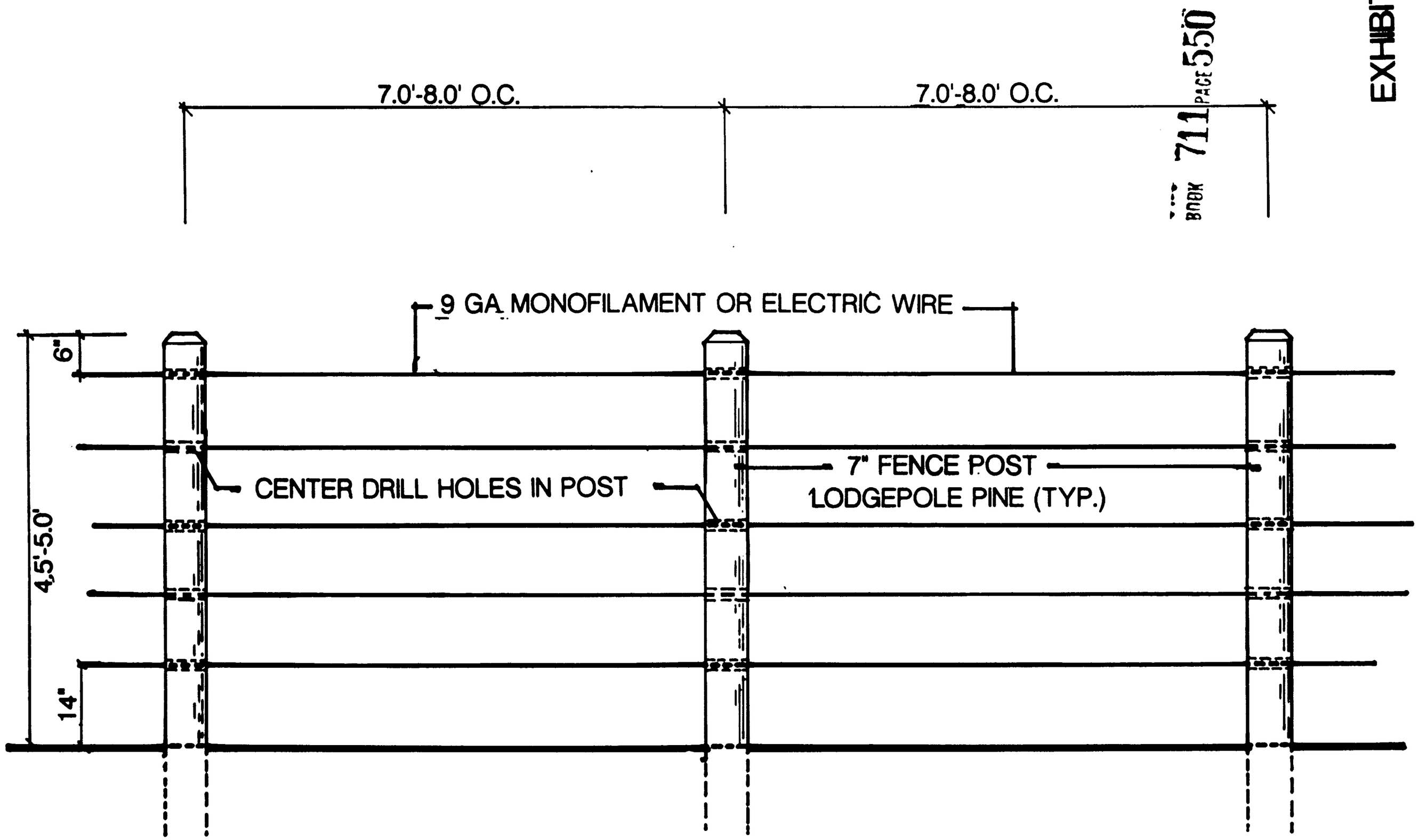

TYPICAL FENCE

168888

State of Utah
Department of Commerce
Division of Corporations and Commercial Code

I Hereby certify that the foregoing has been filed and approved on the 22 day of Feb 1993 in the office of this Division and hereby issue this Certificate thereof.

Examiner CB Date 2-22-93

Gary R. Hansen
Division Director

ARTICLES OF INCORPORATION

FOR

WILLOW RANCH HOMEOWNERS ASSOCIATION, INC.

The undersigned person, being a natural person over the age of 18 years, executes these Articles of Incorporation to form and establish a not-for-profit corporation under the provisions of the Utah Revised Business Corporations Act, and adopts the following Articles of Incorporation:

1. Name. The name of the corporation is Willow Ranch Homeowners Association, Inc.

2. Duration. The duration of the corporation shall be perpetual, unless dissolved by the action of the Corporation or by operation of law.

3. Purposes. The purposes of the corporation are to function as the homeowners association for the Willow Ranch Subdivision located in Park City, Summit County, Utah, and to enforce the covenants, conditions, and restrictions on the lots within that subdivision as set forth in the Declaration of Covenants, and to provide the other services, and perform all of the other functions set forth in the Declaration and as may become desirable or necessary for the benefit of the members. The corporation shall have all powers, rights, and privileges available to non-profit corporations under the laws of the State of Utah.

4. Membership. The members of the corporation shall be the owners of Lots in the Willow Ranch Subdivision, Park City, Summit County, Utah. Membership is deemed an appurtenance to the Lot, and shall pass automatically to the owner of that lot upon conveyance of title. The corporation shall not have stock or issue shares.

5. Voting Rights. Each Member is entitled to cast one vote for each Lot he or she owns on all matters presented to the members for approval. In the election of Trustees, members may accumulate their votes.

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EXHIBIT D

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6. Registered Agent. The initial registered agent of the corporation is:

Richard W. Dudley
4550 North Ranch Creek Lane
Park City, Utah 84060

Acceptance of Appointment

I, Richard W. Dudley, hereby accept the appointment as the registered agent for Willow Ranch Homeowners Association, Inc.

Richard W. Dudley

7. By-laws. The Board of Trustees will adopt by-laws consistent with these articles at its first meeting. Thereafter, by-laws may be adopted, amended, or repealed by the vote of the Members.

8. Principal Place of Business. The principal place of business of the corporation, and its initial offices are located at: 1030 Park Avenue, Park City, Utah 84060. The corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

9. Board of Trustees. There will initially be three Trustees of the corporation, provided that the Board of Trustees will be expanded to five members at the first annual meeting. The initial Board of Trustees, who will serve until the election of officers and Trustees at the first annual Members meeting, are:

Name	Address
Richard W. Dudley	4550 North Ranch Creek Lane Park City, Utah 84060
Blaine J. Glasmann	P. O. Box 699 Park City, Utah 84060
Craig J. Masters	P. O. Box 237 Park City, Utah 84060

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The Trustees will elect one of them to act as Chairman until the first annual Members meeting.

10. Officers. The initial officers of the corporation are:

President	Richard W. Dudley
Vice President	Craig J. Masters
Secretary/Treasurer	Blaine J. Glasmann

Officers serve at the pleasure of the Board of Trustees. The addresses of the officers are stated in paragraph 9.

11. Annual Meeting. The annual meeting of Members will be held on the first Monday in April at the offices of the corporation at the hour of 6:00 p.m., or at such other time or place as may be stated in the notice of annual meeting.

12. Limitations on Liability. The Officers, Trustees, and Members of the corporation shall not be held personally liable for the debts and obligations of the corporation.

13. Incorporators. The incorporator of the corporation is:

Thomas T. Billings
Van Cott, Bagley, Cornwall & McCarthy
50 South Main Street, Suite 1600
Salt Lake City, Utah 84144

14. Amendment. These articles of incorporation may be amended from time to time as authorized by the shareholders and as permitted by law.

Wherefore the Incorporators have executed and verified these articles this 22nd day of February, 1993.

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Thomas T. Billings

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State of Utah)
: ss
County of Salt Lake)

On the 22nd day of February, 1993, the foregoing instrument was acknowledged and verified before me by Thomas T. Billings who personally appeared before me, and being by me duly sworn declared under penalty of perjury that he is the incorporator of Willow Ranch Homeowners Association, Inc., and that he signed the foregoing Articles of Incorporation of Willow Ranch Homeowners Association, Inc., and that the statements contained therein are true and correct.

In witness whereof, I have set my hand and seal this 22nd day of February, 1993.

Notary Public
DEBORAH ROBERTSON
50 South Main St. #1600
Salt Lake City, Utah 84144
My Commission Expires
August 6, 1994
State of Utah

Deborah Robertson
Notary Public
Residing at: Salt Lake City, Utah

My Commission Expires:

August 6, 1994

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BY-LAWS

OF

WILLOW RANCH HOMEOWNERS ASSOCIATION

A Non-Profit Corporation of the State of Utah

Pursuant to the provisions of the Utah Non-Profit Corporations Act, the Board of Trustees of the Willow Ranch Homeowners Association hereby adopt the following By-Laws of the Willow Ranch Homeowners Association:

ARTICLE I

Name and Principal Office

1.1 Name. The name of the corporation is "Willow Ranch Homeowners Association", and it is referred to below as the "Association."

1.2 Offices. The initial office of the Association will be in Park City, Utah.

ARTICLE II

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Members and Meetings

2.1 Annual Meetings. The annual meeting of the members of the Association shall be held on the First Monday in April at 6:00 p.m. at the offices of the Association, beginning in the year following the year in which the Association is incorporated. The Board of Trustees may designate some other time, date and place for the annual meeting by giving proper notice of the change in advance of the meeting. The purpose of the annual meeting is the election of officers and Trustees, and to consider such other business that comes before the meeting. If the Trustees are not elected at the annual meeting, the existing Trustees shall continue to serve until their successors are named in a special meeting called for that purpose or until the next annual meeting. The Trustees may change the date, time and place of the annual meeting as they see fit by formal resolution.

EXHIBIT E

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2.2 Special Meeting. Special Meetings of the Members may be called by the Board of Trustees or by the President as they see fit or by the Members of the Association representing not less than 33% of the total votes of the Association. Any notice of Special Meeting shall state the time, place and date of the meeting, and the matters to be considered at that meeting. When a Special Meeting is called by the Members of the Association, the notice shall be in writing and delivered to the President or the Chairman of the Board.

2.3 Place of Meeting. All meetings will be held in Park City, Utah, unless the Members have authorized a meeting to be held elsewhere by written waiver.

2.4 Notice of Meeting. The Board of Trustees shall cause written or printed notice of the date, time, place and purposes of all meetings of the Members to be sent to each of the Members not more than 60 but not less than 10 days prior to the meeting. Mailed notice is deemed delivered when it is deposited in the United States Mail, postage prepaid, addressed to the Member at the last known address. Each Member shall register his or her address with the Association, and it shall be the obligation of the Member to provide notice of any change of address to the Association. If no address is registered, the Association may mail that Member's notice to the Secretary of the Association as the agent for the Member. Only one notice will be mailed on each Lot, so if there are multiple owners, they must designate one of them to receive the notice of the meeting on their behalf.

2.5 Members of Record. Upon purchasing a Lot in the subdivision, each owner shall promptly furnish the Association with a copy of the deed or other instrument under which he or she acquired title to the Lot. For purposes of determining a quorum, determining the persons entitled to vote, and all other matters before a meeting of the Members, the Association may designate a record date, not more than 60 days nor less than 10 days prior to the meeting date to determine the Members entitled to notice and to vote at the meeting. If no record date has been fixed, the record date is deemed to be the date on which notice of the meeting was mailed to the Members. The persons appearing as Members as of the record date are deemed entitled to notice and to vote at the meeting. Persons who become Members subsequent to the record date, or whose ownership is not registered with the Association until subsequent to the record date shall not be entitled to notice, shall not be counted in comprising a quorum and shall not be entitled to vote at the meeting. This shall not preclude a person who acquires his or her Membership subsequent to the record date from voting the interest of his predecessor under a written proxy.

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2.6 Quorum. At any meeting of the Members, the presence of members, in person or by proxy, holding the right to cast more than 50% of the total

votes of the Association shall constitute a quorum for the transaction of business. In the event that a quorum is not present at a meeting, the Members present, in person or by proxy, though less than a quorum, may adjourn the meeting to a later date set by those Members present. Notice of the re-scheduled meeting will be sent to the Members providing at least 10 days' notice of the new meeting. At any re-scheduled meeting, a quorum will be deemed to exist comprised of those Members present in person or by proxy at the re-convened meeting.

2.7 Proxies. At each meeting of the Members, each Member entitled to cast a vote shall be entitled to vote in person or by written proxy. All proxies must be in writing, signed by the Member as shown on the records of the corporation. When a Membership is jointly held, the proxy must be signed by all of the joint owners of the Membership. Proxies must be presented to the Secretary of the Meeting at the beginning of the meeting for purposes of determining a quorum. The secretary will make an entry of proxies in the minutes of the meeting.

2.8 Voting Rights. With respect to each matter presented to the Members, including the election of Trustees, each Member will be entitled to cast one vote for each Lot that he or she owns. Lots with multiple owners will be entitled to only one vote for that Lot, and in the event that the multiple owners of that Lot are not able to agree on how to cast the vote, no vote will be cast. The Lot may be counted as present for purposes of calculating a quorum. If only one of the multiple owners is present at the meeting, the other owners are deemed to have consented to that owner voting the interests of the Lot. In the event of Lots held subject to Trust Deeds or Mortgages, the Trustor or Mortgagor will be entitled to vote, and the Lender shall have no right to vote; provided however that when a Lender has taken possession of any Lot, the Lender shall be deemed to have succeeded to the interest of the Trustor or Mortgagor and shall then be entitled to cast that vote.

2.9 Simple Majority. Any matter placed before the Members for a vote shall pass if there is an affirmative vote of the majority of the Members present at the meeting (and there is a quorum present). Election of Trustees will be by secret ballot. Other matters may be voted by secret ballot or by show of hands or such other means as the officer conducting the meeting shall determine.

2.10 Waiver of Irregularities. Any inaccuracies, irregularities, or errors in any call for a meeting or notice of meeting, inaccuracies or irregularities in the determination of a quorum or acceptance of proxies are deemed waived unless there is an objection stated at the meeting prior to the vote being taken.

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2.11 Informal Action. Any act which is required to be taken or approved at a meeting may be taken or approved without a formal meeting if a majority of the Members consent to the action in writing prior to the action being taken. The Members may hold meetings for which formal notice was not given if the Members waive notice prior to the meeting.

ARTICLE III

Board of Trustees

3.1 General Powers. The Board of Trustees shall have authority to manage and control the property and affairs of the Association. The Board of Trustees may exercise all powers conferred upon them by law, by the Articles of Incorporation, or by these by-laws, provided however that those powers which are specifically reserved to the Members by law or by the Articles of Incorporation shall be exercised only by the Members. The Board may delegate its powers to officers, managers, or others such of its powers as are appropriately delegated.

3.2 Number and Tenure. The initial Board of Trustees is three members. They shall serve until the next annual meeting in which Trustees are elected, and shall continue to serve until their successors have been elected and assumed office. Immediately after the election of the first Board of Trustees by the Members, the Trustees shall, by drawing lots, divide themselves into three terms of two years and two terms of one year. Thereafter, at each annual meeting, only those Trustees whose terms have expired will stand for election. Trustees need not be residents of the State of Utah.

3.3 Board Meetings. The Board of Trustees shall have at least one meeting per year, which shall be within the 90 days preceding the Annual Meeting of Members for the purpose of setting the agenda for that meeting. The Trustees may meet as often as they see fit, and as required by law or the Articles for purposes of approving annual reports, tax returns, and similar matters. Special Meetings may be called by the President or the Chairman, or by a majority of the Board by giving notice to the other Board members. Notice of Board meetings will be given in writing or by telephone not more than 15 days, and not less than 5 days prior to the date of the meeting.

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3.4 Quorum. A quorum at a Board meeting will consist of a simple majority of the Board. Board members may be counted as present if they are participating in the meeting by telephone. No proxies will be given among Board

members. Actions of the Board may only be taken by formal action of the Board, and no individual Trustee shall have the authority to act on behalf of the Association.

3.5 Assessment. Assessments of the Members, a called for in the Declaration of Covenants, Conditions and Restrictions for the Willow Ranch Subdivision, shall be levied by Association. The Trustees shall prepare an annual budget for presentation to the Members. The Assessment will be deemed levied when approved by a majority of the Members at the annual meeting or a special meeting called for that purpose.

3.6 Deadlock. In the event of a deadlock on the Board, the Board shall immediately call for a special meeting of the Members and, at the direction of the Chairman of the Board, either call for the election of a new board, or submit the matter to the Members for determination.

3.7 Compensation. The Board of Trustees shall serve without compensation, provided that their reasonable out of pocket expenses for Association business, including the costs of attending board meetings, may be reimbursed by the Association.

3.8 Resignation or Removal. Any Trustee may resign at any time. A Trustee is deemed to have resigned when he or she sells (or otherwise is divested of) his or her Lot and therefore ceases to be Member of the Association. Any Trustee may be removed prior to the end of his or her term of office by an affirmative vote of 60% of the Members of the Association at a regular or special meeting called for that purpose.

3.9 Vacancies. Vacancies on the Board of Trustees will be filled by appointment of a successor by the remainder of the Board, provided that any such appointee will be confirmed or rejected at the next regular meeting of the Members. Any such Trustee is to fill the balance of the vacant term which he or she has filled, and will stand for election at the expiration of that term.

3.10 Informal Action by Trustees. The Trustees may take any action they could take in a formal meeting without a formal meeting, provided that the action is authorized in advance in writing signed by a majority of the Board, and further provided that all of the Trustees must have been given an opportunity to approve or reject the action. The Trustees may waive notice of meetings by signing written waivers at the time of the meeting. Minutes of all board meetings will be kept, and when a meeting is held without prior notice, the minutes will reflect the written waiver of notice.

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ARTICLE IV

Officers

4.1 Number. The officers of the Association shall consist of at least a President, Vice President, and a Secretary/Treasurer. The Board may establish such other officers as it deems appropriate.

4.2 Appointment, Tenure. The officers will be appointed by the Board of Trustees at their annual meeting, and all officers serve at the pleasure of the Board and may be removed by a majority vote of the Board in a meeting called for that purpose. All officers must be Members of the Association.

4.3 Duties of the President. The President shall preside at meetings of the Board of Trustees and at meetings of Members. He shall sign, on behalf of the Association, all legal documents approved by the Board, including deeds and mortgages and other contracts. The president shall supervise and be primarily responsible for the day to day operation of the Association's affairs, including the firing and termination of employees and subordinates. The President shall perform such other duties as assigned by the Board.

4.4 Duties of the Vice President. The Vice President will perform the duties of the President if he or she is not available, and shall perform such other duties as designated by the Board.

4.5 Duties of the Secretary/Treasurer. The Secretary/Treasurer is responsible to keep accurate records of the Members of the Association and the transfer of their interests to others, to keep minutes at the meetings of the Association Members and the Trustees, and cause notice of any meetings to be issued as called for in these by-laws, to file annual reports, and to perform all other assignments of the Board.

4.6 Compensation. The Officers will serve without compensation, provided that their reasonable out of pocket expenses in performing their duties for the Association will be reimbursed. The Board may fix such other compensation as it finds appropriate given the responsibility of the officers.

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ARTICLE V

Indemnification

5.1 Indemnification Against Third Party Actions. The Association may defend and indemnify the officers and Trustees against all actions, claims, and suits brought by third parties against them individually which arise from the exercise of their obligations and duties as officers and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a government agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity is limited in scope to those acts or omissions arising from the good faith exercise of the authority of the office held, or the discharge of the duties as a Trustee on behalf of the Association.

5.2 Indemnification Against Member Actions. The Association may defend and indemnify the officers and Trustees against all actions, claims, and suits brought by Members of the Association against them individually which arise from the exercise of their obligations and duties as officers and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a governmental agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity is limited in scope to those acts or omissions arising from the good faith exercise of the authority of the office held, or the discharge of the duties as a Trustee on behalf of the Association.

5.3 Request for Indemnification. When any officer, Trustee or employee of the Association receives notice of any action referred to above, he or she must give notice to the President and to the Board of Trustees, stating at the nature of the claim, the claimant, and providing all pertinent information about the claim. The Board, in the case of an action against an officer or employee, or against a single Trustee, may vote to indemnify the officer, employee or Trustee. In the event that the action is against the Board of Trustees as a whole, or names more than a single Trustee individually, and the claim is entirely covered by and within the policy limits of the Association's insurance coverage, the Board may vote to indemnify itself and the individuals named. In the event that the claim exceeds the limits of any insurance coverage, or is not covered, the Board may not agree to indemnify itself without presenting the matter to the Association for a vote at a special meeting called for that purpose.

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ARTICLE VI

Amendment

6.1 Amendment. These by-laws may be amended by the Members of the Association from time to time as the Members see fit by a majority vote at a meeting called for that purpose.

Adopted this 22nd day of February, 1993.

President

Attest:

Secretary

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EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

057\23651.
02/23/93/3:50 pm

When Recorded, Return to:
Thomas T. Billings, Esq.
Van Cott, Bagley, Cornwall & McCarthy
314 Main Street, Suite 205
P.O. Box 4611
Park City, Utah 84060

ANIMAL MANAGEMENT PLAN AND
MAINTENANCE COVENANT

THIS COVENANT is entered into this 24th day of February, 1993, by and among PARK CITY MUNICIPAL CORPORATION ("City"), WILLOW RANCH DEVELOPMEMT COMPANY ("Owner"), and WILLOW SPRINGS RANCH HOMEOWNERS ASSOCIATION ("Association"), to set forth the terms and conditions under which the City has certain enforcement rights, and Association and Owner have certain maintenance obligations concerning a portion of the Willow Ranch Subdivision in Park City, Utah. The parties agree as follows:

1. Property. The subject Property affected by this agreement is shown on the official plat of the Willow Ranch Subdivision (the "Plat") and described as follows:

See Attached Exhibit A

Owner owns the subject Property (but may convey the same to the Association and subsequent Lot purchasers). The parcel described in Exhibit A shall be referred to as the "Property." The Property includes portions of the meadow adjoining Highway 224 and Meadow Drive that the City has identified as critical to the protection of the visual entry to Park City, and it is the intention of the parties to this agreement to provide for a consistent level of maintenance to the Property to protect its visual character.

2. Covenants Apply. The Property, is subject to extensive covenants, conditions, and restrictions within the Willow Ranch subdivision which call for the protection of the Property. The City is not a party to those covenants, and has no direct enforcement powers under them. This agreement is made to create enforcement rights among the City and Owner and the Association. It is the intention of the parties, however, that the primary obligation to enforce those covenants, and protect the visual quality of the Equestrian Lot Open Space and the Wildlife Corridor, shall be that of the Association. This additional agreement is entered into to provide the City with a direct enforcement mechanism should the Association fail to adequately enforce its covenants relating to Equestrian Lot Open Space and the Wildlife Corridor.

3. Covenant to Maintain. Owner, for itself and its successors and assigns, covenants with city to restrict the uses and maintain the Equestrian Lot Open Space for the benefit of the other Owners in the Subdivision and for the benefit of the City. During the term of this Covenant, no improvements of any kind shall be installed, constructed, maintained or allowed to stand in the designated Equestrian Lot Open Space and Wildlife Corridor of Willow Ranch except as set forth below:

Uses and Improvements Permitted Within the Equestrian Lot Open Space. The Equestrian Lot Open Space is intended to provide an area for the Equestrian Lot Owner to maintain up to three horses and one un-weaned colt. A foal is deemed an adult horse after six

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EXHIBIT G

months. Equestrian Lot Open Space may also serve as pasture land, and be maintained in a green and vegetated state. The right to graze horses on the Equestrian Lot Open Space is conditioned upon the Owner providing property maintenance and rotation of stock in order to prevent over-grazing, scuffing, and soil erosion. All riparian areas shall be fenced to prevent horses from entering or breaking the natural banks of the stream channel. No outdoor haystacks, feed storage, manure storage, or similar accumulations of materials is permitted. No motor vehicles may be operated on the Equestrian Lot Open Space except when engaged in the care of animals or the maintenance of the Open Space. No horse trailers or other equipment may be stored on the Equestrian Lot Open space. No stallions may be kept on Equestrian Lot Open Space. No cattle, sheep, goats, mules, asses, pigs, hogs or other animals may be kept in the Equestrian Lot Open Space. No Improvements of any kind shall be installed, constructed, maintained, or allowed to stand in the Equestrian Lot Open Space except:

a. Those disturbances related to the construction, maintenance, and use of any Roadway on the Property, including the installation and maintenance of underground utility facilities, structures, devices, traffic controls and accessories as may be required by the City in the operation of the Roadways as a public streets; and

b. Those disturbances related to the construction, maintenance and use of Driveway Connections as provided in Article VII of the Declaration, including driveway culverts, retaining wall,s Excavations and Fills, provided that driveways shall be located on the Lot in a manner that minimizes the need for Excavation, Fill, or the use of retaining walls; and

c. Those disturbances related to the construction, maintenance, and use of Utility Connections to extend utility services from the adjacent Roadway to the Dwellings. This shall include underground electrical, telephone, and cable television lines, and water, sewer and natural gas supply pipes. Underground irrigation systems and their appurtenances may be constructed, maintained, and used in the Natural Areas as permitted by the City; and

d. Those minor disturbances related to the construction, maintenance and use of any Permitted Fencing; and

e. The construction, maintenance and use of those Improvements reasonable and necessary for the grazing of animals and razing of forage crops, such as irrigation systems, watering troughs, and feed mangers, and ditches, ponds and unpaved paths; and

f. The number of horses raised or grazed in the Equestrian Lot Open Space may be limited by the City pursuant to its rights under this Maintenance Covenant executed by and among the Declarant, the City and the Association. Use of the Equestrian Lot Open Space by any other animals will require specific approval by the City and the Association.

Uses and Improvements Permitted in the Wildlife Corridor. Within the boundaries of some of the Lots shown on the Plat is an area shown as "Wildlife Corridor", which is intended to serve the Owners as a visual amenity while functioning as a wildlife habitat and a

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significant link in the Subdivision's hydrologic system. The Wildlife Corridor is the property of the Owners of the Lots on which it is located and each such Owner accepts his or her Lot subject to these special Covenants, Conditions, and Restrictions. No Improvements, except Permitted Fencing, of any kind or nature are allowed in the Wildlife Corridor. Fencing is to be installed according to the fencing standards set forth in Exhibit C of the Willow Ranch Subdivision Covenants to comply with the intent of the Permit issued to the Property by the Army Corps of Engineers and this Animal Management Plan. Any old fencing on the Willow Ranch Subdivision property shall be removed upon construction of new fencing complying with the fencing guidelines set forth in Exhibit C to the Willow Ranch Subdivision restrictive covenants. At such time as Lot 2 has horses, the northeast corner of the Lot (northeast of the transversing stream) shall be gated and controlled as a separate pasture.

4. Covenants Run With the Land. The foregoing covenants and restrictions are intended to be covenants running with the land, and shall be in full force and effect for a period of 75 years from the date of this Agreement. Unless terminated by mutual agreement of the affected parties at that time, these covenants shall automatically be extended for an additional term of 20 years.

Effective on the date stated above.

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY MUNICIPAL CORP.

By _____, Mayor

Attest: Anita K. Sheldon
_____, City Recorder

WILLOW RANCH DEVELOPMENT COMPANY

By _____
Richard W. Dudley, President

WILLOW RANCH HOMEOWNERS ASSOCIATION

By _____
Its President

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02/22/93/10:56 am

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Bradley A. Olch, of Park City Municipal Corporation, a corporation.

NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Richard W. Dudley, of Willow Ranch Development Company, a corporation.

NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Richard W. Dudley, of Willow Ranch Homeowners Association, a corporation.

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NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

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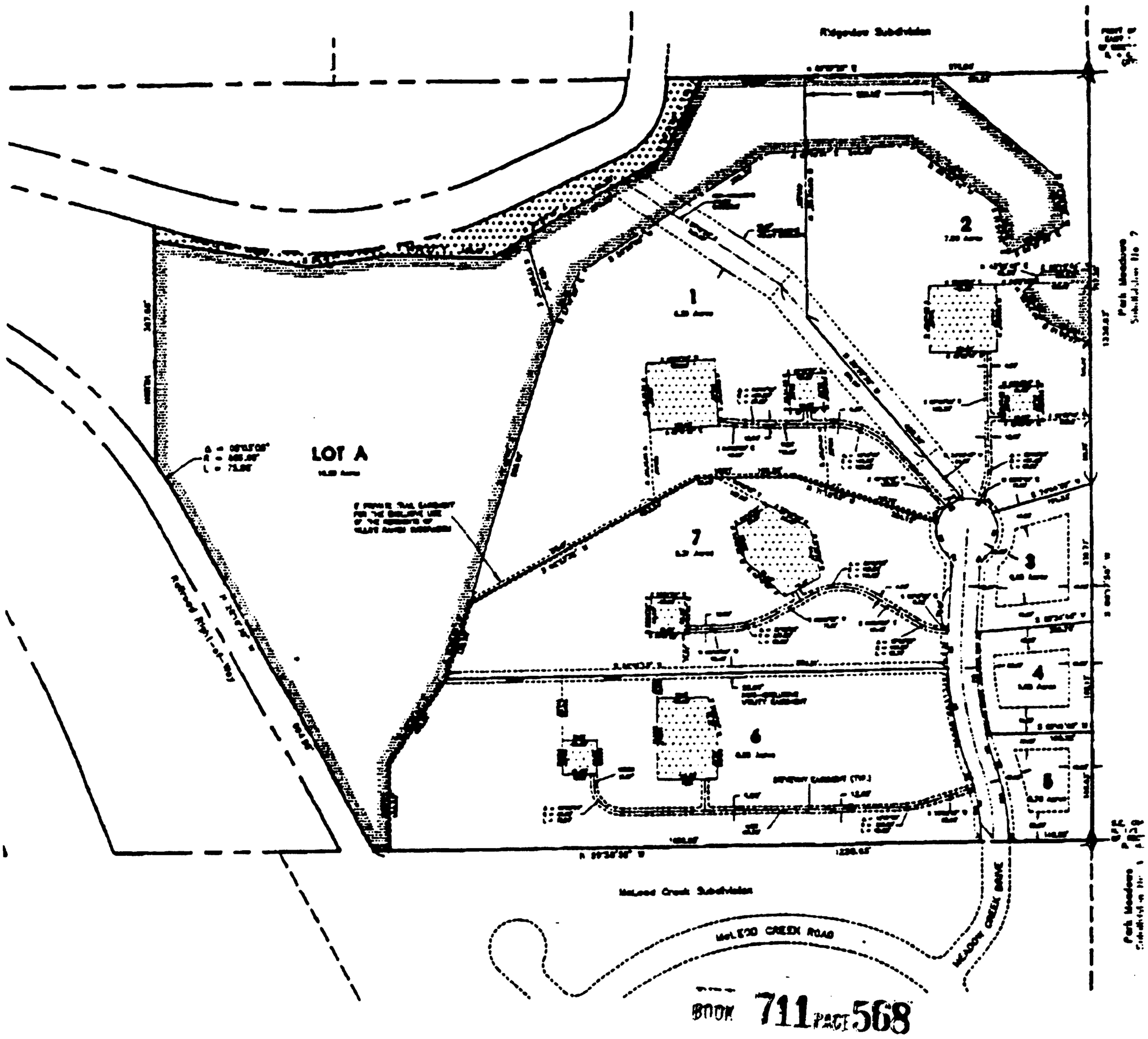
02/22/93/10:56 am

WILLOW RANCH SUBDIVISION

EXHIBIT A



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Ex-131-A

Innovators in Project Direction. .

WILLOW RANCH SUBDIVISION

Legal Description

December 22, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

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Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

THE JACK JOHNSON COMPANY

DEPARTMENT OF THE ARMY PERMIT

Permittee RICHARD DUDLEY

Permit No. 199250275

Issuing Office CORPS OF ENGINEERS, SACRAMENTO DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To discharge fill into 1.31 acres of wetlands adjacent to McLeod Creek in order to develop seven (7) Lots in the Willow Ranch Subdivision as shown on the attached drawings.

Project Location: The site is located south of Quarry Mountain in Section 5, Township 2 South, Range 4 East, north of Park City, Summit County, Utah.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1997 **. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.**

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

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3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

EXHIBIT H

SPECIAL CONDITIONS:

1. As mitigation for the project and to offset the loss of wildlife, water quality and flood control values, the permittee shall place 20.8 acres of land into a preservation area. The mitigation area will be maintained in a natural state by the permittee or Corps approved public or quasi-public entity. This natural state shall include the application of 6 acre feet of water to improve the quality of the wetland and the elimination of all impacts due to domestic livestock grazing or other activities which would reduce vegetal cover.

2. In order to maintain the values of the mitigation area, the permittee shall inform, in writing, prospective buyers of the requirements of fencing, maintaining the fencing and avoidance of the grazing of domestic livestock in mitigation areas and shall provide a copy of this permit as part of each deed. Fences will be constructed concurrently with residential construction.

3. The permittee shall construct a permanent weir on McLeod Creek to provide 6 acre feet of water to the mitigation area and make provision for maintenance of water to the mitigation area in perpetuity.

4. To enhance and protect the water quality in the tributary along Meadows Drive, the permittee shall provide a minimum of a 50 foot buffer by construction and perpetual maintenance of a fence. Willow cuttings will be planted along both banks where they currently do not exist on five (5) foot centers and the permittee will guarantee at least 60% survival rate for five years. To avoid water quality degradation, the permittee will ensure that concentrated animal waste is removed semi-annually to a site or sites where it will not re-enter a water of the United States. No more than one horse per two acres will be allowed. Adequate erosion control will be provided during all construction so that water quality is not degraded in the Meadows Drive creek or McLeod Creek.

5. As mitigation for stream impacts, the permittee shall donate $10,000 toward the rehabilitation of McLeod Creek on the adjacent property purchased by Park City Municipal Corporation. A plan will be developed to rehabilitate the creek and approved by the Corps for use of these funds.

6. Sewer and water lines will be constructed so as not to alter the subsurface hydrology of the property.

7. To avoid the contamination of surface and groundwater, the permittee shall use only clean fill material, free of contaminants.

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e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Pres. Willow Ranch Dev Inc. — Dec 29, 1992

(PERMITTEE) *(DATE)*

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

1/5/93

(DISTRICT ENGINEER) *(DATE)*
ART CHAMP, Chief, Regulatory Sec, CE, for
LAURENCE R. SADOFF, Colonel, CE
Sacramento District

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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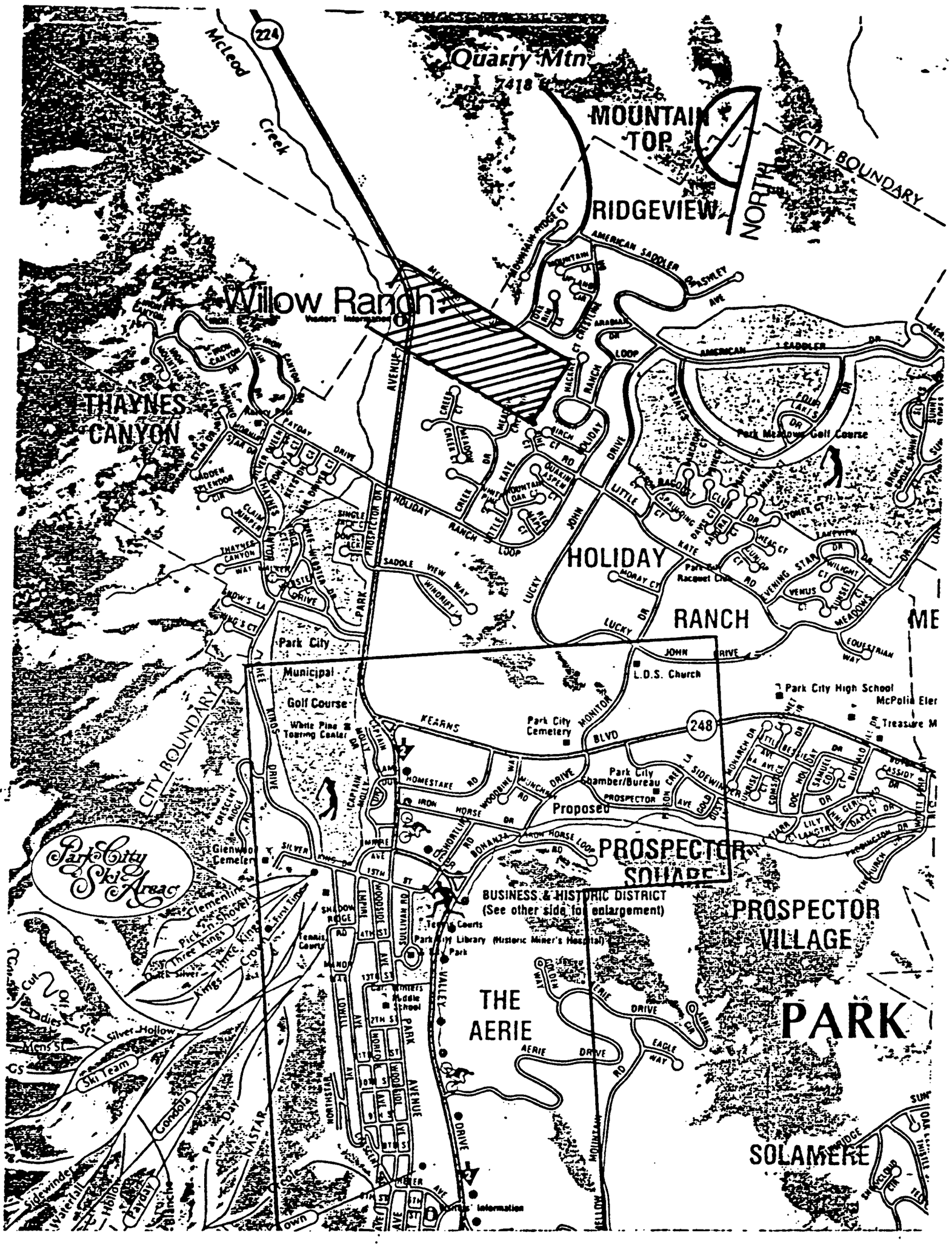
(TRANSFEREE) *(DATE)*

★U.S. GOVERNMENT PRINTING OFFICE: 1986 — 717-425



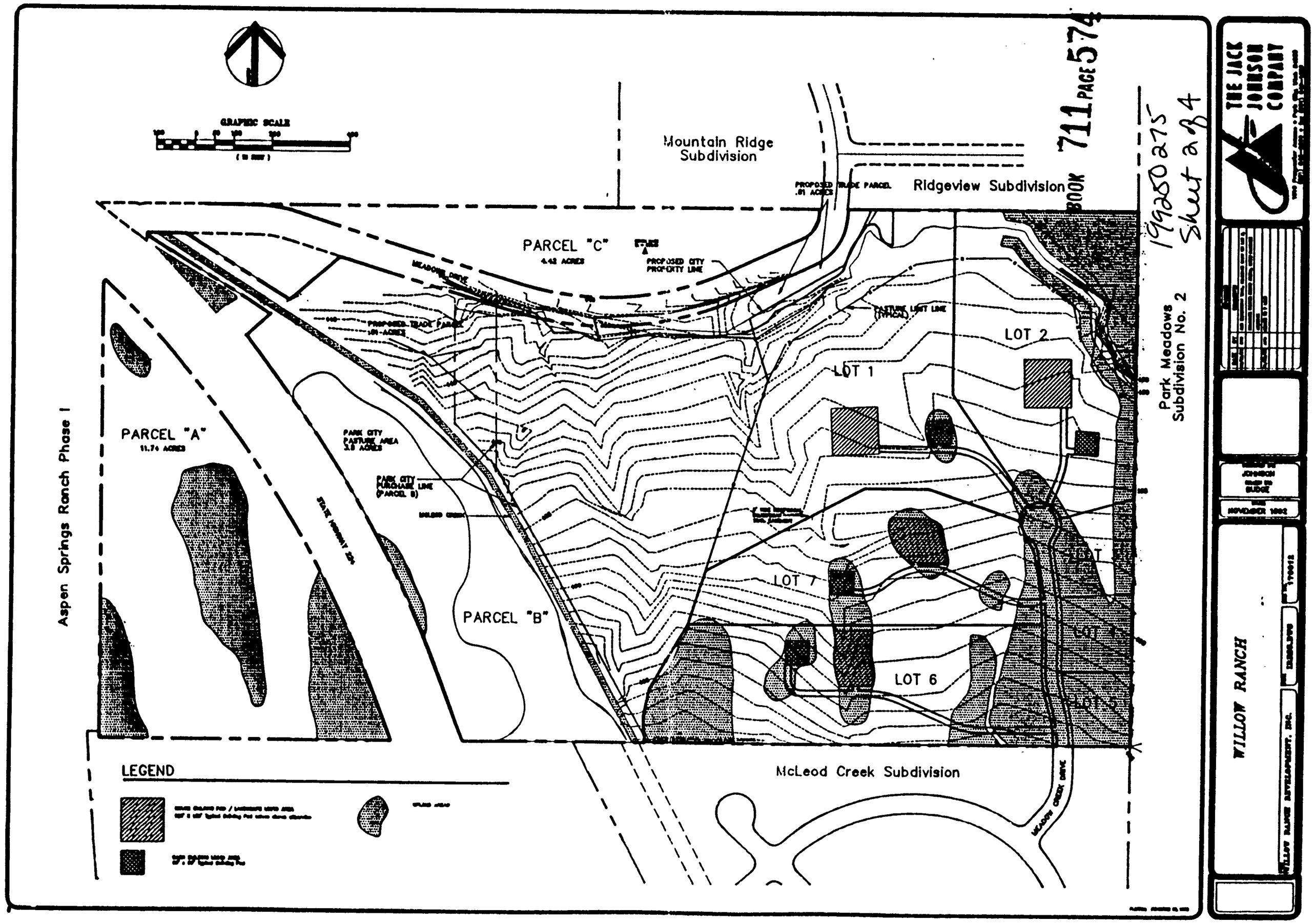
BOOK 711 PAGE 573 9925027 5
Sheet 1 of 4

1 OF 6

WILLOW RANCH
VICINITY MAP

WILLOW RANCH DEVELOPMENT, INC. | UTIL_DWG | 170012

THE JACK JOHNSON COMPANY



BOOK 711 PAGE 574

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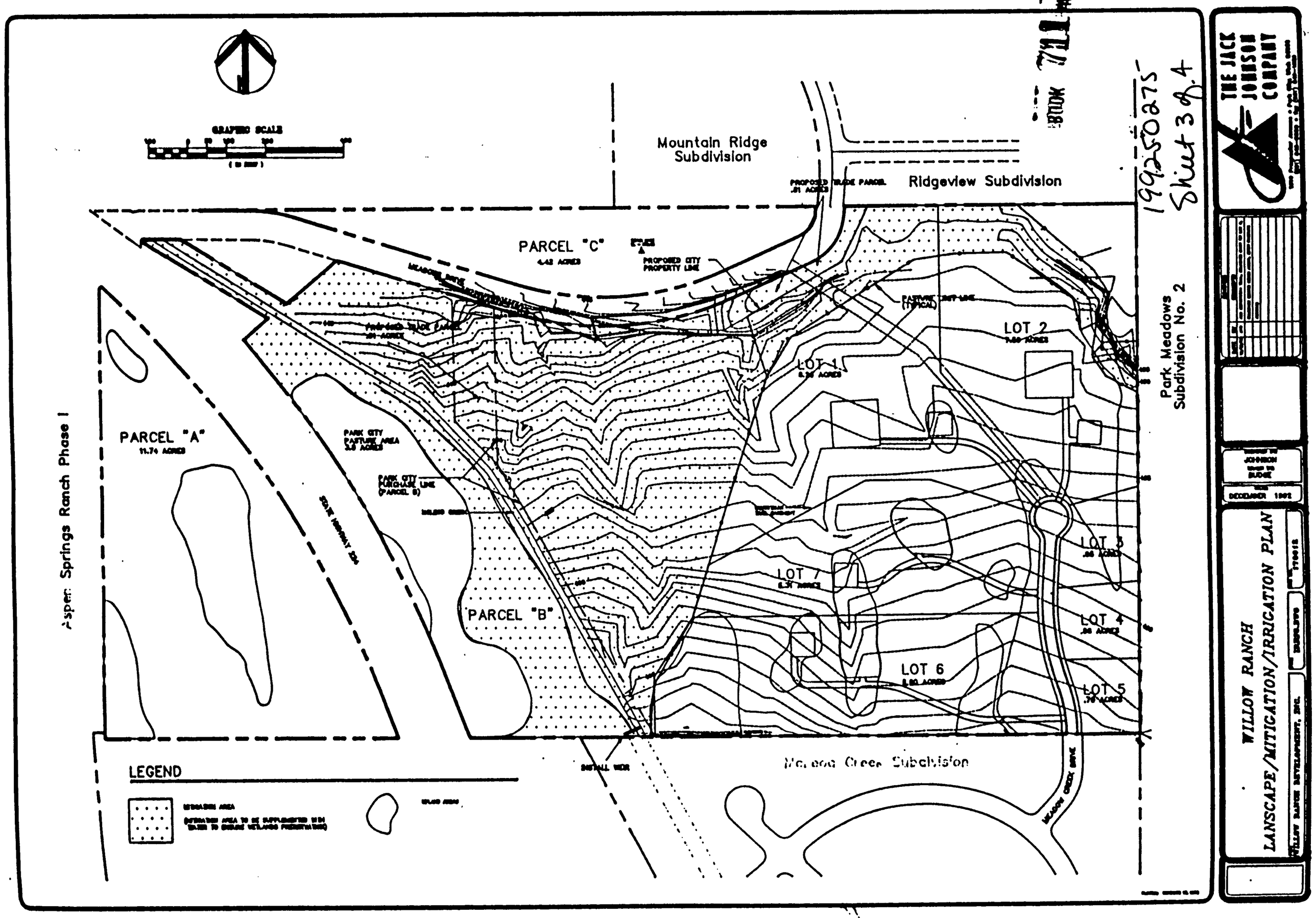
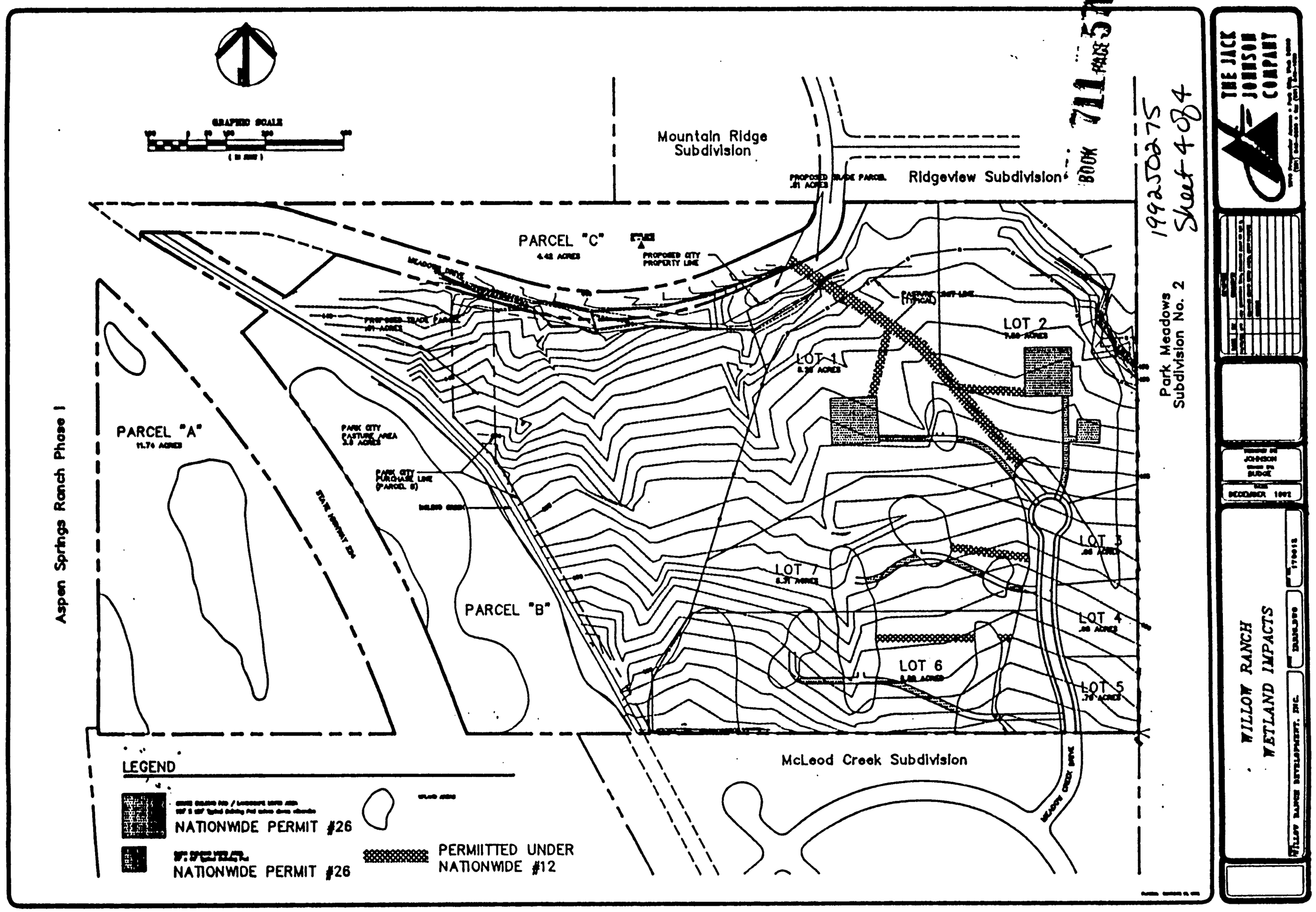
Sheet 2 of 4

519


GRAPHIC SCALE
Mountain Ridge Subdivision
Ridgeview Subdivision
PARCEL "C"
PROPOSED CITY PROPERTY LINE
PARCEL "A"
PARCEL "B"
Aspen Springs Ranch Phase I
Park Meadows Subdivision No. 2
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
INSTALL WEIR
Meadow Creek Subdivision
LEGEND
THE JACK JOHNSON COMPANY
WILLOW RANCH
LANDSCAPE/MITIGATION/IRRIGATION PLAN
DECEMBER 1992
1992-50875
Sheet 3 of 4



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Sheet 4 of 4