



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 8, 2025**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

Zoom Link: <https://us02web.zoom.us/j/86137534714>

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from December 11, 2024
- 2.B. Consideration to Approve the Planning Commission Meeting Minutes from December 12, 2024.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. CONTINUATION

- 5.A. **2250 Deer Valley Drive South – Amendment to the Flagstaff Development Agreement Technical Reports** – The Applicant Proposes to Update the Flagstaff Technical Reports #5 Open Space Management Plan and #13 Wildlife Management Plan Related to the Flagstaff Development Agreement, Master Planned Development, and the Conditional Use Permit Approving the Installation of Lift 7. PL-24-06258
(A) Public Hearing; (B) Continuation to January 22, 2025

6. WORK SESSION

- 6.A. **Land Management Code Amendments** – The Planning Commission Will Conduct a Work Session Regarding Potential Amendments to Land Management Code Chapters 15-2.1, 15-2.2, 15-2.3, 15-2.4, 15-2.5, 15-2.6, 15-2.7, 15-2.9, 15-2.10, 15-2.11, 15-2.12, 15-2.13, 15-2.14, 15-2.15, 15-2.16, 15-2.17, 15-2.18, 15-2.19, 15-2.23, and Sections 15-3-6 and 15-4-9 to Update and Revise Child Care Land Use Regulations. PL-24-06006 (60 mins.)

7. REGULAR AGENDA

- 7.A. **4001 Kearns Boulevard Film Studio – Conditional Use Permit** – The Applicant Proposes to Use a 15,000-square-foot Film Studio Bay for an Indoor Public Pickleball Recreation Facility in the Community Transition Zoning District, Regional Commercial Overlay, Sensitive Land Overlay, and Entry Corridor Protection Overlay. PL-24-06369 (30 mins.)

(A) Public Hearing; (B) Action

- 7.B. **7185 Little Belle Court – Condominium Plat Amendment** – The Applicant Proposes the Eighth Amended Little Belle Condominium Plat to Reflect As-Built Conditions for Unit 4 in the Residential Development Zoning District and Sensitive Land Overlay. PL-24-06299 (15 mins.)

(A) Public Hearing; (B) Action

- 7.C. **2366 Good Trump Court – Condominium Plat Amendment** – The Applicant Proposes To Convert 269 Square Feet of Common Ownership and Limited Common Ownership Area to Private Ownership Area for Unit 1 of the Queen Esther Village No. 1 Condominium Plat in the Residential Development Zoning District. PL-24-06314 (15 mins.)

(A) Public Hearing; (B) Action

- 7.D. **201 Heber Avenue – Condominium Plat Amendment** – The Applicant Proposes to Convert Limited Common Area on the First Level of the Union Square Condominiums for Unit LB-1 in the Historic Recreation Commercial Zoning District. PL-24-06315 (15 mins.)

(A) Public Hearing; (B) Action

- 7.E. **1120 Park Avenue – Conditional Use Permit** – The Applicant Requests Driveway Access off Sullivan Road for a Single-Family Dwelling in the Historic Residential - Medium Density Zoning District. PL-24-06309 (30 mins.)

(A) Public Hearing; (B) Continuation to January 22, 2025

8. ADJOURNMENT

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 meeting attendees who park in the China Bridge parking structure.**

A majority of Planning Commissioners may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair. City business will not be conducted.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 11, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, John Frontero, Christin Van Dine, Bill Johnson, Henry Sigg (via Zoom)

EX OFFICIO: Rebecca Ward, Planning Director; Virgil Lund, Planner II; Ken Fisher, Recreation Director; Tate Shaw, Assistant Recreation Director; Mark Harrington, Senior City Attorney; John Robertson, City Engineer

1. ROLL CALL

Chair Sarah Hall called the Planning Commission Meeting to order at 5:30 p.m. She reported that Commissioner Henry Sigg is attending the meeting via Zoom. Commissioner Laura Suesser and Commissioner Rick Shand are excused.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from November 13, 2024.

Discussions were had about the Meeting Minutes from November 13, 2024. Commissioner Bill Johnson referenced Page 39 and noted that there was an error in the last sentence of the fifth paragraph and the first sentence of the sixth paragraph. He asked that those sentences be removed. On Page 40, the last sentence of the first paragraph attributes a comment to Commissioner Johnson, but it was made by Commissioner Sigg.

MOTION: Commissioner Johnson moved to APPROVE the Meeting Minutes of November 13, 2024, as amended. Commissioner Van Dine seconded the motion. The motion passed unanimously.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, shared updates with the Planning Commission. She reported that as part of the General Plan work, there will be neighborhood meetings for the 10 neighborhoods within the General Plan. The community engagement component

of the project is moving forward. The first neighborhood meeting will take place in Council Chambers next Tuesday for the Thaynes Neighborhood. It is an open house from 5:00 p.m. to 8:00 p.m. On Wednesday evening, there will be a meeting for the Masonic Hill Neighborhood. The details regarding those meetings are on the project website.

Director Ward reported that this is the last Planning Commission Meeting for the year. The next meeting will be in January. The Commission has spent approximately 90 hours in public meetings this year. She thanked everyone for their service and dedication.

Commissioner Johnson hoped members of the public would visit the new Planning Department page on the City website. It is a good resource that everyone can utilize.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

- A. Bonanza Park – Land Management Code Amendments** – Consultants Design Workshop will Discuss Recommended Land Management Code Amendments to Incorporate the Bonanza Park Small Area Plan through a New Mixed-Use Zoning District. PL-24-06302.

Director Ward presented the Staff Report and explained that Design Workshop consultants, Jessica Garrow and Reilly Thimons, are present to share an overview of amendments related to site requirements, design guidelines, connectivity, the environment, and chain businesses. Still pending and under review are the feasibility components of the code amendments to make sure that they will incentivize redevelopment of the neighborhood as well as confirmation with the City Council on the project enhancements that would allow developers to request the additional fourth story.

Ms. Garrow reported that the overview of the draft code included in the Meeting Materials Packet will be reviewed. In addition, some next steps will be discussed. Ms. Garrow shared a slide that outlined the project team with Design Workshop. She reminded those present that this project is funded in part through a grant. There has been work done with Director Ward and the Mountainland Association of Government (“MAG”).

Ms. Thimons shared a high-level overview of the proposed code changes. She explained that the purpose of the Bonanza Park Mixed Use (“BPMX”) District is to implement the Bonanza Park Small Area Plan by fostering a pedestrian-friendly, mixed-use neighborhood with diverse housing options and to locally serve businesses. In support of that purpose, there are some updated site requirements proposed. This includes lot and density requirements. Currently, there is not a minimum lot size proposed in the draft, but there is a minimum density for residential proposed at 10 units per acre. Commercial limitations have been included that reflect the numbers within the Small Area

Plan. The proposal is 15,000 to 29,000 square feet of commercial space per building. Individual commercial tenants are limited to 5,000 square feet. There are exceptions, which include grocery stores, post offices, and sites that receive conditional use approval.

Open space and site coverage requirements have also been included. Residential parcels must have 40% to 80% site coverage with 20% of the site as Transferred Development Right ("TDR") Open Space. Commercial parcels must have 40% to 90% site coverage with 10% of the site as TDR Open Space. Industrial parcels must not exceed 70% site coverage with 30% of the site reserved as TDR Open Space.

Commissioner John Frontero wanted to see the district further defined. If requirements are going to be assigned to the parcels, it would make sense to further identify and define what a residential, commercial, and industrial parcel is. Ms. Thimons explained that Design Workshop will continue to work through the land uses in terms of the current structure of the proposed code changes. The underlying zoning concept has been carried through, which is where the residential, commercial, and industrial come from. It can continue to be fine-tuned in the next draft that comes back to the Planning Commission. There is a definition that will cover a mixed-use parcel, which will be shared in the future. Ms. Garrow added that a mixed-use parcel will fall under a similar commercial requirement. That includes the allowance of 40% to 90% site coverage. That requirement would account for the different types of uses that might be seen in a mixed-use building.

Chair Hall wanted to know why there are residential parcels mentioned because it seemed there was a desire to combine the uses and not segment residential as an allowed use. Ms. Thimons explained that in looking at all of the currently allowed underlying uses, which will be brought back to the Commission in the future, there will be some reconfiguration between allowed by right and conditional. Conditional uses would still be allowed, but go through a different process. That is intended to reflect some of the existing development patterns within the neighborhood and avoid creating unnecessary non-conformities. Director Ward reported that the Affordable Master Planned Development ("AMPD") would be incorporated into the zone. That is something that can be addressed at the next Planning Commission Meeting. Commissioner Frontero asked if maximums are being considered. For example, a maximum amount of residential that is allowed for Bonanza Park. Director Ward offered to clarify that at the next meeting.

Commissioner Sigg asked how the 10 units per acre was determined. Ms. Thimons explained that the density identified responds to the call out within the Small Area Plan for the inclusion of missing middle housing types, including townhomes and cottage courts. It would allow for a nicely planned smaller townhome and/or cottage court community. The intention is to promote pedestrian-oriented missing middle opportunities. Ms. Garrow asked for Commissioner feedback on that number as this moves forward. Commissioner Frontero wanted to know if there are examples of 10 units per acre on the residential side. Ms. Garrow is not certain but stated that examples can be brought back.

Ms. Thimons reviewed the setback requirements. In the presentation slides, that information has been organized by residential (dwelling, two units or less, and dwelling, three units or more), commercial, and flex/light industrial. The setbacks shown mirror what currently exists in the underlying uses to create consistency in the code. Chair Hall wanted to understand the reason for breaking out the requirements into residential, commercial, and flex/light industrial. Ms. Thimons explained that when there are mixed uses in a neighborhood, it is important to ensure that the setbacks are appropriate to the intensity of the parcel and also consider the neighbors. Utilizing underlying zone district requirements also limits the non-conformities as redevelopment starts to occur. Commissioner Johnson believes it makes sense to have a unified setback across each use, especially because the intention is to have mixed-use. Ms. Thimons mentioned the additional requirements that relate to the Frontage Protection Zone ("FPZ"). Ms. Garrow noted that the Commissioners' comments can be included in the updated draft version.

Building height information was shared with the Commission. Ms. Thimons explained that no structure shall be erected to a height greater than 35 feet. Exceptions include:

- 1 additional story/45 feet if community benefits are provided;
- An AMPD may be granted 1 additional story/45 feet.

For visibility and roofs, corner lots must maintain clear visibility within the Sight Distance Triangle. Roofs must be designed to manage snow and ice shedding and to protect entries, walkways, and pedestrian areas. As for Architectural Review, before a Building Permit is issued for any allowed or conditional use, the Planning Department must review the plans to ensure they meet the requirements. The following question was posed:

- Are there any concerns about the setback prescribed for the zoning district?

Commissioner Johnson asked about the individual categories: residential, commercial, and flex/light industrial. Director Ward explained that in the Small Area Plan, there was potential for flexibility with setbacks. The MPD perimeter setback would be 25 feet. What is proposed reduces that. If feedback from the Commission is to establish consistency, there can be discussions about whether a reduced setback could be an incentive.

Commissioner Christin Van Dine asked if there is a benefit to setback variations within the zone. Director Ward explained that in the Light Industrial Zone, if there is already an industrial use, then there needs to be a buffer for future residential use. There is a provision where the setback is looked at based on the adjacent uses at the time of the permit. As far as addressing uses that may already exist that could present compatibility challenges, it is possible to look into whether there should be special considerations to address what will become non-complying structures. Chair Hall thought the underlying zone would have more uniformity, so she was surprised by the draft.

Commissioner Sigg further addressed the suggested setbacks. He prefers a blanket overlay and would like more clarity about what has been proposed. This includes

vehicular access and how the rights-of-way might be working here before the setbacks are finalized. He also asked for more clarity on setbacks for lower-density development.

Chair Hall believes there were past discussions about a community benefit where there could be a decrease in setbacks or an increase in height. She would like to see that incorporated into the draft language. Also discussed was when MPDs are processed, where there are internal lot lines with the same owner, the Planning Commission or Planning Director could reduce or eliminate internal setbacks from the side buildings.

Commissioner Frontero likes the idea of a uniform setback rather than different setbacks for individual buildings and uses. He envisions this area being interchangeable in the future. For example, if an industrial tenant signed a five-year lease for industrial use, later on, the building could be repurposed into one of the other mixed-uses while still complying with the setbacks. Uniformity makes sense in a mixed-use area.

Ms. Garrow shared information about the Design Guidelines. She started by discussing the building placement and building orientation. Building placement requires that development include open spaces around buildings for landscaping, outdoor seating, or merchandising opportunities. For parcels over 30,000 square feet, the building mass must be broken into smaller volumes using creative methods, such as separate structures or linked walkways. For large lots that are more than five acres, development should be clustered to allow for phased development. As for building orientation, the section requires that buildings be oriented to the street to maximize solar exposure. There is also a placeholder in this section related to the addition of vantage points, which will be discussed at the Planning Commission Meeting scheduled for February 2025.

Ms. Garrow reported that the guidelines for building scale require certain design elements to be incorporated into the building to reduce the perceived mass. This could include varying roof forms, balconies, and variations in window sizes. Those are intended to provide a high-quality design while enabling the applicant and design team to have some different options to implement the goals of the Small Area Plan. Ms. Garrow explained that this section also talks about building articulation. There are requirements related to buildings that are more than 35 feet tall or within the FPZ. There is a requirement for an upper-story setback. Buildings that are over 35 feet tall must have vertical articulation or a material change.

In addition to the vertical articulation requirement, there is a horizontal building articulation requirement. Ms. Garrow explained that this is intended to limit blank facades and ensure that there is a sense of push and pull as someone comes down the street. There are some specific dimensions relative to building length included in the draft language.

Ms. Garrow noted that there are also requirements listed for fenestration and balconies. Those elements contribute to the high-quality design of a building. In an effort to ensure there is strong architectural design, there are requirements related to fenestration and transparency. Private balconies that are at least 6 feet x 8 feet can count towards the

open space requirements for a development. Ms. Garrow next discussed site access and on-site parking. She explained that there is a requirement for larger sites to minimize the number of vehicular access points to encourage mid-block walkways to encourage pedestrian access. It might also make sense to include alleyways for vehicular access.

Ms. Garrow shared information about guidelines for parking, which includes the following:

- On-site parking should be accessed from streets other than Park and Kearns, with the main access from the shortest block length if no internal street access is available;
- Parking should be located behind the main building and additional access points on Park and Kearns should be minimized. Parking areas on Park and Kearns must be screened using landscaping, low walls, or other features, and should not exceed 35% of the parcel width;
- Parking garages should be underground when possible; if above grade, they should be located behind the main building and include architectural or artistic screening;
- Parking areas and loading zones should be positioned to minimize visual impact from public streets or pedestrian areas, with distinct paving materials to separate parking from travel lanes.

Ms. Garrow explained that there is a separate section in the draft code about parking. Those requirements, in combination with the Design Guidelines, seek to incentivize underground parking and require parking to be located away from main public corridors. She reiterated that loading areas should ideally be located in the rear of a building or a secondary façade rather than the primary façade where there is more pedestrian activity.

Street-level design information was shared. Ms. Garrow reported that the intention is to encourage active ground-floor uses within the district. Buildings should have an active use on the ground level to support the vibrancy of the public realm. For buildings that are 100% residential, a lobby or other common space shall meet this requirement: "All buildings shall have at least one main entry on all street-facing facades. This entry should be easily seen from the street and adjacent pedestrian way." Commissioner Frontero asked about buildings that are 100% residential. He finds that language problematic because, during the public meetings, it was made clear that there is a desire for mixed-use. He believes that means there should be mixed-use for each individual building. The public also made it clear that there is no desire for heavy residential use in this area. As a result, he is troubled by the suggestion that there might be buildings that are 100% residential. Commissioner Frontero wants to know how the uses will be regulated.

Ms. Garrow explained that the bullet point related to 100% residential is intended to address the missing middle housing pieces that were part of the Small Area Plan. Commissioner Van Dine believes the idea is to promote mixed-use, but feels some fully residential buildings mixed into the area are appropriate and part of the neighborhood character. Chair Hall believes there needs to be high-level consensus. Commissioner

Van Dine pointed out that AMPDs are not missing middle housing. It is the missing middle housing that is a significant problem. While she agrees that AMPDs make sense in this area, she feels this is an appropriate area for the missing middle residential buildings. Commissioner Van Dine acknowledged that there is a need to incentivize mixed-uses.

Chair Hall believes the preliminary draft of the language indicates there could potentially all be residential. There is no requirement for commercial. However, what a lot of Commissioners envisioned was mixed-use that maintains floor-level commercial.

Commissioner Frontero wants to eliminate as much gray area as possible. He will continue to push for maximums on residential, commercial, and industrial. There is openness to discussions about what those maximums look like, but the maximums are needed. He imagines other communities have done this. It might be possible to look elsewhere for some guidance. Commissioner Sigg agrees that this was intended to be mixed-use. If there are too many blocks of single-purpose buildings, it will impact the vibrancy of the area. The idea of Bonanza Park is to have a vibrant neighborhood throughout. It might be best to identify sites that are more appropriate for a whole building of one use. First come, first served makes him nervous, because it might result in all of the commercial being on the east side. It might be best if there is a requirement by code that there must be a certain percentage of each of the uses.

Ms. Garrow reviewed environmental and economic information. She reported that within the proposed code, some new open-space typologies were identified. These typologies were addressed and identified within the Small Area Plan. New definitions have been created to outline how each can be used within the district and the FPZ.

In terms of sustainability requirements, language has been incorporated to support the City's net zero goals. Sustainability measures have also been identified for applicants to implement within their buildings. That includes the use of on-site solar where it makes sense and the implementation of energy-saving measures. The section also identifies best practices for building certification. Ms. Garrow next shared information about conventional chain businesses. There is an updated section included in the code. She explained that conventional chain businesses are anticipated to be conditional uses within the district and would be required to meet the existing conditional use criteria and obtain a Conditional Use Permit ("CUP"). Additional criteria have been added to ensure those chain businesses are appropriate and will support the vibrancy of the Bonanza area. The Design Guidelines state that there cannot be any chain or corporate type of building structures. There can be signage, but not corporation-specific building styles.

Commissioner Johnson asked if there would be a cap placed on the number of conventional chain businesses. Director Ward explained that the evaluation regarding conventional chain businesses would look at the correct balance for the neighborhood. The draft code amendments include regulations and the review process for those conditional uses. She reiterated that the draft elements largely have to do with the review process.

Commissioner Sigg asked if there is a distinction in the code between a chain business and a franchise. Director Ward stated that a conventional chain business is a defined term in the code. Commissioner Sigg thought that a conventional chain business would be owned by the corporation that runs the business, which is different than an individual who purchases a franchise. Director Ward reported that the definition is based on the total number of locations and whether it is substantially identical to more than 10 other businesses. For example, commercial uses with standardized menus or merchandise.

Chair Hall opened the public hearing.

Craig Elliott gave his zip code as 84060. He reviewed the proposed documents ahead of the meeting and had comments to share about what has been drafted so far. Elliott explained that he will leave a hard copy of his comments and can also provide a PDF file if desired. Mr. Elliott acknowledged the need to have residential on the first floor of the development in this area, but he does not necessarily believe it should be put everywhere. Where redevelopment is happening around transit in Salt Lake, commercial spaces are being built, but those spaces are empty because it is difficult to lease them. He suggested looking at different sections of Bonanza Park to determine where commercial should ideally be located. The residential in-between will feed the retail spaces. As for making the fourth floor discretionary, that will likely discourage redevelopment.

Mr. Elliott reported that the front setbacks on Main Street are zero. If there is a desire to create urban settings with sidewalks, 20-foot setbacks do not make sense. He noted that Kearns, Park, Bonanza, and Deer Valley Drive are arterials and should not be made into commercial streets. It makes sense to push everything inside and have the inner street system become those commercial areas where people can gather and congregate. The perimeters will create the necessary buffer. Trying to make an arterial a business and commercial street is unlikely to work well. He shared the hard copy of his comments.

There were no further comments. The hearing was continued to February 12, 2025.

MOTION: Commissioner Johnson moved to CONTINUE Agenda Item 5A, Bonanza Park – Land Management Code Amendments, and the public hearing to the February 12, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Frontero. The motion passed with the unanimous consent of the Commission.

- B. 1400 Sullivan Road – Master Planned Development and Conditional Use Permit** – The Applicant Proposes a 15,000-Square-Foot Single-Story with Associated Outdoor Recreation, Including a Volleyball Court, a Basketball Court, a Fenced Playground Area, and an Outdoor Patio to Replace the Existing 5,000 Square-Foot City Park Recreation Building in the Urban Park Zoning District. CUP PL-24-06244, MPD PL-24-06246.

Planner II, Virgil Lund, presented the Staff Report and explained that the item relates to

1400 Sullivan Road. Recreation Director, Ken Fisher, Assistant Recreation Director, Tate Shaw, and Seth Striefel from Sparano + Mooney Architecture introduced themselves to the Commission. Planner Lund reported that this item is an MPD and CUP. It is also a review of the Housing Mitigation Plan for a recommendation to the Housing Authority. He shared background information about the site and noted that the applicant proposes demolishing the existing 5,000-square-foot recreational building at City Park to construct a 15,000-square-foot single-story community center and outdoor patio area. It is also proposed to relocate the existing outdoor recreation amenities, including two volleyball courts, a basketball court, and a playground area in the Urban Park Zone ("UPZ"). The site is comprised of several parcels owned by Park City Municipal Corporation. It is surrounded by residential neighborhoods to the west and north. Deer Valley Drive is located to the east and Miner's Hospital is to the south of the property.

Planner Lund shared an image from the Summit County Parcel Viewer. It shows the community center and how it crosses over two different metes and bounds parcels. The subdivision application was taken off of this meeting agenda for the Engineering Department and other City departments to continue to review the proposed subdivision. There are a lot of small rights-of-way included in this parcel, so additional details need to be worked out. There is a Condition of Approval that the subdivision needs to be recorded prior to Building Permit submittal. Planner Lund reported that on June 20, 2024, the City Council reviewed the proposed plans and entered into a Professional Services Agreement with an architecture firm. The Planning Commission held a Work Session on September 25, 2024, and provided feedback. The applicant has submitted revised plans.

An image of the existing building, basketball court, and volleyball courts were compared to the proposal. Planner Lund explained that the proposal is outlined in gray and the existing conditions are shown in the colored sections. The proposal complies with the MPD criteria found in Land Management Code ("LMC") 15-6. That includes the 16 findings the Planning Commission must make in order to grant an MPD, which are found in Section 15-6-6. Additionally, the proposal complies with all 16 required findings and the MPD criteria outlined in 15-6-5. Planner Lund stated that the community center is part of a historic site, Miner's Hospital. As a result, the applicant is required to submit a Historic District Design Review ("HDDR") pre-application, which has been submitted. All of the Historic District Guidelines must be followed for the historic site.

The proposal complies with all of the UPZ criteria. During the Work Session in September, there was feedback received about the height and the rooftop mechanical equipment. The dashed line on the image presented shows where the rooftop mechanical equipment will be. It will reach a height of 30 feet with the screening. The roof height at that portion will be 25 feet from the existing grade. The maximum height surrounding the building is 27.3 feet. Planner Lund discussed off-street parking. The applicant proposes 28 new parking spaces and complies with the off-street parking ratio requirements. The applicant also proposes electric vehicle ("EV") charging that complies with the EV Charging Code. Planner Lund reported that two dual port stations are proposed as well as infrastructure for a total of 14 future EV parking stalls.

There was some feedback received from the Planning Commission regarding bicycle parking. With that feedback in mind, the applicant proposes 32 outdoor covered bicycle parking stalls and five hooks inside the Staff Room to allow for indoor bicycle parking.

The proposal complies with the CUP, Fences, and Retaining Wall criteria. Planner Lund shared an image to illustrate the fencing surrounding the basketball court, volleyball courts, and the playground. The fence will range in height from 10 to 12 feet for the recreation courts. The playground fence will range in height from 4 to 8 feet.

Planner Lund discussed the Housing Mitigation Plan. It was determined that the new community center will generate a housing obligation of 0.27 Affordable Housing Equivalents based on the proposed community center staffing. This housing obligation would require a unit of at least 243 square feet of net livable space. The housing obligation is fulfilled by the 773-square-foot deed-restricted unit at 1450 Park Avenue.

Some of the Conditions of Approval were highlighted. Planner Lund reported that Condition of Approval #3 has been amended since the publication of the Meeting Materials Packet. The crab apple trees must be replaced with trees of the same species 3 inches in diameter, whereas the original condition mentioned 18 inches in diameter. Condition of Approval #6 discusses a 6-inch soil cap at all disturbed areas, which will be overseen by the Environmental Regulatory Program Manager. Condition of Approval #20 states the applicant shall obtain Planning Commission approval of a subdivision and record the approved subdivision with Summit County prior to Building Permit submittal. That should be coming to the Commission for consideration early in 2025. Condition of Approval #13 relates to the use. If the recreational use is ever changed, the affordable housing requirement can be reevaluated at that time. The Planning Commission is reviewing:

- MPD and CUP for the 15,000-square-foot community center;
- CUP for fences over 6 feet in height from final grade;
- Consider forwarding a positive recommendation for the Housing Authority's review of the Housing Mitigation Plan.

Mr. Striefel shared comments about the fence heights. Standing inside the playground, the fence will be 4 feet tall throughout the playground. However, outside of the playground, there is a retaining wall that will follow the height of the playground. The different heights have to do with the grade changes. It is similar to the basketball court. Inside the basketball court, it is an 8-foot-tall fence, but on the trail, the grade changes approximately two feet over the length of the basketball court. Over the course of the volleyball court, there is a grade change that is approximately three feet.

Commissioner Frontero had a question about the parking requirements. He noted that 75 spaces are required and there are currently 47, which means an additional 28 parking spaces are needed on the site. He asked whether the extra parking spaces are needed

to support the community center and its uses. If not, there might be support for a reduction in parking. He pointed out that there are pedestrian and bicycle paths to the community center as well as bus stops in the front. The site could potentially have less parking and more community space. Mr. Fisher pointed out that the building will triple in size and operate year-round. During certain times of the year, the full amount of parking might be needed. That being said, in the winter, the uses are slightly less. The project was designed to meet the current codes. Mr. Striefel explained that the day camp requires parents to park and sign in. The same is true for pickup. It seems the parking on the south side of the building should remain. With the community event space, there is an opportunity to have rentals, so it makes sense to follow the parking requirements.

Commissioner Van Dine does not believe the site will be over-parked and noted that extra parking for the day camp will be beneficial. Based on the programming that could take place in the community center, it makes sense to have the parking proposed. Commissioner Johnson agreed and suggested that the parking remain as proposed. He mentioned the possibility of winter season enforcement. Chair Hall noted that the library previously implemented a three-hour limit where it was possible to ask for an extension. It was stated that this is currently done at the MARC. A three-hour parking limit could be implemented if that becomes necessary. Chair Hall believes it will be needed on the site.

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

MOTION: Commissioner Van Dine moved to APPROVE the Master Planned Development and Conditional Use Permit for 1400 Sullivan Road, based on the amended Findings of Fact, Conclusions of Law, and Conditions of Approval, and forward a positive recommendation for the Housing Authority's review of the Housing Mitigation Plan:

Findings of Fact

1. The Applicant proposes demolishing the existing 5,000-square-foot Recreation Building at City Park (1400 Sullivan Road) to construct a 15,000-square-foot single-story Community Center and outdoor patio area and to relocate the existing outdoor recreation amenities, including two volleyball courts, a basketball court, and a playground area, in the Urban Park Zone (UPZ).
2. The site is comprised of several parcels, owned by Park City Municipal Corporation, and is surrounded by residential neighborhoods to the west and north and Deer Valley Drive to the east. Miner's Hospital is to the south of the proposed Community Center and is a Landmark Historic Site on Park City's Historic Sites Inventory.
3. Land Management Code (LMC) § 15-6-2(A) requires an MPD for public projects with 10,000 square feet or more. LMC § 15-2.26-2(C)(5) requires a CUP for a Public Recreation Facility within the UPZ and § 15-2.26-2(C)(14)

requires a CUP for Fences over six feet in height from Final Grade within the UPZ. On August 19, 2024, the Applicant submitted CUP and MPD applications for Planning Commission review.

4. The proposed Community Center crosses two metes-and-bounds parcels: SA-265-A-X and SA-235-1-X. As a result, the Applicant will be required to complete a subdivision to create a Lot. On August 19, 2024, the Applicant submitted a subdivision application to create a 619,423-square-foot Lot for the Community Center. The subdivision must be reviewed and approved by the Planning Commission and recorded with Summit County prior to the Applicant submitting a Building Permit. The Applicant is working through the details of the subdivision because the metes-and-bounds parcels encompass many acres and city properties. As a result, the Applicant requests additional time to finalize the proposed subdivision. The subdivision will be scheduled for the Planning Commission's review in early 2025. The Applicant requests the Planning Commission Final Action on the MPD and CUPs so they can begin the next steps in the process to prepare for building permit submittal in spring.
5. City Park includes a basketball court, two volleyball courts, sports fields, a playground, and a 5,000-square-foot Recreation Building constructed prior to 1987. The Recreation Building has undergone minor remodels and improvements over the years; for the Site to continue to function as built, the facilities would need comprehensive updates.
6. On February 15, 2024, the City Council provided input on a conceptual design for the proposed Community Center. On June 20, 2024, the City Council reviewed the proposed plans for the Community Center and approved a Professional Services Agreement for Sparano + Mooney Architecture. On September 25, 2024, the Planning Commission reviewed the Community Center proposal during a work session. The Planning Commission provided feedback on the proposed project and required the Applicant to increase outdoor bike parking and indoor storage for bikes.
7. On September 25, 2024, the Planning Commission reviewed the Community Center proposal during a Work Session. The Planning Commission provided feedback on the proposed project and requested the Applicant increase outdoor bike parking and enclosed storage for bikes. The Applicant submitted revised plans to address the Planning Commission's feedback on November 15, 2024.

Required Findings and Conclusions of Law Outlined in LMC § 15-6-6.

8. Complies with all requirements of the Land Management Code.

9. Meets the minimum requirements of Section 15-6-5.
10. Provides the highest value of Open Space, as determined by the Planning Commission. MPDs shall contain a minimum of sixty percent (60%) Open Space.
 - a. The existing Recreation Building site contains 504,397 square feet of Open Space, which is 81% of the total project area. The new Community Center will maintain 489,951 square feet of Open Space or 79% of the Lot. The Open Space that will be maintained is a mix of Landscaped Open Space with recreational courts and fields and a small amount of Natural Open Space that contains undisturbed natural vegetation running along the Poison Creek Trail.
11. Strengthens and enhances the resort character of Park City.
 - a. The proposed Community Center will provide updated recreational facilities, courts, and a playground for residents and visitors. The Community Center will provide additional gathering spaces for community events.
12. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
 - a. Poison Creek runs along the east side of the proposed project with surrounding Significant Vegetation. The proposed Community Center is set back 80 feet from Poison Creek. The creek and Significant Vegetation will be preserved, and access will be enhanced with new trail connections proposed from the Community Center to Poison Creek Trail.
 - b. The proposed Community Center's new building and recreation amenities, such as sports courts and playgrounds will require the removal of 48 trees.
 - c. On September 5, 2024, the Forestry Board reviewed the proposed project. The Applicant will be required to replace 44 of the 48 trees proposed to be removed, including six flowering crab apple trees that are required to be replaced with new trees of the same species and three inches in diameter. See Condition of Approval 3.
 - d. The Applicant's Landscape Plan details the planting of hundreds of Waterwise shrubs, herbaceous and ground cover plants, as well as 49 new trees to replace the removal of significant vegetation.

13. Is Compatible in Use, scale, and mass with adjacent Properties, promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and uses.
 - a. The existing Recreation Building is approximately 5,000 square feet. The Applicant proposes a new Building with 15,000 square feet of interior space and approximately 4,446 square feet of covered outdoor Area. The total project site for the proposed Community Center is 619,423 square feet. The total roof area of the Structure, including all covered bike storage areas and covered patios will be approximately 19,446 square feet, or about 3% of the total Site. The Community Center is proposed to be centrally situated for convenient pedestrian and vehicular access. The increase in square footage is appropriate for the Site and will provide additional and enhanced recreation opportunities for the public.
 - b. The proposed Structure complies with UPZ Setback and Building Height requirements and is oriented north-south along the park to encourage pedestrian circulation and easy access to City Park.
 - c. In the Neighborhoods section of the General Plan, Goal 6.1 states that infill and new additions in Old Town should be compatible with the neighborhood context and subordinate to existing historic structures. The Community Center is proposed to be subordinate to the nearby Miner's Hospital. The Miner's Hospital is approximately 35-38 feet in height while the Community Center will be 28 feet. The Community Center will be set back 250 feet from Miner's Hospital.
 - d. The Applicant proposes a building design that is compatible with the historic proportions and dimensions of Miner's Hospital.
14. Provides amenities to the community so that there is no net loss of community amenities.
 - a. The proposed Community Center will increase community amenities.
15. Is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete.
 - a. The Housing Department submitted a Housing Mitigation Plan outlining compliance with the affordable housing requirements and requests the Planning Commission consider forwarding a positive recommendation to the Housing Authority (City Council).

16. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site:
 - a. The Site is not located within the Sensitive Land Overlay.
 - b. The Site is located within the Soils Ordinance: The Applicant shall be required to provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on site will require testing and disposal offsite.
17. Promotes the Use of non-vehicular forms of transportation through design and by providing trail connections:
 - a. The Applicant proposes bike parking that exceeds the requirements of the LMC.
 - b. The Applicant proposes enhanced trail connections to Poison Creek Trail.
18. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter:
 - a. Staff published a notice on the City's website and the Utah Public Notice website and posted a notice to the property on November 27, 2024. Staff mailed a courtesy notice to property owners within 300 feet on November 27, 2024. The Park Record published a courtesy notice on November 27, 2024.
19. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
 - a. The Applicant coordinated with the Sustainability Department on the Community Center. The Sustainability Department reviewed the plans and determined the proposed Community Center meets the definition of Zero Emissions Buildings. The Community Center incorporates passive elements to maximize solar gains and will be all-electric, energy efficient, and powered by renewable energy.
 - b. The Applicant proposes meeting Net Zero objectives: "The Park City Community Center will be designed per best sustainability practices

and will meet or exceed the requirements of the 2021 International Energy Conservation Code (IECC). Although LEED Certification will not be pursued, the requirements of LEED will be followed for indoor environmental air quality and material selections. In terms of energy usage, the design team is utilizing energy modeling to define the project's Energy Use Intensity (EUI), and the model will be utilized to determine system selections that provide the highest level of efficiency within the budget parameters. Preliminary modeling at the Schematic Design level shows an EUI of between 34 and 37, and this will get lower as the project progresses and additional efficiency measures are implemented. The building enclosure will include a fluid-applied air and water barrier to limit air/water infiltration; continuous exterior insulation at both roof and walls to minimize thermal bridging; and high-performance glazing systems with U values below code requirements. Mechanical systems will be efficient heat pump type and all-electric, with no combustion used on the project. Water usage will be minimized using low-flow plumbing fixtures, and a landscape of native drought-tolerant plantings. Daylighting will be maximized in all regularly occupied spaces, thus minimizing the use of artificial lighting, and lowering energy consumption."

20. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies:
 - a. According to the project Civil Engineer, there are no Physical Mine Hazards within the Community Center project area.
21. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance:
 - a. The Applicant shall be required to comply with Park City Municipal Code Chapter 11-15. The Applicant shall provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on-site will require testing and disposal offsite. See Condition of Approval 6. This must be completed subject to approval by the Environmental Regulatory Program Manager.
22. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan:
 - a. The Applicant proposes a building design compatible with the historic proportions and dimensions of the Miner's Hospital building.

- b. The Applicant submitted a Historic District Design Review – Pre-Application and will require a staff review and a letter verifying compliance with Historic District Regulations.

23. Addresses and mitigates traffic:

- a. The Traffic Impact Study guidelines outline when traffic impact studies are required for land use applications based on land use categories. The guidelines state a Traffic Impact Study (TIS) is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff.
- b. The existing Uses for the Site include a 5,000-square-foot Recreation Building used for community events and programming with an outdoor playground, basketball court, and two volleyball courts. The existing Uses total approximately 30,000 square feet. The proposed Uses for the Site include two community/multi-purpose classrooms, a multi-purpose/community event room, and outdoor patio and outdoor playground, a basketball court, and two volleyball courts. The proposed Uses total approximately 40,000 square feet.
- c. The TIS guidelines state: “Studies are only required to analyze the peak hours in which the proposed project would be anticipated to generate 25 or more vehicle trips. Proposed developments may take credit for the vehicle trips generated by existing land uses to be replaced on the project site.” An increase of 10,000 square feet for the proposed Uses compared to the existing Uses at the Site does not generate 25 or more new vehicle trips since the proposed Uses are similar to what is existing, and no TIS is therefore required.

Urban Park Zoning District

- 24. The Application, as Conditioned, complies with the UPZ review criteria outlined in LMC Chapter 15-2.26.
 - a. The purpose of the UPZ, outlined in LMC § 15-2.26-1, is to:
 - i. Promote the preservation of Historic Buildings, Structures, Sites, or Objects.
 - ii. Preserve the vegetation and habitat of natural Areas.
 - iii. Provide for careful review of low-intensity recreational Uses and environmentally sensitive, non-motorized trails.

- iv. Establish and preserve districts for land Uses requiring substantial Areas of Open Space covered with vegetation that are substantially free from Accessory Buildings, Streets, and Parking Lots.
 - v. Permit recreational Uses and preserve recreational land.
 - vi. Encourage parks, golf courses, trails, and other compatible public or private recreational Uses, preserve and enhance park amenities; and
 - vii. encourage sustainability, conservation, and renewable energy.
- b. The proposed Community Center preserves and enhances park amenities and promotes the preservation of Historic Sites through design elements compatible with the proportions and dimensions of Miner's Hospital.
- c. Lot and Site Requirements:
- i. All Structures must be no less than 25 feet from the boundary line of the Lot. The proposed Community Center maintains a 30-foot Setback on the West and East proposed Lot Lines, and a Setback greater than 100 feet on the North and South proposed Lot Lines.
- d. Building Height:
- i. No Structure may be erected to a height greater than 28 feet from the Existing Grade.
 - ii. Water towers, mechanical equipment, and associated Screening, when enclosed or screened, may extend up to five feet above the height of the building.
 - iii. The Applicant's roof-over-topography plan shows the proposed Community Center will reach a maximum height of 27.3 feet from the Existing Grade. The Applicant proposes screened mechanical equipment located in the middle of the building, set back five feet from the edge of the building. The screened mechanical equipment is 30 feet from the Existing Grade. The roof maintains a Building Height of 25 feet from the Existing Grade where the screened mechanical equipment is located.

Master Planned Development

25. The Application, as Conditioned, complies with the Master Planned Development Review Criteria Outlined in LMC § 15-6-5:

- a. All MPDs shall contain the following minimum requirements. Many of the requirements and standards will have to be increased for the Planning Commission to make the necessary findings to approve the MPD.
- b. Density:
 - i. Density in the UPZ is volume-based, determined by Building Height, Setbacks, and Open Space requirements.
 - ii. The proposed Community Center complies with the Setbacks and Building Height requirements for the UPZ and maintains 489,951 square feet or 79% Open Space.
- c. Setbacks:
 - i. The minimum Setback around the exterior boundary of an MPD shall be twenty-five feet (25') for Parcels greater than two (2) acres.
 - ii. The proposed Community Center maintains a 30-foot Setback on the West and East proposed Lot Lines, and a Setback greater than 100 feet on the North and South Lot Lines.
- d. Open Space:
 - i. All MPDs shall contain a minimum of sixty percent (60%) Open Space, defined in LMC § 15-15-1 as follows:
 - 1. Open Space, Landscaped: Landscaped Areas, which may include local government facilities, necessary public improvements, playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.
 - 2. Open Space, Natural: A natural, undisturbed Area with little or no improvements. Open space may include but is not limited to, such Areas as Ridge Line Areas, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Areas, or view corridors.
 - ii. LMC § 15-6-5(D)(3) states the Planning Commission shall designate the preferable type and mix of Open Space for each MPD, and the Commission's determination shall be based on the guidance given in the General Plan. LMC § 15-6-5(D)(3)

also states that Landscaped Open Space may be used for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. The Applicant proposes to maintain 489,951 square feet of Open Space or 79% of the site. The Open Space is a mix between Landscaped Open Space with recreational courts and fields, and Natural Open Space that contains undisturbed natural vegetation running along the Poison Creek Trail.

- iii. Goal 4, Objective 4C of the General Plan states: "Prevent fragmentation of open space to support ecosystem health, wildlife corridors, and recreation opportunities."
- iv. Goal 9 of the General Plan is to provide unparalleled Parks and Recreation opportunities for residents and visitors.
- v. The proposed Community Center supports both goal 9 and objective 4C because it provides residents and visitors with modern public recreation opportunities.
- vi. The Applicant proposes to maintain 489,951 square feet of Open Space or 79% of the site. The Open Space is a mix between Landscaped Open Space with recreational courts and fields, and Natural Open Space that contains undisturbed natural vegetation running along the Poison Creek Trail.

e. Off-Street Parking:

- i. The number of Off-Street Parking Spaces in each MPD shall not be less than the requirements of the LMC.
- ii. The proposed Structure has 15,000 square feet of floor Area, and 75 Parking Spaces are required, per LMC § 15-3-6(B). There are 47 existing Parking Spaces, and the Applicant proposes to construct an additional 28 Parking Spaces, for a total of 75 Parking Spaces.

f. Building Height:

- i. The Building Height requirements of the Zoning District in which an MPD is located shall apply. The UPZ Height requirements are 28 feet with an additional five feet allowed for Screened Mechanical Equipment.
- ii. The Applicant's roof-over-topography plan shows the proposed Community Center will reach a maximum Building Height of 27.3 feet from the Existing Grade. The Applicant proposes screened mechanical equipment located in the middle of the building, set back five feet from the edge of the building. The screened mechanical equipment is 30 feet from Existing Grade. The roof maintains a Building Height of 25

feet from Existing Grade where the screened mechanical equipment is located.

g. Site Planning:

- i. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The Applicant must address the following in the Site planning for an MPD.
- ii. Projects shall be designed to minimize Grading and the need for large retaining Structures.
 1. The Applicant's proposed Site Plan shows minimal Grading for the new Community Center. The final Grade of the Site will be within four feet of Existing Grade. The Applicant proposes a rock stack retaining wall along the north side of the Site ranging in height from two feet to four feet from Final Grade.
- iii. Roads, utility lines, and Structures should be designed to work with the Existing Grade. Cuts and fills shall be minimized.
 1. No new roads are proposed. Final Grade of the Site will be within four feet of Existing Grade.
- iv. Existing trails shall be incorporated into the Open Space elements of the project and shall be maintained in their existing location whenever possible.
 1. The existing Poison Creek Trail will not be affected. The Applicant proposes a trail connection to the Poison Creek Trail from the Site.
- v. Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the MPD and safe travel to adjoining public sidewalks, trails, and Rights-of-Way.
 1. The Applicant proposes a bicycle and pedestrian connection to the Poison Creek Trail that is separate from the vehicular circulation system.

- vi. The Site plan shall include adequate Areas for snow removal and snow storage. The Landscape Plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces to provide adequate Areas to remove and store snow. Snow shall be stored on-site unless otherwise approved by the Planning Commission.
 - 1. The proposed Snow Storage is 37,423 square feet or approximately 34.1% of the Parking Area.
- vii. The Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the MPD to the trash and recycling containers.
 - 1. The Site Plan shows a trash and recycling area in the Parking Area. The trash and recycling area is screened with a metal closure. The location of the trash and recycling enclosure is in a convenient location for pick-up vehicles and pedestrian access.
- viii. The Site plan for an MPD shall include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.
 - 1. No bus stop or shuttle area is proposed for the Community Center. The Applicant will provide a drop-off loading/unloading zone for the day camp.
 - 2. There is an existing bus stop on Park Avenue approximately 300 feet from the entrance to the proposed Community Center.
- ix. Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.
 - 1. The Applicant will provide a drop-off loading/unloading zone for the day camp.
- h. Landscaping and Lighting:
- i. The Forestry Board reviewed the proposal on September 5, 2024, and requires that landscaping must be compliant with Wildland-Urban Interface requirements outlined in Municipal Code of Park City (MCPC) Chapter 11-21, including no

vegetation planted within 30 feet of any structure and requiring plantings from the approved species list outlined in MCPC Section 14-1-5. The Forestry Board also requires the replacement of 44 of the 48 significant trees that will be removed or impacted as a result of the new Community Center.

- ii. The Applicant provided a conceptual Landscape Plan that complies with LMC § 15-5-5(N). The Landscape Plan identifies a total of 48 significant trees which will be removed with the construction of the proposed Community Center building and recreation amenities; it also details the planting of 49 new trees of two-inch caliper and at least 50% water-wise plant species.
- iii. The Landscape Plan is required to be updated to include the Forestry Board's requirement of replacing six mature flowering crab apple trees on the site, which will be impacted from the Community Center, with new trees of the same species and 3 inches in diameter. See Condition of Approval 3.
- iv. The Forestry Board also recommended the Applicant avoid planting evergreen trees near the two volleyball courts because fallen needles may create a hazard for players. The Applicant's Landscape Plan does not propose evergreen trees near the two volleyball courts.
- v. LMC § 15-5-5(J) requires outdoor lighting to be fully shielded and down-directed, with a maximum color temperature of 3,000 degrees Kelvin. Pursuant to LMC § 15-5-5(J)(11), pathway lighting must not be mounted more than 10 feet above finished grade. Recreational lighting for baseball diamonds, playing fields, and tennis courts shall not exceed 70 feet above Natural Grade and shall be turned off within 30 minutes of the completion of the last recreation activity associated with the lighting, and in general, must be turned off by 11 PM unless an exception is granted by the Planning Director for a Special Event. Other requirements for recreational lighting are outlined in LMC § 15-5-5(J)(12). See Conditions of Approval 4 and 5.

i. Employee/Affordable Housing:

- i. Resolution No. 05-2021 Section 13 requires Applicants to submit a Housing Mitigation Plan as part of an MPD application with Planning Commission review and recommendation to the Housing Authority (City Council). The Affordable Housing team provided a Housing Mitigation Plan

outlining the affordable housing requirements triggered by the new Community Center.

- ii. Section (8)(C) of Resolution No. 05-2021 allows for reductions in housing obligations for projects that serve a public benefit and Section (8)(D) allows for an independent calculation in which the Recreation Department presents an argument for a more reasonable staffing increase based on actual plans.
- iii. The Housing Mitigation Plan explains the new Community Center will require hiring up to five new seasonal employees and one new full-time employee, though the hiring need will not be immediate and will ramp up over time. The number of new seasonal and full-time employees is equivalent to two Full-Time Equivalents (FTEs), which would generate a housing obligation of 0.27 Affordable Unit Equivalents (AUEs). One AUE equals 900 square feet of Net Livable Space. Therefore, utilizing the reduction allowed in Section (8) (D), the housing obligation for the new Community Center requires an affordable housing unit with at least 243 square feet of Net Livable Space.
- iv. The Housing Mitigation Plan also explains that the City is a large producer of off-site affordable housing, achieving far greater numbers of new affordable housing units than the obligation generated by the new Community Center even without a reduction. The Housing Team proposes that the housing obligation generated by the Community Center is fulfilled by the construction of 1450A Park Avenue, a 773-square-foot deed-restricted affordable dwelling unit, constructed by the City as the developer and sold to a qualified buyer in 2018."

j. Mine Hazards:

- i. According to the Applicant's Civil Engineer, there are no Hazards within the Community Center project area.

k. Historic Mine Waste Mitigation:

- i. The Site is within the Soils Ordinance Boundary. The Applicant shall be required to provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on-site will require testing and disposal offsite.

l. General Plan Review and Historic Sites:

- i. One of the core values of the General Plan is “Sense of Community”. Goal Number 9 of the General Plan states “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed Community Center aligns with this goal in that it will provide residents with additional high-quality recreational opportunities within a modern and sustainable building.
- ii. In the Neighborhoods section of the General Plan, Goal 6.1 states that infill and new additions in Old Town should be compatible with the neighborhood context and subordinate to existing historic structures. The Community Center is proposed to be subordinate to the nearby Miner’s Hospital. The Miner’s Hospital is approximately 35-38 feet in height while the Community Center will be 28 feet. The Community Center is set back from the Miner’s Hospital by 250 feet.
- iii. The Applicant proposes a building design that is compatible with the historic proportions and dimensions of the Miner’s Hospital building.
- iv. Neighborhood Goal 6.10 also states that the aesthetic of the Old Town neighborhood should be preserved. Park City must maintain flexibility to support the continued mix of unique characteristics within the neighborhood. The Applicant submitted a Historic District Design Review (HDDR) Pre-Application to verify compatibility with the Miner’s Hospital Historic Site. See Condition of Approval 14.

Off-Street Parking

- 26. The Application, as Conditioned, complies with the Off-Street Parking: Requirements Outlined in LMC Chapter 15-3.
 - a. The Parking requirement for Public Recreation Facilities is five Parking Spaces per 1,000 square feet of Floor Area. The proposed Structure has 15,000 square feet of floor Area, requiring 75 Parking Spaces. There are 47 existing Parking Spaces, and the Applicant proposes to construct an additional 28 Parking Spaces, for a total of 75 Parking Spaces.
 - b. Electric Vehicle Charging Stations:
 - i. LMC § 15-3-11(B) requires the following: “An Applicant shall provide Electric Vehicle Charging Station Infrastructure for fifty percent (50%) of the first one hundred (100) required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development. LMC § 15-3-11(D) also requires “an

Applicant shall install Electric Vehicle Charging Stations for five percent (5%) of required Off-Street parking spaces for Multi-Unit Dwellings and non-Residential Development for the first 200 parking spaces.”

- ii. The Applicant proposes 28 new Parking Spaces, which require EV Charging Station Infrastructure for 14 (50%) of the new Parking Spaces, and two EV Charging Stations (5% of the new Spaces).
 - iii. LMC Section 15-15-1 defines EV Charging Station Infrastructure as development designed and constructed to include a fully wired circuit for an EV Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 EV Charging Stations. Condition of Approval 15 requires the Applicant to complete this for 14 new Parking Spaces.
 - iv. The two EV Charging Stations are proposed to be installed along the west side of the building, near the main entrance.
- c. Bicycle Parking:
- i. The LMC requires outdoor bicycle parking for the temporary storage of bicycles for 10 percent of the required Off-Street parking.
 - ii. Eight outdoor bicycle parking spots are required for the Community Center (10% of 75 required Parking Spaces) and the Applicant proposes 32 outdoor covered bike parking spots.
 - iii. The outdoor bicycle parking must comply with the standards outlined in LMC § 15-3-9(A)(1), which includes requirements regarding the type and material of the bike rack, safety, security, maintenance, compliance with the standards outlined by the Transportation Planning Department, and standards for snow removal. See Condition of Approval 17.
 - iv. LMC § 15-3-9(B)(2)(b) requires enclosed bicycle storage for one bicycle per 10 employees generated for Uses as outlined in Resolution No. 05-2021, as amended. The Applicant indicated the Recreation Department does not plan to add any full-time employees to operate the Community Center. The Recreation Department may add an additional full-time employee to manage the facility if demand warrants.
 - v. However, the Applicant proposes 170 square feet of indoor enclosed bicycle storage for hanging five bikes on the wall in the staff room. See Condition of Approval 18.

d. Parking Area Lighting:

- i. Light levels shall be designed with minimum light trespass off-site by using Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire. Luminaries mounting height must be, measured from the Parking Lot or driveway surface, in the range of twelve feet (12') to twenty feet (20').
- ii. The Applicant proposes four lights in the Parking Area. The proposed light poles will be 15.5 feet in height from the Final Grade.
- iii. The maximum color temperature for Parking Area lighting is 3,000 degrees Kelvin.
- iv. The Applicant's proposed exterior lighting plan shows the Parking Area lighting has a maximum color temperature of 3,000 degrees Kelvin and complies with the above requirement.

Conditional Use Permit

27. The Application, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
- a. There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 - b. The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.
 - c. Public Recreation Facilities and Fences over six feet in Height from Final Grade require a CUP in the UPZ.
 - d. Size and Location of Site:
 - i. The existing building is approximately 5,000 square feet. The total Site Area for the proposed Community Center is 619,423

square feet. The Applicant proposes a 15,000-square-foot Building with a 20,000-square-foot outdoor recreation area which includes a playground, two volleyball courts, and a basketball court. The total roof area of the Structure which includes all covered bike storage areas and covered patios will be approximately 19,446 square feet, or about 3 percent of the total Site. The Community Center is proposed to be centrally situated for convenient pedestrian and vehicular access. The increase in square footage is appropriate for the Site and will provide additional and enhanced recreation opportunities for the Public.

- e. Traffic Capacity:
 - i. See traffic analysis above for the required MPD Finding 16.
- f. Utility Capacity:
 - i. The Development Review Committee (DRC) reviewed the proposal on September 3, 2024. See DRC comments below. Staff recommends the following Condition of Approval: The Applicant shall resolve all utility concerns prior to Building Permit issuance.
- g. Emergency Vehicle Access:
 - i. The Park City Fire District reviewed the proposal on September 3, 2024, and confirmed the plans conform with their requirements.
- h. Off-Street Parking:
 - i. See Off-Street Parking analysis above.
- i. Internal Vehicular and Pedestrian Circulation System:
 - i. The Applicant proposes a bicycle and pedestrian connection to the Poison Creek Trail that is separate from the vehicular circulation system. The Applicant also proposes a drop-off area in the parking lot with direct access to the front entrance of the Community Center.
- j. Fencing, Screening, and Landscaping:

- i. The Applicant proposes fencing to surround the sports courts and playground. The proposal includes a fence 12 feet in height from Final Grade, surrounding the two volleyball courts, a fence surrounding the playground ranging in height from four feet to eight feet from Final Grade, and a fence surrounding the basketball court 10 feet in height above Final Grade. The Applicant proposes the same Fencing material for each court: a metal recreation Fence.
- k. Structure Mass, Bulk, and Orientation:
 - i. The proposed Structure complies with property Setbacks and Building Height requirements in the UPZ and is oriented north-south along the park to encourage pedestrian circulation and easy access to the City Park.
- l. Useable Open Space:
 - i. See Open Space analysis above.
- m. Signs and Lighting:
 - i. The proposed Sign for the Community Center requires a Sign Permit to be reviewed and approved by the Planning Department, and all Outdoor Lighting must be dark-sky compliant.
- n. Physical Design and Compatibility with Surrounding Structures:
 - i. In the Neighborhoods section of the General Plan, Goal 6.1 states that infill and new additions in Old Town should be compatible with the neighborhood context and subordinate to existing historic structures. The Community Center is proposed to be 10 feet shorter than the nearby Miner's Hospital. The Community Center is set back 250 feet from Miner's Hospital.
 - ii. The Applicant proposes a building design that matches some of the historic proportions and dimensions of the Miner's Hospital building.
 - iii. The Applicant proposes exterior materials for the building which include brick, metal, and wood. See Exhibit B, p. 9 and 10 for a complete list of the proposed materials.
 - iv. LMC § 15-5-8 requires a prominent shift in massing for any Structure that exceeds 120 feet in length. The shift shall be

- in the form of either a 15-foot change in Building Facade alignment or a 15-foot change in the Building Height.
- v. The Applicant proposes three shifts in massing along the front Building Facade and five to six shifts in massing along the rear Building Facade. See Applicant's exterior elevations and roof-over topography.
 - o. Noise, Vibration, Odors, Steam, or Other Mechanical Structures:
 - i. The Applicant is required to adhere to the Municipal Noise Ordinance, outlined in Municipal Code Chapter 6-3.
 - p. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas:
 - i. The Site Plan shows a trash and recycling area in the Parking Area and a loading and unloading zone for vehicles. The trash and recycling area will be screened by metal gates and landscaping. The location of the trash and recycling enclosure is in a convenient location for pick-up vehicles and pedestrian access.
 - q. Expected Ownership:
 - i. The proposed Community Center will be managed by the Park City Recreation Department; City Manager Matt Dias has signed the application. On February 15, 2024, the City Council provided input on a conceptual design for the proposed Community Center. On June 20, 2024, the City Council reviewed the proposed plans for the Community Center and approved a Professional Services Agreement for Sparano + Mooney Architecture.
 - r. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes:
 - i. According to the Applicant's Civil Engineer, there are no Hazards within the Community Center project area.
 - ii. The Site is located within the Soils Ordinance: The Applicant shall be required to provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on site will require testing and disposal offsite.
 - s. General Plan Consistency:

- i. See General Plan Review and Historic Sites analysis.

Fences Greater than Six Feet in Height from Final Grade

28. The Application, as conditioned, complies with the Fences and Retaining Wall criteria outlined in LMC Section 15-4-2:
 - a. Fences greater than six feet in height from Final Grade require a CUP in the UPZ. The Applicant proposes three different Fences for safety at the proposed Community Center. LMC § 15-13-9(B)(1)(C) mentions fencing for Historic Commercial Sites is regulated by LMC § 15-13-2. LMC § 15-13-2 prohibits vinyl or plastic-coated fencing or horizontal split rail fencing. The Applicant proposes an iron or steel fence surrounding the playground, and a chain-link recreational fence surrounding the volleyball and basketball courts. LMC § 15-4-2(B)(1) allows chain-link fencing for recreational facilities and courts. The proposed recreation Fence along the east side of the two volleyball courts and basketball court will prevent volleyballs and basketballs from traveling onto the Poison Creek multi-use pathway (see image below). The recreation fence will range in height from 10 feet to 12 feet from Final Grade. The Applicant also proposes an iron or steel Fence surrounding the playground ranging in height from four feet to eight feet from Final Grade. The Fence surrounding the basketball court and playground spans approximately 280 feet while the Fence surrounding the two volleyball courts will span approximately 70 feet.

Public Notice

29. On November 26, 2024, Staff mailed courtesy notices to property owners within 300 feet of the Site. On November 26, 2024, staff posted a physical notice to the Site. The Park Record published notice on November 27, 2024. Staff published notice on the City Website and the Utah Public Notice website on November 27, 2024.

Conclusions of Law

Conditional Use Permit

1. The Conditional Use Permit complies with the requirements of the Land Management Code, as conditioned.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Master Planned Development

4. Complies with all requirements of the Land Management Code.
5. Meets the minimum requirements of Section 15-6-5.
6. Provides the highest value of Open Space.
7. Strengthens and enhances the resort character of Park City.
8. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
9. Is Compatible in Use, scale, and mass with adjacent Properties, promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and uses.
10. Provides amenities to the community so that there is no net loss of community amenities.
11. Is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete.
12. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site.
13. Promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
14. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter.
15. Incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
16. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

17. Addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
18. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.
19. Addresses and mitigates traffic.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the final plans dated November 14, 2024, submitted to the Planning Department and reviewed on December 11, 2024, by the Planning Commission.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Forestry Board requires that the flowering crab apple trees of 18 inches in diameter or larger that are currently located on the Site be replaced with new trees of the same species and 3 inches in diameter. The trees must be planted and evaluated for viability prior to issuance of a Certificate of Occupancy.
4. All outdoor lighting must be fully shielded and down-directed, with a maximum color temperature of 3,000 degrees Kelvin. Pursuant to LMC § 15-5-5(J)(11), pathway lighting must not be mounted more than 10 feet above finished grade.
5. Recreational lighting for baseball diamonds, playing fields, and tennis courts shall not exceed 70 feet above Natural Grade and shall be turned off within 30 minutes of the completion of the last recreation activity associated with the lighting, and in general, must be turned off by 11 PM unless an exception is granted by the Planning Director for a Special Event. Other special requirements for recreational lighting are outlined in LMC § 15-5-5(J)(12).
6. The Applicant shall be required to provide a clean 6" soil cap at all disturbed areas, and all existing disturbed soil that cannot be reused on-site will

require testing and disposal offsite. This must be completed subject to approval by the Environmental Regulatory Program Manager.

7. All Signs require a Sign Permit from the Planning Department prior to installation.
8. The Applicant is required to adhere to the Municipal Noise Ordinance, outlined in Municipal Code Chapter 6-3.
9. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed for the Parking Area lighting.
10. Maximum watts per Parking Area light fixture must not exceed 50W.
11. The base of the Parking Area light pole shall be treated with paint, stain, stucco, or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.
12. The Applicant shall resolve all utility concerns prior to Building Permit Issuance.
13. If the City's public recreation Use is changed in a manner that would trigger a new requirement [third-party commercial lease or sale], the affordable housing requirement may be re-evaluated in accordance with the Affordable Housing Guidelines in effect at that time.
14. The Applicant is required to complete the Historic District Design Review for compliance with LMC § 15-13-3 *Regulations for Historic Commercial Sites*.
15. The Applicant must install EV Charging Infrastructure for 14 new Parking Spaces as developed designed and constructed to include a fully-wired circuit for an EV Charging Station power, including conduit and wiring with the electrical service capacity necessary to serve the power outlets to allow for the future installation of Level 2 EV Charging Stations.
16. The two EV Charging Stations must comply with all the required standards for EV Charging Stations outlined in LMC § 15-3-11(E).
17. All outdoor bicycle parking must comply with all the required standards outlined in LMC § 15-3-9(A)(1).
18. The Applicant shall construct indoor bicycle storage for five bicycles.

19. The trash and recycling area must be screened with metal gates and landscaping.
20. The Applicant shall obtain Planning Commission approval of a subdivision and record the approved subdivision with the Summit County Recorder's Office prior to Building Permit submittal.

The motion was seconded by Commissioner Johnson. The motion passed with the unanimous consent of the Commission.

- C. Snow Park Village Base Area – Deer Valley Resort 13th Amended and Restated Large Scale Master Planned Development Permit and Phase 1 Conditional Use Permit** – The Applicant Proposes a Three-Level Parking Garage with 1,971 Parking Spaces, an Underground Transit Hub Adjacent to Snow Park Lodge, a Conceptual Site and Circulation Plan, and Road and Utility Improvements. MPD PD-21-04767, CUP PL-21-04811, and Subdivision PL-22-05168.

Director Ward presented the Staff Report and explained that this item relates to the Snow Park Village Base Area. She reported that items scheduled for discussion include:

- Amendments to the Deer Valley MPD;
- Updated traffic submittals related to trip generation and the Five-Year Transportation Demand Management ("TDM") Plan.

The applicant is requesting some amendments to the Deer Valley MPD, and since the last meeting, some updated traffic information has been submitted. That information relates to trip generation and the TDM Plan. Director Ward shared a high-level overview of the MPD amendments. The request is to incorporate the gondola into the MPD. The details of the phasing are being worked through, such as how that relates to the Phase II vertical construction. The MPD amendments are also to increase some of the square footage to support the gondola uses. In the approvals for the vacation of the right-of-way, the applicant is requesting to increase the square footage of the site by approximately 30,000 square feet, which is 15,000 for the maintenance facilities and another 15,000 for restaurant and commercial facilities at Silver Lake Lodge.

Regarding affordable housing, a timeline of the Deer Valley Resort Affordable Housing Obligation History from a 2022 City Council Work Session was shared. The applicant is requesting to incorporate the updated requirements into the Development Agreement. Staff recommends some modifications be made related to the following:

- Calculation of final AUEs pursuant to final use and density determinations with subsequent phases;

- Housing Authority approval of the location of the affordable units is consistent with Resolution No. 24-2023; and
- Conditions of Approval requiring the amendment of an Affordable Housing Phasing Plan with the Phase II CUP for vertical development that outlines completion of affordable units prior to issuance of Certificates of Occupancy for market-rate units based on project phasing.

In the current MPD, it addresses a threshold. If parking capacity is exceeded, there is the flexibility to increase the parking on the site or to use the on-street parking, as approved by the City Council for use on peak days. With those options going away, all of the parking will be on-site, so the applicant is proposing that the MPD be amended to incorporate the parking maximums for the site and that there be a Condition of Approval that would establish Planning Commission review if that balance requires further mitigation.

Director Ward reported that the updated information on trip generation will be shared as well as the TDM Plan. There is also a Shared Managed Lane Memo attached as an exhibit. Director Ward outlined some of the future discussion items with the Commission:

- Details regarding the service connection to connect to another gondola in Deer Valley East;
- Distinction between day skier and ski club parking;
- Draft Conditions of Approval related to traffic and transportation;
- Draft Conditions of Approval related to project phasing;
- Review of updated Conditions of Approval related to construction.

Vice President of Resort Planning for Deer Valley, Hannah Tyler, introduced herself to the Commission. She is present to address Commissioner comments received during prior meetings as well as some prompts in the Staff Report. The presentation includes the Five-Year TDM Plan and an overview of the Traffic Impact Study ("TIS"). The TIS submitted in 2024 will be compared to the 2022 TIS. Additionally, an overview of the private club operations will be shared as well as some information about what can be expected in Phase II of this project. There will also be some next steps for Phase I shared.

Jon Nepstad and John Gard from Fehr & Peers were present as well as Transportation Planning Manager, Victoria Schlaepfer. Mr. Nepstad reviewed what is planned:

- An underground state-of-the-art mobility hub for transit, shuttles, and carpooling;
- A paid parking program;
- Increased remote parking facilities;
- Implementing a Shared Managed Lane for bus travel time advantages in the ski season and an additional active transportation facility in the summer;
- Improving active transportation facilities at Snow Park and around the entire Deer Valley Loop;
- Enhanced wayfinding and real-time parking information.

The Aspirational Transportation Demand Management Measures: 2030 and Beyond are:

- Transit:
 - Bus priority at the Y intersection;
 - Increased amenities at park and ride locations (restrooms, real-time bus information, possible food and beverage options);
 - Additional transit incentives (free lockers or baskets).
- Programs:
 - Enhanced alternative transportation marketing campaign;
 - Monday morning meetings (re: “How did the weekend go?” with Park City, High Valley, UDOT, and law enforcement agencies);
 - Transportation Coordinator;
 - Employee carpool matching with incentives;
 - Remote work options for eligible staff;
 - Real-time roadway conditions on site;
 - Employee incentive program.
- Projects:
 - E-bike share for staff;
 - E-bike share for summer guests.

As far as determining whether these measures are effective, there can be a monitoring program. The best way to know the effectiveness is via longitudinal data collection:

- Annual traffic counts;
- Annual vehicle occupancy counts;
- Employee and guest transportation survey;
- Ongoing ridership tracking with High Valley and Park City Transit.

Mr. Gard introduced himself to the Commission. He shared some Trip Generation Comparison information, which looked at the Fehr & Peers July 2022 study and compared it to the October 2024 study. The trip generation in the October 2024 study has not changed. The conclusions from that study are still valid, as are the level of service (“LOS”) results, delays, and vehicle queues. He shared a graph with the comparison of new trips generated from the July 2022 study and the current version. The PM peak hour remains relatively unchanged between the two studies. It is clear the number of daily trips and AM peak hour trips are lower in the 2024 study versus the project that was contemplated in 2022. Several factors have caused the mentioned changes:

- Primary Reasons for Reduced Trips:
 - Fewer residential/lodging units proposed;
 - Net reduction of 340-day skier parking spaces.
- Secondary Reasons for Reduced Trips:
 - Updated ITE Trip Generation rates (i.e. slightly lower);
 - Project community center/event space was treated differently in the 2024 study.

Ms. Tyler shared information about the existing ski club. The current club is located in the Silver Lake area. Based on the experience with that club, the peak occupancy is no greater than 52% at most four times per year. The rest of the occupancy during the season hovers between 15% and 30%. The days when peak occupancy occurs are the last Saturday in January, the first Saturday in February, the second Saturday in March, and Easter. None of the four days are considered peak days for the resort, as defined by the City. The peak days for the resort are Christmas, New Years, Martin Luther King Day, and Presidents' Day. This indicates that the behaviors of the club members are different from other guests at the resort. The club is utilizing commercial unit equivalents ("UE"). Deer Valley has looked at what would happen if those UEs were shifted from the ski club to other commercial uses, such as retail or restaurant. In that case, there would likely be an increase in trip generation during AM and PM peak hours. The trip generation for the TIS assumes the worst-case scenario, but based on the occupancy percentages, those scenarios are unlikely to be seen. The TIS assumes there will be multiple turns on those parking spots, but that is not the occupancy currently seen in the club parking. It is believed that the ski club's use is beneficial to transportation strategies.

Wade Budge introduced himself to the Commission. He reviewed the items included in Phase I and also reviewed some of the items associated with the Phase II application:

- Deer Valley intends to file a conditional use application for Phase II in Q2 2025 for:
 - Details related to the gondola and its location;
 - Identify and obtain approval for vertical building locations (on top of the parking structure);
 - Approve final commercial, hotel, and residential uses and locations;
 - Adjust the programming of the commercial parking to align with the above uses.

Mr. Budge explained that during prior meetings, there were concerns expressed by the Commission that the ski club use was similar to the day skier use, but based on the analysis, the use occurs at different times. It makes sense to have the club parking be in the Phase II discussion. He reviewed what there is an intention to discuss in January:

- Clean up items from the 12/11 meeting;
- Finalize Conditions of Approval for Phase I;
- Identify final details for 13th MPD;
- Finalize proposed Plat Notes;
- Prepare to submit for Building Permit in February for April 2025 construction start.

In the Meeting Materials Packet last month, there were Conditions of Approval related to construction mitigation. However, there are some proposed tweaks to the proposed language. Those discussions will take place at the meeting in January. Mr. Budge reiterated that the hope is to be in a position to submit for a Building Permit in February. That is important because the permit package needs to be submitted with enough time to

do utility work next year when the season closes. That kind of permit package takes a lot of Staff commitment and effort to review, so the intended timeline has been forecasted.

Chair Hall reported that the Meeting Materials Packet is received by Commissioners the Friday before the Planning Commission Meeting. Receiving all of that information to review five days before the meeting can be a lot. Mr. Budge believes it will be possible to submit materials in the second week of January so there will be additional time for Commissioner review. He wants to make sure there is enough time provided.

Commissioner Frontero asked about the reduction of single-occupancy vehicles. It was clarified that the change of habits will start during construction and that momentum will be built on between 2030 and 2035. Commissioner Frontero likes the idea of commuters being able to communicate since there might be good ideas there. Two-way communication is important and he is pleased that it is being considered. Discussions were had about paid parking, incentives, and what other resorts have in place. Ms. Tyler reported that many different ideas are being explored. The resort wants to encourage guests to arrive in other ways, outside of single-occupancy vehicles. Commissioner Frontero appreciates the goal to reduce single-occupancy vehicles from 48% to 30%. He believes that is a good goal and noted that it should be evaluated on an annual basis.

Commissioner Frontero mentioned reservation systems for parking. From the material he has read from other resorts, this kind of system provides two positive benefits: it spreads out the queue in the morning and keeps people off the road who are simply hoping there will be a parking spot available. He has not seen anything like this in the materials submitted. It seems there is some reluctance to commit to a reservation system and he wants to know why that is. Ms. Tyler explained that paid parking will be implemented, which is consistent with the Letter of Intent that was executed with the City Council. It is believed that the paid parking, in combination with the regionally significant off-site parking location, will affect the TDM strategies that have been laid out. Ms. Tyler denied that reserved parking is off the table, but at this point, it is believed that the plan submitted is the best way for Deer Valley to effectuate the parking plan.

President and COO of Deer Valley, Todd Bennett, believes there is alignment on the desired outcomes. There is not a desire to have people come to Deer Valley when there is no parking available, because that creates unnecessary congestion. There is also alignment to spread out traffic levels. Mr. Bennett has spoken to a lot of ski area operators and some have reservation systems while others do not. Some of the canyons have parking reservation systems because the additional traffic causes issues in the canyons. There seems to be alignment on the principles, but Deer Valley wants flexibility to manage the parking. There could be reservations in the future, but at this time, the proposed strategies are preferred. He pointed out that with reservation systems, there can be parking spaces that are not used. Operational efficiency is important to consider.

Commissioner Frontero pointed out that there could be incentives introduced. For example, four people in a vehicle could result in free parking. He asked why there is

reluctance to move forward with something like that. Mr. Bennett explained that Deer Valley wants to encourage high occupancy vehicles, but there are some technicalities with how the parking structure will be financed. There are some restrictions because of the financing mechanisms. Additional information about the public garage was shared.

The garage will be funded through a Public Infrastructure District ("PID"). The parking garage will not be owned by Deer Valley but will be owned by the PID. There are certain requirements associated with that. All of the revenues collected from the parking garage will be pledged to the bonds and the bondholders. Additionally, he noted that everyone needs to be treated the same. The spaces are first come, first served. There are concerns about an approach that would provide free parking for a vehicle with four people. It might be possible to look at a discounted rate for more people, but the parking rate itself is an incentive to add more people to the vehicle or to access the site via public transit.

Ms. Tyler confirmed that Deer Valley wants to reduce the number of single-occupancy vehicles. At the end of the day, it seems that Deer Valley and the Planning Commission want the same things. Many different strategies will be used to encourage this reduction, but there are some restrictions on what can and cannot be done based on the PID. Mr. Budge explained that there could be a condition to state that Deer Valley will implement the best available procedures to reduce traffic impacts and best utilize the parking structure. The conditions should ideally be broad enough that different options can be explored. There is a commitment to embrace and explore new technologies.

Commissioner Frontero is glad to hear that nothing is off the table because he believes in order to reduce the number of single-occupancy vehicles, everything will need to be considered. It is in the best interest of the resort to have more than one person per vehicle. He appreciates that the goals are likely aligned between Deer Valley and the Commission, but wants to make sure that there is agreement about the importance of single-occupancy vehicle reduction. The resort is growing, but the roads will not be widened. As a result, transit and reduced single-occupancy vehicles are essential.

Commissioner Van Dine asked what the ski club membership is anticipated to be at Snow Park. Mr. Budge explained that the resort is looking at it in terms of how many spaces will be devoted to the use. For example, only 250 of the 611 will be allowed to be used by club members. Club membership is driven based on parking availability.

Commissioner Van Dine mentioned the memo related to trip generation. It talked about a net decrease of approximately 300-day skier spots. She asked if that included the ski club spots. Mr. Nepstad clarified that the number in the memo is simply the day skier parking. Commissioner Van Dine understands that Deer Valley has stated that ski club visits occur at different hours and different times, but it is still day skier parking. Mr. Budge stated that those visitors are coming for the club amenity and will use the hill like a day skier, but those visitors will park in spaces that are developed through consuming commercial UEs. He noted that the intention is to find the right mix.

Commissioner Johnson has a similar concern, as he also believes the ski club parking is day skier parking. It was noted that there are 250 parking spots allocated for the club out of the 611. He asked how those are allocated beyond the ski operation hours. Mr. Budge explained that if there is a club event at night, then club members can park there in the evening. Commissioner Johnson noted that a Condition of Approval could be crafted and then considered at the next Planning Commission Meeting. Mr. Budge pointed out that nothing is being decided in Phase I as it relates to the ski club. The intention is to be transparent and let the Commission know what is contemplated for the ski club parking. There can be some sort of condition in this phase to indicate that it will be handled and fine-tuned as there is agreement about the vertical and other future details. It is important to Deer Valley that there be at least 1,340-day skier parking stalls because that is what the resort needs in order to justify the investment and to make sure it can accommodate the skiers on the mountain. He acknowledged that the ski club discussions will be ongoing. Chair Hall agrees with Commissioner Johnson and Commissioner Van Dine about the vertical component. The discussion was paused to hear from the public.

Chair Hall opened the public hearing.

Meredith Berkowitz gave her zip code as 84060 and explained that she is on the Board and acts as Treasurer of In the Trees. She thanked the Planning Department, Planning Commission, and Deer Valley for their continued thoughtfulness in this process. She appreciates the clarifications during each new presentation. Ms. Berkowitz hears what Deer Valley is saying about the ski club spaces, but is skeptical about the presumption that they are only 15% to 30% occupied on non-peak days as far as usage. For the price that the ski club parking costs, that seems low. She would love to see some more details.

Ms. Berkowitz shared comments about the reservation system. Reservations are the best way to spread out the traffic. The first come, first served system drives the peak traffic so it all occurs at the same time. Visitors often want to be there when the resort is about to open or the hour before. It might be possible to charge for the reservation or charge those who fail to fulfill their reservation without canceling it beforehand. It was stated that revenues from the parking garage are pledged to the PID and everyone needs to be treated the same. She was confused about those comments and asked for details.

The TDM document was reviewed, but some of the strategies seem more like wishful thinking than anything else. Ms. Berkowitz believes the biggest issue is the employees that have to get to Snow Park. There could be requirements that force a change in behavior with employee parking. The employees all tend to arrive and depart at the same time so that visitation is not spread out. Ms. Berkowitz shared comments about In the Trees. The In the Trees bus stop that used to be right at the foot of Potters Lane on Deer Valley Drive seems to be lost in the circulation plan. In the Trees is asking the Commission to require that it be put back, especially if the goal is to encourage transit.

It was noted that the three-minute time limit has been reached. Ms. Berkowitz offered to send in her remaining comments via email. Chair Hall noted that the public hearing will be continued, so there will be another opportunity to share comments at a future meeting.

John Kenworthy expressed appreciation for the work that has been done reviewing all of the materials. It seems that Deer Valley has forward thinking for items that will be discussed down the road, which he appreciates. Mr. Kenworthy thanked Mr. Elliott for his earlier comments. Mr. Elliott pointed out that applicants want certainty with the code, financing, and permitting. Financing is always a key element from the point of view of the developer. Best practices are constantly fluid and there will not be a best practice today that is the same as it was 10 years ago. As for the Deer Valley plans, the cost of changing the plans from an approved set to an advanced set of plans is significant. Deer Valley has proven that it will always strive to achieve the best practices. New technologies are emerging. It is important to allow some flexibility so those new technologies can be introduced on the site when that becomes possible.

Maureen Murtaugh gave her zip code as 84060. She shared comments about the ski club and its uses and asked for assurance that the future private club use would be similar to the current private club use. The resort will be very different in the future and she is unsure how to feel reassured that the use will be the same as the club use is currently.

There were no further comments. The public hearing was continued to January 22, 2025.

Chair Hall noted that there are many different areas to discuss and asked Staff whether there are specific topics that should be addressed at this meeting. In terms of efficiency, it might be best to focus on certain critical items. Commissioner Sigg noted that he was unable to weigh in before the public hearing was opened. Before it was determined what would be discussed next, he wanted to share some of his comments. He asked if there was ridership data for the ski club attendees. As for the PID, he is curious about what distinguishes public use and private use, and how a singular structure will be bifurcated. Commissioner Sigg pointed out that Deer Valley has an existing reservation system that is used for skiing, so this is not a foreign concept for the resort. In the peak times, when the reservation system is implemented, it would make sense that there is parking available for the person who has made a reservation to ski. Chair Hall asked for clarification from Staff about what issues should be prioritized in the discussion.

Director Ward suggested that any clarifications or concerns needed for the recommended modifications to the MPD and the Conditions of Approval be discussed. There can also be discussions about the affordable housing obligations and having that plan deferred and submitted as part of Phase II. The Commission can discuss phasing and how that will align with the vertical development. It sounds like there may be support for a Condition of Approval related to parking that allows for flexibility, but establishes a threshold for future review by the Planning Commission, similar to what is in the existing MPD. Regarding the trips generated and the updated TDM submittals, those are

undergoing review by WCG and WSP, the third-party reviewers for this project. Their input will be ready ahead of the Planning Commission Meeting scheduled in January.

Commissioner Johnson referenced the drafted language for the housing resolution. Director Ward explained that modification to the language would open the door for that to be reviewed as part of the Phase II CUP. If there are shifts in uses or density, there would be confirmation that those are satisfied through the Housing Mitigation Plan. It is recommended that this particular item be addressed as part of the Phase II work.

Commissioner Frontero believes with the current housing obligation, the applicant is required to provide housing for workers on-site at Snow Park. Senior City Attorney, Mark Harrington, denied this and explained that they can apply to the Housing Authority to determine how the number will be satisfied. There is a preferred list in the Resolution. As part of the right-of-way vacation, the Council agreed that the Ski Rail property was an acceptable site due to its proximity to the resort and proximity to public transit. It is a pre-approved site, but the applicant still has to come back with their final plan. That is what the Staff modification language states. While the 67.1 number is a preliminary determination based on what is known currently, that will be refined with the final uses. Ski Rail needs to either meet that count or something additional will be needed. The Commission can still make a recommendation regarding final implementation. Ski Rail appears to be an acceptable solution to satisfy the housing obligation provided there are sufficient units. It was noted there is consensus on the affordable housing component.

Commissioner Johnson referenced Paragraph G – Off Street Parking in the Meeting Materials Packet. He read the following language and asked for further clarification:

- "Notwithstanding anything herein to the contrary, Permittee shall limit the construction of parking spaces within Snow Park Village to 1,971 parking spaces. With respect to these 1,971 parking spaces, only 1,360 of the parking spaces may be reserved for day skiers. The remaining 611 parking spaces shall be restricted from being used by day skiers. The permittee may implement a paid parking system for these 1,971 parking spaces."

Commissioner Frontero feels the 250 ski club spaces need to be in the day skier parking section as opposed to the 611 parking spaces for other uses. He understands the argument about commercial density but is not comfortable removing the ski club number from the day skier parking. Mr. Budge explained that 1,360 is the day skier number and that 1,360 is important for the operation of the hill. The spaces will operate differently than the 611 spaces. He noted that the 1,360 spaces will be financed through the PID.

Discussions were had about the TDM and the Shared Managed Lane. Chair Hall wanted to build in some flexibility to ensure the lane is properly used since it is a new tool. Commissioner Sigg wanted to know if the TDM incorporates a strategy for the roundabout up to the Y intersection. Mr. Nepstad reported that some of the TDM strategies apply area-wide and some apply around the loop. Commissioner Sigg asked what "area-wide"

is defined as. He wants to know how the implementation will impact areas beyond the internal site circulation. For example, how the Shared Managed Lane will influence the rest of the network. It was noted that the City has some information about that.

Chair Hall suggested building in a condition that states the aligned principles and goals of the paid parking and the desire to use all of the different tools. Commissioner Frontero believes best practices are the appropriate wording for that, but feels it is a little too vague. He feels there is a commitment from Deer Valley to use best practices, but that is difficult to actually enforce. Ms. Tyler offered to work with Director Ward on appropriate language.

Additional discussions were had about a reservation system. Chair Hall noted that even if there is no reservation system in place, there could be a real-time calculator to let people know how many parking spaces are available. That would be useful and prevent people from coming into the Deer Valley area when there is no parking to accommodate them.

Chair Hall had a question about the size of the parking stalls. It was stated that the stalls are 10x20, which means the stalls are larger than the minimum code size. Chair Hall thought it was important to mention that specifically since it is different than the minimum. She asked to review the TDM as it relates to the PM peak. One of her biggest concerns in terms of transit and parking is that the study still shows the PM peak to be an issue. She would like to see more about how to alleviate the PM peak traffic levels. She likes the linger longer concept, but something more than that is needed to address the levels.

It was noted that the gondola language will be reviewed at the next Planning Commission Meeting. Ms. Tyler reported that work is being done with Director Ward and Attorney Harrington. Information will be presented to the Planning Commission in January 2025.

City Engineer, John Robertson, shared comments about an earlier question from Chair Hall. Deer Valley is doing its part with the TDM strategies to address a lot of the existing issues and stretch out the PM peak as much as possible. There are a number of items that the City is working on from a regional perspective to address queues at the PM peak.

Mr. Robertson reported that the problems at the Marsac roundabout are being explored. The transit cannot always get out because there are so many in the roundabout, so the idea of a signal there is being considered in order to stop traffic so transit can get out. A lot of different options are being explored. Deer Valley has proposed many strategies that are consistent with what the City is also trying to do to address traffic levels.

Commissioner Frontero mentioned the report from Fehr & Peers. He sees that in 2033 on the report, there is a strategy that mentions three-plus carpool incentives with Deer Bucks or a point system with rewards, such as discount passes. He is encouraged to see that there is something like this being considered. While he understands that parking cannot be free due to the PID limitations, there are other ways to incentivize visitors.

Ms. Tyler reported that on the peak days last year, Deer Valley gift cards were given out to those who carpooled. Those kinds of strategies can be implemented in the future as well. She pointed out that it is important to be able to have some flexibility in the operation.

Commissioner Frontero commented that there needs to be an appropriate balance. The Commission has a lot of faith in the efforts of Deer Valley, but there needs to be a balance so there is comfort that these tools will be utilized in the future. Work will be done with Director Ward to ensure that the right wording is crafted for the Conditions of Approval.

Discussions were had about the next Planning Commission Meeting items and what is desired by the Commission. Director Ward reported that the City is working on what the baseline is to determine whether the different strategies are working and what the trigger is to bring something back to the Commission. There are specific Conditions of Approval during construction, but the City also needs to look ahead several years. That needs to be built into the process so the foundation of what is approved in Phase I will allow for additional review and flexibility in Phase II. Chair Hall reiterated that five days to review the Meeting Materials Packet with all of the proposed changes can be a lot to digest. She asked that information be provided sooner for Planning Commission review.

MOTION: Commissioner Johnson moved to CONTINUE Agenda Item 5C, Snow Park Village Base Area, and the public hearing to the January 22, 2025, Planning Commission Meeting. The motion was seconded by Commissioner Van Dine. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

MOTION: Commissioner Van Dine moved to ADJOURN.

The meeting adjourned at approximately 8:45 p.m.

15-1-6 ZONE DISTRICTS AND ZONE MAP

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

1. The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
2. Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.
3. There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.
4. All property within the City limits is subject to the City's Zoning Districts, including State or Federal property which may be exempt from the City's land use ordinance and jurisdiction. If such zoning is subsequently invalidated, no building permit, subdivision or approval for any development activity may be applied for until the City establishes a valid zoning for the property.

15-2.27 BONANZA PARK MIXED USE (BPMX) DISTRICT

<u>15-2.27-1</u>	<u>PURPOSE</u>
<u>15-2.27-2</u>	<u>USES</u>
<u>15-2.27-3</u>	<u>LOT AND SITE REQUIREMENTS</u>
<u>15-2.27-4</u>	<u>BUILDING HEIGHT</u>
<u>15-2.27-5</u>	<u>ARCHITECTURAL REVIEW</u>
<u>15-2.27-6</u>	<u>DESIGN GUIDELINES</u>
<u>15-2.27-7</u>	<u>COMMUNITY BENEFITS</u>
<u>15-2.27-8</u>	<u>PARKING REQUIREMENTS</u>
<u>15-2.27-9</u>	<u>TRANSPORTATION DEMAND MANAGEMENT</u>
<u>15-2.27-10</u>	<u>STREET SYSTEMS</u>
<u>15-2.27-11</u>	<u>OPEN SPACE AND TRAIL CONNECTIVITY</u>
<u>15-2.27-12</u>	<u>SUSTAINABILITY REQUIREMENTS</u>
<u>15-2.27-13</u>	<u>CONVENTIONAL CHAIN BUSINESSES</u>
<u>15-2.27-14</u>	<u>CRITERIA FOR DRIVE-UP WINDOWS</u>
<u>15-2.27-15</u>	<u>SEXUALLY ORIENTED BUSINESSES</u>
<u>15-2.27-16</u>	<u>CRITERIA FOR BED AND BREAKFAST INNS</u>
<u>15-2.27-17</u>	<u>GOODS AND USES TO BE WITHIN ENCLOSED BUILDINGS</u>
<u>15-2.27-18</u>	<u>SIGNS</u>
<u>15-2.27-19</u>	<u>RELATED PROVISIONS</u>

15-2.27-1 PURPOSE

The purpose of the Bonanza Park Mixed Use (BPMX) District is to:

1. ensure development in the Bonanza Park neighborhood implements the Bonanza Park Small Area Plan and provides opportunities for locally serving businesses and diverse housing options.
2. encourage development of Missing Middle Housing such as Townhomes, Duplexes, Triplexes and Multi-Unit Dwellings,
3. create a vibrant Mixed-Use pedestrian-oriented neighborhood, with safe comfortable access to parks, and publicly accessible green spaces and outdoor community spaces,
4. protect views along the Bonanza Parks' entry corridors and Frontage Protection Zone,
5. allow increased height and densities when development provides significant community benefits, including exceeding affordable/workforce housing requirements, integration of trail systems, promoting multi-modal transit, providing publicly accessible outdoor community spaces, provide underground parking, art/placemaking elements, community facilities, etc. See definitions in 15-15 Defined Terms,

6. establish a network of pedestrian and bicycle linkages throughout Bonanza Park, through the restriction of auto-centric uses,
7. ensure development implements Universal Design Principles and aspires to reach Park City's net zero goals, reduce vehicle trips and improve access to transit, and
8. incorporates public art and placemaking elements to inspire, delight, and enliven public spaces and streets in the Bonanza Park Neighborhood.

15-2.27-2 USES

[Section Under Development] Uses in the BPMX District are limited to the following:

15-2.27-3 LOT AND SITE REQUIREMENTS

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum standards:

- A. **LOT SIZE**: No minimum lot size.
- B. **DENSITY**: The following densities and square footage limitations apply within the BPMX District.

- a. **Residential**. Minimum residential density 10 units per acre.

- b. **Commercial**. A single building is limited to no more than 15,000 to 29,000 square feet of commercial square footage. This limitation shall apply to commercial-only development and mixed-use development with a commercial component. A single commercial tenant shall not occupy more than 5,000 square feet of commercial square footage, unless it meets one of the following exemptions:

1. Grocery Store,
2. US Post Office, or
3. The use has received conditional use approval pursuant to Section 15-1-10 Conditional Use Review Process.

- C. **OPEN SPACE AND SITE COVERAGE**: The following Open Space and Site Coverage requirements apply within the BPMX District.

- a. **Residential**. Parcels with a residential component as a single use or as part of a mixed-use building shall have a minimum site coverage of 40% and a maximum of 80%. At least 20% of the total Site Area shall be transferred

Which number is it? Also, this would be better if the area was tied to the area of the property.

Has there been a test site plan of this documentation? Is this considered an easement? Or is it to be transferred to another entity?

Development Right (TDR) Open Space and may not be used for Streets, roads, driveways, or parking areas. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

Has there been a test site plan of this documentation? Is this considered an easement? Or is it to be transferred to another entity?

b. **Commercial.** Parcels with a commercial component or as part of a mixed-use building shall have a minimum site coverage of 40% and a maximum of 90%. At least 10% of the total Site Area shall be Transferred Development Right (TDR) Open Space and may not be used for Streets, roads, driveways, or parking areas. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

c. **Industrial.** Parcels with an industrial component shall have a maximum site coverage of 70%. At least thirty percent (30%) of the total Site Area, shall be Transferred Development Right (TDR) Open Space and may not be used for Streets, roads, driveways, or Parking Areas.

D. **SETBACK REQUIREMENTS:** Table 15.2-27-3-D identifies the required setbacks in the BPMX District.

Table 15.2-27-3-D: MINIMUM SETBACK REQUIREMENTS			
Use	Front Setback	Side Setback	Rear Setback
Recreation Open Space	Designated Recreation Open Space Lots within the Bonanza Park Neighborhood are subject to the requirements outlined in the Recreation and Open Space Zone District including 15-2.7-3 Lot and Site Requirements.		
Dwelling, 2 units or less	The minimum Front Setback is twenty feet (20').	The minimum Side Setback for any Main Structure is ten feet (10'). The minimum Side Setback for any Accessory Structure is five feet (5').	The minimum Rear Setback is ten feet (10').
Dwelling, 3 units or more	The minimum Front Setback is twenty feet (20'). (See Note 1, 2, 3)	The minimum Side Setback is five feet (5'). (See Note 4, 5)	The Rear Setback is fifteen feet (15').
Commercial	Minimum front setback is twenty feet (20') for all Main and Accessory Buildings and	The minimum Side Setback is ten feet (10'). (See Note 3, 4, 5, 6, 7)	The minimum Rear Setback is ten feet (10'). (See Note 3)

It may be useful to allow zero setbacks on the front yard if a new street and sidewalk is created that is dedicated to PCMC.

	Uses. (See Note 1, 2, 3)		
Flex / Light Industrial	The minimum Front Setback is thirty feet (30').	The minimum Side Setback is ten feet (10'). (See Note 7)	The minimum Rear Setback is ten feet (10').

Notes:

1. The twenty foot (20') Front Setback may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or underground.
2. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20.
3. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I).
4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
5. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
6. The minimum Side Setback for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Setback must be three feet (3'). See the following illustration:
7. On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

E. **DWELLING, 2 UNITS OR LESS SETBACK EXCEPTIONS.** The setback exceptions identified in Chapter 15-2.12-3 (R-1 zone district) shall apply to development in the BPMX District.

F. **DWELLING, 3 UNITS OR MORE SETBACK EXCEPTIONS.** The setback exceptions identified in Chapter 15-2.15-3 (RM zone district) shall apply to development in the BPMX District. In addition, the following activities shall be permitted in setbacks.

1. Public Transit Area
2. The twenty foot (20') Front Setback may be reduced to ten feet (10'), provided the parcel is not located within the Frontage Protection Zone, and usable dedicated outdoor space is provided for all residential units. This space may be located at grade, as a balcony, as a rooftop amenity, or any combination thereof.

G. **COMMERCIAL SETBACK EXCEPTIONS.** The setback exceptions identified in Chapter 15-2.18-3 (GC District) shall apply to development in the BPMX District. In addition, the following activities shall be permitted in setbacks.

1. The twenty foot (20') Front Setback may be reduced to ten feet (10'), provided the parcel is not located within the Frontage Protection Zone, and usable dedicated outdoor space is provided for all residential units. This space may be located at grade, as a balcony, as a rooftop amenity, or any combination thereof.

H. **SNOW RELEASE.** The design of roofs shall address snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

I. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

J. **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT.** The following requirements apply to specific Lots in the Prospector Square Subdivision:

1. **AFFECTED LOTS.** Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.
2. **MAXIMUM FLOOR AREA RATIO (FAR).** The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.
3. **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Front, Side and Rear Setbacks may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ Setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

15-2.27-4 BUILDING HEIGHT

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.



The word "may" is doing a lot of work here. Why not just provide height if the items are provided? This discretion discourages the area to be redeveloped.

A typical double-loaded corridor residential building is 60' to 70' wide. A gable roof spanning this distance at 4:12 pitch would be 10' to 11'-8" tall. This will diminish the buildable area.

A. BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

1. One (1) additional story, or a maximum of forty-five feet (45) from Existing Grade per Section 15-2.27-8 may be granted if **Community Benefits are provided, pursuant to Section 15.2-27-X.**
2. Affordable Master Planned Developments may be granted additional height up to forty-five feet (45) from Existing Grade per Section 15-6.1.
3. Gable, hip, Barrel, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
4. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).
5. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
6. Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
7. An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
8. Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission

15-2.27-5 ARCHITECTURAL REVIEW

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with Architectural Review, Chapter 15-5. In addition to the requirements identified in Chapter 15-5, the Design Guidelines identified in Section 15.2-27-6 shall apply.

15-2.27-6 DESIGN GUIDELINES

In order to implement the Bonanza Park Small Area Plan, specific design guidelines for the BPMX District are adopted. These are intended to ensure development is consistent with the neighborhood character while improving overall connectivity with greater Park City.

- A. **APPLICABILITY.** These Design Guidelines shall apply to all development in the BPMX District, with the exception of single-family or two-dwelling unit development. Where there is a conflict between the standards in this Chapter and Chapter 15-5, the requirements of this Chapter shall apply.

B. **BUILDING PLACEMENT AND ORIENTATION.**

Which streets?
What about
orienting to open
space? What
about building
forms creating
community
gathering space?

1. Incorporate open space into building placement. Open spaces provide opportunities for additional landscaping, while also providing opportunities for commercial businesses to utilize space as outdoor seating or for outdoor merchandising.
2. On parcels greater than 30,000 square feet, the massing of the building should be broken into smaller volumes. Creative approaches to break up building mass and scale is encouraged. This could include separate buildings above grade or linked exterior walkways.
3. Buildings should be oriented to the street to create a positive pedestrian experience. To the extent practicable, building facades should be parallel to the adjacent street to orient access to public and private streets, pedestrian circulation, and gathering areas.
4. Development should preserve or enhance views of significant community features from prominent public vantage points as listed below:
 - a. PLACEHOLDER FOR VANTAGEPOINTS
5. Maximizing solar exposure during winter months should be a consideration in designing public spaces and gathering areas. Development adjacent to major open spaces, such as parks or designated public amenities, shall perform a sun/shadow study of the effects of development on such spaces from autumn through spring.

C. **BUILDING SCALE, VARIATION, AND FENESTRATION.** Buildings in Bonanza Park should reflect the scale of uses and reinforce a pedestrian environment.

1. **BUILDING SCALE**

- a. The perceived mass and scale of Development in the BPMX District shall be reduced by incorporating design elements that emphasize three or more of the following:
 - i. Variation in roof forms or parapet heights, or
 - ii. Insets, projections or other relief in the wall plane, or
 - iii. Architectural emphasis on building entries, or
 - iv. Arcades, porticos, or other forms of covered exterior circulation, or
 - v. Variations to window size or proportions, or
 - vi. Balconies, or
 - vii. Variation in color, texture, or materials as allowed in Section 15-5.
- b. Building design should avoid blank walls and large undifferentiated expanses of wall surface exposed to public pedestrian rights of way, plazas, or parks.
- c. Roof overhangs, projections, awnings or canopies should contribute to the character of the building and create shadow patterns while aiding in protection of the structure and pedestrians.
- d. Exceptions from the guidelines may be allowed for those areas of the building envelope that are not visible from adjacent development and public spaces.

Define the word "large".

2. VERTICAL BUILDING ARTICULATION

- a. All buildings that are approved above thirty five feet (35') in height shall include vertical articulation to help break up the mass of the building. This articulation shall occur every thirty feet (30') and shall be achieved through a façade change of at least eight inches (8") in depth, or through a material change.
- b. This shall apply to all building facades.

Instead of a setback, which defines the architectural form, applying a 45 degree angle similar to the HCB height definition would be more consistent with the LMC while maintaining the light and air that this section is intended to do.

3. VERTICAL STEPBACKS

- a. A vertical setback is required for any building developed within fifty feet (50') of the Frontage Protection Zone. These upper story setbacks shall be a minimum of ten feet (10') in depth.
- b. A vertical setback for portions of a building over thirty five feet (35') should be considered.

4. HORIZONTAL BUILDING ARTICULATION

- a. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').
- b. Structures that 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 fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
- c. This shall apply to all building facades.

5. FENESTRATION

- a. Windows for non-residential and mixed-use buildings should be provided to create a direct relationship to the street.
 - i. A minimum of 50% glazing is required on the ground level of all street-facing facades to create a strong relationship to the street.
 - ii. A minimum of 40% is required for second levels.
- b. Transparent glazing shall be rated at a minimum 60 percent light transmittance factor.

This number seems really high.

Is this for the first floor only? It seems odd in a Planning Document if it is for the whole building.

c. Reflective glass is prohibited on ground floors and discouraged on upper levels.

6. Balconies are permitted for all residential uses. These may be integrated into a vertical step-back. Railings for balconies should have a minimum of **30% transparency**. Balconies may count as outdoor space for residential units if they are a **minimum of six (6) feet by eight (8) feet**.

Area is not a good definition for breaks.. Distance would be a better definition. Main Street blocks are 400 lineal feet.

Stairs and Elevators?

This doesn't make sense. Get the cars into parking as quickly as possible.

"Shortest Block Length" has no value. It should be from best location for traffic and distance from major intersections.

This is in contradiction with the Small Area Plan where there is street parking proposed.

This paragraph is not clear. Interpreting "should have" will cause issues with approval for buildings that are 100% residential.

D. SITE ACCESS AND ON-SITE PARKING. Site access should be consolidated to the greatest extent practicable.

1. For sites that are larger than two (2) acres in size, integration of an alleyway or mid-block walkway is encouraged to support a pedestrian oriented street design.
2. Access between the on-site Use and Parking Area must be provided through pedestrian, bicycle, and/or transit facility connections (e.g. sidewalks, multi-use paths, bicycle lanes, transit stops, etc.).
3. On-site parking should be accessed from a street other than Park and Kearns. If there is no access from an internal street, the main vehicular access point shall be from the shortest block length.
4. Additional vehicular access points on Park and Kearns are discouraged and shall be minimized.
 - a. Where parking is accessed from Park or Kearns, the parking area, inclusive of drive aisles, shall be no more than 35% of the parcel width. Screening of parking areas is required, which may include low walls, landscaping, public art, public seating, multi-modal transportation infrastructure, and the like.
5. All onsite parking shall be located behind the front-most wall of the Main Building.
6. When a parking garage is provided, underground parking is preferred. Where an above-grade garage is provided, it shall be located behind the Main Building and shall include architectural screening or artistic screening to minimize views of vehicles.
7. Any street-facing entry to a parking garage should be designed to reduce visibility. All ramps shall be integrated into the building's architecture.
8. Parking areas and loading zones should be located to minimize visual impacts from the a public Street or pedestrian way.
9. Consider paving material change to define surface parking areas from the main vehicular travel lane.

E. STREET LEVEL DESIGN. Thought shall be given to the street level design to encourage the overall walkability and vitality of the area.

1. Buildings should have an active use on the ground level. Active uses support the vibrancy and usability of the public realm adjacent to a building, and include retail establishments, retail services, civic spaces (theaters, museums, etc), restaurants, bars, art and craft studios, and other uses determined to be

What is a "main entry"? What if the building is a series of townhouse residential units?

20' is entirely arbitrary and makes very little sense.

This should be removed. It may not work for all retail spaces. F. This is a building code issue, not planning.

There are many quality materials that are sustainable, durable, and maintain their appearance that should be allowed.

substantially similar by the **Planning Director and/or Planning Commission**. For buildings that are 100% residential, a lobby or other common space shall meet this requirement. The active use should extend at least 25 feet inside the building.

2. All buildings shall have at least one main entry on all street-facing facades. This entry should be easily seen from the street and adjacent pedestrian way.
3. On corner lots, two (2) entrances should be provided. At least one (1) of these entries should be located within twenty (20) feet of the corner.
4. An internal airlock should be incorporated into all commercial, lodging, public, and mixed-use buildings.

ARCHITECTURAL STYLES AND MATERIALS. The limitations identified in Chapter 15-5 shall apply. In addition, the following standards should be met:

1. Building materials should convey a pedestrian scale and have proven durability in Park City's climate.
2. Building materials shall be of a high quality and reflect the range of materials found in the Bonanza Park Area. The use of **wood, metal, glass, and XX** is appropriate in this zone district.
3. Architecture that reflects corporate branding is not permitted. This shall not be construed to limit the ability to place signage on the property in accordance with the allowances and limitations of the Land Management Code.

G. **ROOFS.**

1. Flat roofs and low sloping roofs are preferred.
2. Snow shedding shall be considered in all roof design. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates and other similar building spaces do not form ice dams and to minimize the need for heat tape.
3. Where roofs will drip onto pedestrian or other public areas, buildings shall provide a system of gutters, downspouts and permitted heat-tape to direct and channel roof run-off into the project's landscape areas and to prevent ice build-up in pedestrian areas. In non-pedestrian or public areas, roofs may drip to swales that direct water to the natural or proposed landscape.
4. Eaves and fascia shall generally be responsive and proportional to the design of the building.
5. The limitations identified in Chapter 15-5 shall apply.

H. **LANDSCAPING.**

1. Landscaping should complement the context and enhance the architecture of the building.
2. Stormwater best management practices should be considered in the landscape design.
3. Landscape materials should reflect the Park City climate.
4. For parcels located in the Frontage Protection Zone, the first thirty feet (30') should include landscaping and pedestrian-focused infrastructure.

- a. Sidewalks, trails, bike paths, and the like are permitted in this area. These shall have a vegetative buffer from the edge of road pavement of at least three feet (3')
- b. Multi-modal infrastructure is permitted in this area, including bike racks, transit stops and shelters, wayfinding signage, seating, and the like. Mobility Hubs and Transit Hubs are also permitted in these areas, provided they do not exceed **XX feet** in height.

Showing proposed locations for mechanical equipment makes sense but it is very difficult to know at the planning level the exact equipment and sizes.

I. SERVICE AND MECHANICAL AREAS.

1. Trash, recycling, and service areas should be designed as integrated components of the building and should be sited to minimize impacts to pedestrians.
2. All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to mitigate visual impacts on nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for city review.
3. Delivery areas should be located at the rear of a property.
4. The loading and unloading of goods must take place entirely on the Site. Loading and delivery areas must be Screened from general public view. All loading areas shall be shown on the plans prepared for city review.
5. Shared delivery, service, trash, and recycling areas are encouraged.
6. All Structure must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for city review. Refuse storage must be Screened, enclosed, and properly ventilated.
7. When possible, transformers and other utility boxes, should be located at the rear of the property.
 - a. Location along Park and Kearns is highly discouraged.
 - b. All transformers and other utility infrastructure should be screened through fencing, landscaping, low walls, art, and the like, as permitted by the relevant utility provider.
8. The undergrounding of utilities is preferred.
9. Mechanical equipment, ducts, and vents should be accommodated internally within the building and / or co-located on the roof. Screening of equipment on the roof is encouraged.

Utility companies will most likely require this location as the current infrastructure is provided from these two streets

J. ART INSTALLATIONS.

1. Integration of public art is encouraged in all development in the BPMX zone district, including murals, sculptures, enhanced trails, gateways, crosswalks, wayfinding, interactive exhibits, and the like.
2. It shall be the responsibility of the property owner to maintain all art located on private property.
3. Art is specifically allowed in the Frontage Protection Zone.
4. **[should there be a required review with the arts board?]**

This discretionary review will be detrimental in redeveloping the district. The word "may" is the issue.

- K. **LARGE LOT DEVELOPMENT.** For parcels that are five (5) acres or more in size, the entire site should be developed. However, if a property owner is not prepared to develop the entire parcel at one time, the development shall be clustered to enable phasing of development.

15-2.27-7 **COMMUNITY BENEFITS**

Additional height may be granted to allow for additional housing units, or more residential floor space than allowed through underlying zoning in exchange for providing defined public or community benefits. In the BPMX District, Density Bonuses allow for up to one (1) additional story, or a maximum of forty-five feet (45) from Existing Grade if the provision of Community Benefits exceeds the minimum thresholds outlined herein

1. **APPLICABILITY.** The Community Benefit process shall be required in the BPMX District for the following:

- a. Any Multi-Unit Residential project with market-rate units exceeding 20% of the total Residential Units.
- b. Any Mixed-Use Residential project with more than 10,000 square feet of Commercial, Retail, Office, Public, or Quasi-public Gross Floor Area.
- c. Any Commercial or Industrial project exceeding 20,000 square feet.

- d. **Allowed but not required.** The Community Benefit process is allowed but not required in the BPMX Districts for:

- i. Any Multi-Unit Residential project proposing Affordable Units.
- ii. Any Mixed-Used Residential project proposing Affordable Units.
- iii. Any Commercial project in or outside the FPZ proposing Affordable Units.
- iv. Any Hotel or Lodging project proposing Affordable Units.

- e. **Not Allowed.** The Community Benefit process is not allowed or permitted, except as provided in Sections A and B above or as specifically required by the City Council as part of a Master Planned Development or Affordable Master Planned Development. Additional height is not permitted in the FPZ.

2. **STANDARDS.**

1. (Section is reserved)

15-2.27-8 PARKING REQUIREMENTS

- A. APPLICABILITY.** All development within the BPMX District is subject to the following parking requirements in addition to requirements outlined in Section 15-3 Off Street Parking.
- B. REQUIREMENT.** Off-Street parking within the BPMX District shall be provided for each land Use as listed in this section, where parking ratio requirements supersede those in Section 15-3 Off Street Parking.
1. **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

Table 15-2.27-8-B-1 RESIDENTIAL PARKING RATIO REQUIREMENTS	
USE	PARKING RATIO (NUMBER SPACES)
Accessory Apartment	1 space per dwelling unit
Lockout Unit in Single Family and Duplex Dwellings	1 space per dwelling unit
Single Family Dwelling	2 per Dwelling Unit
Duplex Dwelling	1.5 per Dwelling Unit (3 total)
Triplex Dwelling	1.5 per Dwelling Unit (5 total)
Multi-Unit Dwelling, Apartment/Condominium not greater than 1,000 sf floor Area	1 per Dwelling Unit
Multi-Unit Dwelling, Apartment/Condominium greater than 1,000 sf and less than 2,000 sf floor Area	1.5 per Dwelling Unit
Multi-Unit Dwelling, Apartment/Condominium 2,000 sf floor Area or greater	2 per Dwelling Unit
Dormitory	75% of the number of people housed or 1 per 200 sf floor Area devoted to accommodations, whichever is less
Boarding House, Hostel	1 per 2 beds; and 1 per manager's unit
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence
Guest House	1 per Unit
Nightly Rental	Parking for the first six (6) bedrooms is based on

	the parking requirement for the dwelling. An additional space is required for every additional two (2) bedrooms utilized by the Nightly Rental Use. Parking for Historic Structures may be allowed on the Street adjacent to the Property, if approved by the Planning, Engineering, and Building Department
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2. **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses. Uses may also qualify for additional parking via underground parking if proven community benefits are provided.

Table 15-2.27-8-B -2 NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENTS (NUMBER SPACES)
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Child Care Center	1 per on-duty staff per shift and 1 per 6 children
Public and Quasi-Public Institution, church and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Auditorium and Assembly Hall	1 space per every 5 seats
Bed and Breakfast Inn	1 space per bedroom and 1 space per on-duty manager
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Offices, General	2 spaces per 1,000 sf of leasable floor Area
Offices, Intensive	4 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor Area
Hospital, Limited Care	1 space per 2 beds

Hospital, General	1.5 spaces per bed
Automobile Sales/Rental	1 space per vehicle plus one space per employee
Financial Institution, with and without drive-up	2 spaces per 1,000 sf of net leasable floor Area
Retail & Service Commercial, Minor, Personal Service	0 spaces required for buildings that have less than or equal to 3,000 net leasable floor area Above 3,000 net leasable floor area is 3 spaces for each 1,000 sf of net leasable floor area
Retail & Service Commercial, Major	5 spaces for each 1,000 sf of net leasable floor Area
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor Area
Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor Area
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces
Convenience Store, Support Commercial Uses	4 spaces per 1,000 sf of net leasable floor Area
Cafe/Deli	2 spaces per 1,000 sf of net leasable floor Area
Restaurant, Standard and Bar	0 spaces required for buildings that have less than or equal to 3,000 net leasable floor area Above 3,000 net leasable floor area is 3 spaces for each 1,000 sf of net leasable floor area
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Restaurant, With Drive-up	7 per 1,000 sf of net leasable floor Area
Light Industrial and Wholesale establishments	1 space per 1,000 square feet of floor area and 1 for every 2 employees in the largest shift
Temporary Improvement	1 per employee plus 1 guest spaces

Tramway Station/Ski Base Facility	See Chapter 8.20
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity
Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity
Master Planned Developments	As determined by Planning Commission based on proposed Uses
Mining Operations	2 spaces per 3 employees
Airports/Heliports	As determined by the Planning Commission based on traffic generation study

- C. CALCULATION OF SPACES.** If a project incorporates two Uses, the Use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
- D. PARKING MAXIMUMS.** No more than one hundred and twenty five percent (125%) of the minimum required parking may be provided for newly constructed non-residential, mixed-use, or Multi-Unit Dwelling developments of ten (10) or more units when the new development is within a one-quarter (¼) mile of a transit stop. When the parking requirement is zero Parking Spaces, a maximum of five (5) Parking Spaces may be provided. The maximum parking limit does not apply to public parking facilities, park-and-ride lots, shared parking areas, or any City facilities. Exceptions to the maximum parking limit may be approved by the Planning Commission if found to be consistent with Section 15-3-1 and to further the City's goals for reducing single-occupancy vehicle trips.
- E. SHARED PARKING.** For both on-site parking and off-site parking, Shared Parking Spaces may be provided contingent upon a shared parking analysis being completed and a Shared Parking Agreement being executed, as approved by the Community Development Director.

1. The parking requirement for projects with multiple, distinct land uses (residential, commercial, lodging, or other) may be lowered, if the applicant submits a shared-parking analysis, approved by the Community Development Director, which results in a peak-parking-demand measure that is less than the Parking Requirement established by Section 15-3-6 for Residential and Non-Residential Uses.

F. PARKING REQUIREMENT ADJUSTMENT. A ten percent (10%) reduction in the number of required Parking Spaces is allowed to reduce or eliminate a public safety hazard or to bring substandard Parking Spaces into compliance with current City design standards subject to approval by the City Engineer.

G. UNDERGROUND PARKING. All development within the BPMX District is encouraged to provide underground parking in order to promote a vibrant pedestrian friendly environment that reduces car-pedestrian conflict. If 100% of required parking is provided on-site and underground, Front and Rear Setbacks may be reduced by 50% outside of the Frontage Protection Zone Overlay.

H. ALTERNATIVE PARKING STRATEGIES. The following alternative parking strategies may be used to comply with the minimum Off-Street parking standards required by this Chapter.

1. **OFF-SITE PARKING.** Required Off-Street Parking Spaces may be provided Off-Site in compliance with the following:
 - a. Required parking must be located within the City limits.
 - b. Access between the on-Site Use(s) or the subject site and the Off-Site Parking Area must be provided through pedestrian, bicycle, and/or transit facility connections (e.g., sidewalks, multi-use paths, bicycle lanes, transit stops, etc.).
 - c. A parking agreement shall be provided in a form acceptable to the City Attorney which identifies the location of the Off-Site parking spaces, guarantees the continued availability of the Off-Site Parking Spaces, and sets forth the ongoing responsibilities of the parties involved. The parties to the agreement shall include the owners and lessees of the Off-Site Parking Spaces and the Owners and lessees of the subject Site, and a copy of any such agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in revocation of the on-Site parking reduction approval by the City unless a new alternative parking arrangement is approved by the City within a reasonable timeframe, as determined by the Planning Director.

2. **PARKING REDUCTIONS FOR SITES WITH MULTIPLE USES.** For buildings or sites with multiple Uses, parking may be reduced. To calculate the parking requirement, calculate the sum of the minimum Off-Street parking requirements for the two Uses with the highest Off-Street parking requirement, and then multiply that sum by the number shown below for that combination of Uses.

Table 15-2.27-8-H-2 PARKING REDUCTIONS FOR SITES WITH MULTIPLE USES					
FIRST USE	SECOND USE				
	MULTI-UNIT RESIDENTIAL	PUBLIC INSTITUTIONAL OR CIVIC	FOOD, BEVERAGE, LODGING, RECREATION, OR ENTERTAINMENT	RETAIL	OTHER COMMERCIAL
Multi-Unit Dwelling ¹	NA				
Public Institutional, or Civic	10%	NA			
Food, Beverage, Lodging, Recreation or Entertainment ²	15%	20%	NA		
Retail	15%	25%	25%	NA	
Other Commercial	20%	25%	25%	20%	NA

3. **ADDITIONAL ALTERNATIVE STRATEGIES.** After any reduction in the required number of Off-Street Parking Spaces under **Section 15-3-6.1(C) is applied**,

¹ The parking reduction for developments with multi-unit residential shall apply only to the non-residential Use parking requirement.

² For mixed-use projects, 0 spaces shall be required for the first 3,000 sf of net leasable floor Area of "Retail & Service Commercial, Minor, Personal Service" and/or "Restaurants, Standard and Bar" Uses.

the alternative strategies described below may be combined for an additional non-residential Use parking reduction of up to ten percent (10%).

- a. **DESIGNATED CAR SHARING PARKING.** Designated car sharing spaces (i.e., spaces marked and reserved for car sharing vehicles) shall count as an average of 1.5 Parking Spaces, for up to a maximum of three (3) designated car sharing spaces (i.e., one designated car sharing space = 2 Parking Spaces; two designated car sharing spaces = 3 Parking Spaces; and three designated car sharing spaces = 5 Parking Spaces).
 - b. **ELECTRIC VEHICLE (EV) CHARGING PARKING SPACES.** Electric Vehicle (EV) Parking Spaces (i.e., spaces with approved charging infrastructure for Electric Vehicles consistent with Section 15-3-11) that are in addition to the EV Parking Spaces required to be provided pursuant to Section 15-3-11 shall count as two Parking Spaces, for up to a maximum of five (5) additional EV Parking Spaces.
 - c. **UNDERGROUND PARKING.** When underground parking is provided, each two (2) underground Parking Spaces shall count as three (3) Parking Spaces toward satisfying the minimum required parking. This may allow for a reduction of up to five percent (5%) in the number of required Parking Spaces.
4. **PROXIMITY TO TRANSIT.** A fifteen percent (15%) reduction in the total number of required Parking Spaces for any development may be approved when the Site is within one thousand feet (1,000') unobstructed year-round walking distance of a Major Transit Stop.
 5. **CUMULATIVE PARKING REDUCTION.** No development may be granted a cumulative parking reduction greater than fifty percent (50%) for non-residential Uses or greater than fifteen percent (15%) for residential Uses as provided in Sections 15-3-6.1(C), (D), and (E).

15-2.27-9 TRANSPORTATION DEMAND MANAGEMENT

A. **APPLICABILITY.** A Transportation Demand Management (TDM) Plan is required for all development projects as provided in Section 15-3-12(B). Two (2) TDM Plan levels shall apply as described below.

1. **LEVEL 1 TDM PLAN.** A Level 1 TDM Plan is required for all development described below:
 - a. Single Family Dwellings: 10 - 24 Dwelling Units
 - b. Single Family Attached Dwellings or Multi-Unit Dwellings: 10 - 44 Dwelling Units
 - c. Hotel or Lodging Project: 10 - 39 rooms

This whole section seems off. Why not just have the City do a study and define the acceptable density in the code?

2. **LEVEL 2 TDM PLAN.** A Level 2 TDM Plan is required for all projects that require a Traffic Impact Study (TIS) (i.e., development adds twenty-five (25) or more peak hour vehicle trips) as described below:

- a. Single Family Detached Dwellings: 25 Dwelling Units and greater
- b. Single Family Attached Dwellings or Multi-Unit Dwellings: 45 Dwelling Units and greater
- c. Hotel: 40 rooms or more
- d. Retail: 3,000 square feet or greater
- e. Office: 3,000 square feet or greater
- f. Sit-Down Restaurant: 2,500 square feet or greater
- g. Fast Food/Fast Casual Restaurant: 800 square feet or greater

- B. **EXEMPT PROJECTS.** Projects exempt from TDM Plan requirements are:

1. Developments of Single-Family or Duplex Dwelling Units with fewer than ten (10) Dwelling Units;
2. Remodels or expansions of existing residential units that do not increase the total number of residential units;
3. Remodels or expansions of Commercial, Retail, Office, Hotel or lodging projects, or mixed-use projects involving no more than five hundred square feet (500 square feet) of commercial net leasable space or two (2) lodging rooms or units;
4. Any Hotel or lodging project with fewer than ten (10) rooms;
5. Retail less than 3,000 square feet;
6. Office less than 3,000 square feet;
7. Sit-Down Restaurant less than 2,500 square feet; and
8. Fast Food/Fast Casual Restaurant less than 800 square feet.

- C. **TDM PLAN.** The Applicant shall submit a TDM Plan for review and approval by the Planning Commission. The TDM Plan shall document and demonstrate consistency with the requirements in this Section. The TDM Plan shall include, but is not limited to, the following:

1. Identification of the applicable TDM strategies to be implemented based on the size of the project and estimated number of trips generated.
2. Implementation plan for each TDM strategy, including timelines, responsibilities, and budget allocations.

3. Monitoring and evaluation plan, submitted annually to the Planning Department, to track the effectiveness of TDM strategies and adjust them as needed. At their discretion, the Planning Director may require additional Planning Commission review and modifications as needed.

D. **LEVEL 1 TDM PLAN REQUIRED COMPONENTS.** The following TDM trip reduction strategies are required for Level 1 TDM Plans:

1. Participation in an annual travel survey of residents and employees for the first four(4) years of building occupancy. Employers on Sites subject to an approved TDM Plan shall submit the survey results to the City.
2. Provide the following information to employees and/or residents on an annual basis:
 - a. Carpooling/vanpooling information;
 - b. Transit schedules and route information;
 - c. Information on air pollution and alternatives to single-occupancy vehicle trips;
 - d. Bicycle route and facility information, including local bicycle maps, locations of nearest outdoor bicycle parking or enclosed bicycle storage, and bicycle safety information; and
 - e. Information on walking and biking to work, pedestrian and bicycling safety, and all-weather walking shoes and traction devices for shoes and bicycle tires in winter/ice conditions.
3. One strategy from the Supplemental TDM Menu (see Section 15-3-12(F).)

E. **LEVEL 2 TDM PLAN REQUIRED COMPONENTS.** The following TDM trip reduction strategies are required for Level 2 TDM Plans:

1. All Level 1 required components.
2. Establishment of a TDM Coordinator to directly support commute programs, implement mobility programs, and develop transportation policies and initiatives.
3. Employee parking cash-out program.
4. Unbundle parking for residential Dwelling Units at minimum.
5. Two strategies from the Supplemental TDM Menu (see Section 15-3-12(F).)

F. **SUPPLEMENTAL TDM MENU.** Supplemental TDM strategies over and above the applicable Level 1 or Level 2 TDM Plan requirements may be implemented to reduce the amount of required Parking for non-residential Uses. When three (3) or more of the following strategies are provided in addition to the applicable Level 1 or Level 2 TDM Plan requirements, the Planning Commission may approve up to a fifteen percent (15%) reduction in the required parking for non-residential Uses.

1. Alternative work schedules/flex-time.
2. Preferential Parking for carpool or vanpool vehicles.
3. Employee shower facilities.
4. Provision of on-Site or Off-Site multimodal transportation improvements at the discretion of the Planning Commission, such as:
5. Pedestrian network improvements (e.g., providing sidewalks that are wider than the required minimum width),
6. Construct or improve a bike facility (e.g., providing improved safety of bicycle facilities serving key transit nodes), or
7. Construct transit-supportive treatments (e.g., traffic calming near transit stop, transit stop enhancements and amenities, etc.).
8. On-site child care facilities.
9. Facilities and equipment to encourage telecommuting (e.g., video-conferencing facilities and equipment).
10. Contributions to funds for local and regional facilities such as park-and-ride lots, multimodal transportation centers, satellite work centers, etc. as approved by the City Council.
11. On-Site amenities such as cafeterias, restaurants, automated teller machines, and other services that would eliminate the need for additional trips.
12. Transit incentives for employees such as additional pay for carpoolers, etc.
13. Plans for delivery of goods at off-peak times and/or plans and facilities for centralized deliveries of goods for multi-tenant facilities.

G. **TDM PLAN AGREEMENT.** A TDM Plan agreement shall be provided in a form acceptable to the City Attorney and shall include the TDM Plan. The parties to the agreement shall include the Owners and lessees of the project Site. A copy of the agreement shall be provided to the City. The City shall not be required to be a party to any such agreement, but each agreement shall grant the City the right (but not the obligation) to enforce the agreement's terms and shall include a provision requiring that the City be notified immediately of any termination or default of the agreement. Any termination or default of the agreement between parties shall result in enforcement action by the City unless a new TDM Plan is approved by the City within a reasonable timeframe, as determined by the Planning Director.

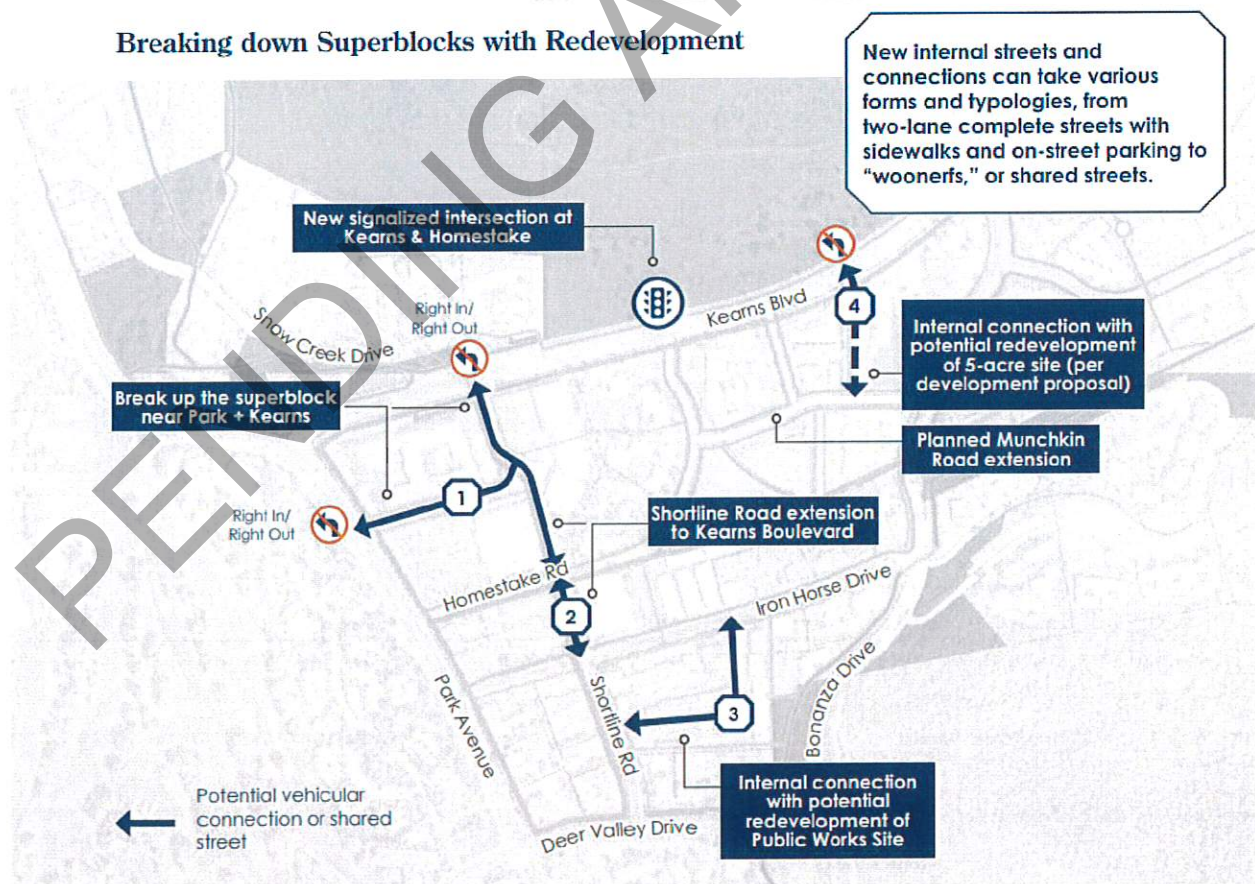
15-2.27-10 STREET SYSTEMS.

The street network has a significant influence on the overall connectivity of a place. In Bonanza Park, additional street connections are required to promote walkability and to create an interconnected system of blocks.

A. **ADDITIONAL CONNECTIONS.** New street connections₂ are required to ensure Bonanza Park is a walkable and safe neighborhood. Development located adjacent to one of the following areas shall incorporate new street connections.

1. Superblock between Park Ave, Kearns Boulevard, and Homestake Road. New east-west connections should be established.
2. Shortline Road. Shortline Road should be extended to connect from Deer Valley Drive to Homestake Road.
3. Shortline Road and Iron Horse Drive. A new connection to these roads should be integrated into redevelopment.
4. Park Avenue and Bonanza Drive. A new connection should be implemented to connect Munchkin Road and Kearns Boulevard.
5. Where required to improve pedestrian safety, a tunnel or bridge on Park Avenue or Kearns Boulevard is appropriate and shall meet requirements from the City Engineer, Public Works, and applicable state review agencies.

Breaking down Superblocks with Redevelopment



B. STREET DESIGN.

1. All new Streets shall meet Park City standards.
2. All new Streets shall integrate best management practices for stormwater runoff.
3. To the greatest extent practicable, development that is impacting an existing street shall upgrade the street design to meet code standards in place at the time of application.
4. Traffic calming measures, including intersection bump-outs, street trees, parklets, and on-street parking should be integrated into new or updated City streets.
5. Pedestrian infrastructure, including sidewalks and crosswalks shall be integrated into new or updated City streets.

15-2.27-11 OPEN SPACE AND TRAIL CONNECTIVITY

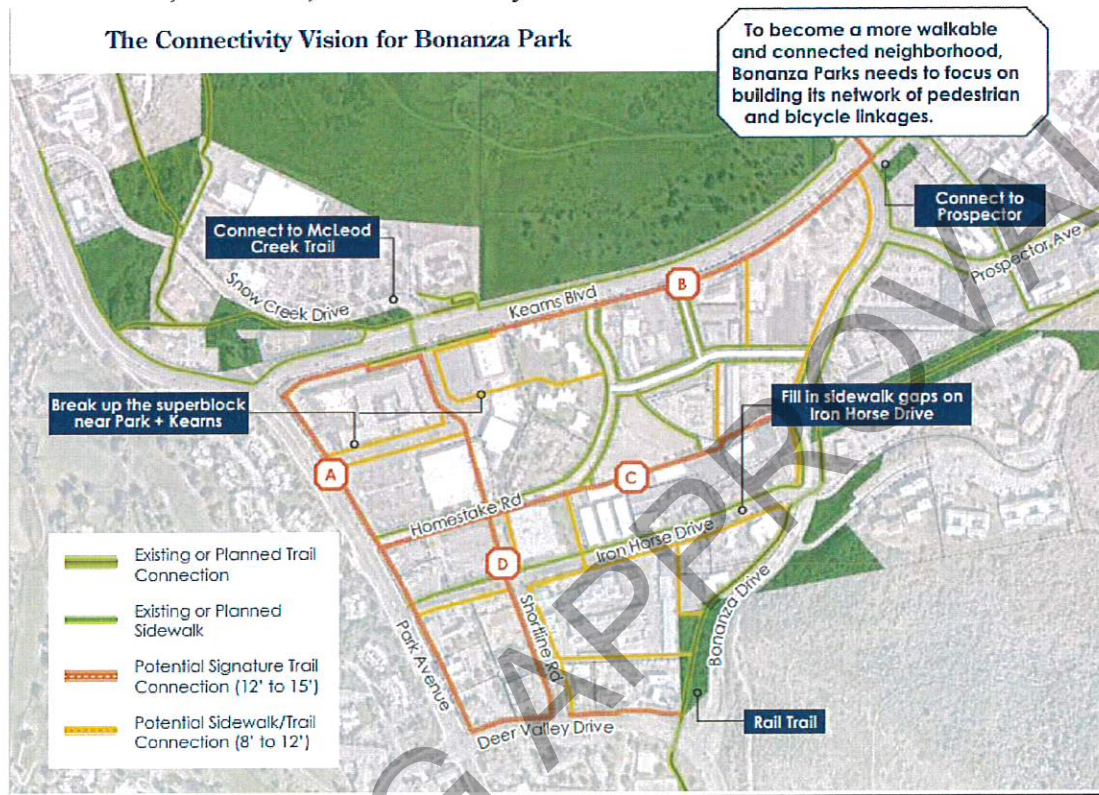
Establishing a network of pedestrian and bicycle linkages is critical to improve the overall connectivity of the Bonanza Park neighborhood. Similarly, additions of open space and green areas will improve the overall sense of community and opportunities for gathering in the neighborhood. All development within BPMX must have multi-modal connections and open space to improve the Bonanza Park's connectivity.

A. **OPEN SPACE AND PARKS.** Each development is required to have a minimum amount of open space. This space should be designed to integrate with the building design, as well as reinforce the ideas of community connection and openness in the Bonanza Park Small Area Plan.

1. The following open space typologies (also known as Green Community Space) are permitted in the BPMX District, and may be located in a Frontage Protection Zone, unless prohibited by this section.
 - a. Pocket Park
 - b. Linear greenspace with pedestrian and/or bicycle path.
 - c. Public Courtyard.
 - d. Plaza areas.
 - e. Flexible Space.
 - f. Community Garden.
 - g. Green Roofs with publicly accessible amenity terrace. If this option is chosen, a deed restriction granting permanent public accessibility shall be required. This option cannot be located within the Frontage Protection Zone.

B. **TRAIL CONNECTIONS.** Integrating multi-modal transportation opportunities is critical in the Bonanza Park neighborhood. Development should support the goals

articulated in the Bonanza Park Small Area Plan, including the creation of new sidewalk and bicycle facilities. Development located adjacent to key roadways in Bonanza Park should integrate the following key trail connections. Key connections are at Park Ave, Kearns Blvd, Rail Trail, and Deer Valley Drive.



C. **VEGETATION PROTECTION.** The Property Owner must protect Significant Vegetation during any Development activity.

1. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
2. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.
3. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

15-2.27-12 SUSTAINABILITY REQUIREMENTS

- A. **APPLICABILITY.** All Development within the BPMX District should strive to support the City's Net Zero goals through the implementation of sustainable design, materials, and technologies in order to reduce short and long-term impacts on the environment.
- B. **REQUIREMENTS.** All projects within the BPMX shall implement energy reducing measures including fixtures and appliances, energy efficient lighting, low-flow plumbing fixtures, sensors and timers that control water flow, lighting and temperature, and on-site Solar Energy Systems.

New buildings shall strive to obtain third party certification of the use of sustainable construction techniques and building materials. The following programs should be considered:

1. US Green Building Council's LEED program (includes commercial, lodging, multi-family, and existing buildings); or
2. Green Globes; or
3. Any nationally recognized and accepted program that offers accreditation equal to or great to the above options.

15-2.27-13 CONVENTIONAL CHAIN BUSINESSES

- A. **APPLICABILITY.** This Section provides guidance on Conventional Chain Businesses in the BPMX District. New Development and major redevelopments inclusive of a business that meets the thresholds outlined in the Conventional Chain Business Definition in Section 15-15-1 must acquire an Administrative Conditional Use Permit, in addition to meeting the requirements outlined below. This section shall not apply to grocery stores.
- B. **REQUIREMENTS.**
1. No Conditional Use Permit shall be issued in the BPMX District, unless approved by the Planning Department and Planning Commission, pursuant to Section 15-1-10.
 2. In addition to the requirements listed in Section 15-1-10, the Planning Director and Planning Commission shall also consider whether the proposed Use meets the goals outlined in the Bonanza Park Small Area Plan, as defined below:
 - a. The Conventional Chain Business will not create an oversaturation of similar uses within the BPMX District.
 - b. The proposed business will diversify either retail and community services provision within the BPMX District and Park City, providing either basic necessities that provide for the daily needs of residents.
 - c. The proposed business encourages innovation or a creative business idea.

- d. The proposed business provides local entrepreneurs with an opportunity to offer distinct services or sell locally made products.
- e. The proposed business offers affordable and needed services, meals, or products to the BPMX District or Park City community.
- f. The proposed business creates unique recreational, entertainment, or cultural opportunities.
- g. The proposed business offers services not currently found within Park City's municipal boundary.
- h. The proposed business will be aesthetically compatible with the BPMX District character and adhere to the design guidelines within this Chapter, in addition to those outlined in Section 15-4 Supplemental Regulations and Section 15-5 Architectural Review.
- i. The proposed business will be compatible with existing businesses.

15-2.27-14 CRITERIA FOR DRIVE-UP WINDOWS

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.27-15 SEXUALLY ORIENTED BUSINESSES

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these Businesses, consistent with the United States and Utah State Constitutions.

A. **LOCATION OF BUSINESSES, RESTRICTIONS.** Sexually Oriented Businesses, are Conditional Uses. No Sexually Oriented Business may be located:

- 1. within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;
- 2. within three hundred feet (300') of any residential zoning boundary; or
- 3. within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

B. **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

1. The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.
 2. The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.
 3. The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.
- C. **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.27-16 CRITERIA FOR BED AND BREAKFAST INNS

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

- A. If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- B. The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- C. In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- D. The rooms are available for Nightly Rental only.
- E. An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- F. Food service is for the benefit of overnight guests only.
- G. No Kitchen is permitted within rental rooms.
- H. Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:
 1. No on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
 2. The Structure is not economically feasible to restore or maintain without the adaptive Use.
3. The Use complies with Section 15-1-10, Conditional Use review.

15-2.27-17 GOODS AND USES TO BE WITHIN ENCLOSED BUILDINGS

A. **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

B. **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

1. **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

- a. The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- b. The proposed seating Area does not impede pedestrian circulation.
- c. The proposed seating Area does not impede emergency Access or circulation.
- d. The proposed furniture is Compatible with the Streetscape.
- e. No music or noise is in excess of the City Noise Ordinance, Title 6.
- f. No Use after 10:00 p.m.
- g. No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

2. **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

- a. The Use is on private Property or leased public Property, and does not diminish parking or landscaping.
- b. The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- c. The Use is Compatible with the neighborhood.
- d. The proposed service station does not impede pedestrian circulation.
- e. The proposed service station does not impede emergency Access or circulation.

- f. Design of the service station is Compatible with the adjacent Buildings and Streetscape.
 - g. No violation of the City Noise Ordinance, Title 6.
 - h. Compliance with the City Sign Code, Title 12.
3. **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.** Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:
- a. The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.
 - b. Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.
 - c. No more than a total of fifteen (15) pieces of equipment may be displayed.
 - d. Outdoor display is only allowed during Business hours.
 - e. Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.
4. **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music requires an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:
- a. Notification of adjacent Property Owners.
 - b. No violation of the City Noise Ordinance, Title 6.
 - c. Impacts on adjacent Residential Uses.
 - d. Proposed plans for music, lighting, Structures, electrical signs, etc.
 - e. Parking demand and impacts on neighboring Properties.
 - f. Duration and hours of operation.
 - g. Impacts on emergency Access and circulation.
5. **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:
- a. The display is immediately available for purchase at the Business displaying the item.
 - b. The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in

an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

- c. The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.
- d. The display does not diminish parking or landscaping.
- e. The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.
- f. The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

15-2.27-18 SIGNS

Signs are allowed in the BPMX District as provided in the Park City Sign Code, Title 12.

15-2.27-20 RELATED PROVISIONS

- A. Fences and Walls. Section 15-4-2.
- B. Accessory Apartments. Section 15-4.
- C. Satellite Receiving Antenna. Section 15-4-13.
- D. Telecommunication Facility. Section 15-4-14.
- E. Parking. Chapter 15-3.
- F. Landscaping. Title 14; Sections 15-3-3 and 15-5-5(N).
- G. Lighting. Sections 15-3-3 and 15-5-5(J).
- H. Historic Preservation. Chapters 15-11 and 15-13.
- I. Park City Sign Code. Title 12.
- J. Architectural Review. Chapter 15-5.
- K. Snow Storage. Section 15-3-3.
- L. Parking Ratio Requirements. Section 15-3-6.

PENDING APPROVAL

15-6.1-3 ZONING DISTRICTS AND USES

1. **ZONING DISTRICTS**. Affordable Master Planned Developments are Allowed in the following Zoning Districts:
 1. Residential Development
 2. Residential Development Medium
 3. Residential Medium
 4. Recreation Commercial
 5. General Commercial
 6. **Bonanza Park Mixed Use District**
 7. Light Industrial
 8. Community Transition
 9. Historic Commercial Business
 10. Historic Recreation Commercial, east of Park Avenue
2. **USES**. An Affordable Master Planned Development can only contain Uses that are Allowed or Conditional in the Zoning District in which it is located.
3. **COMMERCIAL USES**. An Affordable Master Planned Development may include up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public Uses.

15-4-4 SECONDARY LIVING QUARTERS

Secondary living quarters are a permitted Accessory Use in all districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to issuance of Building Permit or Certificate of Occupancy issuance:

1. **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.
2. **UNIVERSAL DESIGN PRINCIPLES.** Must follow universal design principles to allow equal access by people of all ages and abilities. This including those aging-in-place and the American Disabilities Act. Methods include no-step entries, appropriate widths for hallways and doors, non-slip surfaces, etc.
3. **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.
4. **SINGLE UTILITY METERS.** The main dwelling and the Secondary Living Quarters shall be on the same utility meters.
5. **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined in this Code.
6. **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.
7. **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited to help residential bases grow for locals. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar Persons.

15-15-1 DEFINITIONS

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include 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"; "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".

AFFORDABLE HOUSING. Housing units that include a deed restriction and meet the requirements of the Park City Moderate Income Housing Plan.

ART/PLACEMAKING ELEMENTS. Elements that reflects the identity and character of an area, such as murals, lighting, and signage.

BIG-BOX STORE. Large retail establishment, usually part of a chain store. Can also be referred to as a hyperstore, supercenter, superstore, or megastore.

COMMUNITY BENEFIT. Specific programmatic or infrastructure improvements a development provides in exchange for additional height and/or density. Subject to the requirements of Section 15-2.27-7.

CONNECTIVITY IMPROVEMENTS. Such as new pedestrian paths or streets that create walkable and connected development patterns and break up existing superblocks or major improvements.

COTTAGE COURTS. Small clusters of detached homes arranged about a shared open space.

DENSITY BONUS. Zoning tool that permits developers to build more housing units, taller buildings, or more floor space than normally allowed in exchange for providing a defined Community Benefit.

GREEN COMMUNITY SPACE. Public spaces outdoors for public access.

1. **AMENITY TERRACE.** Rooftop that includes communal recreation or aesthetic uses, such as patios, balconies, lounges, etc.
2. **COMMUNITY GARDEN.** Publicly accessible garden space.
3. **FLEXIBLE SPACE.** Multi-use open space, utilized by the public. Can be used for individual enjoyment or for events.
4. **PLAZA AREA.** An open space for public use defined by surrounding buildings or streets.
5. **POCKET PARK.** Small park accessible to the general public.

6. **PUBLIC COURTYARD.** Publicly accessible open area between buildings and walls.

MIXED USE. A parcel, structure, or both that combined two (2) or more land uses, such as commercial, residential, hotel, or recreational spaces.

MOBILITY HUB. Resources utilized for multi-modal transit, often in the form of bus shelters (with light, seating, cover, and signage), bus pullouts, and access to last-mile connectivity, such as bike share or micro-mobility.

PARKING.

1. **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.
2. **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.
3. **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.
4. **Parking, Underground.** A Parking Area or Structure below grade, utilized by all land uses.

PEDESTRIAN CONNECTION. A pathway, sidewalk, or network of sidewalks and pathways designed to facilitate safe and accessible movement of people traveling by foot, including at-grade improvements as well as tunnels or bridges.

PUBLICLY ACCESSIBLE OUTDOOR COMMUNITY SPACE. Spaces suitable for year-round use, and of a high design quality with gathering spaces, seating areas, play structures, and public art.

SUSTAINABLE DEVELOPMENT. Development that incorporates best practices to minimize energy use. Park City has adopted net-zero goals, and sustainable development can help the community reach these goals.

TOWNHOME. A multi-story residential unit that shares one or more walls with a neighboring unit, but with a private entrance.

TRAFFIC CALMING. Transit planning to deliberately slow traffic in residential areas through methods speed bumps, bump-outs at intersections, on-street parking as part of a complete street design. Other methods include parklets, sidewalks, signage, and street trees.

TRANSIT HUB. A property utilized as a mass transit station or an interchange of multiple modes of transportation.

UNIVERSAL DESIGN PRINCIPLES. Principles through public and private spaces are designed to have equal access by people of all ages and abilities, with little or no need for adaptation or specialized design.

USE. The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

1. USE, INTENSITY OF. The maximum number of residential units, or commercial, or industrial space within a specified land Area designated for that purpose.

WAYFINDING. Ways in which people orient themselves in physical space and navigate from place to place. Examples can include signs, symbols, landmarks, or pathways.

PENDING APPROVAL

Park City Bonanza Park Zoning Update

Planning Commission

December 11, 2024

Agenda

1. Introductions
2. Proposed Code Changes
 - Site Requirements
 - Design Guidelines
 - Connectivity
 - Environment
 - Chain Businesses
3. Development Scenarios
4. Next Steps



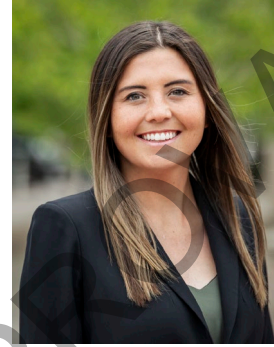
Introductions



Jessica Garrow, FAICP
Principal-in-Charge
Design Workshop



Reilly Thimons
Project Manager
Design Workshop



Emily Burrowes, AICP
Planner
Design Workshop



Christian Weber
Planner
Design Workshop



Rebecca Ward
Park City
Planning Director



Daniel Wayne
Community Planning Manager
Mountainland Association of
Governments



Proposed Code Changes

The purpose of the Bonanza Park Mixed Use (BPMX) District is to:

Implement the Bonanza Park Small Area Plan by fostering a pedestrian-friendly, mixed-use neighborhood with diverse housing options and locally serving businesses.





Site Requirements

Lot and Density Requirements

- **Lot Size:** No minimum lot size is required.
- **Residential Density:**
10 residential units/acre minimum.
- **Commercial Limitations:**
 - 15,000 to 29,000 sf of commercial space/building.
 - Individual commercial tenants are limited to 5,000 sf
 - Exceptions include grocery stores, post offices, or site receives conditional use approval.



Open Space and Site Coverage

Requirements within the BPMX District....



Residential Parcels:
Must have 40% to 80% site coverage, with 20% of the site as Transferred Development Right (TDR) Open Space



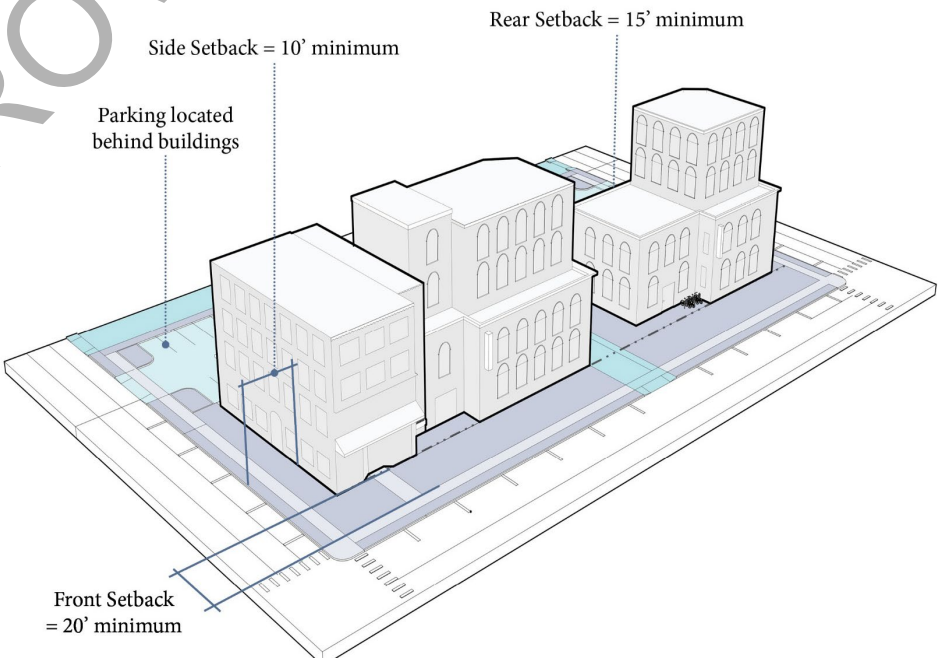
Commercial Parcels:
Must have 40% to 90% site coverage, with 10% of the site as TDR Open Space



Industrial Parcels:
Must not exceed 70% site coverage, with 30% of the site reserved as TDR Open Space

Setback Requirements

USE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
Dwelling, 2 units or less	20' minimum	10' minimum for Main Structure, 5' minimum for Accessory Structure	10' minimum
Dwelling, 3 units or more	20' minimum	5' minimum	15' minimum
Commercial	20' minimum	5' minimum	15' minimum
Flex/Light Industrial	30' minimum	10' minimum	10' minimum

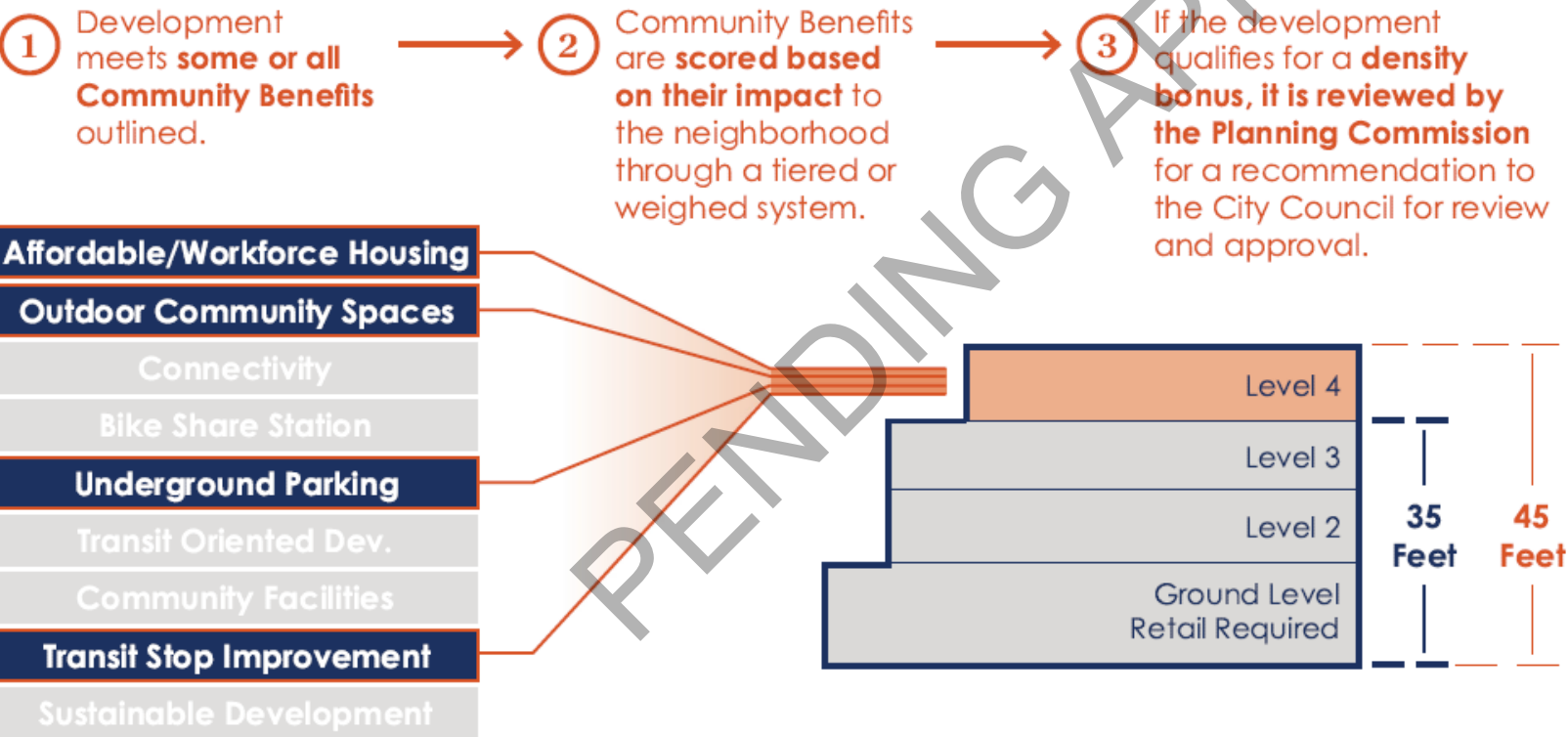


Building Height

No structure shall be erected to a height greater than 35 feet.

Exceptions include:

- 1 additional story/45 feet if community benefits are provided
- Affordable Master Planned Developments may be granted 1 additional story/45 feet



Visibility and Roofs

- Corner lots must maintain clear visibility within the Sight Distance Triangle.
- Roofs must be designed to manage snow and ice shedding, protecting entries, walkways, and pedestrian areas.



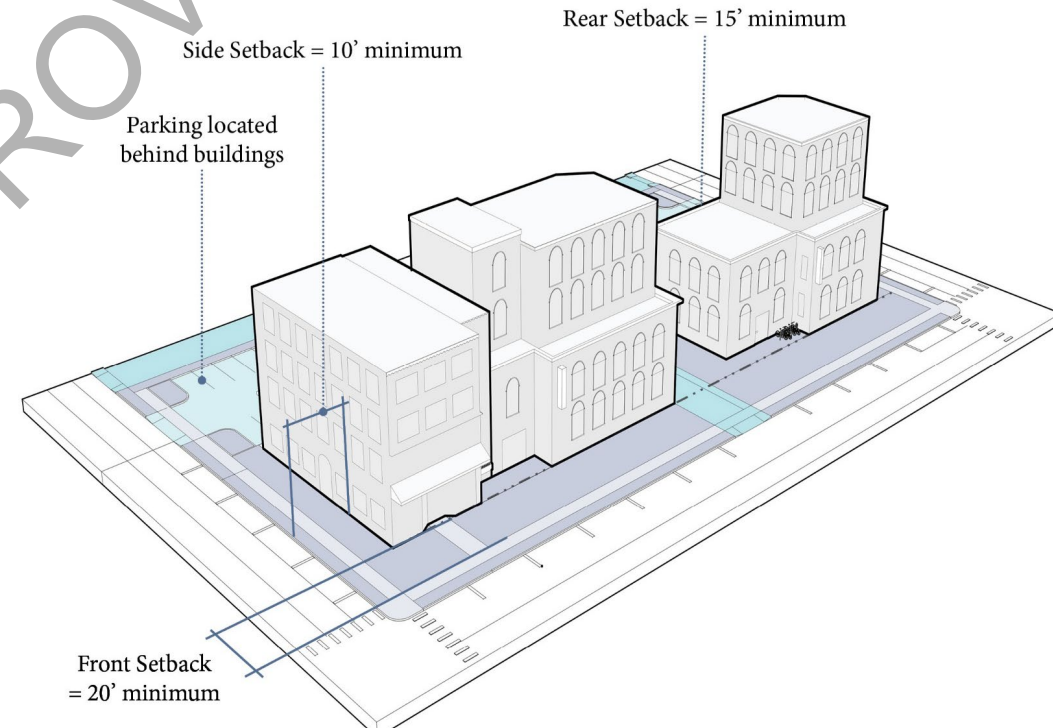
Architectural Review

Before a building permit is issued for any Allowed or Conditional Use, the Planning Department must review the plans to ensure they meet the requirements.



Question:

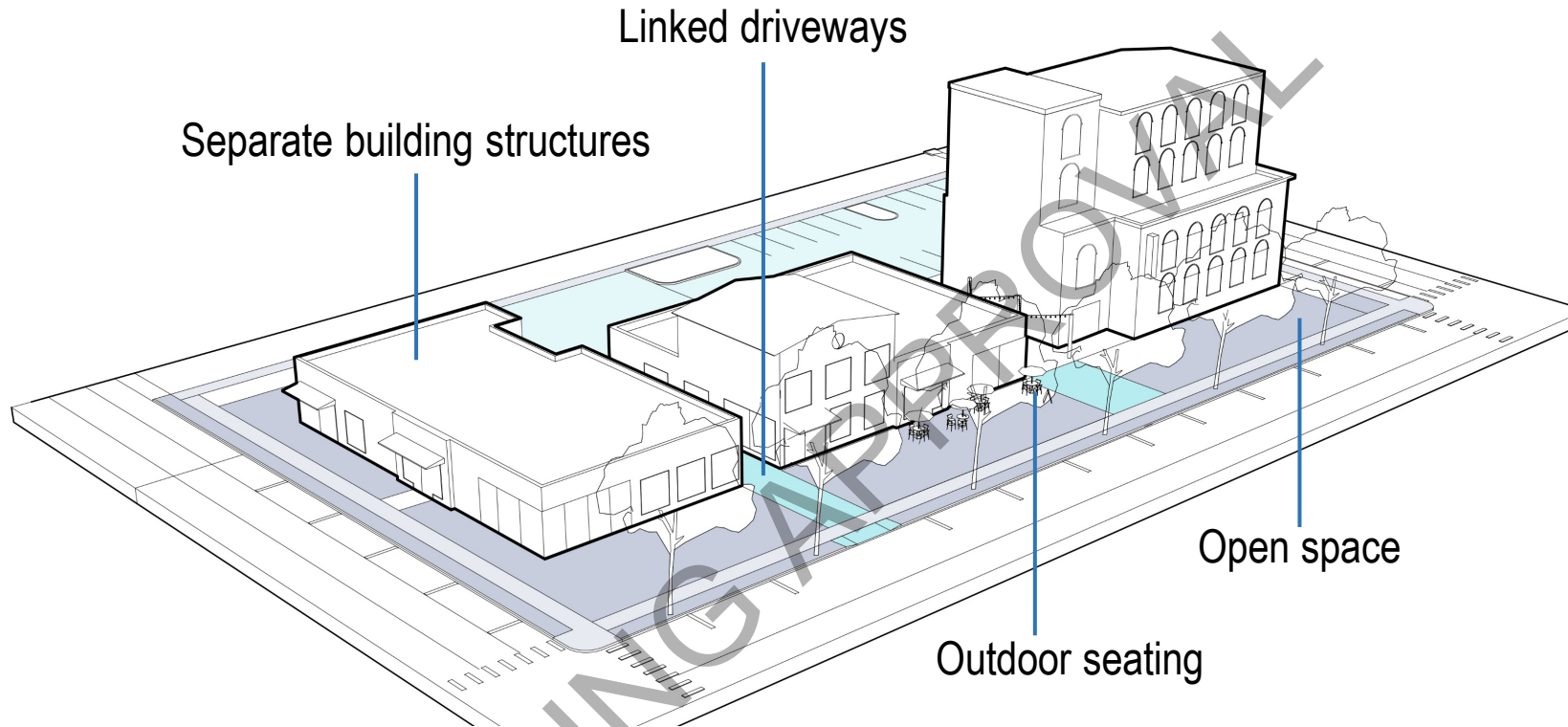
Are there any concerns about the setbacks prescribed for the zone district?





Design Guidelines

Building Placement



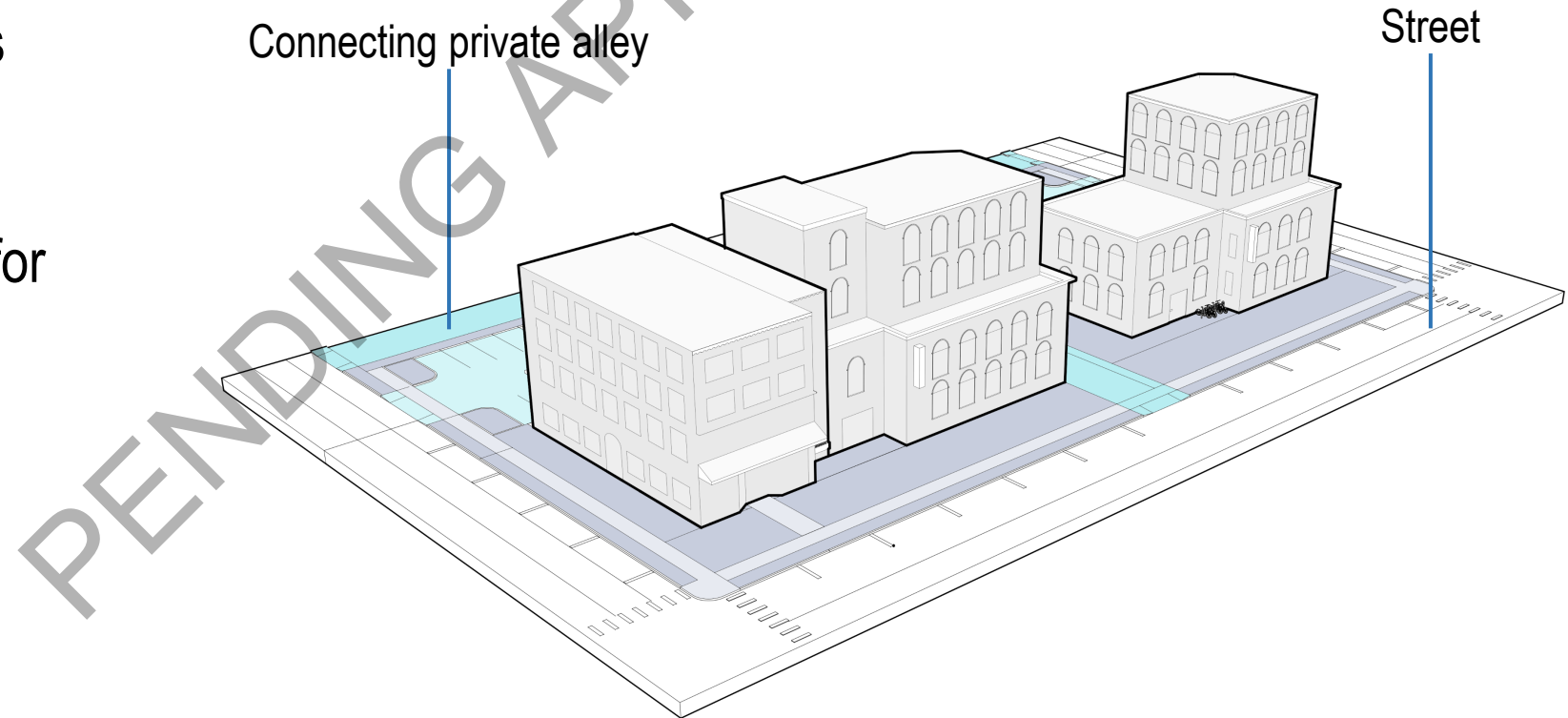
Placement:

- Include open spaces around buildings for landscaping, outdoor seating, or merchandising opportunities.
- For parcels over 30,000 square feet, break building mass into smaller volumes, using creative methods like separate structures or linked walkways.

Building Orientation

Building Orientation:

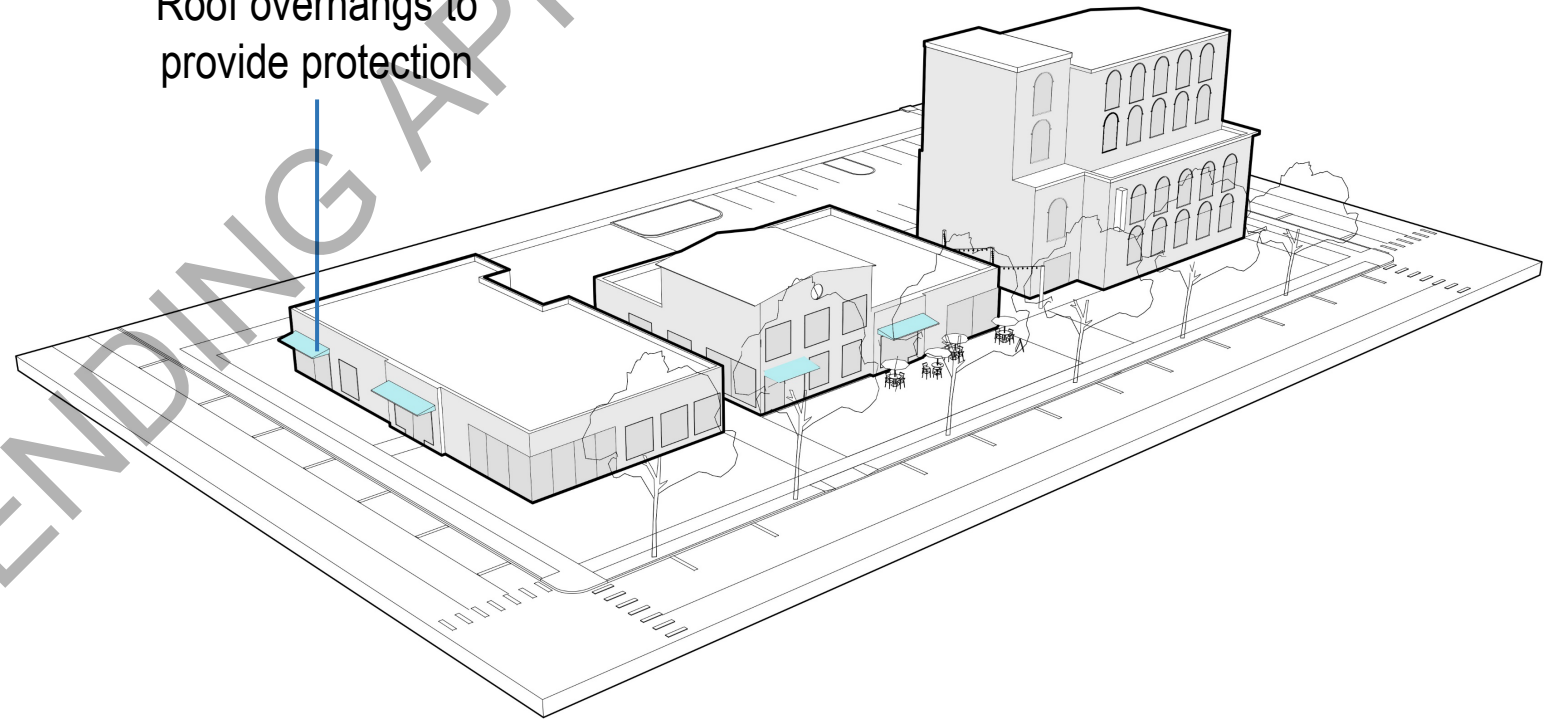
- Align buildings with streets to enhance pedestrian experiences and connect to public and private streets and gathering areas.
- Design to maintain or improve views of significant community features from key public vantage points.
- Design public spaces to maximize winter sunlight and conduct sun/shadow studies for developments near major open spaces.



Building Scale, Variation, and Fenestration

Building Scale:

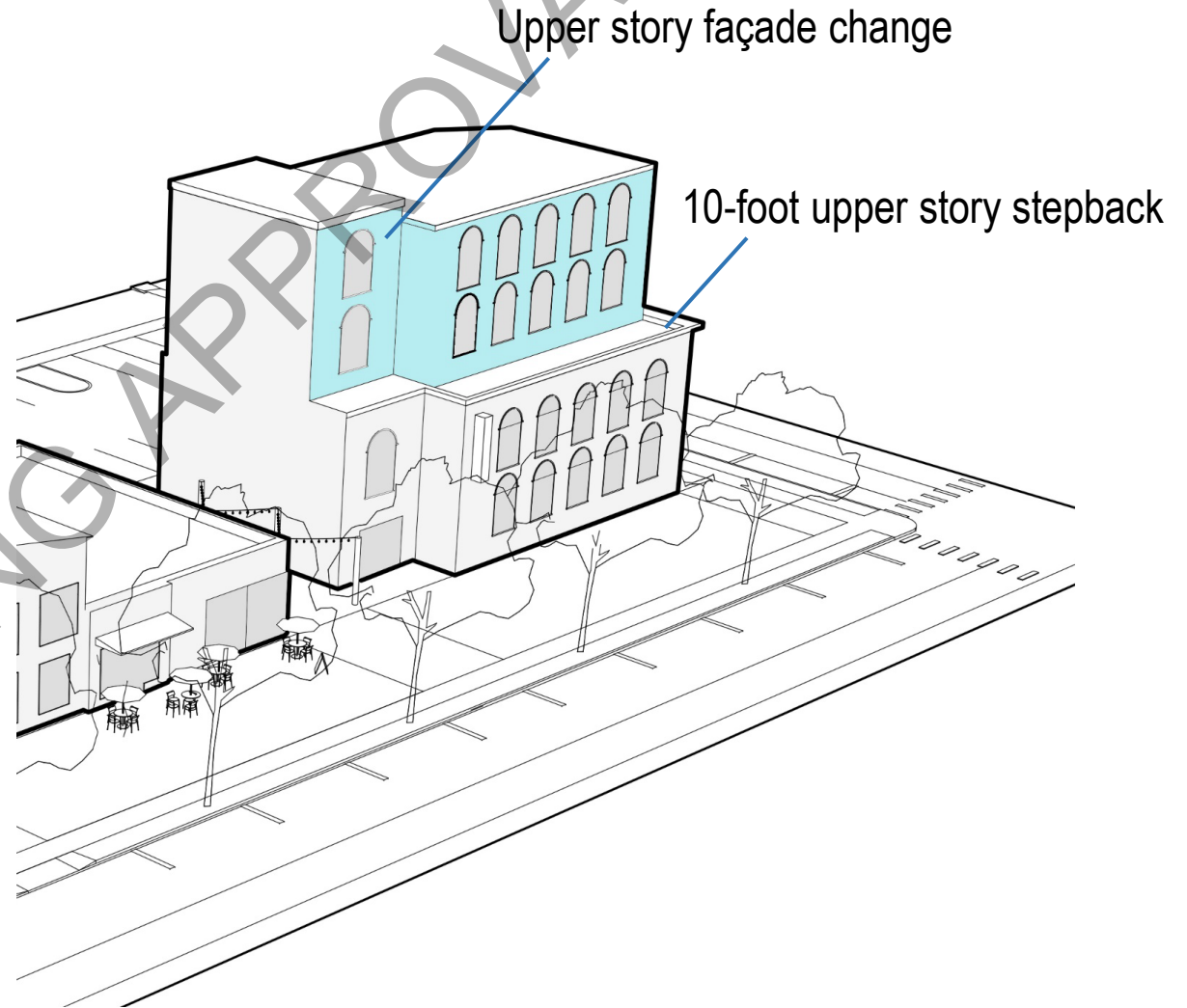
- Building designs in the BPMX District should reduce perceived mass and scale through elements like varied roof forms, wall insets, emphasized entries, and diverse materials while avoiding blank walls in pedestrian-facing areas.
- Roof overhangs, awnings, and canopies should enhance the building's character and provide protection, with exceptions allowed for non-visible areas.



Building Scale, Variation, and Fenestration*

Vertical Building Articulation and Stepbacks:

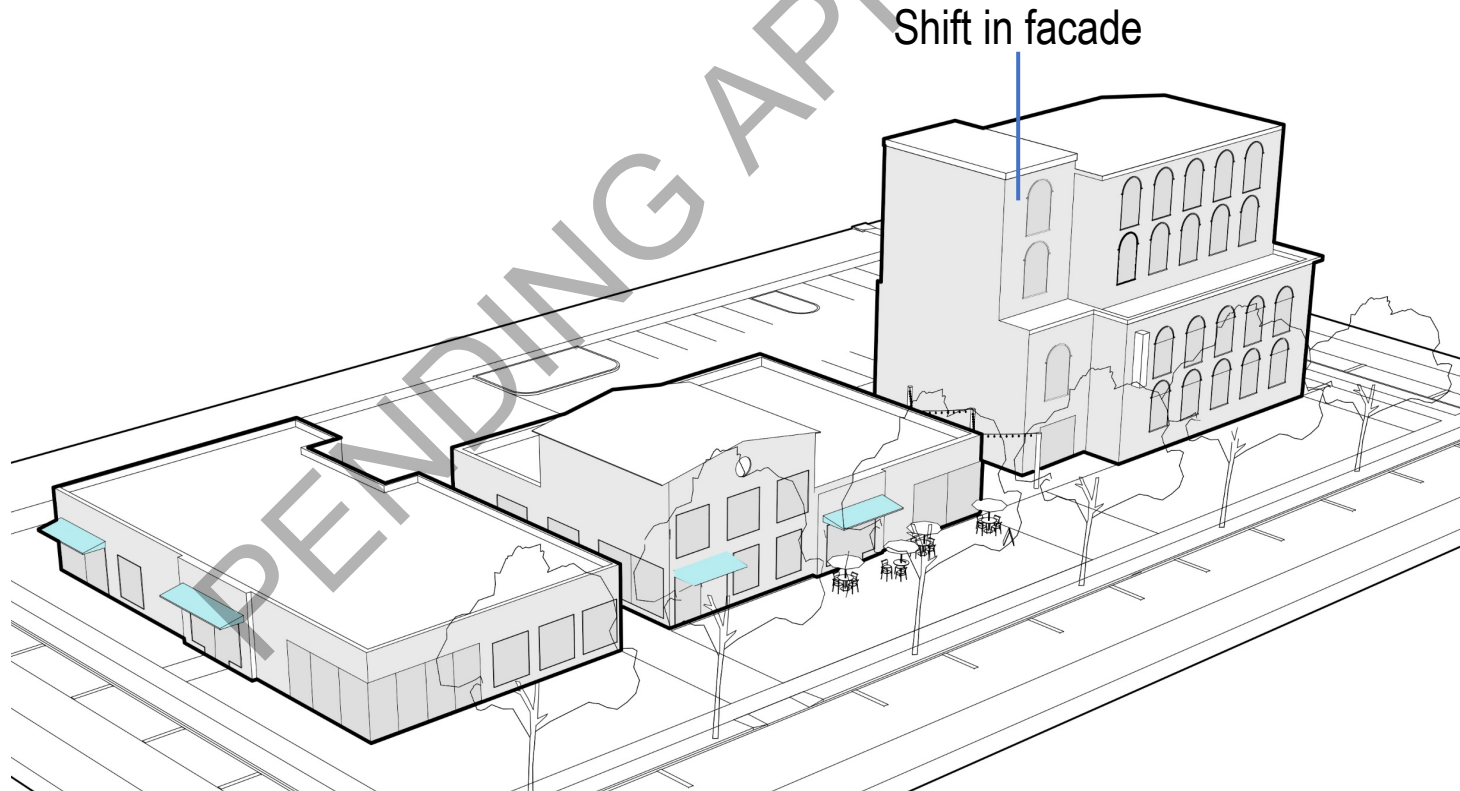
- Buildings over 35 feet tall must include vertical articulation every 30 feet using an 8-inch façade change or a material change, applying to all facades.
- Buildings within 50 feet of the Frontage Protection Zone must have a 10-foot upper-story stepback, and stepbacks should also be considered for sections over 35 feet tall.



Building Scale, Variation, and Fenestration

Horizontal Building Articulation:

- Buildings 60 to 120 feet long must have a prominent shift in the facade, breaking up no more than 75% of its length, with a 10-foot change in alignment, height, or a combination of both.
- Buildings over 120 feet long must include a 15-foot shift in alignment, height, or a combination at every 120-foot interval or less.



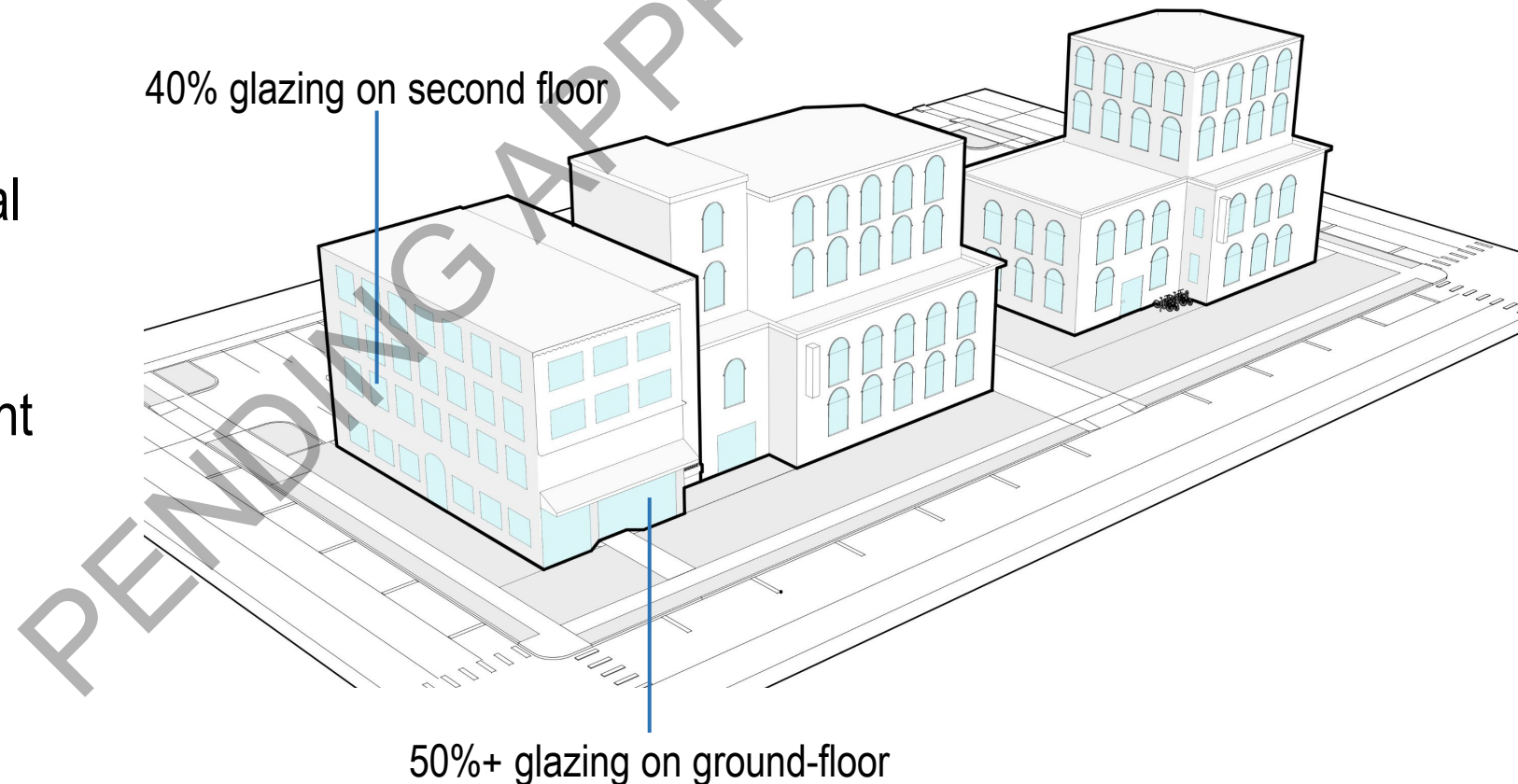
Building Scale, Variation, and Fenestration

Fenestration

- Non-residential and mixed-use buildings must have at least 50% glazing on ground-floor street-facing facades and 40% on second floors, with transparent glazing having at least 60% light transmittance; reflective glass is prohibited on ground floors and discouraged on upper levels.

Balconies

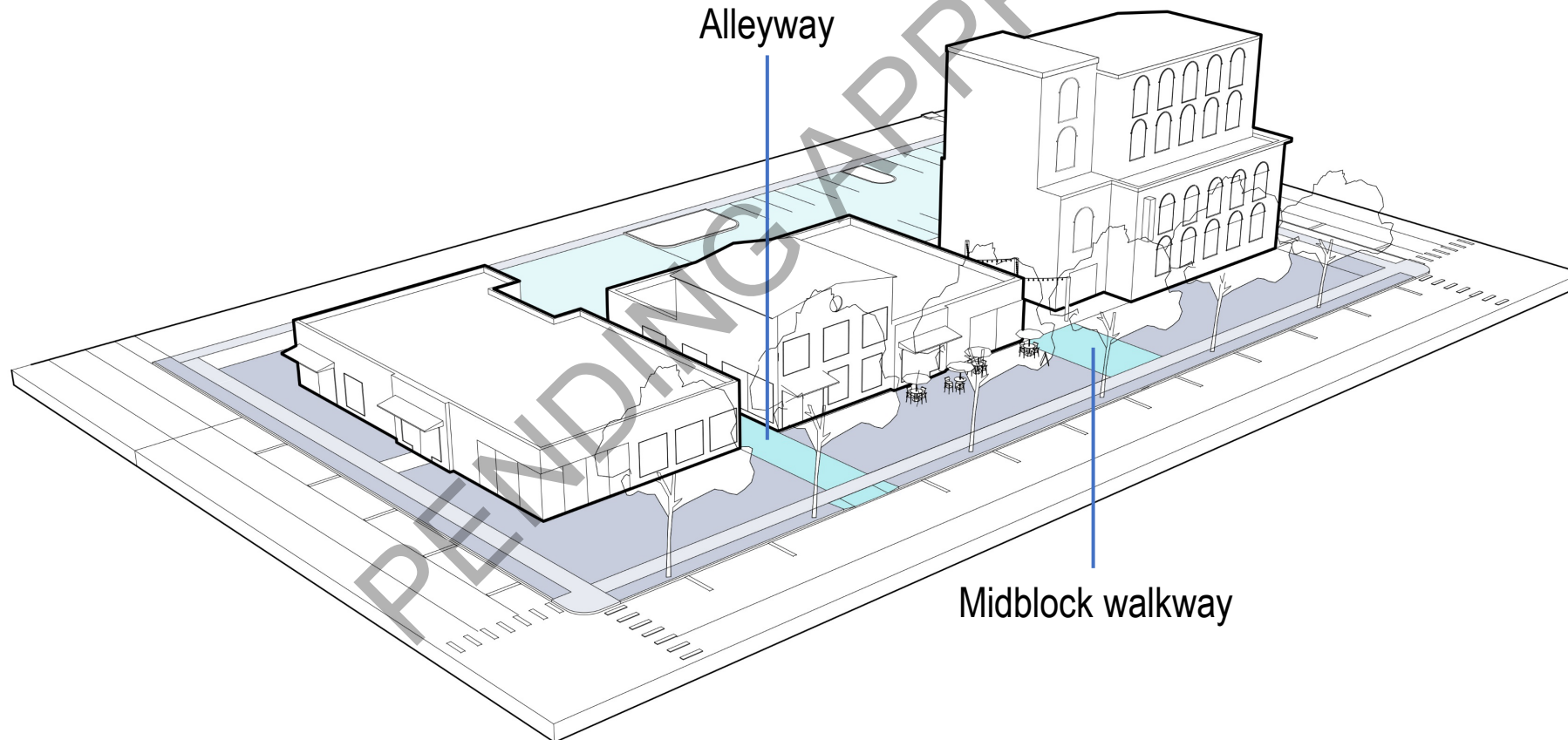
- Allowed for residential uses, with at least 30% transparency in railings, and can count as outdoor space if they are at least 6x8 feet.



Site Access and On-Site Parking

Site Access:

- Site access should be consolidated, with larger sites encouraged to include alleyways or mid-block walkways to enhance pedestrian access.

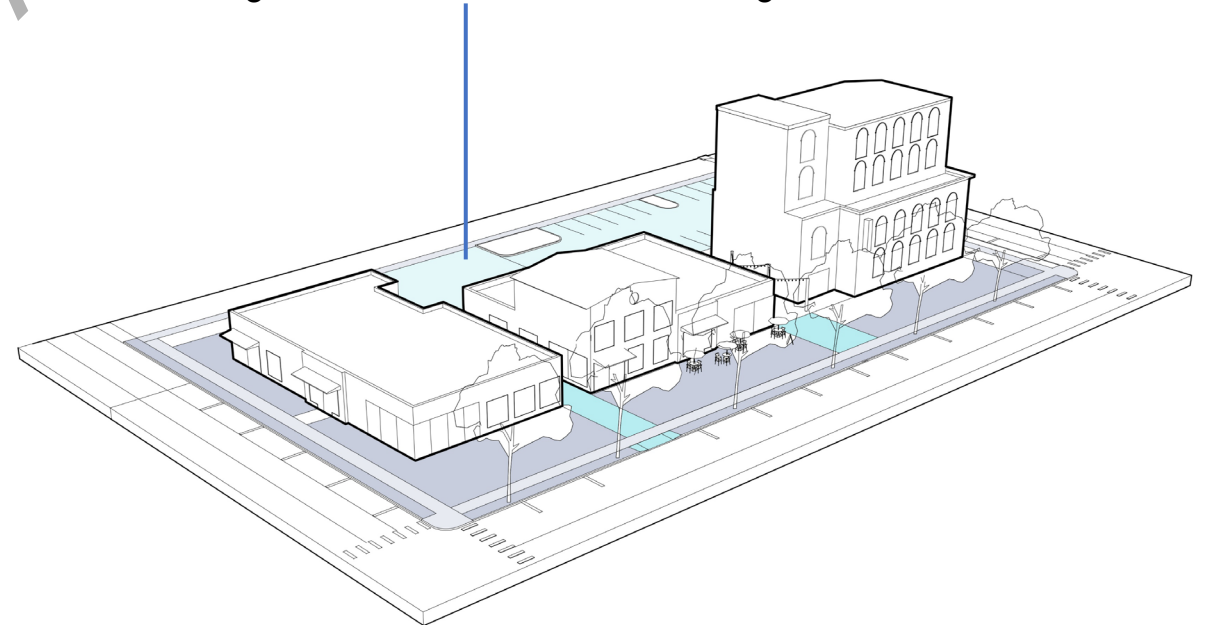


Site Access and On-Site Parking

Parking:

- On-site parking should be accessed from streets other than Park and Kearns, with the main access from the shortest block length if no internal street access is available.
- Parking should be located behind the main building, and additional access points on Park and Kearns should be minimized. Parking areas on Park and Kearns must be screened using landscaping, low walls, or other features, and should not exceed 35% of the parcel width.
- Parking garages should be underground when possible; if above-grade, they should be located behind the main building and include architectural or artistic screening.
- Parking areas and loading zones should be positioned to minimize visual impact from public streets or pedestrian areas, with distinct paving materials to separate parking from travel lanes.

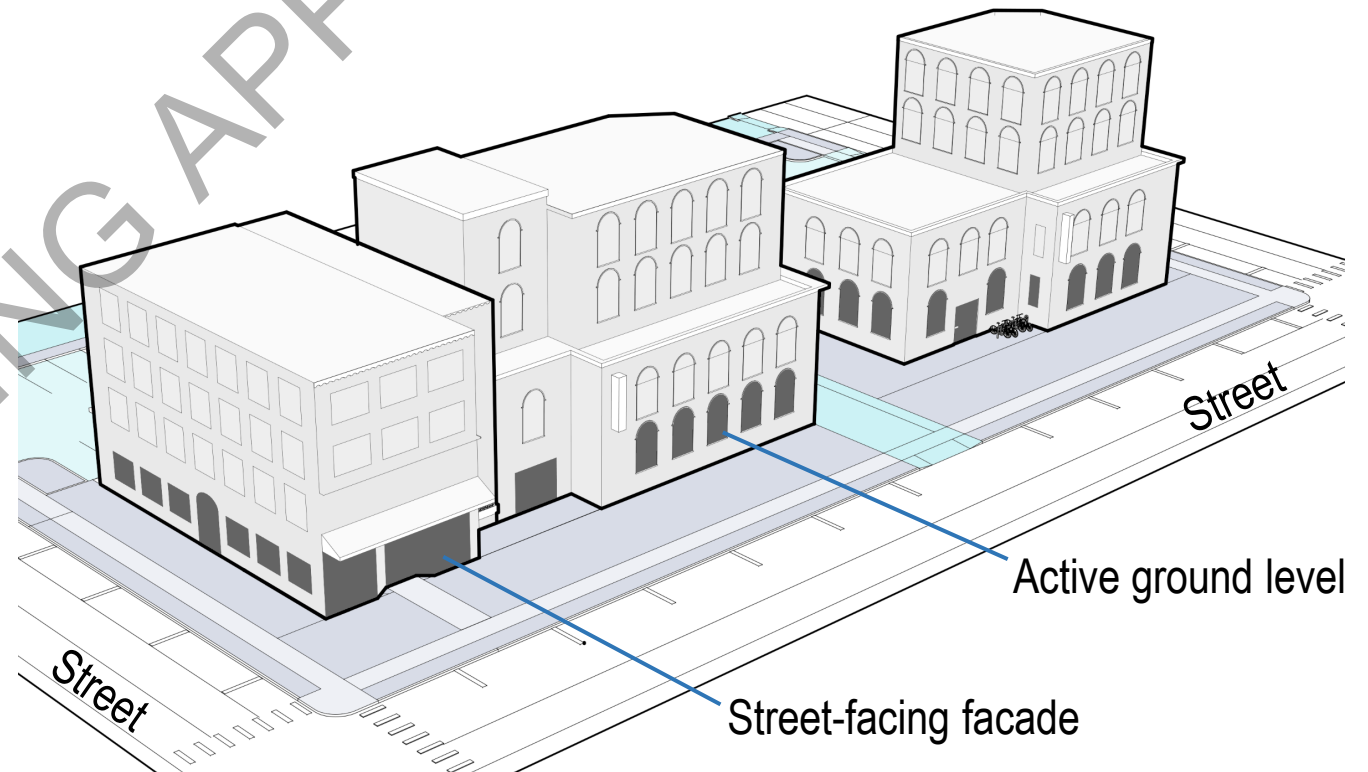
Parking located behind main buildings



Street Level Design

Design Elements:

- Buildings should have an active use on the ground level to support vibrancy of the public realm
Includes retail establishments, retail services, civic spaces (theaters, museums, etc), restaurants, bars, art and craft studios, etc.
- For buildings that are 100% residential, a lobby or other common space shall meet this requirement.
All buildings shall have at least one main entry on all street-facing facades. This entry should be easily seen from the street and adjacent pedestrian way.



Architectural Styles + Materials

The standards in Chapter 15-5 apply, with the following additional requirements:

- Building materials should be pedestrian-friendly and durable in Park City's climate.
- Materials should be high quality and reflect those found in the Bonanza Park Area, such as wood, metal, and glass.
- Corporate branding in architecture is not allowed, but signage may be placed according to the Land Management Code.

PENDING APPROVAL

Roofs

The standards in Chapter 15-5 apply, with the following additional requirements:

- Flat or low-sloping roofs are preferred.
- Roofs must be designed to prevent ice dams and minimize the need for heat tape, with proper insulation and snow shedding considerations.
- Buildings must include gutters, downspouts, and heat tape to direct roof runoff away from pedestrian areas, using landscaping to manage water.
- Eaves and fascia should be proportional to the building's design.

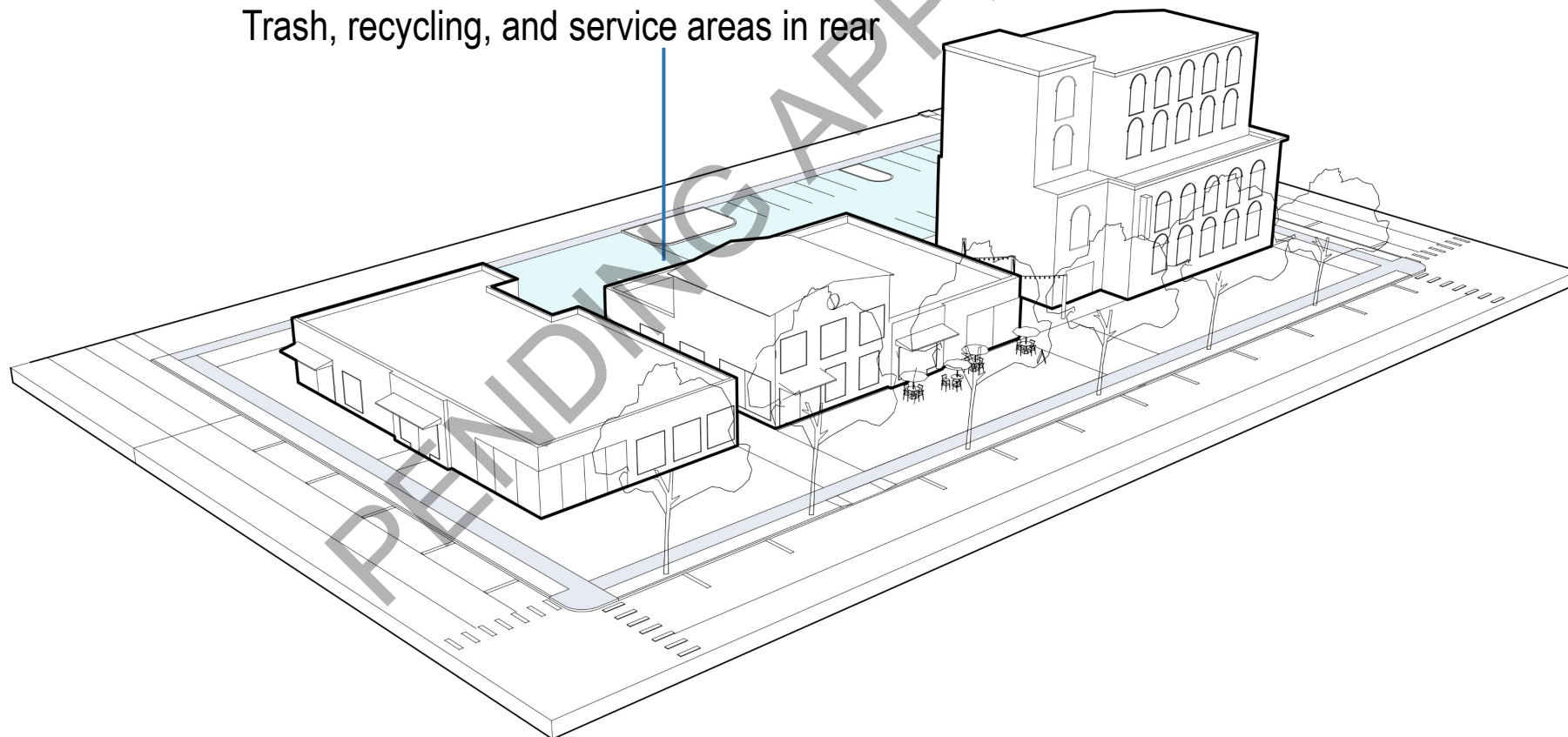
Landscaping should...

- Enhance the building's design
- Complement the site and climate
- Practice stormwater management
- Must include pedestrian infrastructure if its in the Frontage Protection Zone



Service and Mechanical Areas

- Trash, recycling, and service areas should be integrated into the building design and located to minimize pedestrian impact.
- All exterior mechanical equipment, delivery areas, and utility boxes should be reviewed to help reduce noise and visual impact.



Art Installations and Large Lot Development

- Public art, including murals, sculptures, and interactive exhibits, is encouraged in all BPMX developments
- For large lots (5+ acres), development should be clustered to allow for phased development
- Art is permitted in the Frontage Protection Zone



PENDING A

Question:

Are there any questions on the design standards relating to street design and connectivity?





Connectivity

Parking Requirements Changes

For Residential Uses, reductions are proposed for the following uses:

- Duplex Dwelling **2 > 1.5**
- Triplex Dwelling **2 > 1.5**

For Non-Residential Uses, reductions are proposed for the following uses:

- Office, General **3 > 2**
- Hospital **3 > 1.5**
- Financial Institution **3 > 2**
- Convenience Store **5 > 4**
- Café/Deli **3 > 2**
- Restaurant **1 space per 100 sf > 3 spaces per 1,000 net leasable Floor Area**
- Light Industrial **1 space per 1,000 sf of Floor Area**
- Recreation Facility **1 space per 4 seats > 3 spaces per 1,000 Floor Area**

Parking Maximums

For new non-residential, mixed-use, or multi-unit developments with 10 or more units located within a quarter mile of a transit stop, **parking may not exceed 125% of the minimum required.**

- If no parking is required, up to 5 spaces may be provided.
- This limit does not apply to public parking, park-and-ride lots, shared parking, or City facilities.
- Exceptions can be approved by the Planning Commission to support the City's goals of reducing single-occupancy vehicle trips.

Shared Parking and Parking Reductions

- Shared parking spaces may be provided for both on-site and off-site parking
- For projects with multiple land uses (e.g., residential, commercial, lodging), parking requirements may be reduced
- A 10% reduction in required parking spaces is allowed to eliminate safety hazards



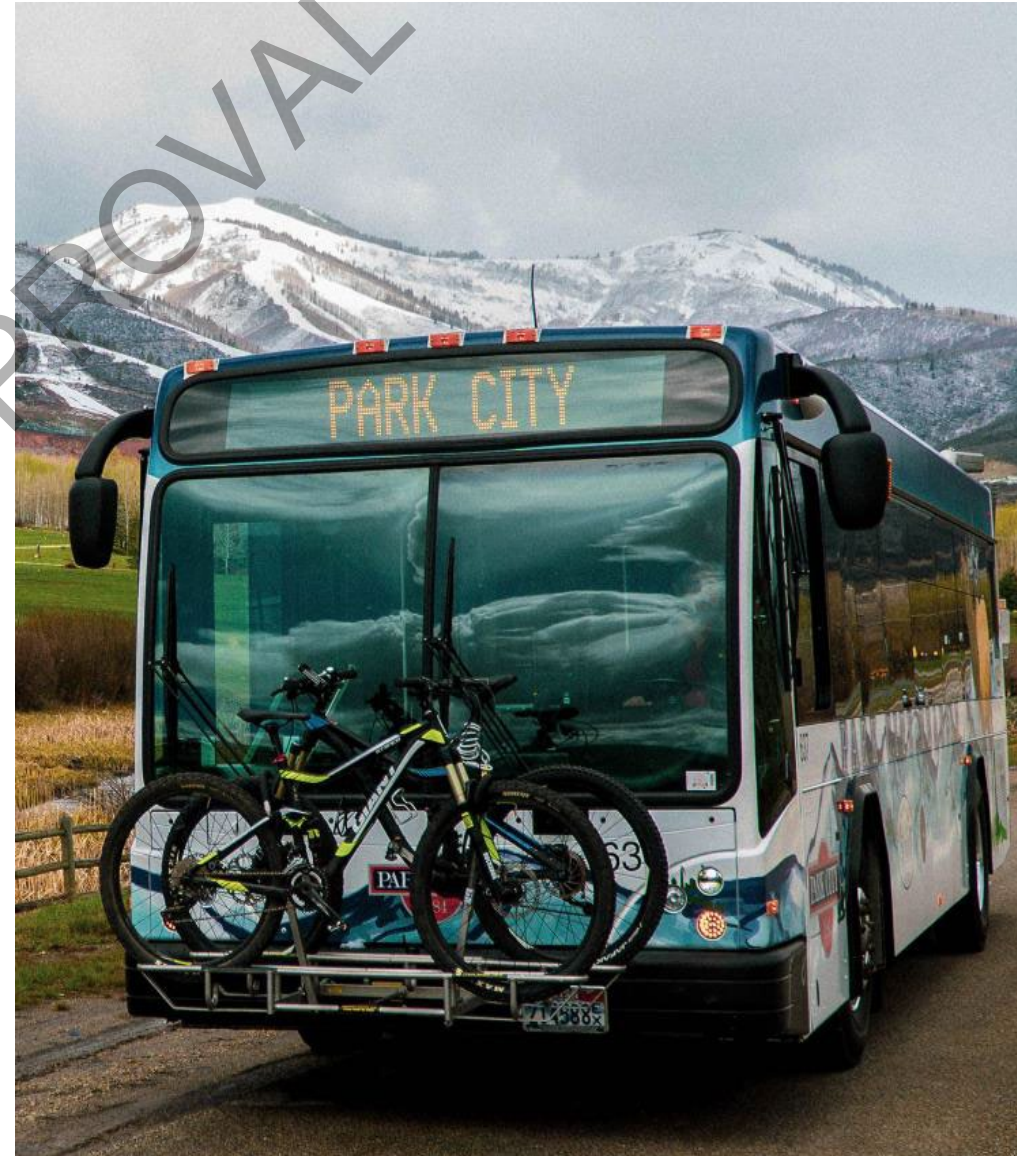
Underground Parking

- All development within the BMPX District is encouraged to provide underground parking in order to promote a vibrant pedestrian friendly environment that reduces car-pedestrian conflict.
- If 100% of required parking is provided on-site and underground, Front and Rear Setbacks may be reduced by 50% outside of the Frontage Protection Zone Overlay.

PENDING APPROVAL

Alternative Parking Strategies

- **Off-site parking:**
Must be within city limits and connected by pedestrian, bike, or transit facilities
- **For sites with multiple uses:**
Parking requirements may be reduced
- **Alternative strategies:**
Such as designated car-sharing spaces and EV charging spaces
- **Proximity to transit:**
15% parking reduction may be approved
- **Cumulative parking reduction:**
Up to 50% reduction for non-residential uses
Up to 15% for residential uses



Transportation Demand Management

The applicant must submit a Transportation Demand Management (TDM) Plan to the Planning Commission for review and approval.

1. A list of applicable TDM strategies tailored to the project size and estimated trip generation.
2. Details on how each strategy will be implemented, including timelines, responsibilities, and budgets.
3. A monitoring and evaluation plan, submitted annually, to assess effectiveness and make adjustments.



Transportation Demand Management

Level 1 TDM Plan vs Level 2 TDM Plan

Development required for Level 1 TDM Plan:

- ***Single Family Dwellings:*** 10 - 24 Dwelling Units
- ***Single Family Attached Dwellings or Multi-Unit Dwellings:*** 10 - 44 Dwelling Units
- ***Hotel or Lodging Project:*** 10 - 39 rooms

Development required for Level 2 TDM Plan that require a Traffic Impact Study:

- ***Single Family Detached Dwellings:*** 25 Dwelling Units+
- ***Single Family Attached Dwellings or Multi-Unit Dwellings:*** 45 Dwelling Units+
- ***Hotel:*** 40 rooms+
- ***Retail:*** 3,000 square feet+
- ***Office:*** 3,000 square feet+
- ***Sit-Down Restaurant:*** 2,500 square feet+
- ***Fast Food/Fast Casual Restaurant:*** 800 square feet+

Transportation Demand Management

Required components differ between Level 1 TDM Plan vs Level 2 TDM Plan

Level 1 TDM Plan Required Components:

1. Participation in an annual travel survey of residents and employees for the first four years of building occupancy.
2. Provide the following information to employees and/or residents on an annual basis:
 - Carpooling/vanpooling
 - Transit schedules and routes
 - Air pollution and alternatives to single-occupancy vehicles
 - Bicycle routes and facilities
3. One strategy from the Supplemental TDM Menu

Level 2 TDM Plan Required Components:

1. All Level 1 required components.
2. Establishment of a TDM Coordinator to directly support commute programs, implement mobility programs, and develop transportation policies and initiatives.
3. Employee parking cash-out program.
4. Unbundle parking for residential Dwelling Units at minimum.
5. Two strategies from the Supplemental TDM Menu

Question:

Are there any questions about the proposed parking and TDM changes?

PENDING APPROVAL





Environment and Economics

Open Space and Parks

Open space typologies (also known as Green Community Space) are permitted in the BPMX District, and may be located in a Frontage Protection Zone include:

- Pocket Park
- Linear greenspace with pedestrian and/or bicycle path
- Public Courtyard
- Plaza areas
- Flexible Space
- Community Garden
- Green Roofs with publicly accessible amenity terrace.

If this option is chosen, a deed restriction granting permanent public accessibility shall be required.

This option cannot be located within the Frontage Protection Zone



Sustainability Requirements

All BMPX District development should support the City's Net Zero goals by using sustainable design, materials, and technologies to minimize environmental impact.

Projects must include:

- On-site solar
- Energy-saving measures such as efficient fixtures, lighting, low-flow plumbing, and sensors for water, lighting, and temperature control



Park City has a goal to be a net-zero community by 2030, running on 100% renewable energy. As of 2016, buildings accounted for 60 percent of carbon emissions, well above the national average.

Conventional Chain Businesses

Must follow:

- Must meet Conditional Use Criteria (Section 15-1-10).
- Conditional Use Permits required.
- Proposed businesses should diversify services, foster innovation, support local entrepreneurs, or provide affordable, needed, or unique offerings.
- Businesses must be aesthetically and functionally compatible with BPMX District character, design guidelines, and existing businesses.

L2: Limit conventional chain businesses to prioritize locally owned and unique retailers/restaurants in Bonanza Park.



Question:

Are there any questions
on the proposed chain
business regulations?





Thank you!



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 12, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, John Frontero, Henry Sigg, Christin Van Dine, Bill Johnson

EX OFFICIO: Rebecca Ward, Planning Director; Mark Harrington, Senior City Attorney

1. ROLL CALL

Meeting called to order at 2:30 p.m.

2. CLOSED SESSION

MOTION: Commissioner Johnson moved to close the meeting for advice of council at 2:40 p.m. Commissioner VanDine seconded the motion. The motion passed with unanimous consent of the Commission

MOTION: Commissioner Sigg moved to adjourn from the Closed Session at 3:45 p.m. Commissioner Johnson seconded the motion. The motion passed with unanimous consent of the Commission.

3. ADJOURNMENT

With no further business, the meeting was adjourned.

Planning Commission Staff Report



Subject: 2250 Deer Valley Drive South
Ski Lift 7
Application: PL-24-06258
Author: Virgil Lund, Planner II
Date: January 8, 2025
Type of Item: Amendment to the Flagstaff Development Agreement
Technical Reports #5 and #13

Recommendation

Open a public hearing and continue the item to January 22, 2025, to allow the Applicant additional time to gather information.

Description

Applicant: Hannah Tyler, Deer Valley Resort
Applicant's Representative: Jason Boal

Location: Deer Valley Resort Open Space

Zoning District: Recreation and Open Space, Sensitive Land Overlay

Adjacent Land Uses: Recreation, Resort Open Space

Reason for Review: The Planning Commission's May 22, 2024 approval of the Lift 7 Conditional Use Permit requires the Applicant to submit updated Flagstaff Development Agreement Technical Reports #5 and #13.

Planning Commission Staff Report



Subject: Child Care Land Use Regulations
Application: PL-24-06006
Authors: Jaron Ehlers, Planner I
Jacob Klopfenstein, Planner I
Date: January 8, 2025
Type of Item: Work Session – Land Management Code Amendments

Recommendation

Review the proposed Land Management Code Amendments to update Child Care land use regulations and provide input and direction to staff regarding a draft ordinance.

Description

Applicant: Planning Department

Location: Citywide

Zoning District: All

Reason for Review: The Planning Commission reviews and makes recommendations to City Council regarding Land Management Code Amendments.¹

ACUP	Administrative Conditional Use Permit
AMPD	Affordable Master Planned Development
CUP	Conditional Use Permit
DLBC	Division of Licensing and Background Checks
LMC	Land Management Code
MPD	Master Planned Development
UE	Unit Equivalents

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Background

Planning Commission Review 2023-2024

In 2023, the City Council requested the Planning team evaluate Land Management Code (LMC) regulations related to Child Care to see if they were an obstacle to providers. Planning staff presented initial research to the Planning Commission in a work session on March 27, 2024 ([Agenda Packet](#), Item 5A; [Meeting Minutes](#), p. 2-10). On August 28, 2024, the Planning team provided a Staff Communication summarizing the March work session and detailing the plan to hold a focus group with Child Care

¹ LMC [§ 15-1-8](#)

providers to discuss proposed changes to the LMC ([Agenda Packet](#), Item 2A).

Staff gathered input from Planning Commissioners during the work session, continued to research Child Care-related regulations in other jurisdictions, met with Planning Commission liaisons, and conducted a focus group with several local Child Care professionals to gather information about their experiences and thoughts on potential Child Care-related LMC amendments.

Focus Group – November 2024

The Planning team conducted a focus group on November 18, 2024 with several local Child Care professionals, Mayor Nann Worel, and City Councilmember Ed Parigian. The Child Care professionals indicated that the top issues facing providers in Park City are lack of funding, traffic, accessibility, and lack of affordable housing for Child Care workforce.

Overall, the professionals supported removing regulations that do not add benefits and may be a barrier to potential new Child Care providers in the community but recommended keeping regulations that protect health and safety.

The professionals indicated that their facilities have an appropriate amount of parking. Typically, Child Care facilities have one parking space per employee, and most employees do not take public transit. Some facilities have shared parking agreements with nearby businesses to allow for sufficient parking. However, the professionals said parking can be challenging during the winter due to snow. One Child Care facility the professionals discussed shares parking with ski resort transportation vehicles, and the parking can be busy during peak winter hours.

The professionals indicated they support amending the LMC to align with Utah regulations that allow Child Care providers to operate a facility in one additional location outside of their primary residence. However, they speculated that few, if any, Child Care providers in Park City would take advantage of the change.

The professionals also discussed concerns unrelated to land use regulations—including background checks, fire marshal requirements, emergency ingress/egress, and emergency vehicle access—that affect Child Care providers. The Planning team initiated conversations with Building, Finance, and Public Safety to ensure that these concerns are considered by the relevant departments. The City may have opportunities to implement some of these changes as part of other City processes, such as business licensing of Child Care facilities. Recommendations from the focus group have been considered in the proposed amendments outlined below.

Analysis

The American Planning Association's [Policy Guide on the Provision of Child Care](#) recommends that communities consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family Child Care in all Zoning

Districts, in locations that are appropriate and safe for children. The policy guide notes that location requirements should not be overly burdensome and should be related to size and land use impacts of the facility. The Sections below outline potential updates to simplify and streamline land use reviews for Child Care facilities. The purpose of the proposed LMC amendments is to remove barriers for Child Care providers and incentivize the creation of new Child Care facilities in Park City. Potential amendments include:

- (I) Changing the level of review for Child Care facilities that currently require a Conditional Use Permit (CUP) reviewed by the Planning Commission to Administrative-level review with the Planning Department.
- (II) Reducing parking requirements for Child Care facilities or providing more flexibility for alternative parking arrangements.
- (III) Amending the LMC to align with Utah regulations that allow Child Care providers to operate a facility in one additional location outside of their primary residence and aligning the LMC with other Utah regulations related to Child Care.

(I) Staff requests Planning Commission feedback regarding Administrative review criteria for Child Care facilities.

Planning Commission or staff-level review is required for Child Care facilities depending on the type and location of the facility. Staff recommends (A) shifting all reviews to a staff-level review, (B) updating the definitions to align with changes to state code, and (C) updating and consolidating the criteria reviewed for Child Care facilities.

(A) Shifting Child Care facilities to a staff-level review.

The required review for the four types of Child Care facilities in the LMC are summarized below:

- Family Child Care, defined in LMC [§ 15-15-1](#) as a facility offering Child Care for up to eight children within a provider's primary residence, requires an Administrative Permit for facilities proposed in single-family or duplex dwellings. Family Child Care proposed in Multi-Unit Dwellings, as well as in the Recreation and Open Space (ROS) and Protected Open Space (POS) Zoning Districts, require a CUP reviewed by the Planning Commission.
- Family Group Child Care, defined in LMC [§ 15-15-1](#) as a facility offering Child Care for nine to 16 children within the provider's primary residence, requires a CUP with Planning Commission review in all residential Zoning Districts or an Administrative Permit with staff review in all other Zoning Districts.
- A Child Care Center, defined as a facility providing Child Care for more than four children in a location that is not the primary residence of the care provider, requires a CUP with Planning Commission review in residential and commercial Zoning Districts.

- In-Home Babysitting, which includes the provision of Child Care for four or fewer children within a dwelling or commercial building outside of residential zones, is considered a permitted Accessory Use and is allowed in all Zoning Districts.

Pursuant to LMC [§ 15-4-9](#), three of the Child Care facility types require CUP review before the Planning Commission. Staff recommends adjusting the level of review for Family Child Care, Family Group Child Care, and Child Care Centers to require an Administrative Conditional Use Permit (ACUP) (staff-level review) in all residential and commercial Zoning Districts. To support consistent review, staff also recommends updating definitions to align with changes to state code and updating and consolidating Child Care facility review criteria, which are also subject to the CUP criteria outlined in LMC [§ 15-1-10\(E\)](#).

(B) Updating the definitions to align with changes to state code.

Family Child Care is a facility offering Child Care for up to eight children within a provider's primary residence. Utah [House Bill 153](#), passed during the 2024 Legislative Session, changed the licensing requirements for Child Care at the state level such that providers offering care for up to eight children no longer need to obtain a license from the Utah Division of Licensing and Background Checks (DLBC), but may request a certificate from the DLBC. Considering this change, the Commission previously expressed support for eliminating the Family Child Care definition outlined in the LMC and expanding the definition of In-Home Babysitting to include the provision of Child Care for up to eight children.

The Planning Commission previously expressed support for eliminating the Family Child Care definition in the LMC and expanding the definition of In-Home Babysitting to include the provision of Child Care for up to eight children. This would align the LMC with State regulations. Please see Analysis Section IV below for more information and justification on eliminating the definition of Family Child Care.

Additionally, staff recommends revising the definition for Child Care and In-Home Babysitting to allow for the provision of Child Care for eight or fewer children within a dwelling, and within commercial Buildings outside of residential zones.

(C) Updating and consolidating the criteria reviewed for Child Care facilities.

LMC [§ 15-4-9](#) outlines additional review criteria for Family Child Care, Family Group Child Care, and Child Care Centers. Staff recommends consolidating and revising these criteria and analyzing all three Child Care facility types against the same criteria moving forward as part of the ACUP review for future Child Care facilities.

Below are the current Child Care, Family Child Care, Family Group Child Care, and Child Care Center criteria outlined in LMC [§ 15-4-9](#), along with Staff's recommendations to update and consolidate the criteria.

Family Group Child Care

A facility offering Child Care for nine to 16 children within the provider's primary residence.

<i>Current review criteria pursuant to LMC § 15-4-9(D)(2)</i>	<i>Staff's recommended changes</i>
a. Parking: One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.	Staff recommends retaining this criterion but adjusting it to allow for more parking flexibility and possible exemptions. See Section II below.
b. Drop-Off/Pick-up Area: Two drop-off/pick-up Parking Spaces must be provided. These can be Street Parking Spaces if within 50 feet of the property and not across a street. The driveway may be used for drop-off and pick-up parking if not required for employee or resident parking.	Staff recommends requiring one drop-off/pick-up parking space and allowing the driveway to be used for drop-off/pick-up regardless of underlying parking requirements. Staff recommends retaining the allowance for Street Parking Spaces for drop-off/pick-up if within 50 feet of the Property and not across a street.
c. Arterial Street: If located on an arterial Street or State Highway, off-Street drop-off/pick-up areas are required.	Staff recommends retaining this criterion because requiring off-Street drop-off and pick-up areas will prevent parents from parking on the side of very high-traffic roads to drop off their children.
d. Density: No more than one Family Group Child Care permitted on any one Street or within any 300-foot radius, whichever is less, and no more than two Family Group Child Care homes may be located in any one 500-foot radius. This requirement does not apply to Family Group Child Care homes in commercial zones.	Staff recommends eliminating this criterion to bring the LMC in line with State regulations, which do not outline any density or location requirements for Child Care facilities, and to further eliminate barriers for potential Child Care facilities in Park City.
e. Play Area Size and Location: At least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child	Staff recommends eliminating the-360 square-foot requirement and retaining the requirement of 40 square feet of play area for each child.

over a minimum of 9.	
f. Screening: Screening for all play areas in residential zones is required.	Staff recommends adjusting this criterion to require that outdoor play areas be screened with a fence or barrier that is at least 4 feet tall, in alignment with state regulations.
g. Structure Inspection Required: The Structure shall conform to International Building Code (IBC) 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.	Staff recommends retaining this criterion with an adjustment that the Applicant must notify the Building Department of the maximum number of children that will be cared for in the facility, because there may be additional considerations for children and not all Child Care facilities require a Building Permit.
h. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting to discuss the proposed Child Care facility with property owners within 300 feet of the proposed Site.	Staff recommends eliminating the requirement for a neighborhood meeting but requiring public noticing for property owners within 300 feet during the ACUP process pursuant to prior Planning Commission input.
i. One Year Review: All CUPs for Family Group Child Care homes may receive a one-time review by the Planning Commission, one year after CUP issuance. The review may be placed on the Planning Commission's Consent Agenda, or placed under new business if it is determined that there have been excessive problems related to the Use which justify further discussion by the Planning Commission. This decision is based on staff observation and/or public input received over the past year of operation alleging: (1) The Use consistently generates more parking demand than can be handled within 50 feet of the	Staff recommends adjusting this criterion to require a Condition of Approval for Child Care facilities as part of the ACUP process that states if the Applicant or City receives one or more complaints regarding the Child Care facility within the first year of operation, the Planning Director may revise the ACUP and impose additional Conditions of Approval to mitigate any outstanding issues.

Property on the same side of the street; (2) The Use has generated noise levels exceeding that allowed by the Noise Ordinance; (3) Patrons of the Family Group Care home have consistently violated traffic laws; (4) The Family Group Child Care home does not conform to Code defined standards.	
j. Multi-Unit Dwellings: Family Group Child Care in Multi-Unit Dwellings requires a CUP. Family Group Child Care will not be approved in Multi-Unit Dwellings unless applicant demonstrates that playground areas are on private property and not within Common Areas, or unless the Applicant receives approval from the Home Owner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.	Staff recommends eliminating the requirement that Family Group Child Care in Multi-Unit Dwellings requires a CUP, and instead requires an ACUP. Staff recommends retaining the requirement that playground areas must be located on private property or within Common Area subject to HOA approval.

Pursuant to prior Planning Commission input, Staff recommends an additional criterion to require noticing property owners within 300 feet of proposed Family Group Child Care facilities during the ACUP process.

Child Care Centers

<i>Current review criteria pursuant to LMC § 15-4-9(E)</i>	<i>Staff's recommended changes</i>
<i>1. Location Criteria for Child Care Centers proposed in residential neighborhoods</i>	<i>See below</i>
a. Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged	Staff recommends eliminating this criterion. Traffic considerations including capacity of the existing Streets in the

such that the Center can be conveniently accessed from existing arterial and Collector Roads.	Area and internal vehicular and pedestrian circulation systems are analyzed and regulated during the ACUP process.
b. Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.	Staff recommends eliminating this criterion. Traffic considerations including capacity of the existing Streets in the Area and internal vehicular and pedestrian circulation systems are analyzed and regulated during the ACUP process.
c. The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with large landscaped areas or playing fields.	Staff recommends eliminating this criterion because requirements for outdoor play areas for Child Care facilities are regulated at the state level.
d. The Child Care Center is conveniently accessed by public transportation.	Staff recommends adjusting this criterion to recommend that the Child Care Center is located within half a mile of a public transit stop or route.
e. The Subdivision or multi-family project was designed to accommodate a Child Care Center.	Staff recommends eliminating this criterion. While Subdivisions and multi-family projects being designed to accommodate Child Care Centers has not been common in recent years, this may become more common for future developments in Park City. However, the purpose of the proposed LMC amendments is to encourage the development of Child Care facilities in all areas, regardless of whether or not a Subdivision or multi-family project is specifically designed to accommodate a Child Care Center.
<i>2. Site Requirements</i>	<i>See below</i>
a. 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.	Staff recommends retaining the parking requirement for staff and eliminating the requirement for children cared for. See Section II for additional analysis

	regarding parking and opportunities to provide more flexibility for Child Care providers.
b. Circulation: An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.	Staff recommends requiring at least two drop-off/pick-up parking spaces per Child Care center, or a drop-off/pick-up area where an employee can walk out to vehicles and escort children from vehicles to the building without requiring the parent to exit the vehicle.
c. Fencing: An opaque Fence 6 feet (6') in height must be installed around all designated play areas.	Staff recommends revising this criterion to require a 4-foot-tall Fence, in alignment with state regulations.
d. Play Areas: No structured area for active play or play Structures may be located in a Front Yard.	Staff recommends retaining this review criterion with an adjustment to prohibit outdoor play areas within Front Setbacks to ensure play areas are not located along a primary right-of-way.
e. 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 Child Care home within the same neighborhood.	Staff recommends eliminating this criterion to bring the LMC in line with State regulations, which do not outline any density or location requirements for Child Care facilities, and to further eliminate barriers for potential Child Care facilities in Park City.
f. Lot Size and Configuration: The minimum Lot area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet.	Staff recommends eliminating this criterion because spatial requirements for Child Care facilities are regulated at the state level, and the state does not require a minimum Lot size for Child Care facilities.
g. Setbacks: Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least 18 foot Side Setbacks and 25-foot Rear Setbacks.	Staff recommends retaining this criterion to ensure that there is an adequate buffer of space between the Child Care facility and adjacent roads and properties to protect child safety.
h. Play Area within Setbacks: No more than fifty percent (50%) of the State	Staff recommends eliminating this criterion because outdoor play area

Code required play area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.	requirements for Child Care facilities are regulated at the state level.
i. Signs: One small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than 6 square feet set back at least 10 feet from the Property Line and must conform to all other criteria of the Park City Sign Code.	Staff recommends retaining this criterion.
j. Exceptions: The Planning Commission may grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.	Staff recommends adjusting this criterion to allow the Planning Department to grant exceptions if it can be shown that any reasonably expected detrimental impacts can be mitigated.

Pursuant to prior Planning Commission input, Staff recommends an additional criterion to require noticing property owners within 300 feet of proposed Child Care Centers during the ACUP process.

The consolidated and revised criteria against which proposed Family Group Child Care and Child Care Center facilities would be analyzed moving forward are as follows:

- a. **Parking:** One off-Street parking space required for each on-shift, non-resident or non-family member employee for the Family Group Child Care or Child Care Center in addition to underlying parking requirements outlined in Section [15-3-6](#). Applicants who demonstrate one or more of the following shall be exempted from this requirement: *[these criteria are yet to be determined based on Planning Commission feedback; see Analysis Section II below.]*
- b. **Drop-off/Pick-up Area:** For Family Group Child Care facilities, one drop-off/pick-up parking space shall be provided. An approved driveway may be used for the drop-off/pick-up space. The drop-off/pick-up space may be a street parking space if it is within 50 feet of the property and not across a street. For Child Care Centers, at least two drop-off/pick-up parking spaces are required, or a drop-off/pick-up area where an employee can walk out to vehicles and escort children from vehicles to the building without requiring the parent to exit the vehicle.
- c. **Arterial Street:** If a Family Group Child Care facility is located on an arterial Street or State Highway, off-Street drop-off/pick-up areas are required.

- d. **Proximity to Public Transportation:** Child Care Centers proposed in residential zones are recommended to be located within ½ mile of a public transportation stop or route.
- e. **Setbacks:** Zoning district Setbacks shall be observed except that structures for Child Care Centers located in residential zones shall observe at least 18-foot Side Setbacks and 25-foot Rear Setbacks.
- f. **Signs:** One small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than 6 square feet set back at least 10 feet from the Property Line and must conform to all other criteria of the Park City Sign Code.
- g. **Play Area Size and Location:** At least 40 square feet of outdoor play area per child is required for Family Group Child Care and Child Care Center facilities. Outdoor play areas or equipment shall not be located within Front Setbacks. Outdoor play areas shall be located on private property and not within Common Areas, or unless the Applicant receives approval from the Homeowner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.
- h. **Screening:** Outdoor play areas for Family Group Child Care and Child Care Center facilities shall be screened with a Fence or barrier that is at least 4 feet tall.
- i. **Structure Inspection Required:** All Structures associated with the Family Group Child Care or Child Care Center shall conform to International Building Code (IBC) 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 maximum number of children that will be cared for in the facility.
- j. **Public Notice:** The Planning Department shall notify property owners within 300 feet of the proposed Family Group Child Care or Child Care Center at least 10 days prior to the first Public Hearing, in addition to the noticing requirements outlined in Sections [15-1-12](#) and [15-1-21](#).
- k. **One Year Review:** The following shall be included as a Condition of Approval for all Family Group Child Care and Child Care Center approvals: If the Applicant or City receives one or more complaints regarding the Child Care facility within the first year of operation, the Planning Director may revise the Administrative Conditional Use Permit and impose additional Conditions of Approval to mitigate any outstanding issues.
- l. **Exceptions:** The Planning Department may grant an exception to these Site requirements if the Applicant for Family Group Child Care and Child Care Center facilities can demonstrate that any reasonably expected detrimental impacts can be mitigated through Conditions of Approval during the Administrative Conditional Use Permit review process.

Additionally, proposed Family Group Child Care and Child Care Center facilities would be analyzed against the criteria outlined in LMC [§ 15-1-10\(E\)](#) during the ACUP process, including:

1. size and location of the Site;

2. traffic considerations including capacity of the existing Streets in the Area;
3. utility capacity, including Storm Water run-off;
4. emergency vehicle Access;
5. location and amount of off-Street parking;
6. internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. usable Open Space;
10. signs and lighting;
11. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;
15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site; and
16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Staff requests the Commission please consider the following:

Does the Commission support staff review for Child Care facilities, rather than Planning Commission review?

Is the Commission supportive of consolidating the criteria in Section I outlined above?

Does the Commission suggest any changes to Staff's proposed review requirements and criteria for Child Care facilities outlined above?

(II) Staff requests Planning Commission's feedback regarding parking requirements and possible parking reductions or exemptions for Child Care facilities.

As noted above, the current parking requirements for Child Care types outlined in LMC [§ 15-4-9](#) are as follows:

- **In-Home Babysitting:** none.
- **Family Child Care:** One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements

for residential dwellings.

- **Family Group Child Care:** One off-Street parking space required for each non-resident or non-family member employee in addition to underlying parking requirements for residential dwellings.
- **Child Care Centers:** At least one parking space for each on-duty staff person per shift and one space for every six children cared for.

Staff research and feedback from the focus group indicates that most Child Care facilities have at least one parking space per on-shift employee. The focus group indicated that this is sufficient for their facility's needs, and that providing parking spaces for each on-shift employee does not create a burden.

Staff recommends retaining the requirement for Family Child Care, Family Group Child Care, and Child Care Centers to provide one parking space per each non-resident or non-family member employee on-shift. Staff recommends eliminating the requirement for Child Care Centers to provide one parking space per every six children cared for because Child Care facilities already must provide drop-off/pick-up areas for parents. Staff also recommends implementing flexibility for parking, such that providers could qualify for reductions or exemptions for parking if they submit a parking plan that meets certain criteria.

To qualify for a parking requirement reduction or exemption, Applicants could be required to submit a parking plan that demonstrates:

- There is adequate on-Street parking in the area that employees could use;
- The Child Care facility could share parking with a nearby business that operates during different hours and enter into a shared parking agreement that is recorded with Summit County;
- The Child Care facility includes an on-Site drop-off/pick-up area where an employee can walk out to vehicles and escort children from vehicles to the building without requiring the parent to exit the vehicle;
- A significant number of employees carpool, take transit, or use another method of transportation other than single-occupancy vehicles;
- Parking in the right-of-way adjacent to the Child Care facility is available;
- A clear and irrevocable agreement authorizes Child Care facility employees or patrons to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Child Care facility perimeter boundary;
- The Child Care Facility is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards;
- On-Site parking is provided for motorcycles and/or scooters;
- Bicycle parking exceeds the requirements of LMC [Section 15-3-9](#).

The parking plan could be reviewed by the Planning Department on a yearly basis to ensure that reduced parking is still effective for the site.

The Planning Commission should consider the following questions:

Does the Commission support allowing Child Care providers to qualify for parking reductions or exemptions, as outlined above?

What other criteria would the Commission like to see included in a parking plan if an applicant seeks a parking reduction or exemption for a Child Care facility?

(III) Staff recommends that the potential requirement of Child Care for MPDs or AMPDs be removed from the LMC.

LMC [§ 15-6-5\(K\)](#) for Master Planned Developments (MPDs) states that “A Site designated and planned for a Child Care Center may be required for all new Single Family Dwellings and Multi-Family Dwellings within a Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.”

LMC [§ 15-6.1-11\(K\)](#) for Affordable Master Planned Developments (AMPDs), similarly states, “A Site designated and planned for a Child Care Center may be required for an Affordable Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.” This is the full scope of this provision, and potential requirement for future developments.

During the March work session, the Commission recommended further research to develop more specific criteria for this provision. After conducting research and inter-departmental discussions, Staff identified several potential issues with keeping this provision and recommends its removal: (A) lack of clear criteria, (B) impracticality for developers, (C) enforceability, and (D) incentives as accessory uses.

(A) Lack of clear criteria

Staff searched for a similar requirement in other jurisdictions and was unable to find any. Under California law, a development providing child care facilities can receive a density bonus, but this is an incentive rather than a requirement and the Commission has indicated that it does not believe that is an appropriate action to pursue.

Without precedent nationally, Staff would need to develop new criteria, and it is hard to predict the actual demand for Child Care that would be created by any specific development.

(B) Impracticality for Developers

As has been discussed, the State and local governments in Utah regulate different aspects of Child Care. This creates a potentially difficult situation for the imposition of a Child Care mandate on a development, where it may be able to meet the LMC regulations but prove unable to secure a State license. This potential issue is especially acute in Multi-Unit developments. The 35-feet per child requirement will require a large amount of any development to be devoted to the potential center.

A greater potential issue is outdoor play space. LMC [§ 15-6-6\(G\)](#) requires the Planning Commission to find that a proposed development “provides amenities to the community so that there is no net loss of community amenities.” LMC [§ 15-6-6\(C\)](#) similarly requires a Finding that the development “provides the highest value of Open Space, as determined by the Planning Commission.” These Findings are often accomplished by developments by providing a public and easily accessible Open Space amenity for public use. State regulations require that the outdoor play areas be fenced off with large fences for the safety and privacy of the children. This may pose a potential conflict, considering the City’s focus on the development of walkable developments and communities.

The focus group emphasized that Child Care is currently not a profitable industry and that is one of the reasons so many struggle to be established, especially in a place as expensive as Park City. Staff is not aware of the Commission using this existing provision to require Child Care facilities for MPDs. The one time it was considered in recent years, the Developer demonstrated to the Commission that a Child Care requirement was not feasible for them.

(C) Enforceability

Staff’s greatest concern with this provision is enforceability. Mandating Child Care for MPDs could result in a situation where a project is not financially sustainable. This would leave the City in the position of either ignoring its own regulations or taking Code Enforcement action to force a Development to continue operating an unprofitable business. This would be a major financial and administrative burden on the City.

(D) Accessory Use Incentive

On December 12, 2024, the City Council adopted Ordinance No. 2024-21, incorporating the Planning Commission’s recommended amendments to accessory uses in MPDs including Child Care Facilities as an accessory use for both Residential and Resort Accessory Uses. This change is an incentive and allows for these facilities without counting against a project’s Unit Equivalents.

Staff requests Planning Commission input on the following questions:

Does the Commission support removing the Child Care mandate from the MPD and AMPD codes?

(IV) Alignment with state regulations

During the March Planning Commission work session, changes to state regulations regarding Child Care were discussed, and the Commission directed Staff to bring the

LMC in line with these changes. Staff anticipates that there may be additional changes during the 2025 Legislative General Session and will update the Commission on any adopted changes.

Second Location

As discussed in Analysis Section IV of the March Staff Report ([Agenda Packet](#), Item 5A), DLBC has changed their regulations to allow for family run Child Care facilities to open a second location outside of a primary residence. This is currently not permitted under the LMC for Family Child Care and Family Group Child Care. Under the DLBC Regulations, the second location can still only operate if the provider or the provider's designee is physically present at that location.

H.B. 153 and Eliminating Family Child Care

Analysis Section V of the March Staff Report ([Agenda Packet](#), Item 5A) discusses the passage of H.B. 153 and states that home providers caring for up to eight children may request a Residential Child Care Certificate from DLBC, but they are not required to do so. Those providers are required to complete background checks under the provisions of the bill, but the bill does not lay out a method of enforcement for ensuring those background checks take place.

Under the LMC, Family Child Care regulates centers serving from four to eight children. The Commission expressed support for eliminating Family Child Care and expanding the definition of In-Home Babysitting to serve up to eight children.

During the focus group, members expressed a desire to continue to see background checks for Child Care providers. Considering this, Planning Staff is working with other City departments to determine the requirements under the Business License and Building Permit processes. Specific interest is being paid attention to the ability to require background checks and a more stringent Building inspection.

The Planning Commission should consider the following questions:

Does the Planning Commission continue to support a change to the LMC allowing a second Family Child Care location?

Does the Planning Commission continue to support eliminating Family Child Care as a category under the LMC?

(V) The Development Review Committee reviewed the proposed LMC Amendments on December 17, 2024 and did not require Conditions of Approval.²

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire

The Development Review Committee reviewed the proposed LMC Amendments on December 17, 2024 and did not have any additional feedback or suggestions regarding the LMC amendments.

As noted above, Planning staff has initiated conversations with the Finance, Public Safety, and Building departments to potentially address Child Care regulations further during the Business License and Building Permit review process. Planning staff will continue to facilitate these conversations and will provide future updates to the Commission.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on December 18, 2024. The *Park Record* published courtesy notice on December 18, 2024.³

Public Input

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

District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)

Planning Commission Staff Report



Subject: 4001 Kearns Boulevard – Film Studio
Application: PL-24-06369
Authors: Jaron Ehlers, Planner I
Jacob Klopfenstein, Planner I
Lillian Zollinger, Planner III
Date: January 8, 2025
Type of Item: Conditional Use Permit
Indoor Public Pickleball Recreation Facility

Recommendation

(I) Review the Indoor Public Pickleball Recreation Facility Conditional Use Permit for the installation of six pickleball courts within the 15,000-square-foot Film Studio Bay 1 at 4001 Kearns Boulevard, (II) conduct a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Recreation Director Ken Fisher

Location: 4001 Kearns Boulevard
Film Studio Master Planned Development

Zoning District: Community Transition
Regional Commercial Overlay
Sensitive Land Overlay
Entry Corridor Protection Overlay

Adjacent Land Uses: Recreation Open Space

Reason for Review: The Planning Commission reviews and takes Final Action on Conditional Use Permits.¹

ACUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
CT	Community Transition
ECPO	Entry Corridor Protection Overlay
LMC	Land Management Code
MCPC	Municipal Code of Park City
MPD	Master Planned Development
RCO	Regional Commercial Overlay
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

¹ LMC [§ 15-1-8\(G\)](#)

Summary

The Recreation Department has been working to balance the demand of pickleball and tennis within existing facilities ([City Council December 12, 2024 Staff Communications Report](#)). To increase pickleball court availability and free up tennis courts within the Municipal Athletic & Recreation Center (MARC) while a permanent solution is explored, the Recreation Department proposes a Conditional Use Permit for a temporary Indoor Public Pickleball Recreation Facility with six pickleball courts in the 15,000-square-foot Bay 1 of the Film Studio at 4001 Kearns Boulevard during the winters of 2025, 2025-2026, and 2026-2027 (see Exhibit C – Applicant’s Narrative).

The proposal is an internal reconfiguration (flooring and court build-out) and change in use of the existing Bay 1 only; no new construction nor change to the existing Film Studio building footprint is proposed.

4001 Kearns Boulevard is the 8.62-acre Lot 1A of Park City Film Studios First Amended Subdivision (see Exhibit G) and part of the Quinn’s Junction Master Planned Development (MPD) (see Exhibit E), in the Community Transition (CT) Zoning District and Regional Commercial Overlay (RCO), both of which require a Conditional Use Permit (CUP) for Public Recreation Facilities.² The property is also within the Sensitive Land Overlay (SLO) and Entry Corridor Protection Overlay (ECPO), although no exterior structural changes are proposed.

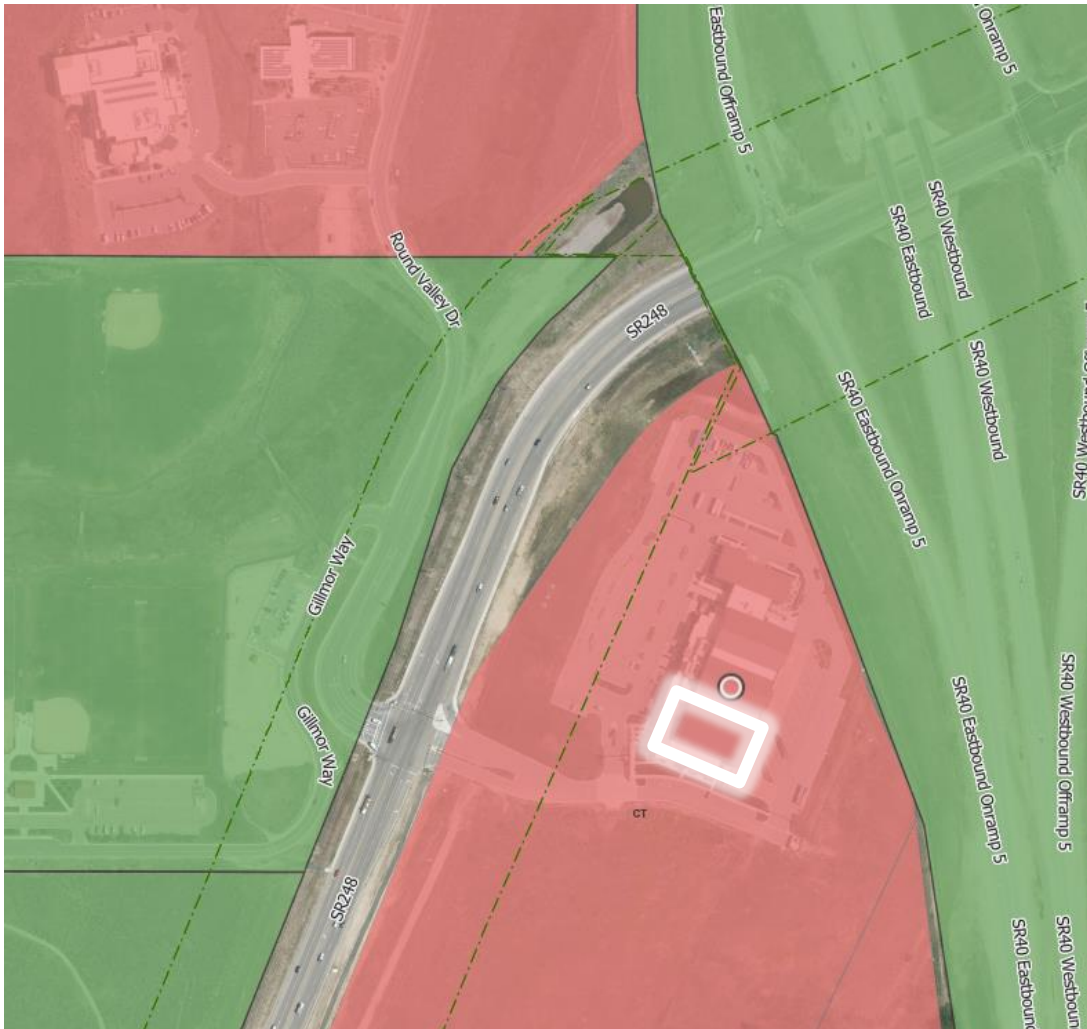
Background

The Film Studio at 4001 Kearns Boulevard is located between SR-248 and US 40 in the Quinn’s Junction neighborhood:



Image of Film Studio taken from Google Street View

² LMC [§ 15-2.23-2\(C\)\(12\)](#)



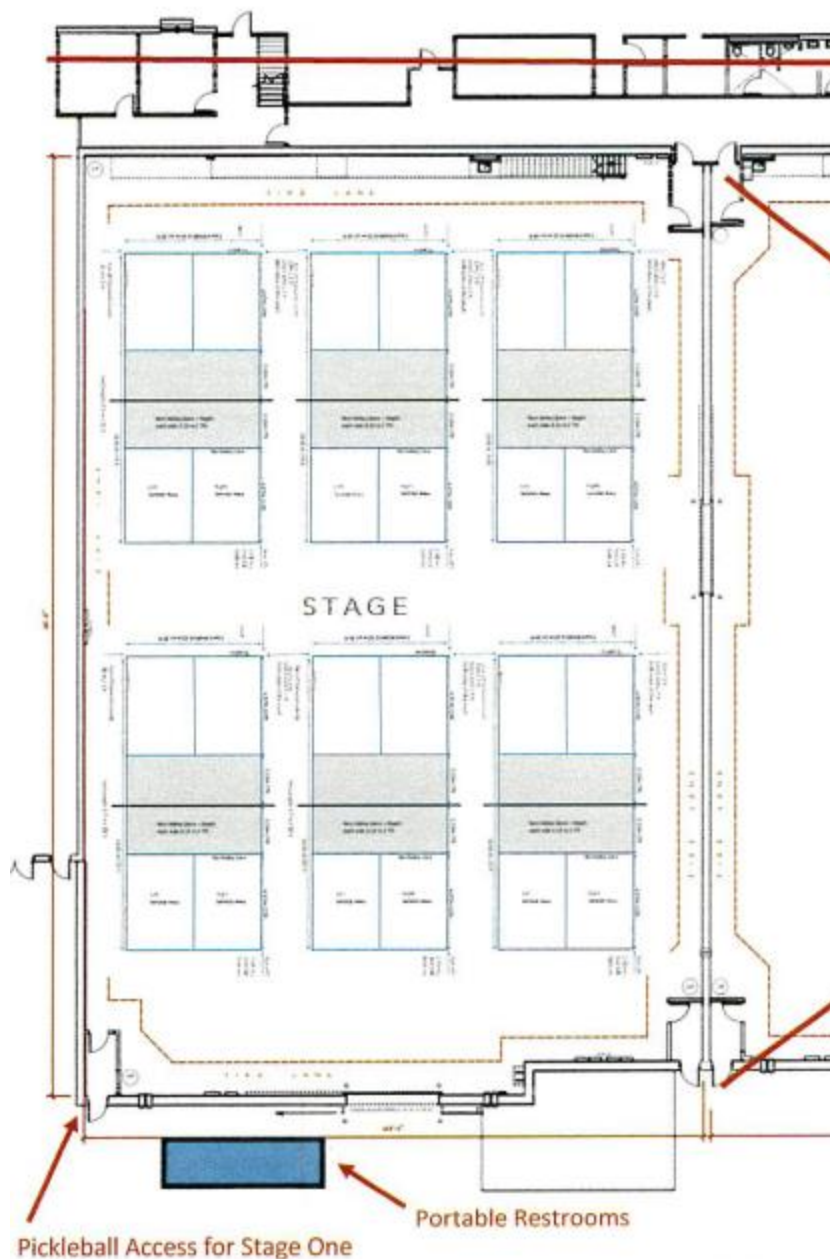
Location of 4001 Kearns Boulevard with the Film Studio bay for the proposed Indoor Public Pickleball Recreation Facility highlighted in white. The CT Zoning District is shown in red, the ROS Zoning District shown in green; the green dashed line parallel to SR-248 represents the ECPO.

- On January 18, 2012, Summit County and Quinn's Junction Partnership agreed to a Settlement Agreement that resolved pending legal disputes regarding the land that would become the Quinn's Junction MPD (see Exhibit D).
- On May 12, 2012, the City Council passed [Ordinance No. 12-12](#) approving the Quinn's Junction Partnership Annexation Petition and establishing the Quinn's Junction MPD (Exhibit E).
- On May 24, 2012, the City entered into a Development Agreement with Quinn's Junction Partnership. The Development Agreement was recorded with Summit County on July 20, 2012 (see Exhibit E).
- On April 17, 2014, the City Council passed [Ordinance No. 14-16](#) approving the Park City Film Studios Subdivision.
- On April 30, 2014, the Planning Director approved an Administrative Conditional

Use Permit (ACUP) for part of Phase 1-A of the Quinn's Junction MPD (see Exhibit F). The ACUP allowed the creation of soundstages, a workshop and support offices, a small guardhouse, 279 standard parking spaces, and 52 oversized parking spaces. Collectively, these developments comprise the Film Studio.

- On February 3, 2022, the City Council passed [Ordinance 2022-06](#) approving the Park City Film Studios First Amended Subdivision, which was recorded on September 20, 2022, and is the current Plat for 4001 Kearns Boulevard (see Exhibit G).
- On December 12, 2024, the City Council approved efforts for the Recreation Department to negotiate a lease for a temporary Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard ([Audio](#)). On December 16, 2024, the Applicant applied for a CUP.

The Applicant proposes six indoor pickleball courts and a temporary exterior 72-square-foot restroom providing two stalls to be located at the rear of the Film Studio. The Applicant requests the CUP to be ongoing for this winter and the following two winters: November 1, 2025 to April 30, 2026, and November 1, 2026 to April 30, 2027, pending lease approval.



Proposed plans provided by the Applicant.

Analysis

(I) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Community Transition Zoning District regulations outlined in Land Management Code Chapter 15-2.23.

The purposes of the Community Transition (CT) District include:

- Encouraging low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
- Enhancing and expanding public open space and recreation Uses Compatible

- with the adjacent public deed-restricted open space; and
- Encouraging the Development of high quality public places such as parks, trails, and recreation facilities.³

LMC [§ 15-15-1](#) defines a Public Recreation Facility: “Recreation facilities operated by a public agency and open to the general public with or without a fee.” LMC [§ 15-2.23-2\(C\)\(12\)](#) establishes Public Recreation Facilities as a Conditional Use in the CT Zoning District.

The Indoor Public Pickleball Recreation Facility is proposed to be within Bay 1 of the Film Studio and no external changes to the Structure are proposed. The Applicant proposes to install a 72-square-foot temporary portable restroom adjacent to Bay 1 for public use. The temporary restroom trailer will be located on the rear of the Film Studio, flush with the building and next to the door that will be used by the pickleball players to access Bay 1.

Pursuant to LMC [§ 15-2.23-3\(B\)](#), the minimum Front, Side, and Rear Setbacks for all Structures is 25 feet, with Ancillary Structures allowed as exceptions to the Setbacks. The temporary portable 72-square-foot restrooms will be approximately 218 feet from the Front, 158 feet from the Side, and approximately 158 feet from the Rear Setback and compliant with Setback regulations.

Pursuant to LMC [§ 15-2.23-5](#), the maximum Building Height is 28 feet. The temporary portable restrooms will primarily be eight feet in height, with a maximum of 11 feet for the mechanical equipment on the roof, and compliant with Height regulations.

(II) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Regional Commercial Overlay District regulations outlined in Land Management Code Chapter 15-2.17.

The purpose of the RCO is to allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Use on lands affected by the overlay zone. In the event the Application for Commercial Use is denied, the underlying zoning governs permissible Development of the Property.

LMC [§ 15-2.17-2\(B\)\(40\)](#) outlines Public Recreation Facilities as a Conditional Use in the RCO, subject to MPD approval. 4001 Kearns Boulevard is part of a Settlement Agreement (see Exhibit D), Quinn’s Junction Partnership Annexation (see Exhibit E), and the Quinn’s Junction MPD (see Exhibit E). Recreation Uses are contemplated in the Settlement Agreement governing the MPD. See Section V below for additional analysis.

(III) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Entry Corridor Protection Zone regulations outlined in Land Management Code Section 15-2.20-5.

³ LMC [§ 15-2.23-1](#)

The purpose of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, and all Development within the designated entry corridors into Park City must comply with a Setback of 150 feet to 200 feet from SR-248 (LMC [§ 15-2.20-5\(I\)](#)). No changes to the Film Studio exterior are proposed as part of this CUP.

The existing parking Lot on site was approved under the 2014 ACUP (see Exhibit F) and partially falls within the 200-foot Setback established in the ECPO that runs parallel with SR-248. There are no other proposed structures or changes to the existing site conditions that are relevant to the ECPO, and the site complies.

(IV) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Sensitive Land Overlay regulations outlined in Land Management Code Chapter 15-2.21.

The existing parking Lot and Structures on site are within the SLO and no changes are proposed. The only exterior change to the site is the proposal to install 72-square-foot temporary portable restrooms for public use at the rear of the Film Studio on an existing concrete pad, and no impacts to vegetation or other Sensitive Lands are proposed.

(V) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Film Studio Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction Master Planned Development.

Recreation is listed as a permitted Use in the Film Studio Settlement Agreement (Exhibit D):

1.3.6 Permitted Uses shall be Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center. All other uses are prohibited.

The proposed Indoor Public Pickleball Recreation Facility is a Minor Administrative Modification allowed under the Film Studio Development Agreement:

3.9 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement. These include but are not limited to changes in building configuration to accommodate tenants so long as the square footage, general location and uses are consistent with what is vested herein.

Proposed Condition of Approval 4 ensures compliance with MPD Conditions of Approval 11 & 29 by setting hours of operation for the Indoor Public Pickleball Recreation Facility from 8 AM to 8 PM. MPD Condition of Approval 11 limited outdoor activities and noise to 7 AM to 10 PM while MPD Condition of Approval 29 requires specific hours of operation to be set for inside areas of the Studio Campus.

(VI) The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with parking requirements outlined in Land Management Code Section 15-3-6.

4001 Kearns Boulevard has 320 Parking Spaces and twelve 53-foot truck/trailer Parking Spaces for the Film Studio. The Studio Crossing MPD is under construction to the south of the Film Studio and the Studio Crossing Construction Mitigation Plan allocates 24 parking spaces south of the Film Studio for construction parking. As a result, the Film Studio has 296 available Parking Spaces while Studio Crossing is under construction.



Studio Crossing Construction Parking on the Film Studio Lot Highlighted in Red

The Applicant proposes using Bay 1 of the Film Studio for the temporary installation of six indoor pickleball courts, and each court accommodates four pickleball players, for a total of 24 players. Additionally, the Applicant proposes at most six employees (including pickleball pros to teach lessons and clinics).

LMC [§ 15-3-6\(B\)](#) requires either five spaces per 1,000 square feet of floor area or one space per three persons rated capacity, depending on the type of facility, for a Public Recreation Facility. If the Applicant were required to provide five Parking Spaces per 1,000 square feet, a total of 75 Parking Spaces would be required for the 15,000-square-foot Bay 1. If the Applicant were required to provide one space per three persons rated capacity, the Applicant would be required to provide eight Parking Spaces. The pickleball courts can accommodate 24 players at any one time and six employees. As a result, staff recommends Condition of Approval 6 that the Applicant negotiate at least 30 parking spaces to allocate to pickleball players and employees as part of the lease agreement or shared parking agreement.

(VII) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).

LMC [§ 15-1-10 states](#), “[t]here are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.”

The Planning Commission shall approve a Conditional Use “if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.” The Planning Commission may deny the Conditional Use if the proposed Use “cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards.”

The Planning Commission reviews 16 criteria when considering a CUP:

1. Size and location of the site:

No unmitigated impacts

The proposed Indoor Public Pickleball Recreation Facility will be installed within Bay 1 of the Film Studio, an existing Structure. The Film Studio is located across SR-248 from the Ian Weinman dog park and the Quinn’s Recreation Facilities. There is a pedestrian signal and crosswalk at the intersection that grants access off SR-248 to the Film Studio.

2. Traffic considerations including capacity of the existing Streets in the Area:

No unmitigated impacts

Objective 9B of the General Plan is to locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled.⁴ The Film Studio is near the Park City Heights neighborhood and is accessible by the Rail Trail. Additionally, City transit stops along Richardson Flat Road, and transit riders may walk to the Film Studio along a separated paved multi-use pathway.

⁴ [General Plan Sense of Community](#), p. 79



Google Earth Image with Richardson Flat Road Transit Stop in White Star and multi-use pathway to Film Studio

The Engineering Department's [Traffic Impact Study \(TIS\) Guidelines](#) require a TIS when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. The Applicant does not propose development or redevelopment, but rather, a change in Use of Film Studio Bay 1. No increase in existing parking is proposed, and the shift in Use from the Film Studio to indoor pickleball with a maximum capacity of 24 pickleball players at any one time does not generate the need for a TIS or traffic mitigation. Additionally, the proposed pickleball use of Film Studio Bay 1 is proposed to end after the winter of 2026-2027. The Studio Crossing MPD construction is ongoing and will not be built out during the temporary pickleball court use.

3. Utility capacity, including Storm Water run-off:

No unmitigated impacts

On December 17, 2024, the Development Review Committee considered the proposal and found the Use conforms with their requirements.

4. **Emergency vehicle access:**

Condition of Approval required

The Park City Fire District requires the following Condition of Approval 5: “Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.”

5. **Location and amount of off-Street parking:**

No unmitigated impacts

Please see Section IV.

6. **Internal vehicular and pedestrian circulation system:**

Condition of Approval recommended

The lot is accessed from SR-248 along Round Valley Drive. The Applicant indicated that gates restricting access to the Film Studio parking lot raise automatically when a driver approaches. Condition of Approval 3 requires that the gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.



Gates at the Film Studio parking entrance

Patrons will use the existing Film Studio Bay 1 entrance to access the Pickleball Courts. The exterior door leads to a short connector vestibule which then connects to the bay.

7. **Fencing, Screening, and landscaping to separate the Use from adjoining Uses:**

No unmitigated impacts

There is no proposed permanent fencing or landscaping and the temporary restrooms at the rear of the Film Studio will be screened from the road by an existing berm.



View of Bay 1 from I-40 taken from Google Street View. Approximate location of restroom trailer shown by red oval, indicating that at most the very top of the trailer will be visible.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:

No unmitigated impacts

No changes to the exterior of the Film Studio are proposed. No permanent structures are proposed. The temporary restrooms will be installed on existing asphalt, parallel to the existing structure, and will be screened from the road by an existing berm.

9. Usable Open Space:

No unmitigated impacts

No open space will be impacted by the project. The temporary restrooms will be installed on existing asphalt adjacent to Bay 1 of the Film Studio.

10. Signs and Lighting:

Complies

Pursuant to Municipal Code of Park City (MCPC) [§ 12-8-1](#), signs erected by or at the direction of Park City Municipal Corporation are exempt from sign regulations and do not require a Sign Permit. The Applicant proposes the following signs:

Pickleball Parking and Access Signage

Signage will be placed upon entering the access to the Utah Film Studios. Signage will be on weighted sandwich boards that are 24"x36" and along with three printed yard signs on the private property of the Film Studio and at the entrance to the leased space.

EXAMPLES OF SIGNAGE TO BE PLACED

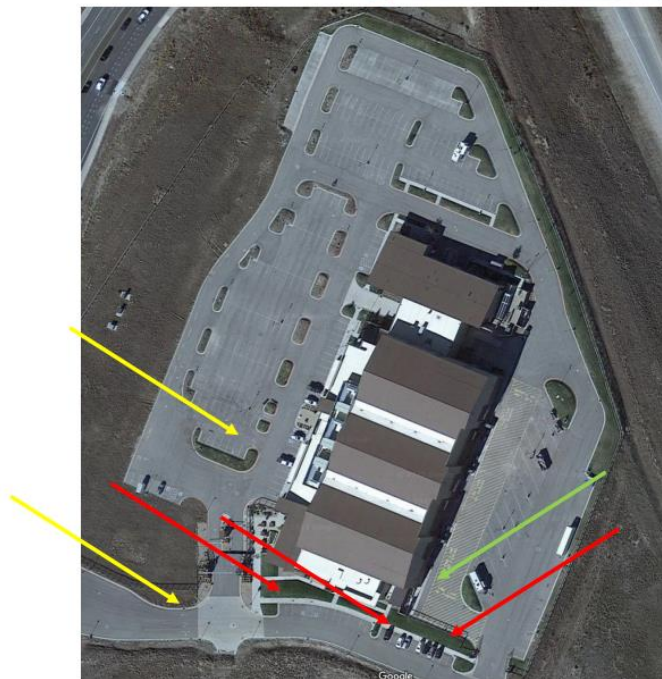


SIGNAGE WOULD BE PLACED HERE:

- 2 PARKING SIGNS →
- 3 FACILITY ACCESS DIRECTIONAL →
- 1 ENTRANCE SIGN ←


 WELCOME TO THE
PICKLEBALL FACILITY
 AT THE UTAH FILM STUDIOS

ENTRANCE



11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

No unmitigated impacts

No changes are proposed to the existing Structure. The temporary restrooms will be screened from the road by an existing berm.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:

No unmitigated impacts

No changes are proposed to the existing Structure. The temporary restrooms will be installed on the rear of the Structure and serviced once per week, but the schedule may be adjusted if additional service becomes necessary.

The Film Studio Bay 1 is soundproof and Use for indoor pickleball is not anticipated to generate noise that exceeds the Noise ordinance. However, the Indoor Public Pickleball Recreation Facility must comply with the requirements of MCPC [Chapter 6-3](#), Noise, and the exterior door to Bay 1 must remain closed during pickleball play.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:

No unmitigated impacts

There are no intended loading and unloading zones. Trash and recycling facilities will be monitored by Park City Recreation Staff and serviced according to the lease agreement.

14. Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:

Conditions of Approval recommended

The proposed Indoor Public Pickleball Recreation Facility will be leased to the Applicant by the Owner. The Applicant indicated that the Recreation Department plans to staff a front desk to manage reservations and perform other administrative tasks for the Indoor Public Pickleball Recreation Facility. The desk will be located on the interior when facility users enter. It will be a pre-paid reservation system, already in use by the Recreation Department. The maximum users of the pickleball courts will be 24, assuming four players on each of the six courts.

The Public Recreation Facility is proposed to be used from February 1, 2025 to April 30, 2025; November 1, 2025 to April 30, 2026; and November 1, 2026 to April 30, 2027 (Conditions of Approval 1). If the lease extends beyond these dates, the Applicant will be required to apply for a Modification to the CUP.

15. Within and adjoining the site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:

No unmitigated impacts

The proposed Indoor Public Pickleball Recreation Facility will not modify existing structures.

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding:

The General Plan supports Recreation Uses in the Quinn's Junction neighborhood, and the Ice Arena, Quinn's Sports Fields, and trails and Open Space are integrated throughout the neighborhood. Goal 10.1 of the [Quinn's Junction Neighborhood Plan](#) (p. 262) notes that recreation should be the predominant land use and Goal 10.2 (p. 268) encourages recreation uses.

Goal 9 of the General Plan states Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A is to maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.⁵ City Implementation Strategy 9.4 is to create custom level of service based on unique user feedback. Park City will monitor the needs of the community through demand surveys and citizen satisfaction surveys and adapt facilities and service levels in the most cost effective ways.⁶ The Applicant proposes the limited use of Film Studio Bay 1 to address increased demands for pickleball and tennis courts while a permanent solution is explored.

(VI) The Development Review Committee reviewed the proposal on December 17, 2024 and required the following Condition of Approval.

The Park City Fire District required Condition of Approval 5.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The *Park Record* published courtesy notice on December 23, 2024.⁷

Public Input

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

⁵ [General Plan Sense of Community](#), p. 78

⁶ [General Plan Sense of Community](#), p. 81

⁷ LMC [§ 15-1-21](#)

Alternatives

- The Planning Commission may approve the Indoor Public Pickleball Recreation Facility CUP.
- The Planning Commission may deny the Indoor Public Pickleball Recreation Facility CUP and direct staff to make Findings for the denial.
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: Applicant's Narrative

Exhibit D: Settlement Agreement for Film and Media Campus

Exhibit E: Development Agreement for the Quinn's Junction Partnership Annexation
Master Planned Development

Exhibit F: April 30, 2014 Park City Film Studios ACUP Final Action Letter

Exhibit G: Park City Film Studios First Amended Subdivision Plat

Exhibit H: Portable Bathroom Specifications



Planning Department

January 8, 2025

Ken Fisher, Recreation Director
Park City Municipal Corporation
ken@parkcity.org

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 4001 Kearns Boulevard (Film Studio)

Zoning District: Community Transition (CT)
Regional Commercial Overlay (RCO)
Entry Corridor Protection Overlay (ECPO)
Sensitive Land Overlay (SLO)

Application: Conditional Use Permit

Project Number: PL-24-06369

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 8, 2025

Project Summary: The Applicant requests a Conditional Use Permit for an Indoor Public Pickleball Recreation Facility in Bay 1 at 4001 Kearns Boulevard, the Film Studio, during the winter seasons in 2025, 2025-2026, and 2026-2027. Bay 1 is 15,000-square-feet and accommodates six pickleball courts. The Applicant also proposes the installation of a 72-square-foot temporary restroom trailer to provide two stalls to support the indoor pickleball courts.

Action Taken

On January 8, 2025, the Planning Commission conducted a public hearing and approved the Conditional Use Permit for an Indoor Public Pickleball Recreation Facility according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:



Planning Department

Findings of Fact

1. 4001 Kearns Boulevard is the 8.62-acre Lot 1A of Park City Film Studios First Amended Subdivision and part of the Quinn's Junction Master Planned Development (MPD), in the Community Transition (CT) Zoning District and Regional Commercial Overlay (RCO), both of which require a Conditional Use Permit (CUP) for Public Recreation Facilities.
2. The property is also within the Sensitive Land Overlay (SLO) and Entry Corridor Protection Overlay (ECPO), although no exterior structural changes are proposed
3. The Film Studio at 4001 Kearns Boulevard is located between SR-248 and US 40 in the Quinn's Junction neighborhood.
4. On January 18, 2012, Summit County and Quinn's Junction Partnership agreed to a Settlement Agreement that resolved pending legal disputes regarding the land that would become the Quinn's Junction MPD.
5. On May 12, 2012, the City Council passed Ordinance No. 12-12 approving the Quinn's Junction Partnership Annexation Petition and establishing the Quinn's Junction MPD.
6. On May 24, 2012, the City entered into a Development Agreement with Quinn's Junction Partnership. The Development Agreement was recorded with Summit County on July 20, 2012.
7. On April 17, 2014, the City Council passed Ordinance No. 14-16 approving the Park City Film Studios Subdivision.
8. On April 30, 2014, the Planning Director approved an Administrative Conditional Use Permit (ACUP) for part of Phase 1-A of the Quinn's Junction MPD. The ACUP allowed the creation of soundstages, a workshop and support offices, a small guardhouse, 279 standard parking spaces, and 52 oversized parking spaces. Collectively, these developments comprise the Film Studio.
9. On February 3, 2022, the City Council passed Ordinance 2022-06 approving the Park City Film Studios First Amended Subdivision, which was recorded on September 20, 2022, and is the current Plat for 4001 Kearns Boulevard.
10. On December 12, 2024, the City Council approved efforts for the Recreation Department to negotiate a lease for a temporary Indoor Public Pickleball Recreation Facility at 4001 Kearns Boulevard.
11. On December 16, 2024, the Applicant applied for a CUP.
 - a. The Applicant proposes six indoor pickleball courts within Bay 1 of the Film Studio and a temporary exterior 72-square-foot restroom providing



Planning Department

- two stalls to be located at the rear of the Film Studio from February 1, 2025 to April 30, 2025.
- b. The Applicant requests the CUP to be ongoing for the following two winters: November 1, 2025 to April 30, 2026, and November 1, 2026 to April 30, 2027, pending lease approval.
 - c. The proposal is an internal reconfiguration (flooring and court build-out) and change in use of the existing Bay 1 only; no new construction nor change to the existing Film Studio building footprint is proposed.
12. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Community Transition Zoning District regulations outlined in Land Management Code Chapter 15-2.23.
- a. The relevant purposes of the Community Transition (CT) District are:
 - i. Encouraging low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
 - ii. Enhancing and expanding public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
 - iii. Encouraging the Development of high quality public places such as parks, trails, and recreation facilities.
 - b. LMC § 15-2.23-2(C)(12) outlines Public Recreation Facilities as a Conditional Use in the CT Zoning District.
 - c. LMC § 15-15-1 defines a Public Recreation Facility as, "Recreation facilities operated by a public agency and open to the general public with or without a fee."
 - d. The Indoor Public Pickleball Recreation Facility is proposed to be within Bay 1 of the Film Studio and no external changes to the Structure are proposed.
 - e. The Applicant proposes to install a 72-square-foot temporary portable restroom adjacent to Bay 1 for public use. The temporary restroom trailer will be located on the rear of the Film Studio, flush with the building and next to the door that will be used by the pickleball players to access Bay 1
 - f. Pursuant to LMC § 15-2.23-3(B), the minimum Front, Side, and Rear Setbacks for all Structures is twenty-five feet, with Ancillary Structures allowed as exceptions to the Setbacks.
 - i. The temporary portable 72-square-foot restrooms will be approximately 218 feet from the Front, 158 feet from the Side, and



Planning Department

approximately 158 feet from the Rear Setback and compliant with Setback regulations.

- g. Pursuant to LMC § 15-2.23-5, the maximum Building Height is 28 feet.
 - i. The temporary portable restrooms will primarily be eight feet in height, with a maximum of 11 feet for the mechanical rooftop equipment, and compliant with Height regulations.
- 13. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Regional Commercial Overlay District regulations outlined in Land Management Code Chapter 15-2.17.
 - a. LMC § 15-2.17-2(B)(40) outlines Public Recreation Facilities as a Conditional Use in the RCO, subject to MPD approval. 4001 Kearns Boulevard is part of a Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction MPD. Recreation Uses are contemplated in the Settlement Agreement governing the MPD. See Finding of Fact 16 below for additional analysis.
- 14. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Entry Corridor Protection Overlay regulations outlined in Land Management Code § 15-2.20-5.
 - a. The purpose of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City must comply with a 150- to 200-foot Setback from SR-248.
 - b. No exterior changes are proposed within the ECPO.
- 15. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Sensitive Land Overlay regulations outlined in Land Management Code Chapter 15-2.21.
 - a. The existing parking Lot and Structures on site are within the SLO and no changes are proposed.
 - b. The Applicant proposes to install 72-square-foot temporary portable restrooms for public use at the rear of the Film Studio on an existing concrete pad, and no impacts to vegetation or other Sensitive Lands are proposed.
- 16. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with the Film Studio Settlement Agreement, Quinn's Junction Partnership Annexation, and the Quinn's Junction Master Planned Development.
 - a. Recreation is listed as a permitted Use in the Film Studio Settlement Agreement.



Planning Department

- b. The proposed Indoor Public Pickleball Recreation Facility is a Minor Administrative Modification allowed under the Film Studio Development Agreement.
 - c. Condition of Approval 4 ensures compliance with MPD Conditions of Approval 11 & 29 by setting hours of operation for the Indoor Public Pickleball Recreation Facility from 8 AM to 8 PM. MPD Condition of Approval 11 limited outdoor activities and noise to 7 AM to 10 PM while MPD Condition of Approval 29 requires specific hours of operation to be set for inside areas of the Studio Campus.
17. The request for an Indoor Public Pickleball Recreation Facility, as conditioned, complies with parking requirements outlined in Land Management Code § 15-3-6.
- a. 4001 Kearns Boulevard has 320 Parking Spaces and twelve 53-foot truck/trailer Parking Spaces for the Film Studio. The Studio Crossing MPD is under construction to the south of the Film Studio and the Studio Crossing Construction Mitigation Plan allocates 24 parking spaces south of the Film Studio for construction parking. As a result, the Film Studio has 296 available Parking Spaces.
 - b. The Applicant proposes using Bay 1 of the Film Studio for the temporary installation of six indoor pickleball courts, and each court accommodates four pickleball players, for a total of 24 players. Additionally, the Applicant proposes at most six employees (including pickleball pros to teach lessons and clinics).
 - c. LMC § 15-3-6(B) requires either five spaces per 1,000 square feet of floor area or one space per three persons rated capacity, depending on the type of facility, for a Public Recreation Facility. If the Applicant were required to provide five Parking Spaces per 1,000 square feet, a total of 75 Parking Spaces would be required for the 15,000-square-foot Bay 1. If the Applicant were required to provide one space per three persons rated capacity, the Applicant would be required to provide eight Parking Spaces. The pickleball courts can accommodate 24 players at any one time and six employees.
 - d. As a result, Condition of Approval 6 requires that the Applicant negotiate at least 30 parking spaces to allocate to pickleball players and employees as part of the lease agreement or shared parking agreement.
18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).



Planning Department

- a. Size and location of the site
 - i. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will be installed within Bay 1 of the Film Studio, an existing Structure. The Film Studio is located across SR-248 from the Ian Weinman dog park and the Quinn's Recreation Facilities. There is a pedestrian signal and crosswalk at the intersection that grants access off SR-248 to the Film Studio.
- b. Traffic considerations including capacity of the existing Streets in the Area:
 - i. No unmitigated impacts:
 - 1. Objective 9B of the General Plan is to locate recreation options within close vicinity to existing neighborhoods and transit for accessibility and to decrease vehicle miles traveled. The Film Studio is near the Park City Heights neighborhood and is accessible by the Rail Trail. Additionally, City transit stops along Richardson Flat Road, and transit riders may walk to the Film Studio along a separated paved multi-use pathway.
 - 2. The Engineering Department Traffic Impact Study (TIS) Guidelines require a TIS when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. The Applicant does not propose development or redevelopment, but rather, a change in Use of Film Studio Bay 1. No increase in existing parking is proposed, and the shift in Use from the Film Studio to indoor pickleball with a maximum capacity of 24 pickleball players at any one time does not generate the need for a TIS or traffic mitigation.
 - 3. Additionally, the proposed pickleball use of Film Studio Bay 1 is proposed to end after the winter of 2026-2027. The Studio Crossing MPD construction is ongoing and will not be built out during the temporary pickleball court use.
- c. Utility capacity, including Storm Water run-off:
 - i. No unmitigated impacts: On December 17, 2024, the Development Review Committee considered the proposal and found the Use conforms with their requirements.
- d. Emergency vehicle access



Planning Department

- i. Condition of Approval: The Park City Fire District requires the following Condition of Approval 5: “Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site, and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.”
- e. Location and amount of off-Street parking
 - i. No unmitigated impacts: See Finding of Fact 17.
- f. Internal vehicular and pedestrian circulation system
 - i. Condition of Approval: The lot is accessed from SR-248 along Round Valley Drive. The Applicant indicated that gates restricting access to the Film Studio parking lot raise automatically when a driver approaches. Condition of Approval 3 requires that the gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.
 - ii. Patrons will use the existing Film Studio Bay 1 entrance to access the Pickleball Courts. The exterior door leads to a short connector vestibule which then connects to the bay.
- g. Fencing, Screening, and landscaping to separate the Use from adjoining Uses
 - i. No unmitigated impacts: There is no proposed permanent fencing or landscaping and the temporary restrooms at the rear of the Film Studio will be screened from the road by an existing berm.
- h. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots
 - i. No unmitigated impacts: No changes to the exterior of the Film Studio are proposed. No permanent structures are proposed. The temporary restrooms will be installed on existing asphalt, parallel to the existing structure, and will be screened from the road by an existing berm.
- i. Usable Open Space
 - i. No unmitigated impacts: No open space will be impacted by the project. The temporary restrooms will be installed on existing asphalt adjacent to Bay 1 of the Film Studio.
- j. Signs and Lighting



Planning Department

- i. Complies: Pursuant to Municipal Code of Park City (MCPC) § 12-8-1, signs erected by or at the direction of Park City Municipal Corporation are exempt from sign regulations and do not require a Sign Permit.
- k. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing
 - i. No unmitigated impacts: No changes are proposed to the existing Structure. The temporary restrooms will be screened from the road by an existing berm.
- l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site
 - i. No unmitigated impacts:
 - 1. No changes are proposed to the existing Structure. The temporary restrooms will be installed on the rear of the Structure and be serviced once per week but schedule may be adjusted if additional service becomes necessary.
 - 2. The Film Studio Bay 1 is soundproof and Use for indoor pickleball is not anticipated to generate noise that exceeds the Noise ordinance.
 - 3. However, the Public Pickleball Recreation Facility must comply with the requirements of MCPC Chapter 6-3, Noise, and the door to the Bay 1 must remain closed during pickleball play.
- m. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas
 - i. No unmitigated impacts: There are no intended loading and unloading zones. Trash and recycling facilities will be monitored by Park City Recreation Staff and serviced according to the lease agreement.
- n. Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:
 - i. Conditions of Approval:
 - 1. The proposed Indoor Public Pickleball Recreation Facility will be leased to the Applicant by the Owner. The Applicant indicated that the Recreation Department plans to staff a front desk to manage reservations and perform other



Planning Department

administrative tasks for the Indoor Public Pickleball Recreation Facility. The desk will be located on the interior when facility users enter. It will be a pre-paid reservation system, already in use by the Recreation Department. The maximum users of the pickleball courts will be 24, assuming four players on each of the six courts.

2. The Public Recreation Facility is proposed to be used from February 1, 2025, to April 30, 2025; November 1, 2025, to April 30, 2026; and November 1, 2026, to April 30, 2027 (Conditions of Approval 1). If the lease extends beyond these dates, the Applicant will be required to apply for a Modification to the CUP.
- o. Within and adjoining the site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site
 - i. No unmitigated impacts: The proposed Indoor Public Pickleball Recreation Facility will not modify existing structures
- p. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding
 - i. The General Plan supports Recreation Uses in the Quinn's Junction neighborhood, and the Ice Arena, Quinn's Sports Fields, and trails and Open Space are integrated throughout the neighborhood. Goal 10.1 of the Quinn's Junction Neighborhood Plan (p. 262) notes that recreation should be the predominant land use and Goal 10.2 (p. 268) encourages recreation uses.
 - ii. Goal 9 of the General Plan states Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A is to maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.
 - iii. City Implementation Strategy 9.4 is to create custom level of service based on unique user feedback. Park City will monitor the needs of the community through demand surveys and citizen satisfaction surveys and adapt facilities and service levels in the most cost effective ways.



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- iv. The Applicant proposes the limited use of Film Studio Bay 1 to address increased demands for pickleball and tennis courts while a permanent solution is explored.
- 19. The Development Review Committee reviewed the proposal on December 17, 2024 and the Park City Fire District requires Condition of Approval 5.
- 20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The Park Record published courtesy notice on December 23, 2024.

Conclusions of Law

- 1. The proposed CUP, as conditioned, complies with the requirements of the Land Management Code.
- 2. The proposed CUP for an Indoor Public Pickleball Recreation Facility is compatible with surrounding structures in use, scale, mass, and circulation.
- 3. The proposed CUP for an Indoor Public Pickleball Recreation Facility is consistent with the Park City General Plan.
- 4. The proposed CUP an Indoor Public Pickleball Recreation Facility is compatible with the Settlement Agreement and Development Agreement for the Quinn's Junction MPD.
- 5. The effects of the difference in use or scale of the CUP for an Indoor Public Pickleball Recreation Facility have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

- 1. This approval is only valid for an Indoor Public Pickleball Recreation Facility operated as a public Municipal Use from February 1, 2025 – April 30, 2025, November 1, 2025 - April 30, 2026, and November 1, 2026 – April 30, 2027.
- 2. If the Applicant proposes to extend the Indoor Public Pickleball Recreation Facility Use past April 30, 2027, the Applicant shall return to the Planning Commission for a re-review of the CUP.
- 3. The Film Studio gates shall remain raised or unlocked during the hours of operation of the Indoor Public Pickleball Recreation Facility to maintain access for patrons.
- 4. The Public Pickleball Recreation Facility shall only operate from 8 AM to 8 PM with no other use of the restroom trailer allowed outside those hours except for essential use by Recreation Department staff.



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5. Prior to Building Permit issuance, the Applicant shall provide an exiting plan that shows life safety system components at the Site, and shall provide information demonstrating how the change of occupancy group will fit within the existing building at the Site, which shall be reviewed for approval by the Park City Fire District.
6. The Applicant and Property Owner shall include in the final lease or shared parking agreement that 30 Parking Spaces shall be set aside for exclusive use of the pickleball players and Recreation Department employees during times that the Public Pickleball Recreation Facility is in use.

If you have questions or concerns regarding this Final Action Letter, please call (385) 481-2037 or email jacob.klopfenstein@parkcity.org.

Sincerely,

Sarah Hall, Planning Commission Chair

CC: Jaron Ehlers, Jacob Klopfenstein, & Lillian Zollinger
Project Planners

Site Overview: Utah Film Studios



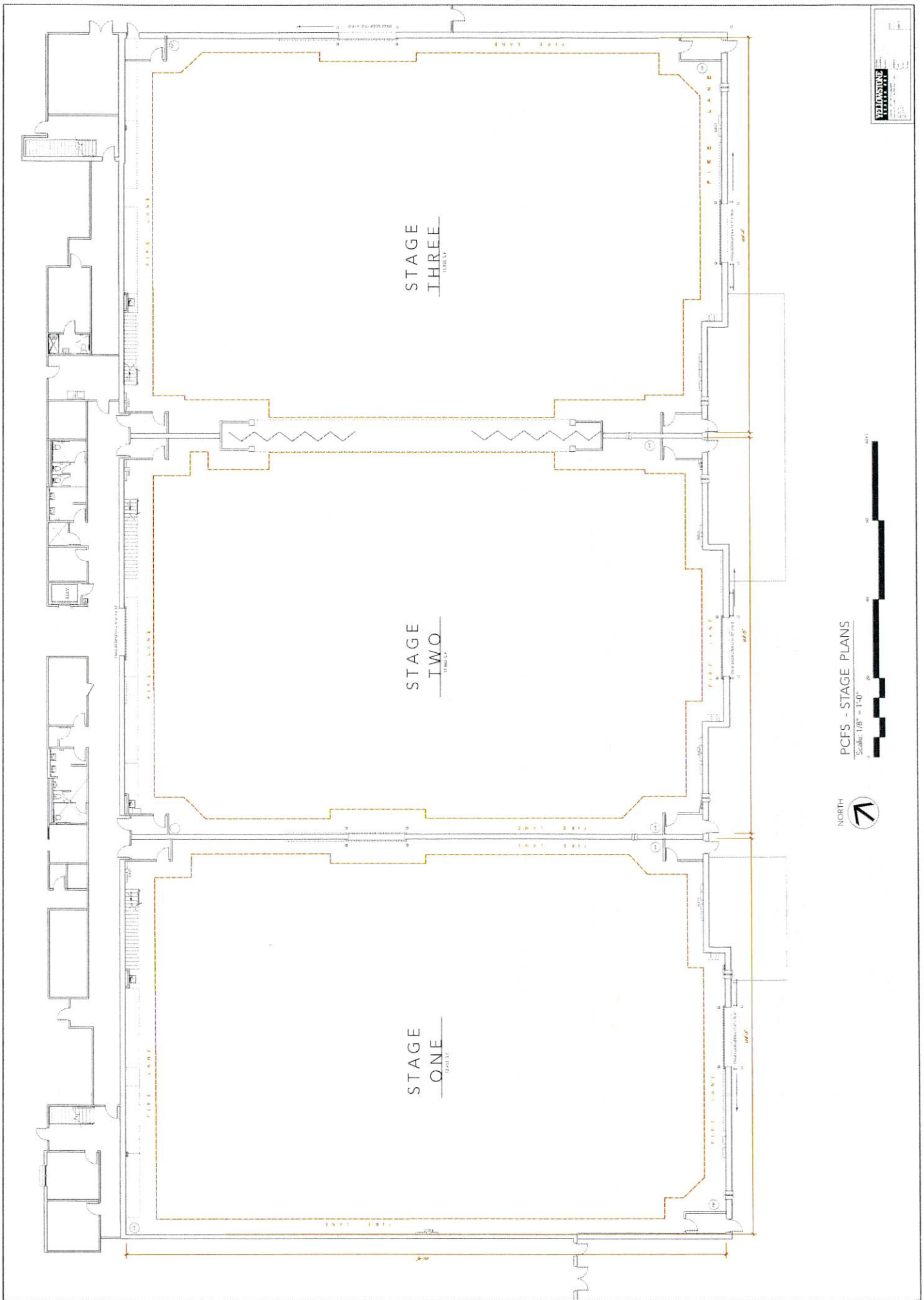
Pickleball Parking Access

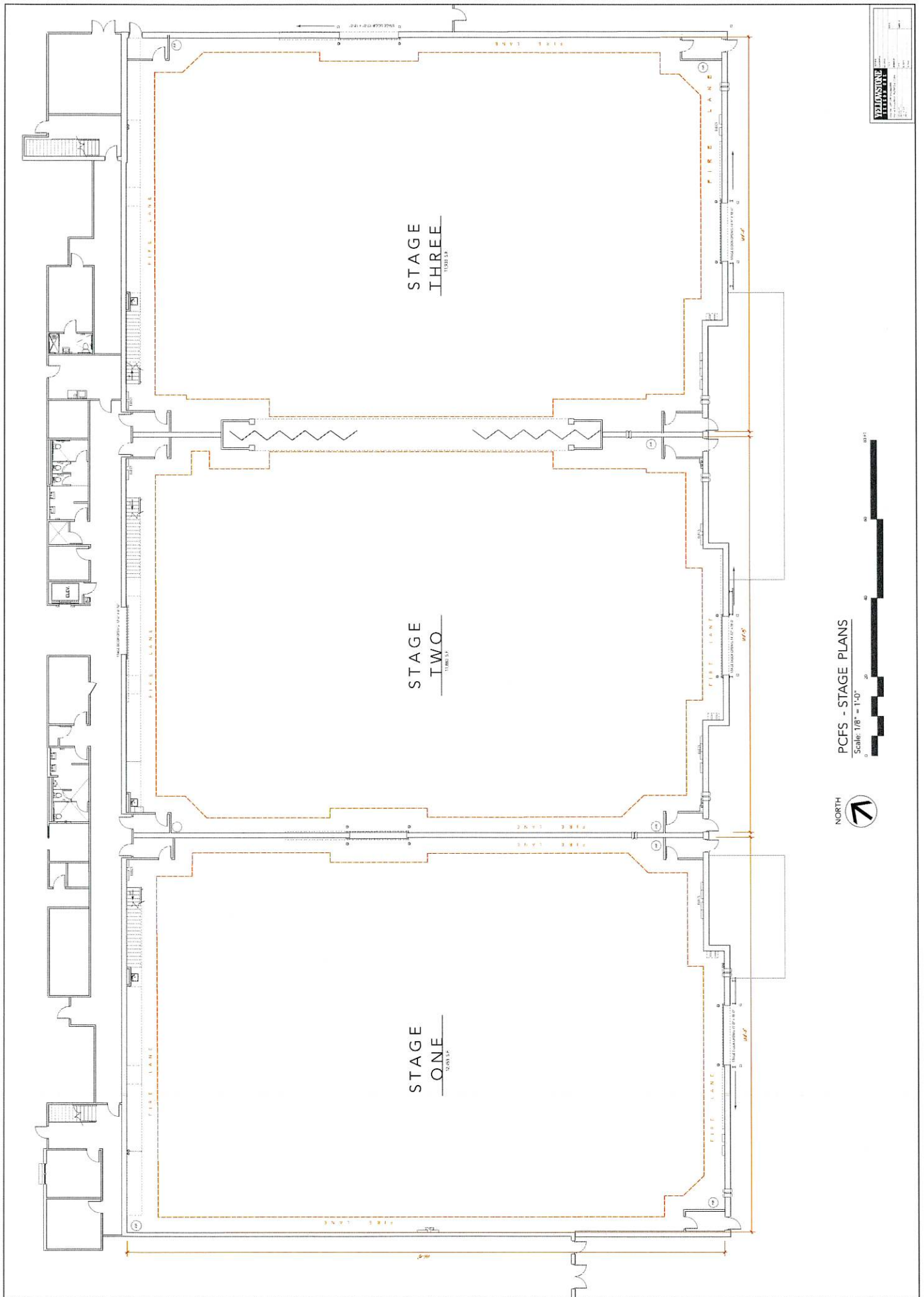
Max Parking Need: 54 spaces (48 patron, 6 staff)

Parking: 320 spaces plus 12 53' Truck/Trailer stalls

Total Acreage: 8.62 acres



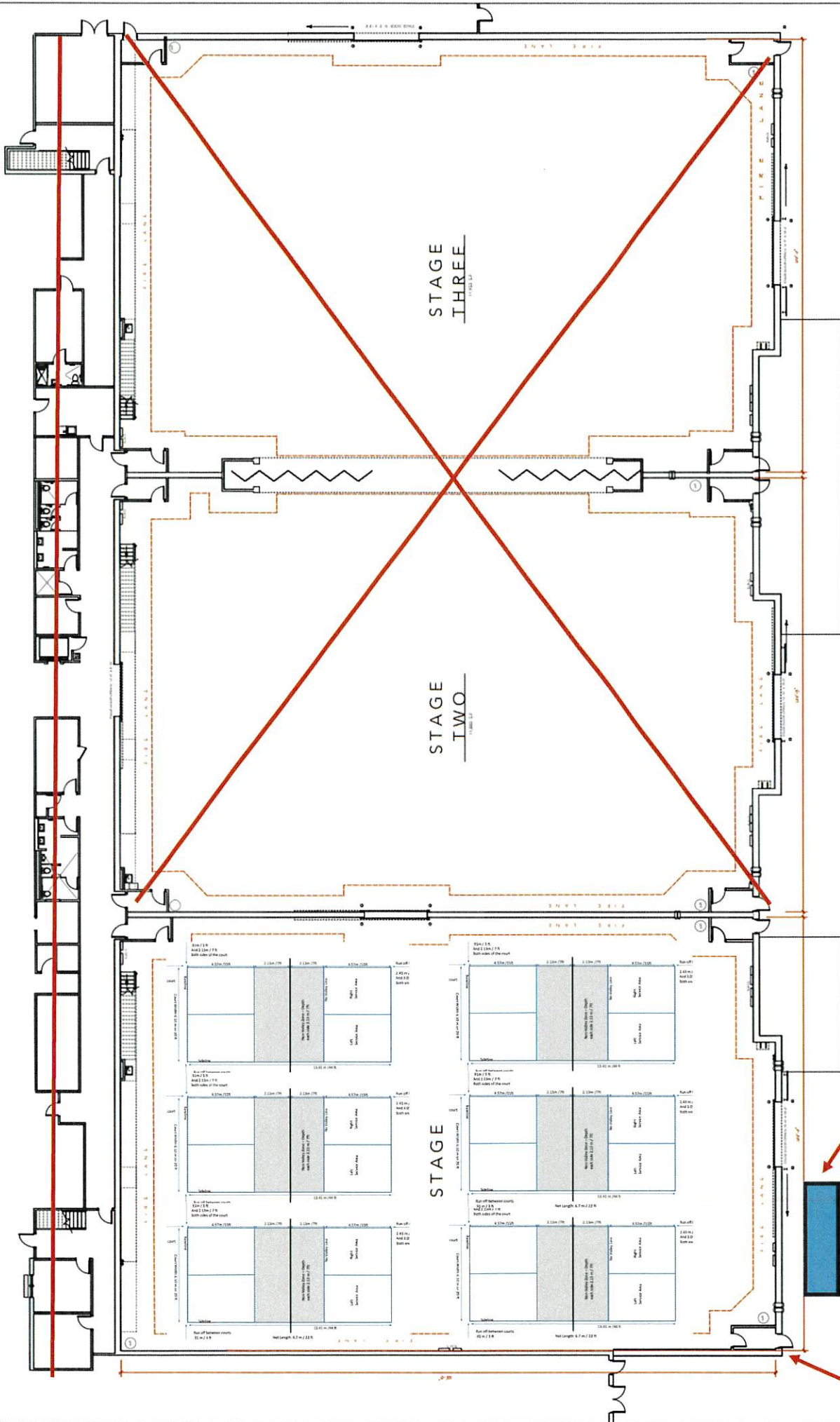




REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
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10	REVISED PER COMMENTS

PCFS - STAGE PLANS
Scale: 1/8" = 1'-0"

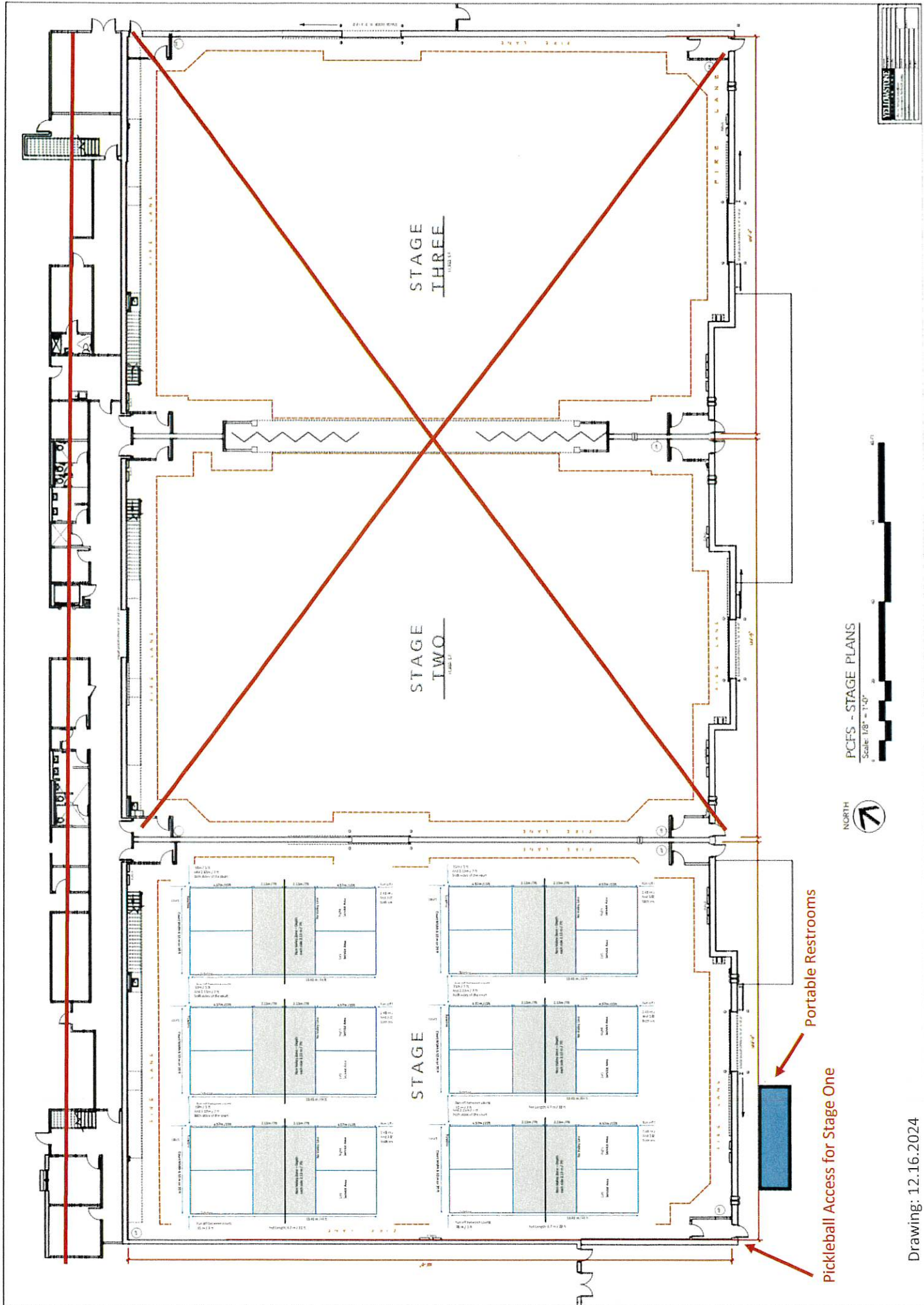




Portable Restrooms

Pickleball Access for Stage One

Drawing: 12.16.2024



Drawing: 12.16.2024

Site Location and Adjacent Property Owners



Utah Film Studio Pickleball Lease

General Description of the Project:

Park City Municipal is looking to lease one of the three bays (100' x 150') at the Utah Film Studio for six indoor pickleball courts. The lack of indoor court space for tennis and pickleball has been a challenge for the racquet sports community and Park City Recreation. This project will be using existing spaces and will not change the physical and or exterior of building or current use.

The bay is soundproof as it is designed for film production. The public will access the facility through a dedicated entrance to the bay on the southwest corner of the facility. The public will only have access to the bay that has the pickleball courts. There is no public access to the film studio other than the pickleball courts.

The courts will be temporary courts that can be removed as required. There will be a temporary restroom for patrons located outside the entrance.

The facility will be used for pickleball during lease terms, which is anticipated to end on April 30, 2025. Usage beyond April will depend on the city's ability to negotiate a lease for winter 25-26, and 26-27.

How will the proposed use "fit-in" with surrounding uses?

The proposed use is consistent with other recreational uses in the area. In close proximity is the Park City Sports Complex, which offers athletic playing fields, a playground, an ice arena, trails, and access to Round Valley Open Space.

What type of service will it provide to Park City?

Six indoor pickleball courts will be available for public play. The courts will be scheduled with reserved court time, lessons, clinics, and social play.

Is the proposed use consistent with the current zoning district and with the General Plan?

Yes – the Utah Film Studio is in the Community Transition (CT) Zone and a public recreation facility is an allowed use.

Is the proposed use similar or compatible with other uses in the same area?

Yes, besides the Park City Sports Complex, there are two outdoor pickleball courts at the Park City Heights Park.

Is the proposed use suitable for the proposed site?

Yes, the Utah Film Studio has 320 parking spaces, plus 12 53' truck/trailer parking stalls. The studio has soundproof space with high ceilings that make it an ideal location for six indoor pickleball courts.

Will the proposed use emit noise, glare dust, pollutants, and odor?

No. The noise from pickleball will not be an issue as the space is indoors and soundproof.

What will be the hours of operation, and how many people will be employed?

The facility is expected to operate seven days a week from 8 a.m. to 8 p.m. The facility will be operated with two employees, but pickleball pros will teach lessons and clinics as scheduled maximum of employees at any given time would be six.

Are other special issues that need to be mitigated?

Not that we are aware of.

WHEN RECORDED RETURN TO

David L. Thomas
Chief Civil Deputy
Summit County Attorney
P.O. Box 128
60 N. Main Street
Coalville, Utah 84017

**SETTLEMENT AGREEMENT
FOR FILM AND MEDIA CAMPUS**

THIS SETTLEMENT AGREEMENT (the "Agreement") is entered into as of this 12th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and SUMMIT COUNTY, a political subdivision of the State of Utah, by and through its County Manager (the "County").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. The Property is claimed to be within the Annexation Policy Plan of Park City Municipal Corporation (the "City") and its Expansion Area (the "Park City Annexation Declaration Area") in accordance with Utah Code Annotated ("UCA"), §10-2-201.5. The provisions of UCA, §10-2-402 have been satisfied. QJP has filed an Annexation Petition with Park City (the "QJP Annexation Petition" or "Petition") in accordance with UCA, §10-2-403.

C. QJP has asserted claims and commenced litigation against the County in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts.

D. As a result of this litigation several disputes have arisen between Summit County and QJP.

E. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

F. This Agreement implements the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into the City. In the event of a rejection of the annexation petition by the City, QJP will be vested with certain development rights within unincorporated Summit County.

G. Summit County, acting pursuant to its authority under Utah Code Annotated, Section 17-27a-101, et seq. and the Code, has made certain determinations with respect to the proposed Film Studio, and, in the exercise of the discretion afforded the County Manager in Summit County Code §1-14-10(F)(17) to settle lawsuits, has elected to approve of this Agreement.

SUMMIT COUNTY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Vested Rights within Unincorporated Summit County

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached hereto as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, the County hereby recognizes that the Property has a vested development right to the following commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus:

1.3.1 Total Density not to exceed a maximum of 355,000 gross square feet.

1.3.2 One Hotel/Lodging facility which shall not exceed 100 keyed rooms within the gross square footage granted herein without further approval by the County.

1.3.3 Heights not to exceed 32 feet except in the cases of sound stages/studios and entry way fire suppression water tank, which shall not exceed 60 feet.

1.3.4 Setback of buildings from the centerline of SR 248 and US 40 shall not be less than 150 feet from any building over 28 feet in height. Setback of all other buildings or structures shall not be less than 100 feet from the centerline of SR 248 and US 40.

1.3.5 All exterior street and other lighting shall be kept to a minimum, directed downward, and ensure that light sources are fully shielded. Only high pressure

sodium, incandescent, LED or other sources appearing to be amber in color consistent with the Code provisions for the protection of the night sky shall be allowed.

1.3.6 Permitted Uses shall be Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center. All other uses are prohibited.

1.3.7 All other provisions of Summit County Code, §§ 10-1 thru 10-11, and all other County ordinances, which are not in conflict with §§1.3.1 – 1.3.6 herein, shall be applicable to the Property.

- 1.4 Process. §1.3 shall be subject to the approval of an appropriate form of Development Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is claimed to be within the Park City Annexation Declaration Area.

2.2 Annexation Agreement. As a condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP and the City have executed an Annexation Agreement, a copy of which is fully set forth at "Exhibit B" herein.

2.3 Petition. As a further condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP has filed the QJP Annexation Petition with the City and QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the time periods set forth in paragraph 2.3 of the Annexation Agreement, whichever occurs first.

2.4 Decision on Petition. The City shall either approve or reject the QJP Annexation Petition within ninety (90) days of the acceptance of the Petition by the City consistent with UCA, §10-2-405(1).

2.5 Effect of Petition Approval. Upon approval of the QJP Annexation Petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be vacated. The remainder of this Agreement shall remain in full force and effect.

2.6 Effect of Petition Rejection. Upon rejection of the QJP annexation petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be effective and in full force and effect.

ARTICLE III

Releases and Hold Harmless

3.1 Mutual Releases. At the time of, and subject to, the execution of this Agreement, and the acceptance of the QJP Annexation Petition by the City pursuant to UCA, §10-2-405(1), and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases the County and the County's board members, council members, officials, employees, agents, attorneys and consultants, and the County, on behalf of itself and the County's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Agreement in connection with the Property or the application, processing or approval of applications relating to the Property or the Film Studio, to include any past claims for vested development rights that are not provided for in this Agreement and those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Said lawsuits shall be dismissed with prejudice within five (5) calendar days of the acceptance by the City of the QJP Annexation Petition in accordance with UCA, §10-2-405(1).

ARTICLE IV

General Terms and Conditions.

4.1 Agreements to Run with the Land. This Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Summit County Manager
Summit County Courthouse
60 N. Main
P.O. Box 128
Coalville, UT 84017

With copies to:

David L. Thomas
Chief Civil Deputy Summit County Attorney
60 N. Main
P.O. Box 128
Coalville, UT 84017

To Developer:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

4.5 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.6 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

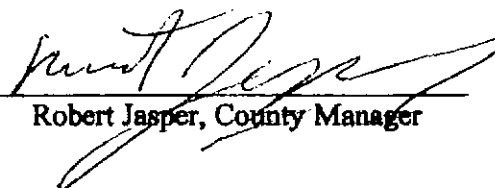
4.7 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.8 Duration. The term of this Agreement shall commence on, and the effective date of this Agreement shall be, the date upon which the last signature appears hereon. The Term of this Agreement shall extend for a period of ten (10) years following the effective date unless the Agreement is earlier terminated, or its term modified by written amendment to this Agreement.

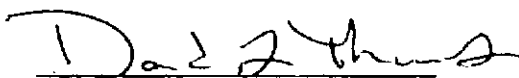
IN WITNESS WHEREOF, this Agreement has been executed by Summit County, acting by and through the County Manager, and by a duly authorized representative of QJP as of the above-stated date.

COUNTY:

COUNTY MANAGER OF SUMMIT COUNTY,
STATE OF UTAH

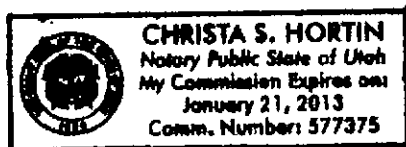
By: 
Robert Jasper, County Manager

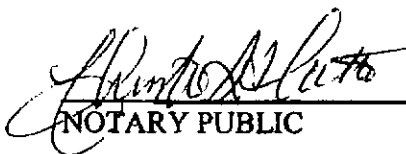
APPROVED AS TO FORM:


David L. Thomas
Chief Civil Deputy

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18th day of January, 2012, by Robert Jasper, the County Manager of Summit County, State of Utah.




NOTARY PUBLIC
Residing at: Wanship, Utah

My Commission Expires: 1-21-13

Quinns Junction Partnership:

Quinns Junction Partnership, by its General Manager:

By *Michael Martin*, general manager
Michael Martin, Its General Manager

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Michael Martin, General Manager of Quinns Junction Partnership.



Joni E. Simmons
NOTARY PUBLIC
Residing at: West Jordan, Utah

My Commission Expires:

10/16/13

**DEVELOPMENT AGREEMENT
FOR THE
QUINN'S JUNCTION PARTNERSHIP ANNEXATION
MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this 24th day of May, 2012, by and between QUINNS JUNCTION PARTNERSHIP ("Developer"), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Quinn's Junction Partnership Annexation Master Planned Development, and PARK CITY MUNICIPAL CORPORATION, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

A. Developer is the owner of approximately 29 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit D and incorporated herein by reference (the "Property").

B. As a compromise of claims and in settlement of litigation, Summit County recognized that the property in question has a vested development right to commercial uses.

C. Developer obtained these vested rights for a commercial project now known as "Quinn's Junction Partnership Annexation Planned Development" wherein, the parties agreed to settle long standing differences in return for recognition for a commercial use of the property in question. The Settlement Agreement is attached hereto as Exhibit B.

D. Developer and Park City also entered into an Annexation Agreement wherein Park City recognized the property has vested development rights to the commercial uses, densities, and configuration as part of a motion picture studio and media campus as stated in the Settlement Agreement described in Recital B. A copy of the Annexation Agreement is attached hereto as Exhibit C.

E. Based on a further agreement between developer and Park City with the consent of the County, Developer applied to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

F. Developer obtained Park City approval for the development on the Property of a mixed use hotel and commercial project known as the Quinn's Junction Partnership Annexation Master Planned Development (the "Master Planned Development Approval"), as more fully described in the incorporated Approval Documents (hereinafter defined) and as set forth below (the "Project").

G. Park City requires development agreements under its Park City Land Management Code ("LMC") for all Master Planned Developments.

H. Park City determined that, subject to the terms and conditions of this Development Agreement,

Developer complied with the applicable provisions the Land Management Code (“LMC”) as provided in the Settlement Agreement and Annexation Agreement, and has found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC, as limited by the Annexation Agreement.

I. Following a lawfully advertized public hearing, Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. Project Conditions:

1.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval dated May 24, 2012, attached hereto as Exhibit E, and (ii) Film Studio Master Planned Development, prepared by IBI, dated May 24, 2012, attached hereto as Exhibit F, together with related documents attached thereto, are hereby incorporated herein by reference (the “Approval Documents”) and shall govern the development of Project, subject to the provisions of the January 17th, 2012 Annexation agreement including the vested rights of 374,000 gross sq. ft of development of Motion Picture and Media Campus and any modifications specifically set forth in this Development Agreement. The Project is located in the Community Transition (CT) Zoning District, with a Regional Commercial Overlay (RCO). Development Application for an Administrative Conditional Use Permit and a Park City Building Department building permit are required prior to the commencement of any construction in connection with the Project and shall be processed and granted as set forth in this Development Agreement.

1.2. Developer agrees to pay the then-current impact fees lawfully imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future, unless otherwise made unlawful.

1.3. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan in compliance with condition of approval #5 of the MPD approval and the Annexation agreement. Approvals by Park City shall not be unreasonably withheld.

1.4 Development Applications.

1.4.1 Development applications shall be approved by the City within a reasonable time if they comply with the January 17, 2012 Annexation Agreement, City’s vested rights laws and conform to this Development Agreement.

1.4.2 City’s Denial of a Development Application. Assuming Annexation is approved, if the City denies any Development Application, the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons

the City believes that the Development application is not consistent with this MPD and/or the City's vested rights laws.

1.4.3 Meet and Confer regarding Development Application Denials. The City and Applicant shall meet within fifteen (15) business days of a denial to resolve the issues specified in the denial of a Development Application.

1.4.4 City Denials of Development Applications Based on Denials from Non-City Agencies. If the City's denial of a Development Application is based on the denial of the Development Application by a non-city agency, Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

1.4.5 Mediation of Development Application Denials.

1.4.5.1 Issues Subject to Mediation. Issues resulting from the City's denial of a Development Application shall be mediated.

1.4.5.2 Mediation Process. If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding of the parties.

1.4.6 Parcel Sales. The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular parcel may not be known at the time of the sale of a parcel. Developer may obtain approval of a subdivision that does not create any individually developable lots in the parcel without being subject to any requirement in the City's vested laws to complete or provide security for any public infrastructure at the time of such subdivision. The responsibility for completing and providing security for completion of any public infrastructure in the parcel shall be that of the developer or subdeveloper upon a subsequent re-subdivision of the parcel that creates individually development lots, or any building permit application, whichever occurs first.

1.5 Developer is responsible for compliance with all local, state and federal regulations regarding the soils and environmental conditions on the Property. Furthermore, Developer is responsible for receiving any required Army Corp of Engineer Permits related to the riparian zone of Silver Creek if it is required.

2. Master Plan Approval and Reserved Legislative Powers

2.1 MPD. Subject to the provisions of this Development Agreement, Developer is hereby granted the right by **Park City**, to develop and construct the Project in accordance with the general uses, densities, massing, intensities, and general configuration of development approved in the January 17, 2012 Annexation Agreement, this Development Agreement, in accordance with, and subject to the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City. Both parties acknowledge the Site Plan attached as Exhibit D and the Approval Documents supersede and replace the Site Plan attached as Attachment A to the Annexation Agreement.

2.2 If the Developer acquires any additional property contiguous to the Property and located within the bounds of Park City or the City Annexation Declaration area, then Developer may petition to annex or apply to add such future property within this Development Agreement. Park City will reasonably process and consider such petition or application in accordance with applicable state law and the Land Management Code in effect at that time.

2.3 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the power of the City to enact legislation under the police powers vested in a city such exercise of power through legislation shall only be applied to modify land use and zoning regulations which are applicable to the Project in conflict with the terms of this Development Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Development Agreement under the above specific limitations and applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine. Nothing in this section shall limit the future legislative amendment of more specific ordinances or codes for which the Developer does not yet have a vested right, and except as otherwise provided in this agreement, will not vest until such time as a complete application is filed in conformance with the applicable code(s), including but not limited to: building and energy, lighting, sign and subdivision codes.

2.4 Application Under City's Future Laws. Without waiving any rights granted by the January 17, 2012 Annexation Agreement, or this Development Agreement, Developer may at any time choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application so applied for. The election by the Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Developer from relying on prior Development Applications or the City's Vested right Law as they pertain thereto.

3. General Terms and Conditions

3.1 Term of Agreement. The Master Planned Development is subject to Section 15-6-4 (H) of the Land Management Code. Unless a delay is a result of delay of process by the City for a complete,

pending application, a building permit for the first phase of the Project must be approved within two years of the execution of this Development Agreement.

3.2 Binding Effect; Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described on Exhibit A hereto, and shall be deemed to run with the land provided it remains effective and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

3.3 Provision of Municipal Services. Except as otherwise provided in the Annexation Agreement, Park City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including but not limited to police and other emergency services. The services shall be provided to the Project at the same level of services, on the same terms, and at the same rates as provided to other residents and properties in the City or applicable service district.

3.4 Assignment. Neither this Development Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response is given by the City within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment shall not prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Development Agreement.

3.5 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

3.6 Integration. Except vested rights granted by Summit County to developer in consideration of the dismissal of litigation against the County and recognized by the City in the Annexation Agreement, this Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

3.7 Severability. If any part or provision of this Development Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Development Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Development Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

3.8 Attorney's Fees. If either party commences litigation regarding this Development Agreement, any of the Exhibits hereto or the Approval Documents, the prevailing party, as determined by a court of competent jurisdiction, shall be entitled to reasonable attorney's fees and all costs paid by the other party.

3.9 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement. These include but are not limited to changes in building configuration to accommodate tenants so long as the square footage, general location and uses are consistent with what is vested herein.

3.10 No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

3.11 Default.

3.11.1 **Notice.** If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a subdeveloper, then the City shall also provide a courtesy copy of the Notice to Developer.

3.11.2 **Contents of the Notice of Default.** The Notice of Default shall:

3.11.2.1 Specific Claim. Specify the claimed event of Default;

3.11.2.2 Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation, or provision of this Development Agreement (including exhibits) that is claimed to be in Default;

3.11.2.3 Materiality. Identify why the Default is claimed to be materials; and

3.11.2.4 Optional Cure. If the City chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

3.11.3 **Meet and Confer; Mediation.** Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 1.4.3- 1.4.5.

3.11.4 **Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, then the parties may have the following remedies:

3.11.4.1 Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

3.11.4.2 Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

3.11.4.3 Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by the Developer, or in the case of a default by a subdeveloper, development of those Parcels owned by the subdeveloper until the Default has been cured.

3.11.5 Public Meeting. Before any remedy in Section 3.11.4 may be imposed by the City, the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the Claimed Default.

3.11.6 Emergency Defaults. Anything in this Development Agreement notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Section 3.11.4 without the requirements of Section 3.11.5. The City shall give Notice to the Developer and/or any applicable subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable subdeveloper shall be allowed to address the City Council at that meeting regarding the claimed emergency Default.

3.11.7 Extended Cure Period. If any Default cannot be reasonably cured within sixty (60) days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

3.11.8 Cumulative Rights. The rights and remedies set forth herein shall be cumulative.

3.11.9 Default of Assignee. A default of any obligations assumed by an assignee shall not be deemed a default of Developer.

4. Phasing; Access.

4.1 Project Phasing. The Project shall be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the "Phasing Plan") (attached hereto as Exhibit G), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 3.1 above. Any major modifications or elaborations to the approved Phasing Plan must be approved by the City Council prior to the commencement of construction of the applicable phase. If such proposed major modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the City Council for approval.

4.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

4.3 Form of Ownership Anticipated for Project. The Project will consist of a commercial building and related improvements, and a hotel building including 100 units and related improvements. Developer anticipates that the commercial portions and, if applicable, the hotel of the Project will be owned by Developer, or its assigns. Any condominiumization of the Project for private ownership, fractional ownership and common ownership of land and common facilities requires additional approvals and shall be in compliance with applicable ordinances and state code.

5. Affordable Housing. Pursuant to the Annexation Agreement, no affordable housing is required for this MPD. QJP shall post City affordable housing information in a work place accessible to all its employees.

6. Open Space. Pursuant to the Annexation Agreement, no definable open space is required for this MPD within the granted and approved development of 374,000 gross sq ft as defined in the agreement between the parties incorporated as exhibits hereto.

7. Physical Mine Hazards. If any, a list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and GPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit H.

8. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

c/o Greg Ericksen Esq.
1065 South 500 West
Bountiful, Utah 84010

With a copy to:

Scott M. Lilja
Van Cott, Bagley, Cornwall & McCarthy
36 south State Street, Suite 1900
Salt Lake City, UT 84111-1478

To Park City:

445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
Attn: City Attorney

Such communications may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

8. List of Exhibits.

Exhibit A – Legal Description

Exhibit B – Settlement Agreement for film and media campus

Exhibit D – Site Plan
Exhibit C – Annexation Agreement
Exhibit E – Master Planned Development Findings of Fact, Conclusions of Law and Conditions of Approval dated May 24, 2012
Exhibit F - Master Planned Development Plans dated May 24, 2012
Exhibit G - Phasing Plan
Exhibit H - List of all known Physical Mine Hazards on the property (None)

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer by a person duly authorized to execute the same, and by Park City acting by and through its City Council, as of the 24th day of May, 2012.

QUINNS JUNCTION PARTNERSHIP “Developer”

By: *[Signature]* *managing member.*
MICHAEL MARTIN

Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 19 day of June, 2012, before me, the undersigned notary, personally appeared, personally known to me/proved to me through identification document allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as MANAGING MEMBER (title) for QUINNS JUNCTION PARTNERSHIP, a Utah partnership.



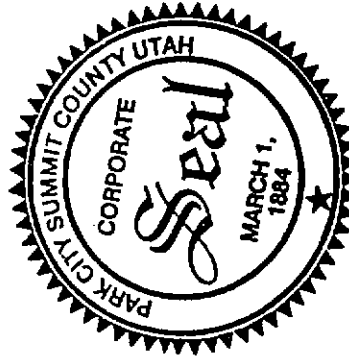
Sharon C Bauman
Notary Public

PARK CITY MUNICIPAL CORPORATION "Park City"

By: *Dana Williams*
Dana Williams, Mayor

ATTEST:

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



APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney

EXHIBIT A

That certain real property located in Summit County, State of Utah described as follows:

QUINN'S JUNCTION PARCEL

Beginning on the easterly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S0°00'00"E 1834.09 feet from an aluminum pipe monument at the Northwest Corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian from which Section Corner the GLO Stone Monument at the Northeast Corner of said Section 2 bears S89°53'00"E 5320.73 feet);

thence N22°00'40"E 1005.18 feet along the easterly Right-Of-Way Line of said Highway to a UDOT brass cap monument;

thence N34°07'00"E 544.70 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 638.50 foot radius curve the center of which bears S55°51'43"E;

thence Northeasterly 338.83 feet along said Right-Of-Way Line and said curve to the right through a central angle of 30°24'19" (chord bearing = N49°20'26"E 334.87 feet) to a UDOT brass cap monument;

thence N64°25'25"E 14.39 feet along said Right-Of-Way Line to a UDOT brass cap monument, said point also being on the westerly Right-Of-Way Line of US Highway 40;

thence S25°33'14"E 223.71 feet along said westerly Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve the center of which bears S64°29'22"W;

thence Southeasterly 535.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26" (chord bearing = S19°45'25"E 534.30 feet) to a UDOT brass cap monument;

thence S23°49'09"E 243.42 feet along said Right-Of-Way Line to a UDOT brass cap monument;

thence S7°02'43"E 58.38 feet along said Right-Of-Way to a rebar with aluminum cap at a point that is S89°53'00"E 800.00 feet and S25°20'00"W 1336.80 feet from the PK nail marking the North Quarter Corner of said Section 2;

thence S25°20'00"W 568.97 feet to a rebar with aluminum cap on the North-South Center of Section Line of said Section 2;

thence S0°30'48"W 109.94 feet along said North-South Center of Section Line to a rebar with aluminum cap, said point being S0°30'48"W 1834.13 feet from said North Quarter Corner of Section 2;

thence N89°53'00"W 1087.40 feet to a rebar with aluminum cap and the point of beginning. Contains 29.5530 acres.

WHEN RECORDED RETURN TO

David L. Thomas
Chief Civil Deputy
Summit County Attorney
P.O. Box 128
60 N. Main Street
Coalville, Utah 84017

**SETTLEMENT AGREEMENT
FOR FILM AND MEDIA CAMPUS**

THIS SETTLEMENT AGREEMENT (the "Agreement") is entered into as of this 12th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and SUMMIT COUNTY, a political subdivision of the State of Utah, by and through its County Manager (the "County").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. The Property is claimed to be within the Annexation Policy Plan of Park City Municipal Corporation (the "City") and its Expansion Area (the "Park City Annexation Declaration Area") in accordance with Utah Code Annotated ("UCA"), §10-2-201.5. The provisions of UCA, §10-2-402 have been satisfied. QJP has filed an Annexation Petition with Park City (the "QJP Annexation Petition" or "Petition") in accordance with UCA, §10-2-403.

C. QJP has asserted claims and commenced litigation against the County in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts.

D. As a result of this litigation several disputes have arisen between Summit County and QJP.

E. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

F. This Agreement implements the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into the City. In the event of a rejection of the annexation petition by the City, QJP will be vested with certain development rights within unincorporated Summit County.

G. Summit County, acting pursuant to its authority under Utah Code Annotated, Section 17-27a-101, et seq. and the Code, has made certain determinations with respect to the proposed Film Studio, and, in the exercise of the discretion afforded the County Manager in Summit County Code §1-14-10(F)(17) to settle lawsuits, has elected to approve of this Agreement.

SUMMIT COUNTY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Vested Rights within Unincorporated Summit County

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached hereto as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, the County hereby recognizes that the Property has a vested development right to the following commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus:

1.3.1 Total Density not to exceed a maximum of 355,000 gross square feet.

1.3.2 One Hotel/Lodging facility which shall not exceed 100 keyed rooms within the gross square footage granted herein without further approval by the County.

1.3.3 Heights not to exceed 32 feet except in the cases of sound stages/studios and entry way fire suppression water tank, which shall not exceed 60 feet.

1.3.4 Setback of buildings from the centerline of SR 248 and US 40 shall not be less than 150 feet from any building over 28 feet in height. Setback of all other buildings or structures shall not be less than 100 feet from the centerline of SR 248 and US 40.

1.3.5 All exterior street and other lighting shall be kept to a minimum, directed downward, and ensure that light sources are fully shielded. Only high pressure

sodium, incandescent, LED or other sources appearing to be amber in color consistent with the Code provisions for the protection of the night sky shall be allowed.

1.3.6 Permitted Uses shall be Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center. All other uses are prohibited.

1.3.7 All other provisions of Summit County Code, §§ 10-1 thru 10-11, and all other County ordinances, which are not in conflict with §§1.3.1 – 1.3.6 herein, shall be applicable to the Property.

- 1.4 Process. §1.3 shall be subject to the approval of an appropriate form of Development Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is claimed to be within the Park City Annexation Declaration Area.

2.2 Annexation Agreement. As a condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP and the City have executed an Annexation Agreement, a copy of which is fully set forth at "Exhibit B" herein.

2.3 Petition. As a further condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP has filed the QJP Annexation Petition with the City and QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the time periods set forth in paragraph 2.3 of the Annexation Agreement, whichever occurs first.

2.4 Decision on Petition. The City shall either approve or reject the QJP Annexation Petition within ninety (90) days of the acceptance of the Petition by the City consistent with UCA, §10-2-405(1).

2.5 Effect of Petition Approval. Upon approval of the QJP Annexation Petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be vacated. The remainder of this Agreement shall remain in full force and effect.

2.6 Effect of Petition Rejection. Upon rejection of the QJP annexation petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be effective and in full force and effect.

ARTICLE III

Releases and Hold Harmless

3.1 Mutual Releases. At the time of, and subject to, the execution of this Agreement, and the acceptance of the QJP Annexation Petition by the City pursuant to UCA, §10-2-405(1), and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases the County and the County's board members, council members, officials, employees, agents, attorneys and consultants, and the County, on behalf of itself and the County's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Agreement in connection with the Property or the application, processing or approval of applications relating to the Property or the Film Studio, to include any past claims for vested development rights that are not provided for in this Agreement and those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Said lawsuits shall be dismissed with prejudice within five (5) calendar days of the acceptance by the City of the QJP Annexation Petition in accordance with UCA, §10-2-405(1).

ARTICLE IV

General Terms and Conditions.

4.1 Agreements to Run with the Land. This Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Summit County Manager
Summit County Courthouse
60 N. Main
P.O. Box 128
Coalville, UT 84017

With copies to:

David L. Thomas
Chief Civil Deputy Summit County Attorney
60 N. Main
P.O. Box 128
Coalville, UT 84017

To Developer:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

4.5 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.6 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

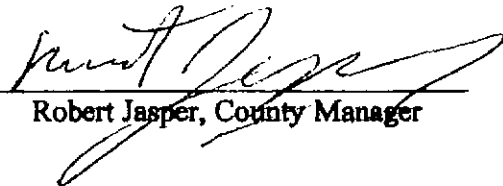
4.7 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.8 Duration. The term of this Agreement shall commence on, and the effective date of this Agreement shall be, the date upon which the last signature appears hereon. The Term of this Agreement shall extend for a period of ten (10) years following the effective date unless the Agreement is earlier terminated, or its term modified by written amendment to this Agreement.

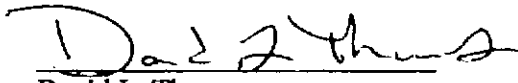
IN WITNESS WHEREOF, this Agreement has been executed by Summit County, acting by and through the County Manager, and by a duly authorized representative of QJP as of the above-stated date.

COUNTY:

COUNTY MANAGER OF SUMMIT COUNTY,
STATE OF UTAH

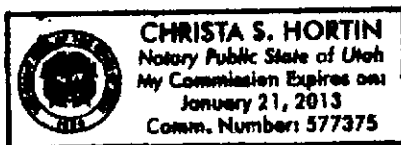
By: 
Robert Jasper, County Manager

APPROVED AS TO FORM:


David L. Thomas
Chief Civil Deputy

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18th day of January, 2012, by Robert Jasper, the County Manager of Summit County, State of Utah.




NOTARY PUBLIC
Residing at: Wanship, Utah

My Commission Expires: 1-21-13

Quinns Junction Partnership:

Quinns Junction Partnership, by its General Manager:

By *Michael Martin*, general manager
Michael Martin, Its General Manager

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Michael Martin, General Manager of Quinns Junction Partnership.



Joni E Simmons
NOTARY PUBLIC
Residing at: West Jordan, Utah

My Commission Expires:

10/16/13

EXHIBIT A

EXHIBIT "A"

That certain real property located in Summit County, State of Utah described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet); thence along the Easterly right-of-way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument; thence along said right-of-way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument; thence along said right-of-way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument; thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument; thence along the Westerly right-of-way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument; thence along said Westerly right-of-way line 835.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument; thence along said right-of-way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument; thence along said right-of-way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2; thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter-Section line of said Section 2; thence along said Quarter-Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2; thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

EXHIBIT C

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into as of this 17th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah, by and through its City Manager (the "Park City").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

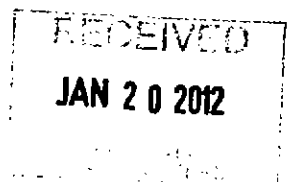
B. QJP has asserted claims and commenced litigation against Summit County ("the County") in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts. QJP anticipates consolidating the cases and adding the Park City as a defendant to the litigation.

C. As a result of this litigation several disputes have arisen between the Park City, the County and QJP.

D. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

E. This Agreement is part of that certain *Settlement Agreement For Film And Media Campus* (the "Settlement Agreement") which is expected to be entered into by and between the County and QJP. This Agreement and the Settlement Agreement collectively implement the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into Park City. In the event of a rejection of the annexation petition, QJP will be vested with certain development rights within unincorporated Summit County as defined in the County Settlement Agreement.



PARK CITY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Property

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached to the County Settlement Agreement as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, Park City hereby recognizes that the Property has a vested development right to the commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus as stated in the County Settlement Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is within the Park City Annexation Declaration Area.

2.2 Petition. Park City shall expedite its review process to decide whether to annex the Property or not within 90 days of acceptance of the petition. The petition shall include the most recent traffic study and the most recent Environmental report on the QJP property.

2.3 Decision on Petition. Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within ninety (90) days. If reasonable circumstances require additional time (such as QJP failure to provide legally required information, third party protest, or state or local mandated notice provisions), both parties shall continue to cooperate to expedite the review and QJP shall provide at least 14 days written notice after the expiration of 90 days of its intent to withdraw the petition unless the City Council votes to annex. QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the above time periods, whichever occurs first.

2.4 Zoning. The annexation petition will propose Regional Commercial Overlay- CT (Community Transition) zoning for the Property, which Park City will adopt

concurrently if the annexation is approved to enable the Master Plan discussed in Section 2.5.

2.5 **Master Plan.** The intent of the parties is to include such Master Plan components in a development agreement to be approved by the City Council concurrently with the annexation of the Property. The City Council shall receive the recommendation of the Planning Commission regarding the annexation, zoning and Master Planned Development ("MPD"). Due to the pre-existing vesting in the County and the terms of the County Settlement Agreement, QJP shall be exempt from any conflicting Park City Land Management Code provisions as expressly stated in the MPD. The following shall form the basis of the final MPD:

- a. Total Development Activity shall be limited to a Gross Commercial Floor Area of 374,000 square feet. Gross Commercial Floor Area shall include all enclosed areas of a building but shall not include roads, parking lots, or parking structures. Unenclosed porches, balconies, patios and decks, vent shafts, courts and one atrium subject to the restrictions below are not calculated in Gross Commercial Floor Area. As part of the MPD Site Plan in subsection (b), QJP may propose an enclosed atrium which primarily serves as a pedestrian connection between two building pads but which may also be used for studio film/set work provided such atrium is not a stand-alone studio/building and may not be converted to habitable space, is in an area screened from SR 248, and is approved as part of the Annexation, such approval not to be unreasonably withheld.
- b. The Site Plan and berming shall materially be the same as Site Plan included as **Attachment A**, unless modified by the City Council and accepted by QJP. Final design approval shall be an administrative conditional use permit reviewed by the Planning Department in compliance with LMC Chapter 5 and the Architectural Standards attached as **Attachment B**. This Annexation Agreement shall govern in the event of any conflict with Attachment B. Green Building design and construction shall meet minimum shadow LEED standards. All signage must comply with generally applicable Park City codes and no icon, water tower, or highway billboard is permitted.
- c. No open space, setbacks or affordable housing requirements may be imposed. QJP shall post City affordable housing information in a work place accessible to all its employees.
- d. Uses, including the amphitheater, shall be of the type as shown on **Attachment C** and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the limitation of paragraph 2.5 a. above. The hotel shall limited to 100 rooms and keys. The amphitheater stage may not be oriented toward City open space and shall be reviewed for compliance with Attachment B.
- e. Maximum building height 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A in the event a major, long-term film production contract necessitates the full studio height. Non- Sound Stage Buildings:

- No more than 70% of the remaining buildings on the campus are between 36 - 40 feet in height.
 - Remaining building(s) on the campus are not greater than 28 feet in height (the CT Zone height limit).
 - No building shall be greater than 28 feet in height unless located more than 150 feet from the centerline of a public roadway.
 - Smaller buildings are massed and/or placed strategically to break up the volumes of the Sound Stage Buildings. This "stepping" will mitigate the appearance of the vertical façade of the taller buildings.
- f. Park City acknowledges that the Movie Studio portion of the campus shall have perimeter and entry security controls. Otherwise, internal circulation and trails shall otherwise comply with generally required MPD requirements.
 - g. The City shall request state funding for structured/underground parking and QJP shall support the City's request including the use of lobbyists to coordinate such joint request for the 2012 legislative session. Mitigation of the visual impacts of the parking and its relation to public transit planned for the project are acknowledged to be a material element of this settlement. Both parties must agree in advance on any legislative strategy regarding film studios in Park City or in the County or associated parking as stated above.
 - h. QJP shall pay all normal and legally imposed fees associated with planning review, permits and subsequent Development Activity, and all generally applicable impact fees, levies and taxes, all of which shall be nonrefundable unless otherwise provided by Park City ordinance. Park City acknowledges prior receipt of the annexation fee and no additional annexation fee is required.
 - i. QJP is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.
 - j. As a result of QJP's rights vesting as a result of County applications prior to the Quinns Junction Area Study (the "QJAS"), Park City hereby finds the terms of this Agreement exempt from the findings of the QJAS.

2.6 Non-compete and Sundance Sponsorship. QJP shall encourage the owner/operator of the Film Studio (currently anticipated to be Raleigh Studios) to consult with and enter into such sponsorship and use agreement with the Sundance Institute regarding the 2012 Sundance Film Festival (and thereafter so long as the studio is operational). Any agreements reached between Raleigh and Sundance shall be confidential but shall be provided to Park City prior to the approval of annexation of the property. QJP shall create covenants and restrictions (CCRs) applicable to the entire Property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival. Nothing herein shall prevent independent negotiations and agreements between the film studio operator and Park City or any Park City Master Festival License (MFL) holder. If such agreements are reached either prior to or subsequent annexation of the property, QJP shall incorporate such provisions into the CCRS so as to apply to all commercial tenants or owners. Direct ambush commercial

uses shall be defined to include but not be limited to event rental or subleasing during the dates of the Sundance Film Festival for the purposes of commercial business activity, marketing or promotional gifting not approved by Sundance which directly and materially competes with existing, official Sundance sponsorship. In the event annexation is not approved, this paragraph 2.6 shall apply to the vested development rights as defined in the County Settlement Agreement.

ARTICLE III

Release

3. **Mutual Releases.** At the time of, and contingent upon approval or rejection of the completed annexation, and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases Park City, council members, officials, employees, agents, attorneys and consultants, and Park City, on behalf of itself and Park City's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Annexation Agreement in connection with the Property or the application for annexation, processing or approval of applications relating to annexation of the Property or the Film Studio, to include any past claims for vested development rights, not including those recognized by Summit County, that are not provided for in this Agreement and any claims or potential claims arising out of those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Nothing herein shall alter or effect the terms and conditions of the Settlement agreement or subsequent agreements if annexation fails as provided herein between QJP and Summit County.

ARTICLE IV

General Terms and Conditions.

4.1 **Agreements to Run with the Land.** This Annexation Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A to the County Settlement Agreement. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 **State and Federal Law.** The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with

state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.5 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

4.6 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.7 City Council Approval. This Agreement is subject to the legislative approval of the City Council at an appropriately noticed open and public meeting.

4.8 Notices. Notices pursuant to this Agreement shall be deemed to have been properly given when deposited, postage prepaid, with the U.S. Postal Service, addressed to the parties as follows:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

Park City Municipal Corporation
Attention: City Attorney
P. O. Box 1480
Park City, Utah 84060
Tel.: (435) 615-5025
Fax: (435) 615-4901

- 4.9 Legislative Decision. The parties acknowledge that the decision to annex is purely a legislative decision by the City Council and nothing herein shall limit the City Council's discretion or power to make that legislative decision. While certain staff members of Park City have provided preliminary input to Quinn's and interested purchasers of the Property, and staff will continue to do so, such input is merely advisory as the final authority and decision to annex rests solely with the legislative body of Park City. Nothing herein shall limit the Park City's ability to annex the Property so long as an annexation petition is in conformance with U.C.A. § 10-2-403, and all other applicable requirements of Park City ordinances, the Park City General Plan, and Title 10, Chapter 2, Part 4 of the Utah Code.
- 4.10 This Agreement is contingent on QJP and Summit County entering into the *Settlement Agreement for Film and Media Campus* referred to in Recital E. above. In the event that *Settlement Agreement* is not entered into within 10 days from the date of this Agreement, this Agreement is null and void.
- 4.11 In the event Park City does not annex the property into the City jurisdiction in good faith as provided in this agreement, the parties hereby agree that QJP may apply to Summit County for development without protest ("protest" does not include public comment on final site planning and aesthetic design) from Park City provided that the application is consistent with the County Settlement Agreement. Nothing herein shall prevent Park City from public hearing participation or submitting comments on Settlement Agreement amendments or any subsequent development plan amendments.

DATED this 17th day of January, 2012.

QUINN'S JUNCTION PARTNERSHIP

By:  General Partner
Q.J.P.

PARK CITY MUNICIPAL CORPORATION

By: TL [Signature]
Thomas Bakaly, City Manager

Attest:

Sharon C Bauman
City Recorder's Office

Approved as to Form:

[Signature]
City Attorney's Office



LEGAL DESCRIPTION
EXHIBIT A

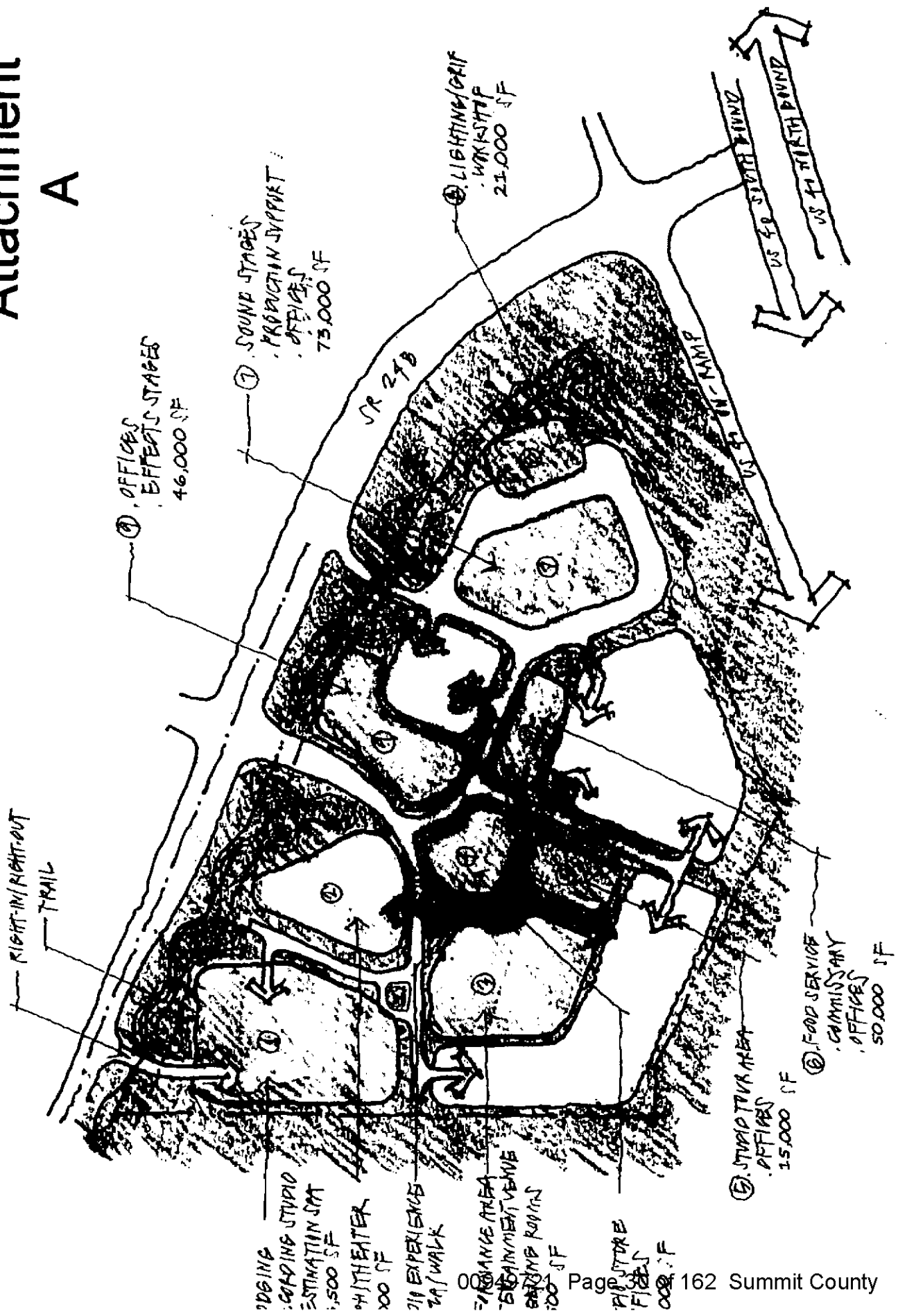
Order No. 161891

The land referred to in this exhibit is situated in the county of Summit State of Utah, and is described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet), thence along the Easterly right of way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument, thence along said right of way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument, thence along said right of way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument, thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument, thence along the Westerly right of way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument, thence along said Westerly right of way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument, thence along said right of way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument, thence along said right of way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2, thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter Section line of said Section 2, thence along said Quarter Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2, thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

Tax ID No: SS-91-A

Attachment A



Attachment B

Architectural Design Guidelines

The purpose of the architectural design guidelines is to provide direction for development of the vertical elements of the Film Studio Campus in order to achieve a built environment that is in harmony with the natural setting, existing structures where appropriate, and provides a comfortable, distinctive, and stimulating environment. The buildings currently located west of the US 40 and SR 248 Interchange and also located in the Park City Municipal limits were developed as a gathering of buildings to support sport, recreation and health.

In the design process, the existing buildings were reviewed by the Park City Planning Staff and Planning Commission. As such, the building designs capture the essence of the mountain setting while at the same time honoring the architecture of the era. Varying examples of this style can be found in the IHC Hospital, Summit County Public Health Center and Park City Ice Arena.

The goal of these design guidelines is to synthesize the proposed Film Studio Campus design into an architectural expression that connects to the surrounding structures and respects the importance of the Park City entry corridor.

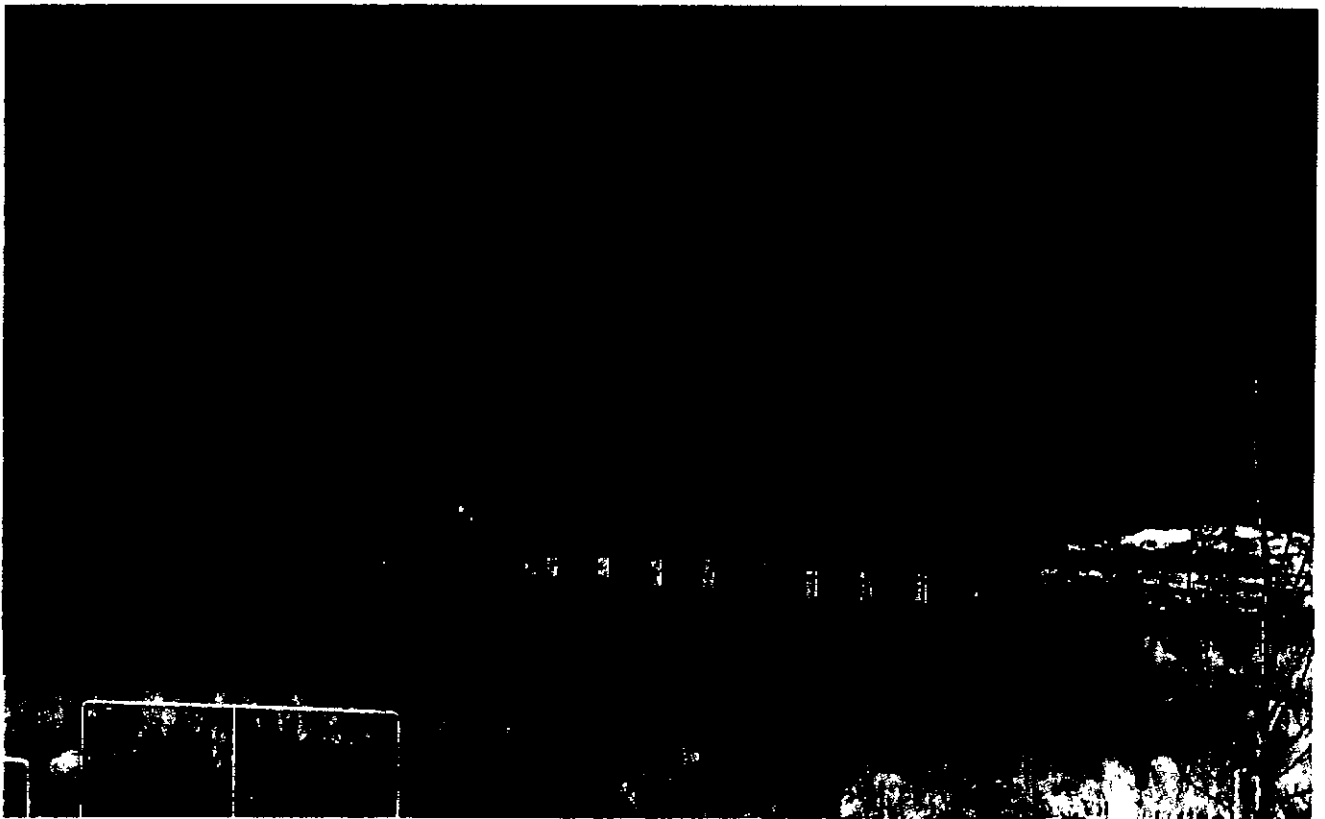


November 16, 2011

ADG1

General Guidelines

- Each new building should have a distinct architectural concept that is consistent in theme but rich in subtle variation.
- Buildings should be designed to provide a clear, unified, and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, colors, and pavement.
- All buildings should relate visually to one another and be compatible with adjacent buildings.
- Encouraged architectural and landscape design qualities and elements for the Film Studio Campus buildings are:
 - Using buildings to screen parking areas, service areas and storage areas;
 - Providing building modulation, entry accentuation and rich architectural details;
 - Incorporation of water conservation site design;
 - Use of shielded exterior lighting, protecting the night sky and creating path illumination; and
 - Natural landscaping to soften building exteriors and buffer between uses.
 - Green Building design and construction to meet minimum LEED Silver Standards.



View of three compatible buildings showing natural landscaping as a buffer between uses.

ADG2

Height and Mass

- The height and mass of the Film Studio Campus buildings should consider the visual and physical relationship to adjacent uses. A structure that dominates its environment by its relative size is strongly discouraged.
- The mass of a larger building should be broken down into a group of buildings clustered into traditional building compounds or a campus setting to create a sense of community.
- Building design should employ clean, simple, geometric forms and coordinated massing to produce overall unity, scale, and interest.
- Varying building heights, massing, roof forms and setbacks to define different functions such as offices, residential, hotel, studio and other uses is encouraged.
- Buildings should relate to the terrain and each other in their massing and forms. Larger masses should be located at the centers of building compositions, with smaller forms stepping outwards and down.



IHC Hospital showing variation in building mass and roof form.

ADG3

Building Design

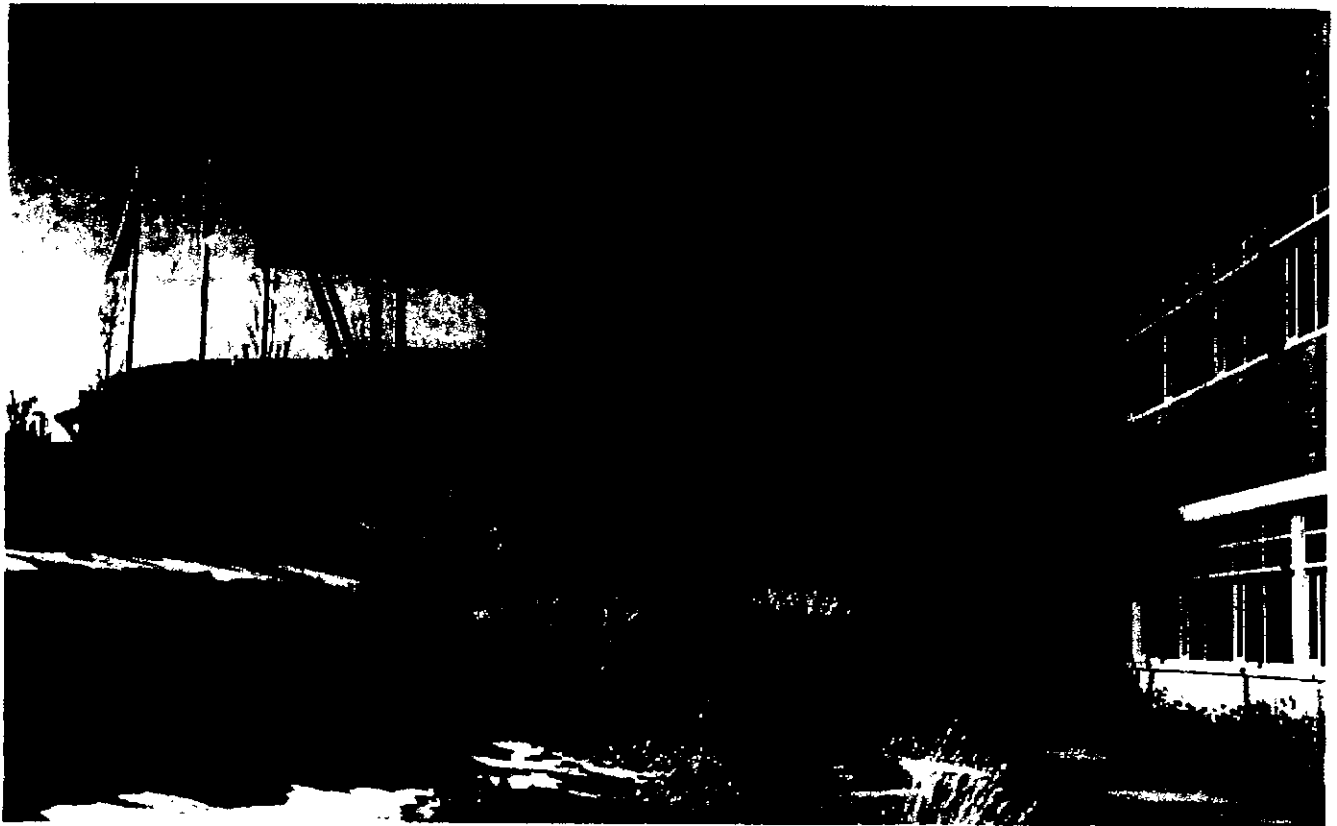
- Variety in building forms should be employed to create visual character and interest.
- Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged. The exterior character of all buildings should enhance pedestrian activity in their immediate vicinities.
- Long building facades should be broken up with architectural details. Facades with varied setbacks are encouraged to provide visual interest.
- Rear and side wall elevations should provide building offsets and architectural details similar to the front facade.
- Entrances to individual buildings should be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.



Park City Ice Arena showing a variety of form and identifiable entry.

Roofs

- Roofs should be integral to the architectural theme of the Film Studio Campus buildings and contribute to the visual continuity. Rooflines of buildings should include variations to avoid long, continuous planes.
- Rooftops should be considered as design elements from various viewpoints: at ground level, from other buildings, and from adjacent perimeter roadways. Mixing roof forms on buildings creates variety in the "roofscape." Roofs should also be interesting when seen from above from upper levels of the mountain terrain.
- Rooftop equipment should be screened from view on all four sides by architectural features integrated with the design of the building.
- Roof design shall allow solar panels to be integrated into the roof design. Building orientation and shading design should minimize solar gain and maximize daylight harvesting.



Summit County Public Health Center showing a roof as a design element.

Materials and Color

- Materials should be chosen to withstand abuse or accidental damage by machinery. False facades and other simulated materials and ornamentation are not allowed.
- Clear or lightly tinted low-e glass (glazing) should be used, particularly at pedestrian levels where transparency between indoor and outdoor spaces is desirable.
- The use of various siding materials (i.e. masonry, concrete, metal, or wood siding to produce effects of texture and relief that provide architectural interest) is required.
- The use of compatible colors in a single facade or composition is required. Compatible colors add interest and variety while reducing building scale and breaking up plain walls.
- A color palette should be used on the Film Studio Campus buildings to help reduce their perceived size. Contrasting design elements and material colors that help break up the vertical monotony of large walls is necessary.



Example of Material Palette.

ADG6

Attachment C

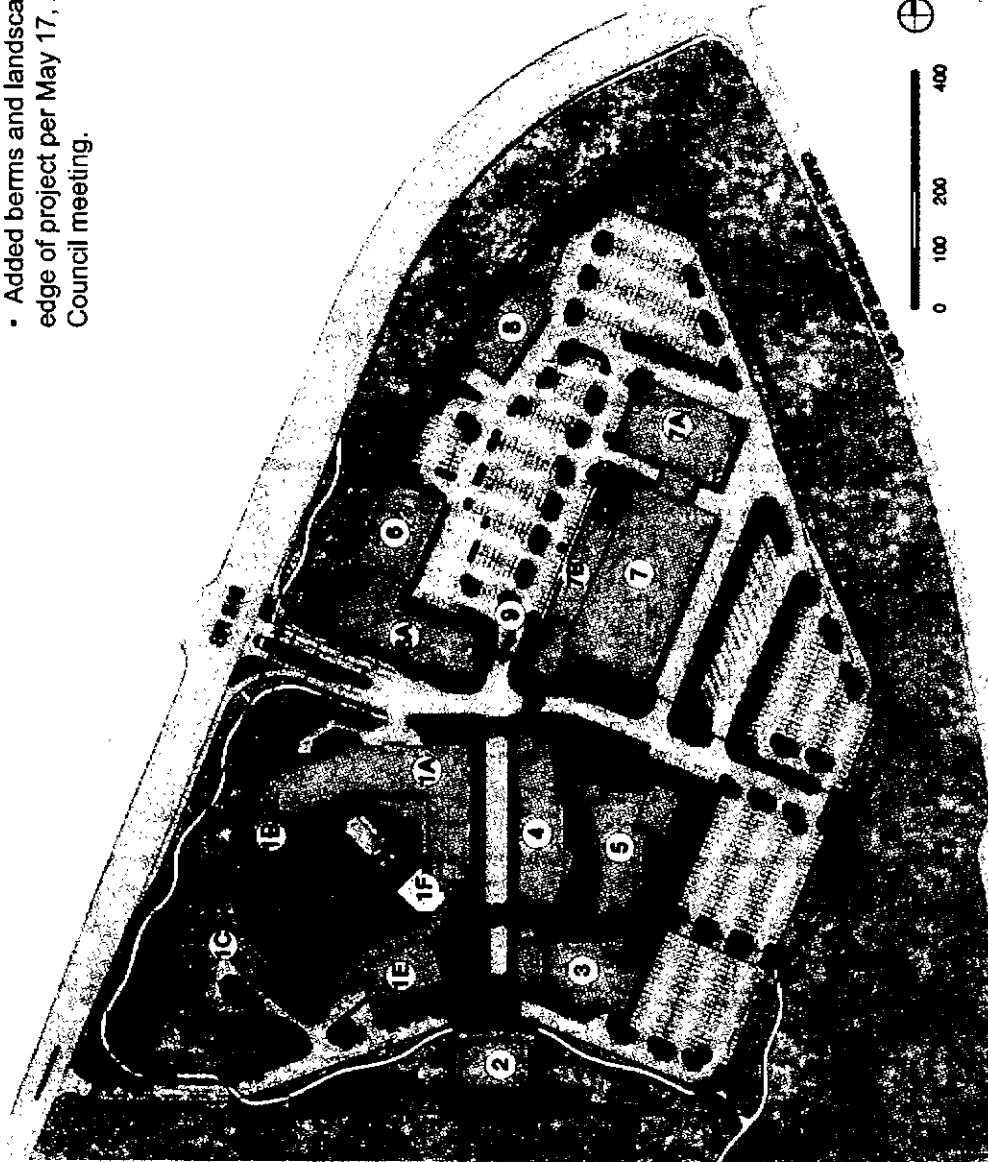
FILM AND TELEVISION/RECORDING STUDIO -PARK CITY

	Square Footage	Bldg Number	Bldg Total SF
STUDIO LODGING	85,000	1	
RECORDING STUDIO	2,500	1	
DESTINATION SPA	6,000	1	
			93,500
AMPITHEATER	6,000	2	
			6,000
SPECIAL EVENT STAGE	15,000	3	
SCREENING ROOMS	14,000	3	
ENTERTAINMENT VENUE	3,000	3	
PERFORMANCE AREAS/ OTHER VILLAGE VENUES	17,500	3	
			49,500
STUDIO STORE/ OTHER VILLAGE VENUES/OFFICES	20,000	4	
			20,000
STUDIO TOUR AREAS	6,000	5	
OFFICES/ OTHER VILLAGE VENUES	9,000	5	
			15,000
FOOD SERVICES COMMISSARY/ OFFICES ANCHOR TENANT	50,000	6	
			50,000
SOUNDSTAGES	48,000	7	
PRODUCTION SUPPORT/OFFICES	25,000	7	
			73,000
LIGHTING & GRIP	10,500	8	
WORKSHOP/EQUIPMENT STORAGE	10,500	8	
			21,000
EFFECTS STAGE/ OFFICES	46,000	9	
			46,000
		TOTAL SF	374,000

Raleigh Studios – Conceptual Site Plan

- Added berms and landscaping to south edge of project per May 17, 2012 City Council meeting.

Building Legend	
1A	Hotel Lodging
1B	Recording Studio
1C	Stage Venue
1D	Residence - omitted
1E	Grand Ball Room
1F	Atrium
2	Screening Rooms/Theater
3	Entertainment Venue
4	Mixed Use
5	Mixed Use
6	Sound Effects Stage
6A	Office, Effects Stage
7	Sound Stages
7A	Workshop
7B	Production Support/Offices
8	Workshop Office
9	Guard House



IBI
GROUP

Raleigh Studios
Park City, UT

Conceptual Site Plan
May 24, 2012

EXHIBIT D

subject to all City levies and assessments as described in the terms of said Development Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION DEVELOPMENT AGREEMENT. Council hereby authorizes the Mayor to execute the Development Agreement in substantially the same form as is attached hereto as "Exhibit G" and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation with Regional Commercial Overlay (RCO) is consistent with the Annexation Agreement approved by the City Council and executed on January 17, 2012.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, with an RCO overlay as shown in "Exhibit E".

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the January 17, 2012 Annexation Agreement between Park City and Quinn's Junction Partnership that sets forth certain requirements and waivers for the MPD development. These waivers are due to pre-existing vesting in Summit County and the terms of the January 18, 2012 County Settlement Agreement.
2. Land Uses proposed in the MPD Plans include a 100 room/key hotel and associated lodging uses, a film studio campus with sound stages, and associated uses, including support commercial, recording studio, outdoor stage amphitheater, enclosed atrium area between the hotel and ballroom/meeting space, screening rooms and theater, related mixed use office/retail/entertainment, sound stages, film school and related educational uses, associated offices, workshops, and production support and offices. The Gross Floor Area allowed per the Annexation Agreement is 374,000 square feet. Exceptions to the Floor Area, including porches, balconies, patios and decks, vent shafts, courts, and one atrium subject to further restrictions, are spelled out in the Annexation Agreement.
3. Proposed uses as identified in the MPD Plans (Exhibit F) are consistent with the January 17, 2012 Annexation Agreement.

4. The City Council as the final approving body of the MPD has decreased the number of Off-Street Parking Spaces within MPDs based upon a parking analysis and recommendation from the Planning Department per Section 15-6-5 (E).
5. The City Council hereby incorporates the staff reports dated March 14th, March 28th, April 11th, April 25th, May 17th and May 24th, 2012 as part of the record of decision.

Conclusions of Law

1. Due to the unique circumstances of the terms and conditions of the County Settlement Agreement, the Annexation and Zoning Map amendment are consistent with the Annexation Agreement (Exhibit D), the City's Annexation Policy Plan, Quinn's Junction Study Area, the required findings and conclusions of LMC 15-6-6, and the Park City General Plan (2005).
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the Quinn's Junction Partnership Annexation property with Community Transition (CT) zoning, with a Regional Commercial Overlay (RCO) limited to the commercial uses provided in the Annexation Agreement dated January 17, 2012 and the MPD concurrently approved herein. To the extent there is any conflict between the MPD and the Annexation Agreement, the terms of the MPD shall govern.
2. The attached Exhibits, including the Development Agreement for the Quinn's Junction Annexation and the Annexation Agreement, shall be fully executed and recorded at Summit County, along with the Annexation Plat.
3. The Master Planned Development Plans hereby approved and all final design, Administrative CUP and building permits shall comply with the Annexation Agreement and all applicable Land Management Code "LMC" provisions that are not contrary to said Annexation Agreement.
4. The required Administrative Conditional Use permit application for final design shall be reviewed for consistency with the Annexation Agreement and the MPD Plans package, these conditions of approval including site design, building massing and height, setbacks, architectural design and vernacular, materials, colors, landscaping, lighting, fencing, grading, berming, trails, circulation for buses and emergency vehicles, parking and phasing, etc. and conditions of the Annexation Development Agreement. Rendered elevations, material and color samples, shall be provided for Planning Department review prior to approval of the Administrative Conditional Use permit. Maximum building height of Building 8 (formerly Pad 7) is limited to 50 feet or maximum height not to exceed 60 feet in the event a major, long term film production contract necessitates the full studio height in compliance with Paragraph 2.5(e) of the Annexation Agreement. Final Architectural Review pursuant to 15-2.23-6 shall be

concurrent with the Administrative CUP. Commissioner Jack Thomas shall participate in the Administrative CUP as a liaison for purpose of further input on final design and architectural elements. Final building footprints shall substantially conform to the MPD Site Plan approved by the City Council. Minor variations in building size and articulation will be considered by the Planning Director at the time of review of the Administrative CUP, provided that there is no increase in the total Gross Floor Area for each of the four main areas, namely: 1) the hotel, 2) office/sound stage support, 3) sound stage, and 4) retail/support. Final building footprints shall be located within the identified building pads.

5. A preliminary landscape plan, provided by a licensed landscape architect, and including landscape site design and materials consistent with those identified in the Annexation Agreement and as further specified in the MPD Plan package is required to be submitted with the Administrative Conditional Use permit application. The landscape plan shall identify grading, heights, and undulation of the perimeter berming to soften the view of the commercial structures. The landscape plan shall include a planting plan and an irrigation plan. Ground cover for green roofs shall also be included in the landscape plan. Perimeter landscaping should be of a substantial size and shall be reviewed and approved by the City Arborist and Landscape Architect. The landscape plan shall indicate how the landscaping will be phased and shall indicate perimeter plantings to be installed prior to vertical construction to provide screening of construction work. Temporary irrigation will be required to ensure these plantings survive. Final landscape plans, consistent with the preliminary landscape plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
6. Parking lot and all other exterior lighting shall meet requirements of the LMC with additional restrictions on the overall wattage, automatic timers, and lighting designed in zones and shall comply with best lighting practices as recommended by the Dark Skies organization. A lighting plan, provided by a qualified lighting professional, shall be submitted with the Administrative Conditional Use permit application. The plan shall include a requirement to shut off lighting in parking areas used on an intermittent basis, particularly in the secure studio campus.
7. Security fencing on the property perimeter shall not exceed 7' in height and internal gate fencing may be 12' in height in areas limited to as shown on Exhibit F (page 42). Fencing shall not include razor wire or other details that read as "high security" fencing. Use of electronic monitoring is allowed. Fencing details shall be provided with the Administrative Conditional Use permit application and shall be consistent with the Final MPD Plan Package (Exhibit F, page 39) in terms of location, design, materials, colors, and extent. Perimeter fencing shall be phased consistent with the phased parking lot construction described in #16 below.
8. All vehicular access points to the development from SR-248 shall comply with any and all existing Corridor Preservation Agreements. Changes to

these Agreements must be approved by the Utah Department of Transportation. The City approves of the two proposed access locations as depicted on the Final MPD Plan Package (Exhibit F- page 9). The Applicant will be responsible for filing application for required access approvals with the Utah Department of Transportation. Without additional UDOT approvals, there will be a single public access to the property at the signalized intersection of Round Valley Drive and SR 248, and emergency access as approved by UDOT, and the Fire and Building departments.

9. In the event that the south secondary access point is approved, this access shall be located in such a way as to not preclude access to the adjacent City open space parcel. Necessary cross access easements shall be provided, on the subdivision plat, through the public area of the MPD to provide access to the signalized intersection for the City parcel.
10. Traffic Management Plans for special events shall be approved by the City's Special Events staff as well as by the City's Police Departments of Transportation and Public Safety. All necessary special event permits and conditional use permits shall be obtained prior to commencing the Special Event or Master Festival. No overcrowding permits may be granted by the Building Department. The Applicant agrees to City use of surplus parking, said "surplus" amount and availability determined by the Applicant, for City-approved special events, primarily for overflow parking for the Park City Sports Complex (ice, fields and hosted trail races). Provided such use is consistent with deed restrictions, the City will provide reciprocal use of surplus parking as determined by the City at the Sports Complex. Fees shall not be charged for the parking unless the host event is charging fees for the parking at other locations.
11. Outdoor activities and noise shall be limited to 7AM to 10 PM and shall not exceed the City's noise ordinance, unless otherwise allowed through a Special Event/Master Festival permit in accordance with the Municipal Code.
12. At the time of the Administrative Conditional Use permit application, the applicant shall identify the square footage of all parking areas and all hard surfaced areas. Interior and perimeter parking lot landscaping shall meet requirements of the LMC Chapter 3. Snow storage areas shall be provided in accordance with the LMC Sections 15-3-3(E) and 15-3-4.8(E).
13. At the time of the Administrative Conditional Use permit application, the applicant shall provide a detailed parking analysis to identify specific uses, square footage, employee, hours of operation, shared parking ratios, and other items that will allow the Planning Staff to calculate the parking demands as such relates to the progression of the proposed phasing plan. The parking analysis shall look at the extent to which alternative modes of travel (bus, shuttle, carpool, bike, etc.) and use of the Richardson Park and Ride can reduce the demand for parking at the site, on a day to day basis. The parking analysis shall also provide information about special events and parking demand. With reductions for shared parking as well as support uses which reduce the required parking spaces, parking spaces are hereby approved up to a maximum of 730

surface spaces, and an additional 150 spaces underground at the hotel, for a total of 880 parking spaces.

14. A phased parking plan shall be provided by the Applicant with the Administrative Conditional Use permit for approval by the Planning Department. The plan shall identify only essential paving with each phase of development, propose measures to reduce parking demand with various programs and incentives, and mitigate employee parking, particularly on the public campus and during construction. Prior to building each phase of parking, the applicant shall provide a parking analysis of existing conditions and needs, including traffic mitigation and use of the Richardson Park and Ride by full-time shift employees and mitigation of construction employee parking (such use the City hereby approves). The Planning Director must approve proceeding to construction for each phase of the parking; however such approval may not be unreasonably withheld. The final phase of parking area on Exhibit F, pg. 33 (farthest north/east lot) and any un-striped temporary parking shall contain a permeable surface area system.
15. The applicant shall pay the City \$75,000 to fulfill the proportionate share of the development's construction of public trail connections to the Park City Heights Rail Trail connector. The City shall build the trail. The applicant may install trail head amenities as shown on the MPD Plans at their expense.
16. Bike racks shall be provided for the various uses, as required by LMC Section 15-6, Master Planned Developments (hotel, mixed use, trail head area, sound stage, etc.).
17. Construction of a bus loop/bus shelter shall be provided prior to issuance of a certificate of occupancy for the hotel or mixed use buildings. The shelter shall be located at the bus drop-off located at one location of either option A, or B, as approved by the City Transit Manager. The Transit Manager may approve alternate location(s) as part of the Administrative CUP.
18. A grading plan shall be submitted with the Administrative Conditional Use permit application. Excavated materials shall remain on site to the greatest extent reasonably possible. Final grading plans, consistent with the preliminary grading plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
19. Grading of the site, including the undulating berms and swales along SR 248 shall meet the sight distance and clear zone requirements of UDOT and be consistent with the grading proposed in the MPD Plans (with additional berm east of Building 2 adjacent to city property as reflected on revised sheets #10 and depicted on revised sheet #20, dated 5/24/12).
20. All landscaping, parking lots, driveways, roads, plazas, sidewalks, trails on the property, and other common areas shall be maintained by the property owner, or an Owner's Association, as the City will not maintain such areas.

21. Recycling centers shall be installed in the hotel, mixed use, and sound stage areas prior to issuance of a certificate of occupancy for the building.
22. The hotel shall provide shuttle service for guests within Park City and encourage guests to utilize shuttles from the airport as well as around town. The shuttle service shall be in place prior to issuance of a final certificate of occupancy for the hotel.
23. In accordance with Paragraph 2.5(h) of the Annexation Agreement, the applicant shall pay all applicable fees, including development, Building and Planning, Business licensing, and all other legally imposed fees and taxes collected by City Departments for services, utilities, etc.
24. A storm water management plan, prepared by a licensed professional, shall be submitted with the Administrative Conditional Use permit application and must meet all applicable code requirements on-site. The plan shall be consistent with best management practices for storm water management, including pre versus post run-off, water oil separators for parking facilities, and 100 year storm event detention on site. Final storm water plans, consistent with the preliminary plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
25. Roof top mechanical equipment shall be architecturally screened from public view.
26. Trash and recycling enclosures shall be screened with landscaping, fencing, buildings, berms, etc. per the LMC.
27. LEED construction at the certified level without commissioning per the Annexation Agreement is required for the movie studios. The Applicant's architect shall score the construction and submit such to the Park City Building Department for confirmation. Based on the agreement of the anticipated manager of the complex, Raleigh Studios, Raleigh shall use best efforts to determine whether it is in their best interests to seek and obtain official LEED Construction Commissioning at the increased standard of Silver. However, at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all the rooms.
28. Areas of plazas, pedestrian walk ways, patios, etc. shall not be heat melted. Solar panels and skylights are allowed on rooftops per the LMC Chapter 5.
29. Acknowledging that the inside areas of the studio campus may be active 24/7, the applicant shall propose specific hours of operation for approval by the Planning Director as part of the Administrative CUP to mitigate traffic of employee loading and unloading. Support commercial uses, such as food service, deli, café, etc. shall be open during filming hours and office hours to mitigate vehicular trips off site for breaks and lunch. Where possible, set shift work will be scheduled in non-peak traffic times.
30. Additional Building articulation as required by LMC Chapter 5 shall be demonstrated on the final building plans prior to issuance of a building permit.

31. Permanent power shall be provided for the trailer parking area and the applicant shall use best effort to utilize solar or other renewable energy resource if technically and economically feasible.
32. A sign plan must be filed with the Administrative CUP in compliance with LMC Title 12. No icon, water tower, or billboards are allowed. Internal "plaza" areas shall be defined on the sign plan.
33. Final Subdivision approval shall contain covenants and restrictions (CCRS) in compliance with Paragraph 2.6 of the Annexation Agreement.
34. Water service is provided by Summit Water. The applicant may be required to construct an emergency connection to the City system if required by state drinking water approval or the project fails the flow and standards required by the International Fire Code (2009), specifically including Section 507, Appendix B and Table B105.1. Should City service be necessary in the future, the project may first be required to annex into the City Water District and the applicant shall pay applicable impact and user fees in effect at such time and make such dedications as required by LMC 15-8-5(C) (1-3).
35. This MPD approval and zoning approved herein are limited to the terms of the Annexation Agreement and due to the unique circumstances regarding a legal settlement of historic claims in the Summit County Settlement Agreement, such approval shall not be considered precedent for future zoning amendments or annexation petition to this or neighboring properties in the Quinn's/CT zone area. All future development applications, changes in commercial use, or rezone requests shall be processed in accordance with the General Plan, zoning and LMC in effect at the time of application. The densities approved herein shall not be considered in terms of neighborhood compatibility in the event of a rezone or CT amendment request by other properties within the CT zone.
36. As part of the required Construction Mitigation Plan, to be submitted prior to issuance of any building permits on the property, the landscape guarantee shall insure phased and adequate berming along SR248 in the event the project is not completed, and the construction guarantee bond shall take into consideration the location of this property on the entry corridor and provide for adequate landscape and site disturbance coverage for each phase of the building construction as proposed in Exhibit G of the Development Agreement to insure visual and physical impacts of any work stoppage are mitigated in the event construction is not completed on this property.
37. No wood burning devices or outdoor gas firepits/fireplaces with the exception of one fire pit (non-wood burning) and permanent BBQ appliances are allowed on the property at the hotel
38. Specific soils test pits shall be reviewed prior to building permit issuance and if environmental issues, such as contaminated soils are present, a mitigation plan shall be required prior to issuance of permits. To satisfy this condition, developer may submit prior tests and studies performed on the property.

39. The secure studio campus shall serve as a public emergency shelter if approved within the City's Emergency Plan.
40. The Planning Staff and the applicant shall complete a review of the Administrative Conditional Use Permit within one year of the first certificate of occupancy, and the staff shall provide a report of the review to the City Council.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Development Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 24th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Janet M. Scott, CITY RECORDER

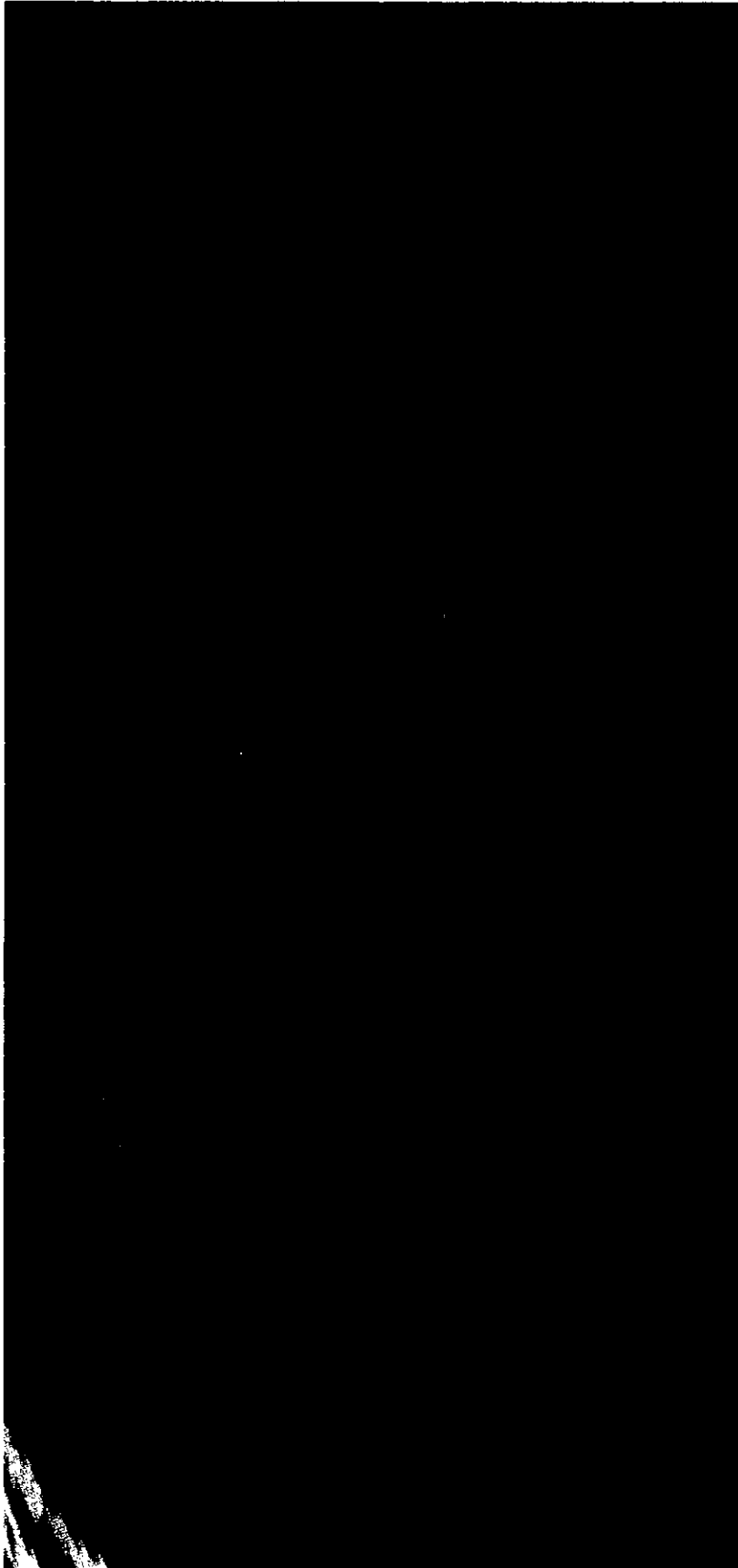
APPROVED AS TO FORM:

Mark D. Harrington, CITY ATTORNEY

Exhibits to the Ordinance

- Exhibit A- Annexation plat
- Exhibit B- Legal Description
- Exhibit C- County Settlement Agreement executed January 18, 2012
- Exhibit D- City Annexation Agreement
- Exhibit E- Zoning map amendment
- Exhibit F- Final MPD Plans packet
- Exhibit G- Annexation Development Agreement

Raleigh Studios – Final MPD Submittal



Conceptual Site Plan
28 May 24, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Context

Healthcare Campus

Quinns Rec Complex

National Ability Center

Proposed Film Studio

Park City Heights



IBI GROUP
Raleigh Studios
Park City, UT

Conceptual Site Plan
30 March 14, 2012

Raleigh Studios – Connectivity (Roads)

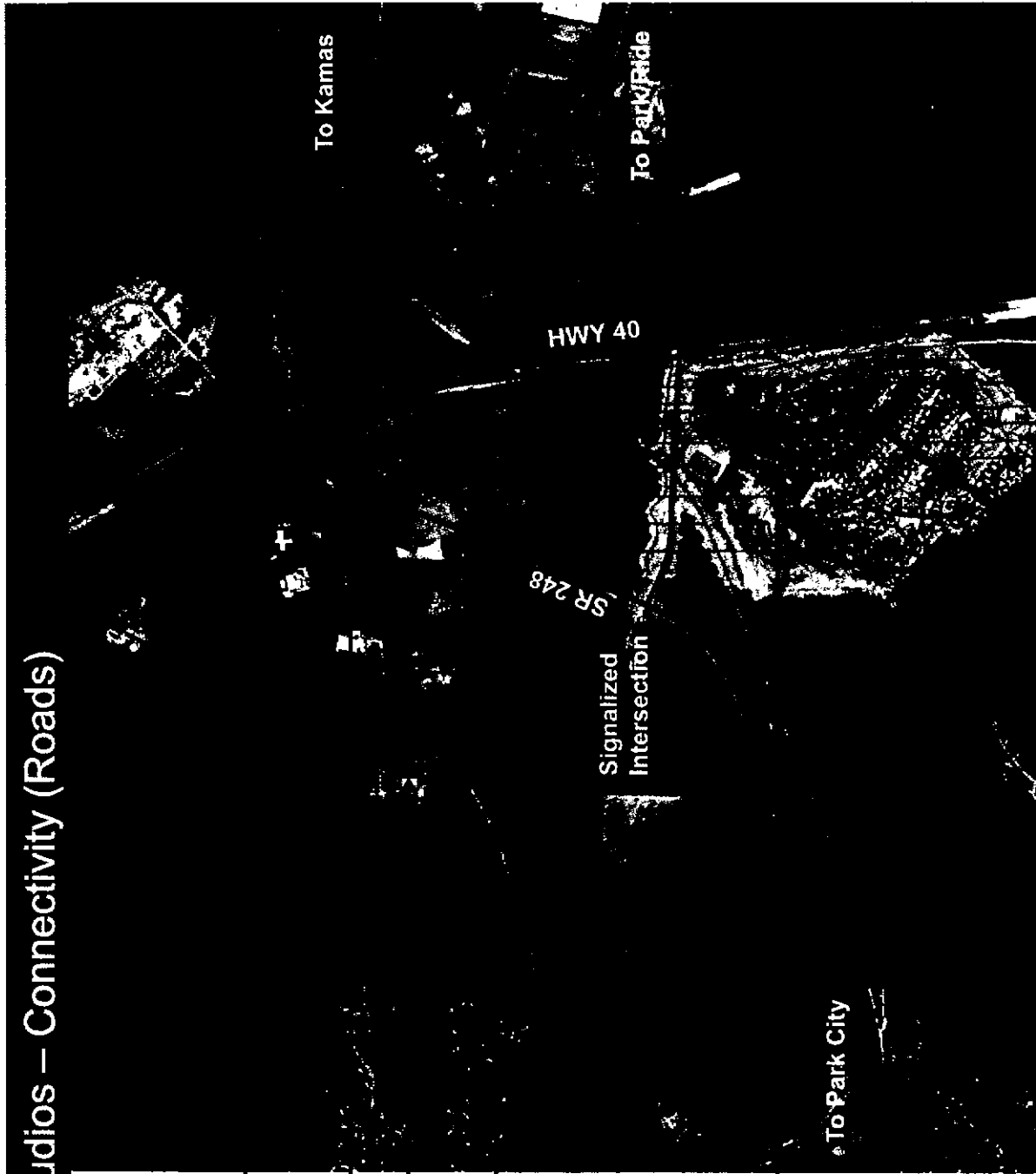
Healthcare Campus

Quinns Rec Complex

National Ability Center

Proposed Film Studio

Park City Heights



IBI
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Raleigh Studios
Park City, UT

Conceptual Site Plan
March 14, 2012

Raleigh Studios – Connectivity (Trails)

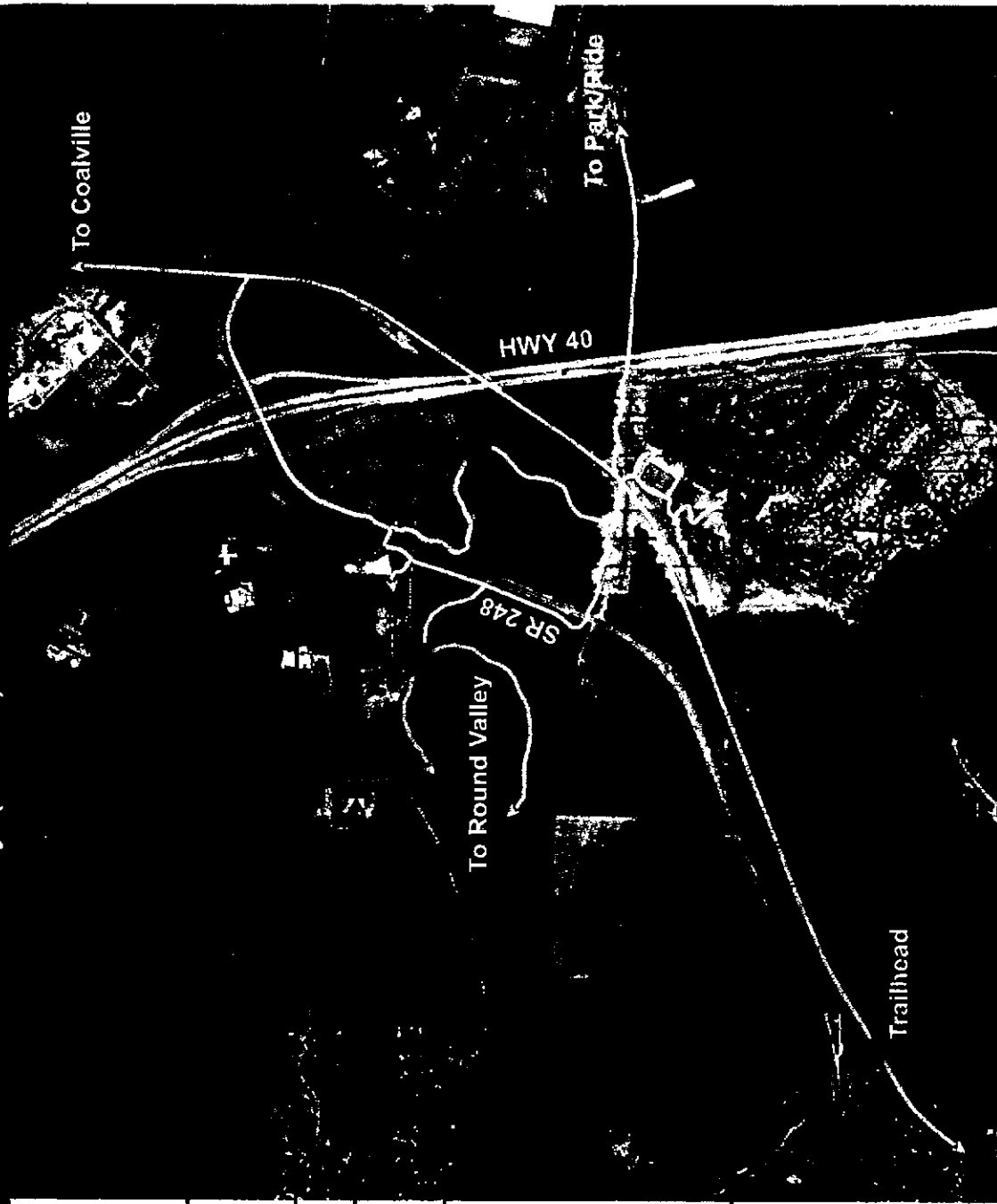
Healthcare Campus

Quinns Rec Complex

National Ability Center

Proposed Film Studio

Park City Heights

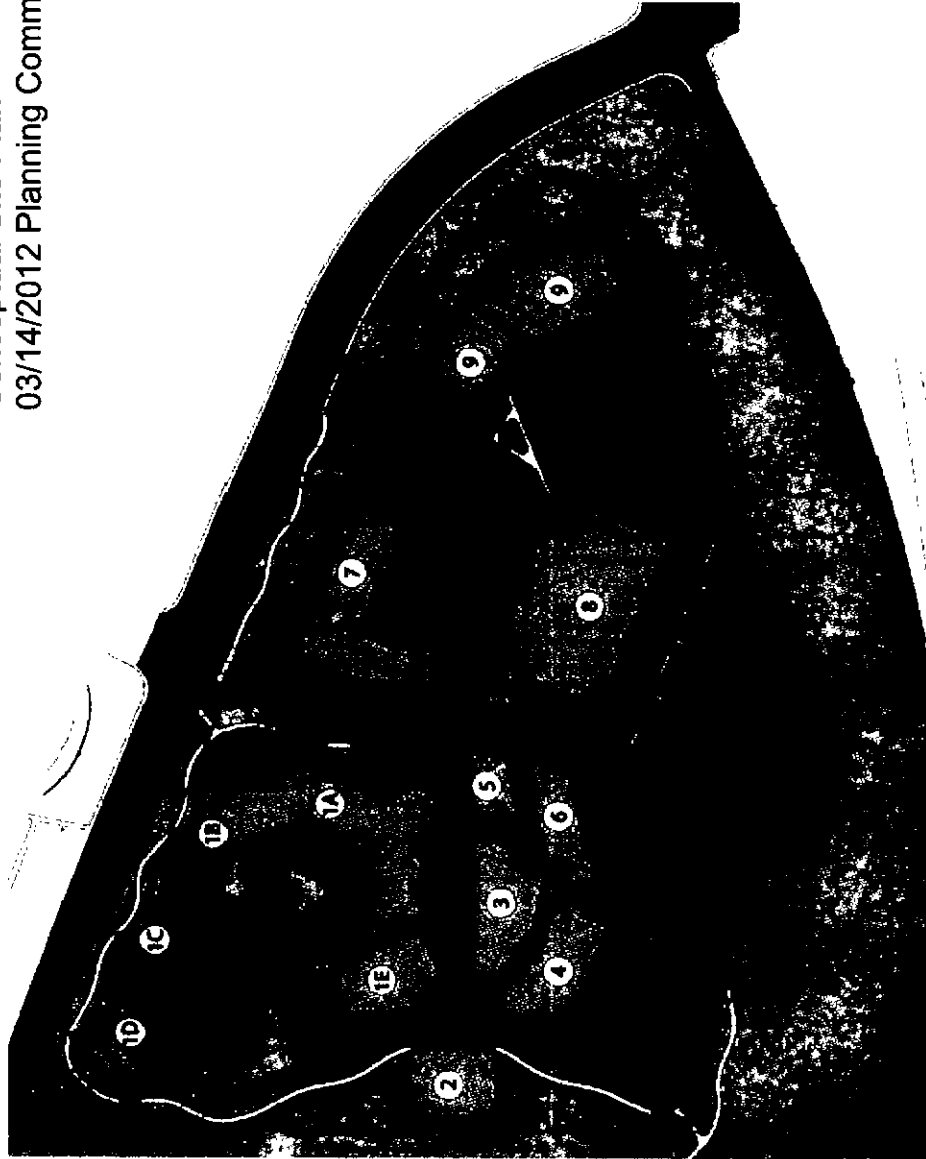



 Raleigh Studios
 Park City, UT

Conceptual Site Plan
 3 March 14, 2012

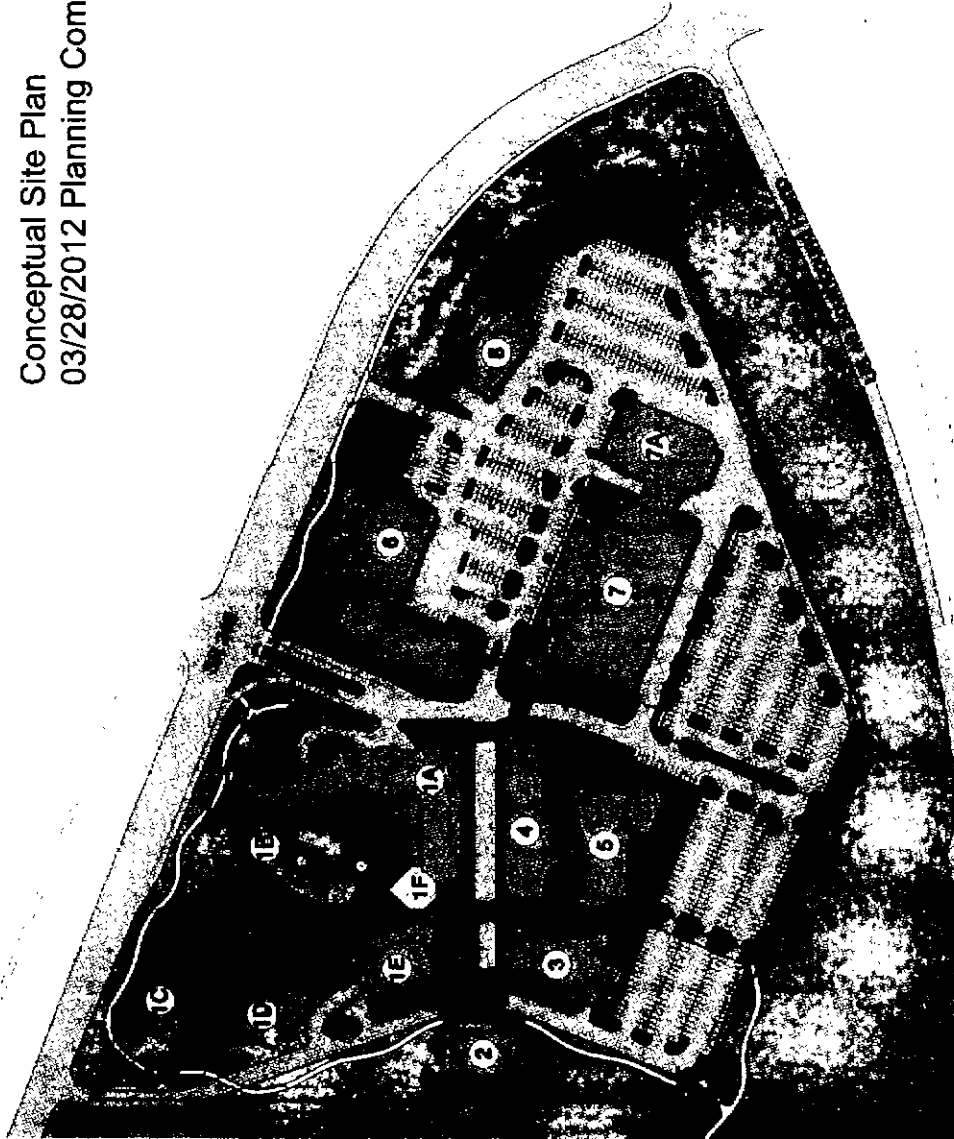
Raleigh Studios – Conceptual Site Plan

Conceptual Site Plan
03/14/2012 Planning Commission



Raleigh Studios – Conceptual Site Plan Revisions

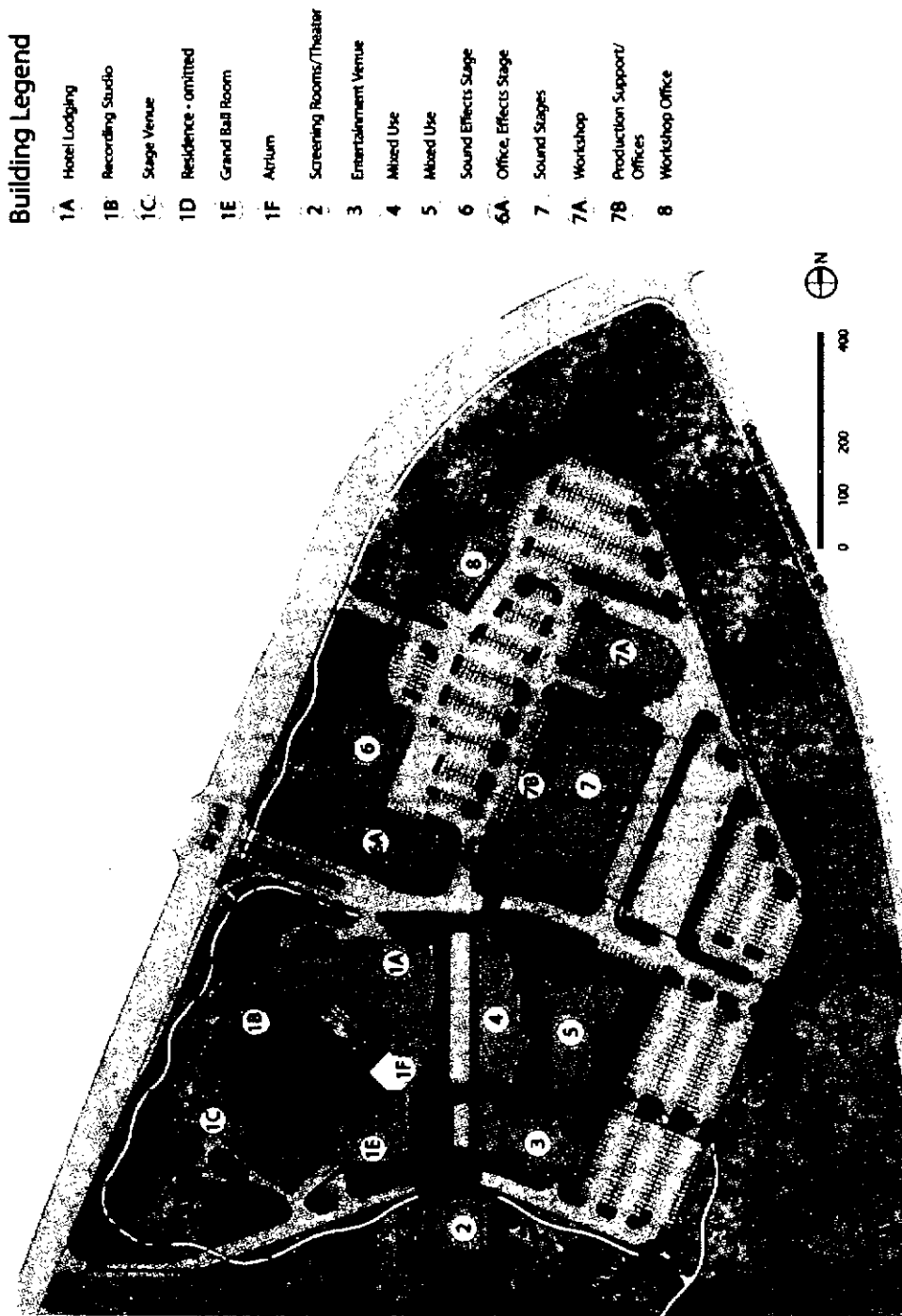
Conceptual Site Plan
03/28/2012 Planning Commission



Raleigh Studios
Park City, UT

Conceptual Site Plan
April 11, 2012

Raleigh Studios – Conceptual Site Plan



Conceptual Site Plan
April 11, 2012

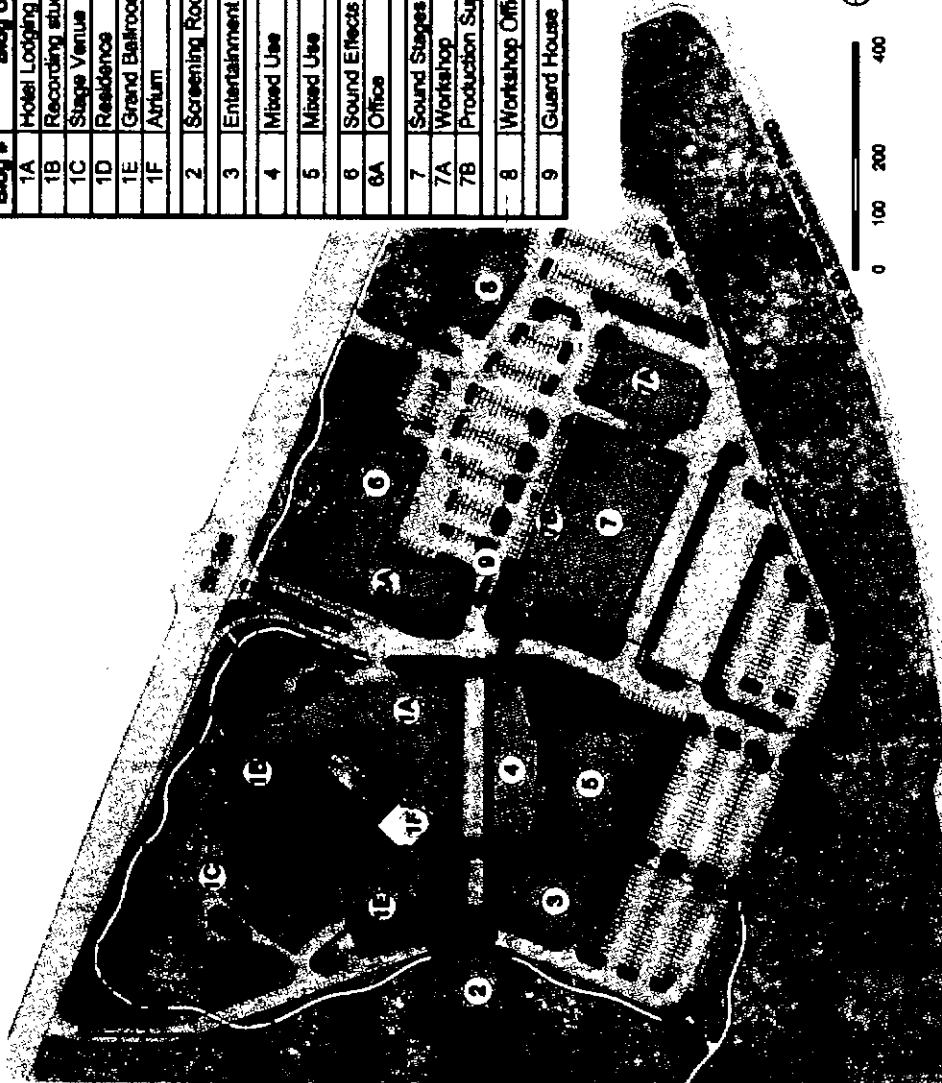
Raleigh Studios
Park City, UT



Raleigh Studios – Building Heights/Sizes

Bldg #	Bldg Use	Sqft (Gross)	Building Hts (Ft)
1A	Hotel Lodging (100 Keys)	112,000	40'
1B	Recording studio	2,500	16'
1C	Stage Venue	700	28'
1D	Residence (Omitted)	0	
1E	Grand Ballroom	18,000	28'
1F	Atrium	0	28'
2	Screening Rooms / Theater	15,000	40'
3	Entertainment Venue	14,500	40'
4	Mixed Use	33,350	28'
5	Mixed Use	25,825	28'
6	Sound Effects Stage	15,700	40'
6A	Office	37,200	38'
7	Sound Stages	47,375	60'
7A	Workshop	20,000	28'
7B	Production Support/ Offices	24,000	34'
8	Workshop Office	10,000	18'
9	Guard House	50	10'
Total			374,000

- Building heights and percentages comply with requirements of the Annexation Agreement
- See 3D massing for building heights

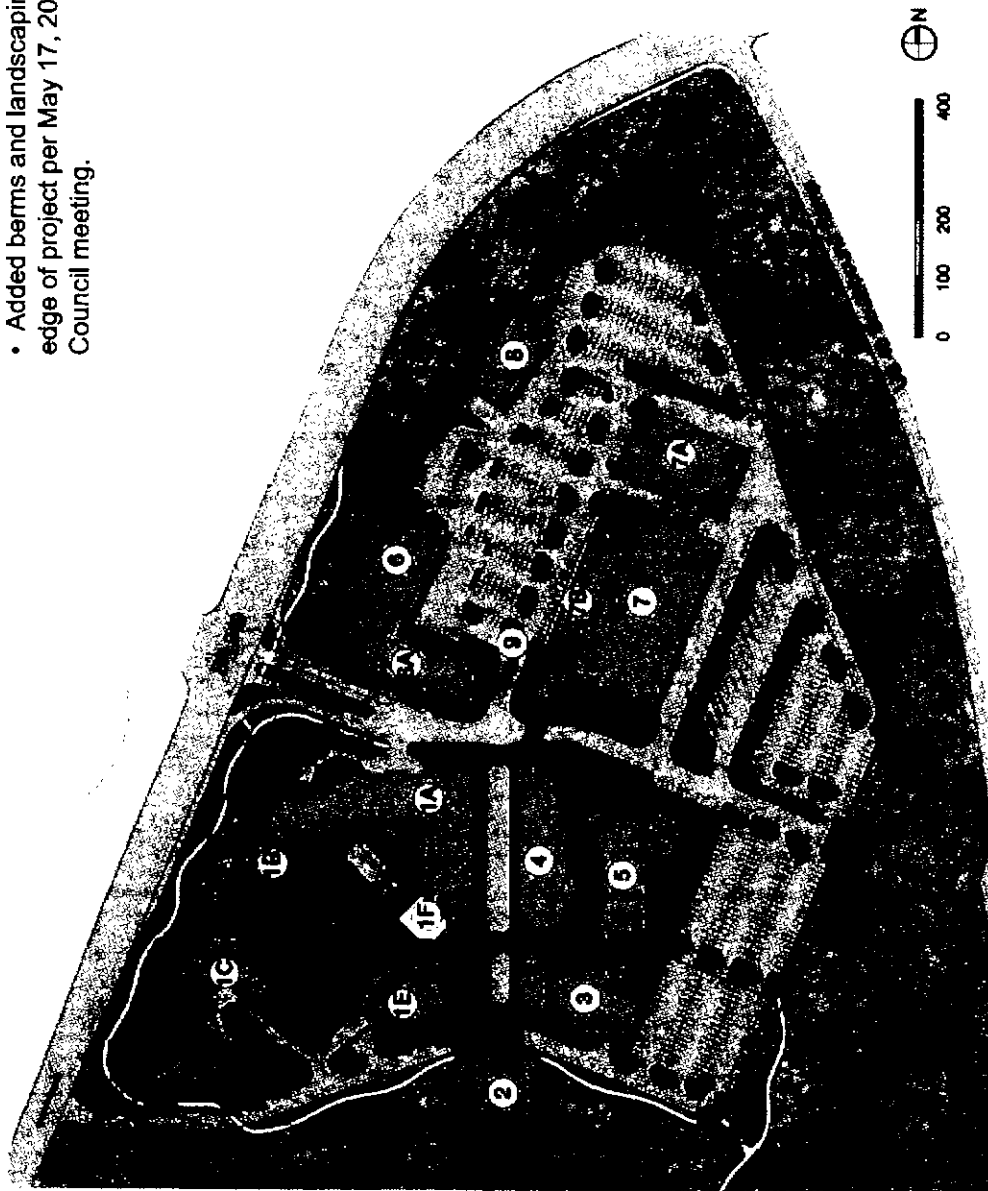


Raleigh Studios – Conceptual Site Plan

- Added berms and landscaping to south edge of project per May 17, 2012 City Council meeting.

Building Legend

1A	Hotel Lodging
1B	Recording Studio
1C	Stage Venue
1D	Residence - omitted
1E	Grand Ball Room
1F	At/ium
2	Screening Rooms/Theater
3	Entertainment Venue
4	Mixed Use
5	Mixed Use
6	Sound Effects Stage
6A	Office, Effects Stage
7	Sound Stages
7A	Workshop
7B	Production Support/Offices
8	Workshop Office
9	Guard House

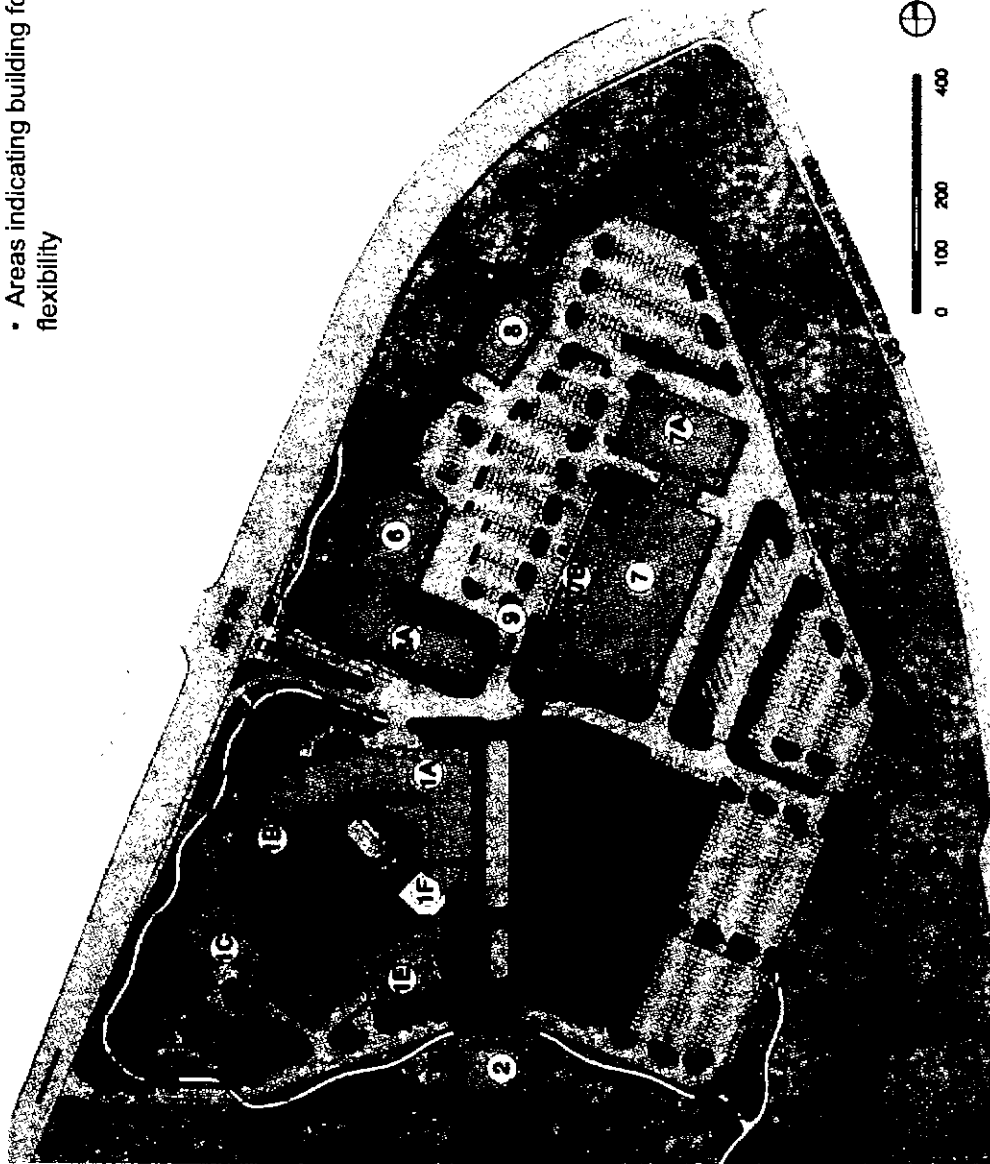


Raleigh Studios – Building Flexibility Zones

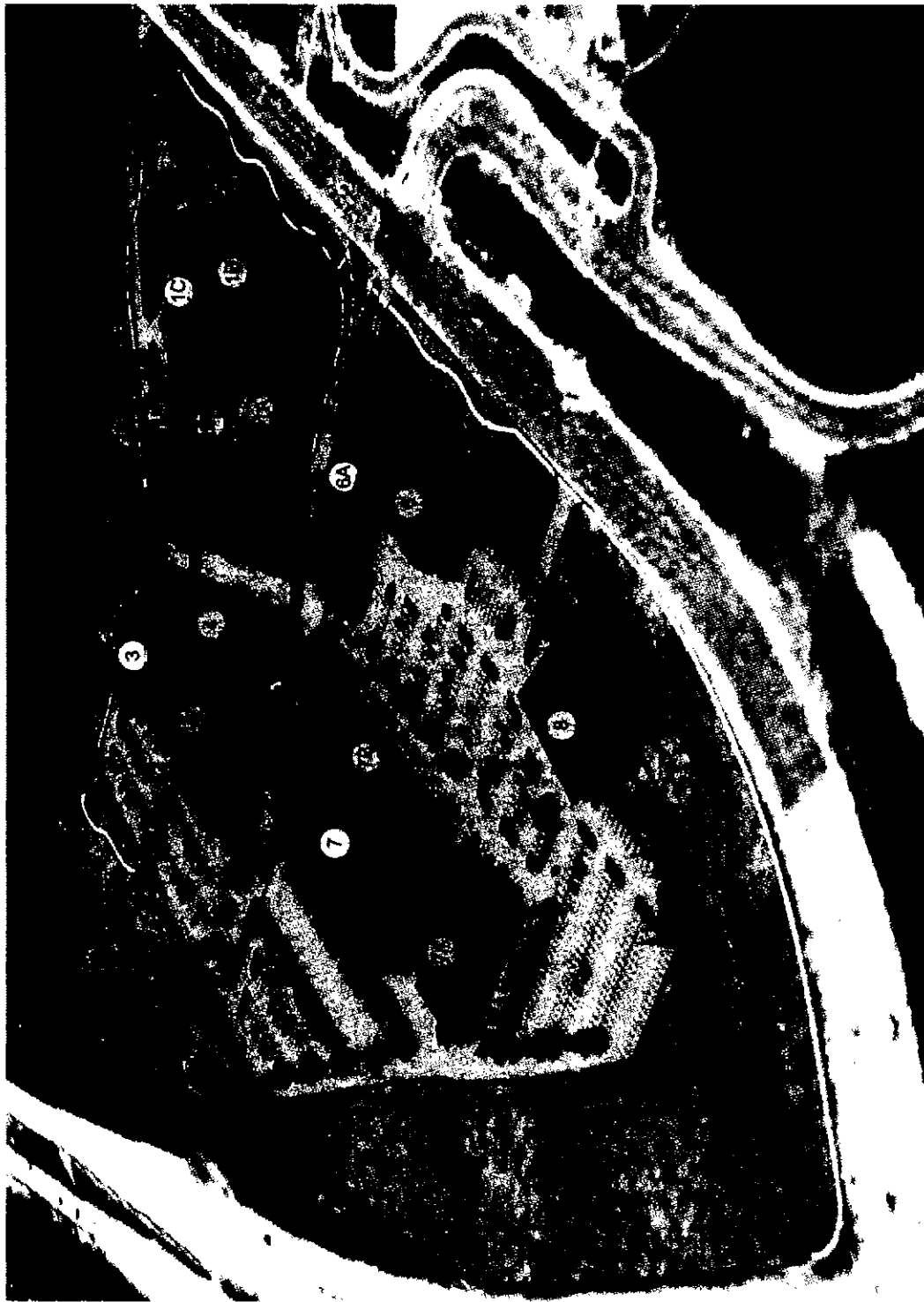
- Areas indicating building footprint flexibility

Building Legend

- 1A Hotel Lodging
- 1B Recording Studio
- 1C Stage Venue
- 1D Residence - omitted
- 1E Grand Ball Room
- 1F Atrium
- 2 Screening Rooms/Theater
- 3 Entertainment Venue
- 4 Mixed Use
- 5 Mixed Use
- 6 Sound Effects Stage
- 6A Office, Effects Stage
- 7 Sound Stages
- 7A Workshop
- 7B Production Support/Offices
- 8 Workshop Office
- 9 Guard House







Massing Study Looking South

Conceptual Site Plan

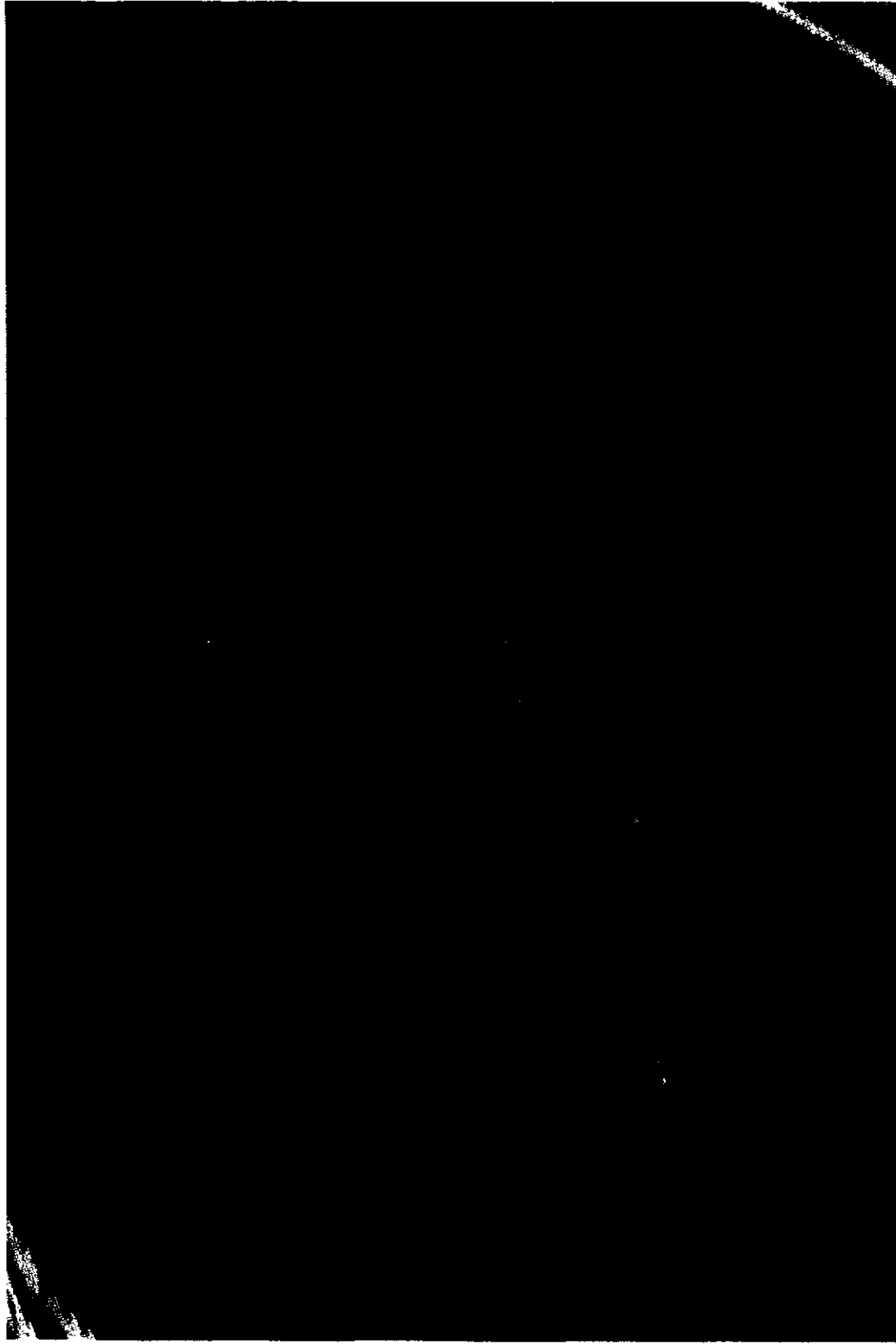
April 11, 2012

Raleigh Studios
Park City, UT



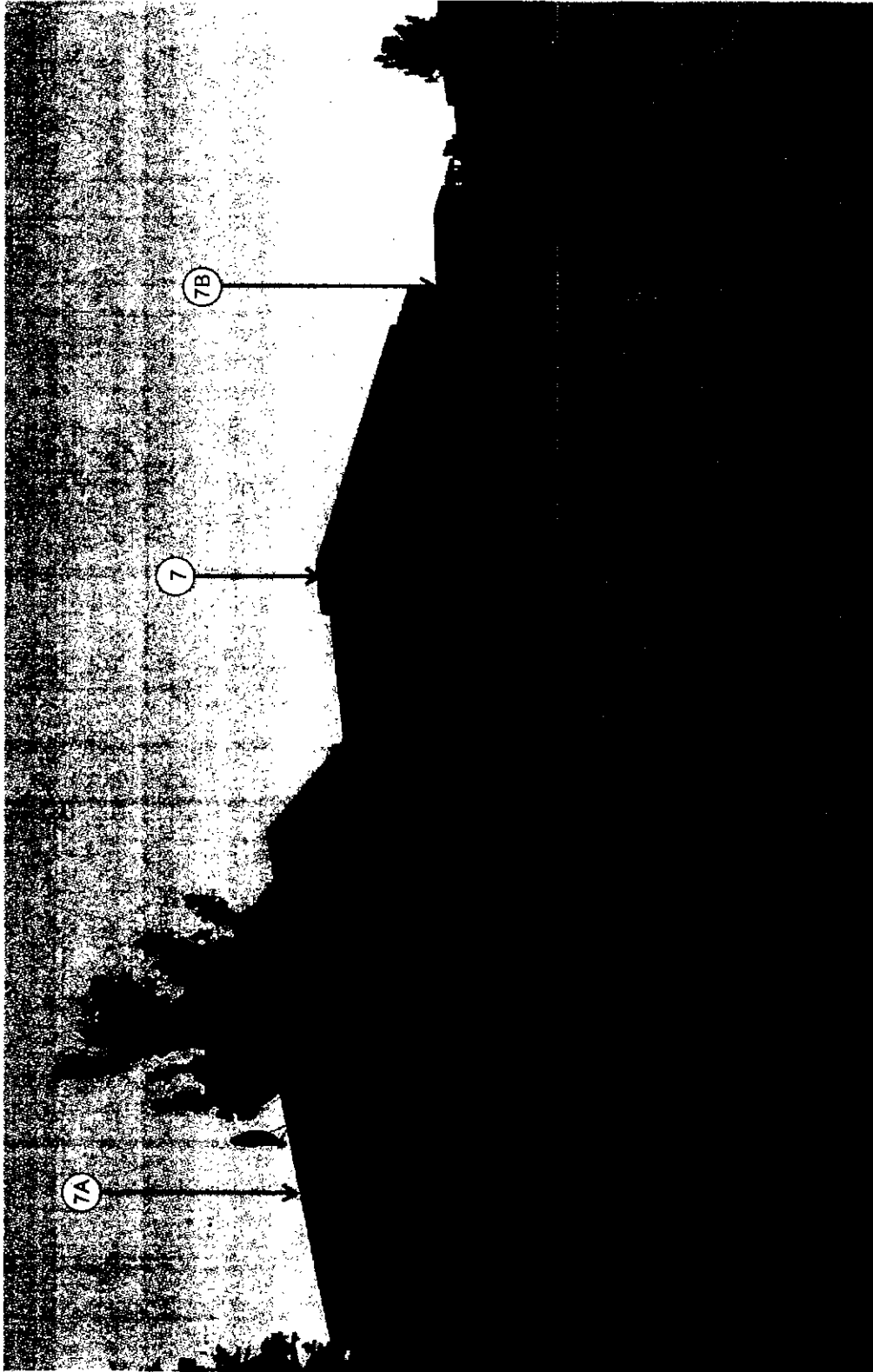


Massing Study Looking South



Massing Study Looking SE

Raleigh Studios – Visual Analysis



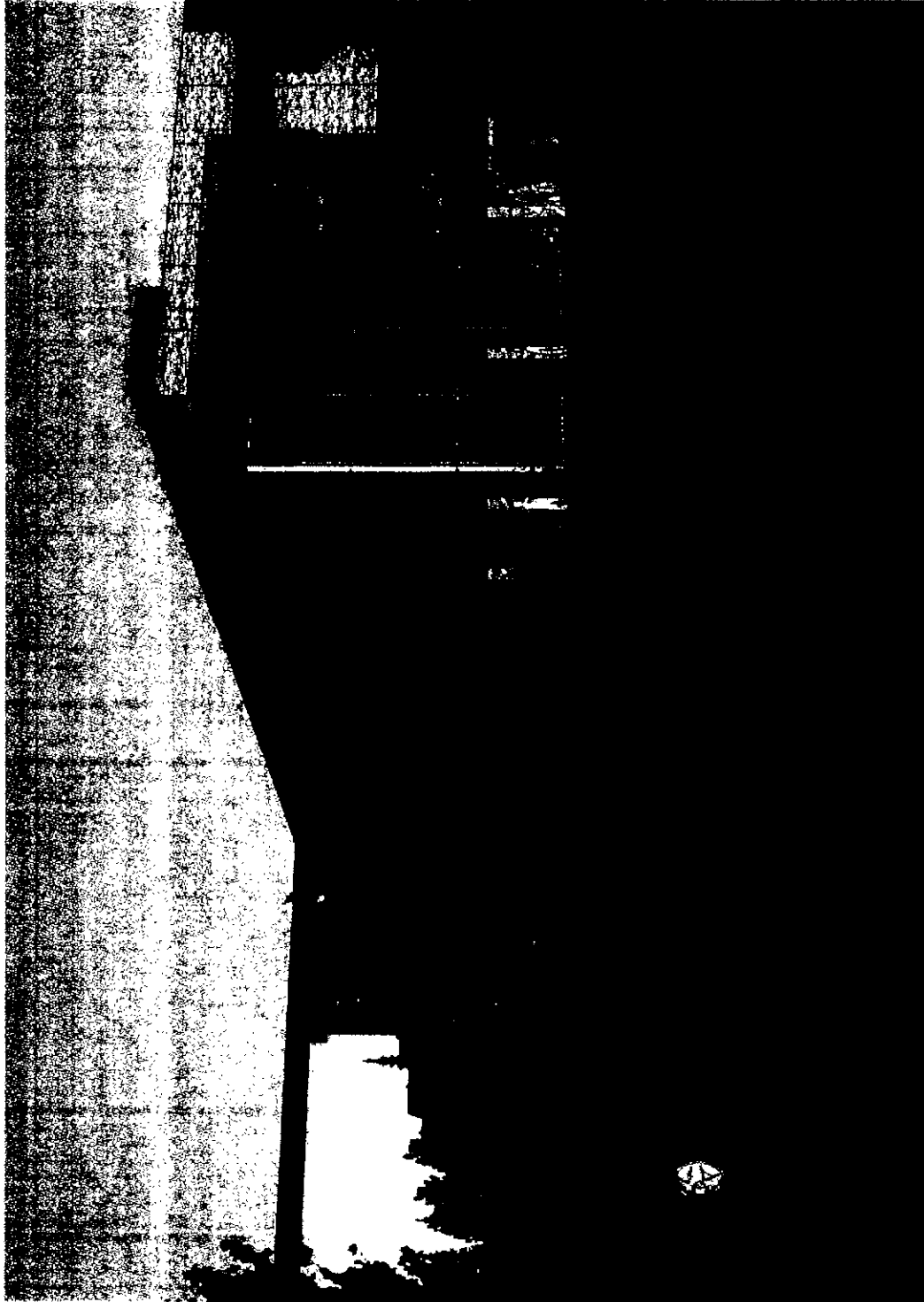
Buildings 7, 7A and 7B Massing Study Looking S

Conceptual Site Plan
April 25, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Visual Analysis



Building 7B and Entry Gate Massing Study Looking NE



Buildings 5 and 7 Massing Study Looking NW

Raleigh Studios – Visual Analysis



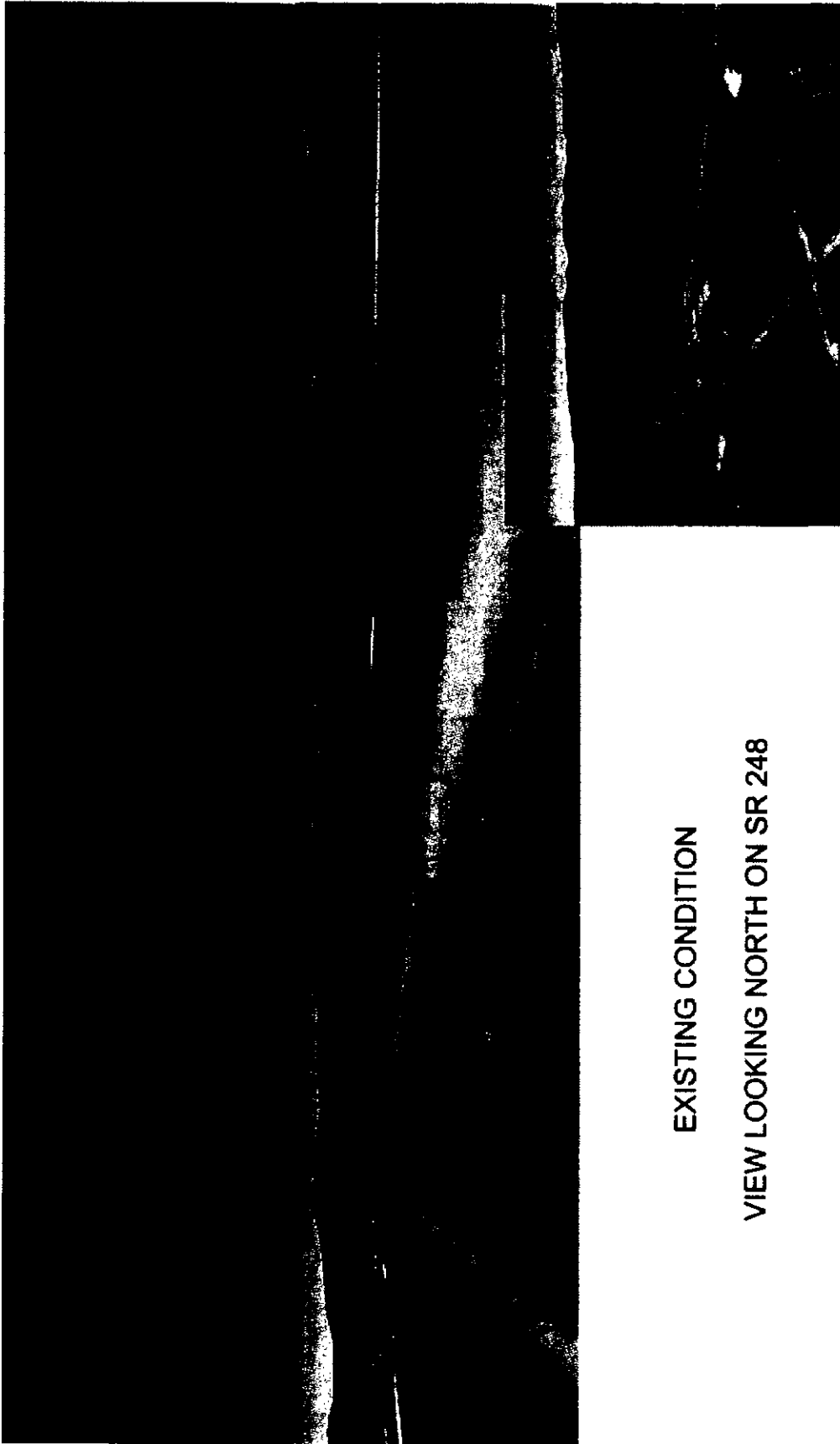
View from US40 Northbound

Raleigh Studios
Park City, UT

Conceptual Site Plan
April 25, 2012

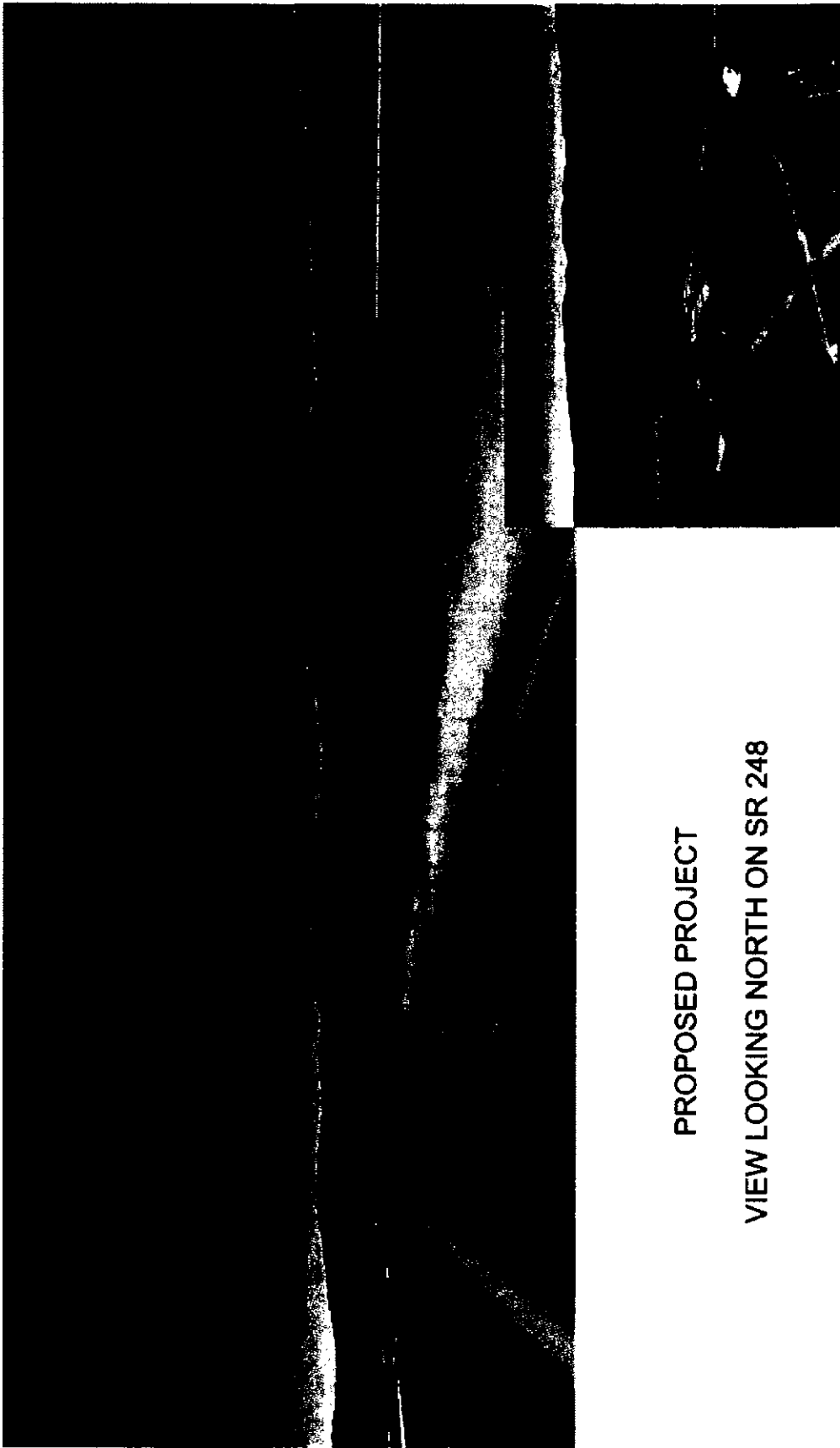
18





EXISTING CONDITION

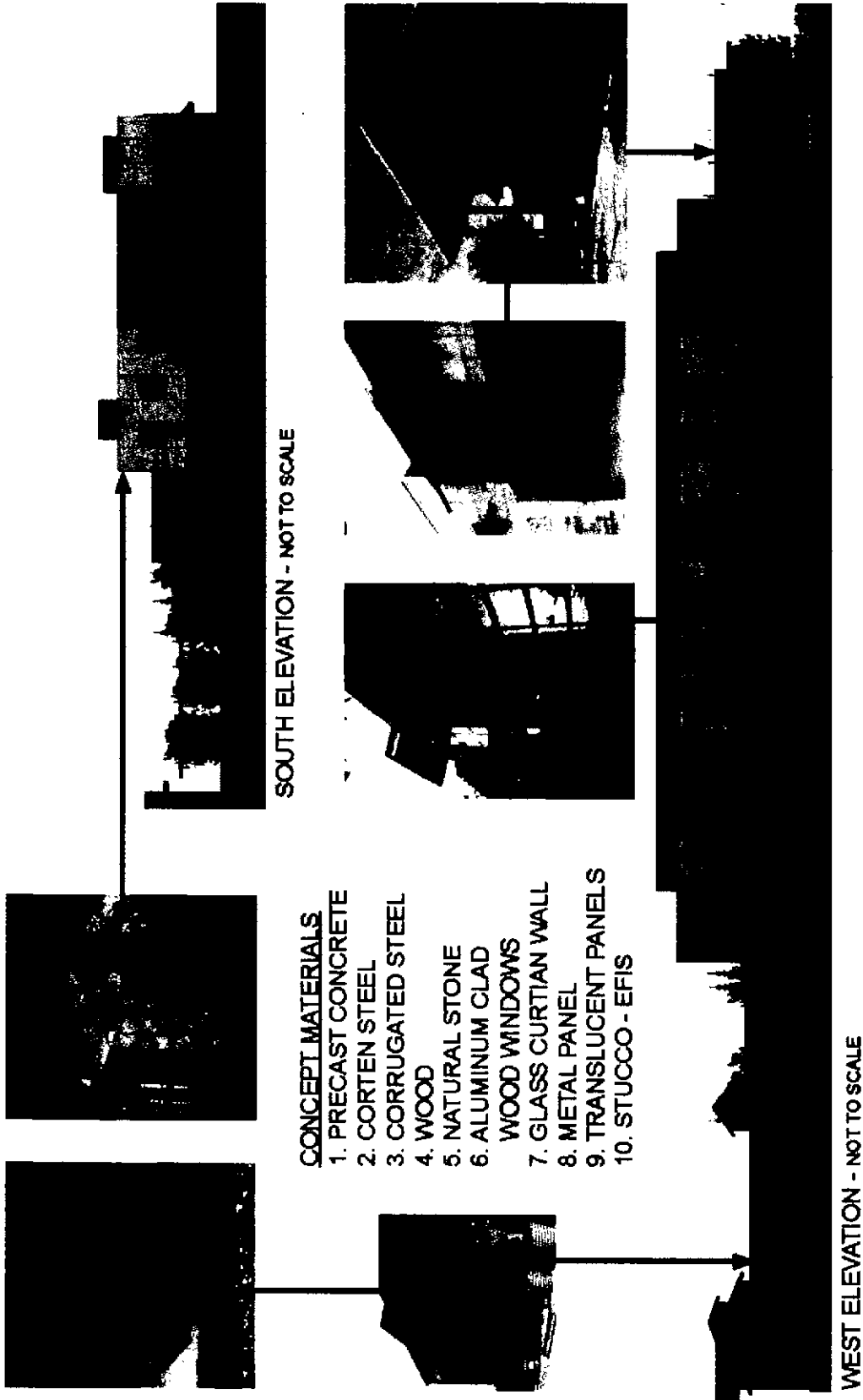
VIEW LOOKING NORTH ON SR 248



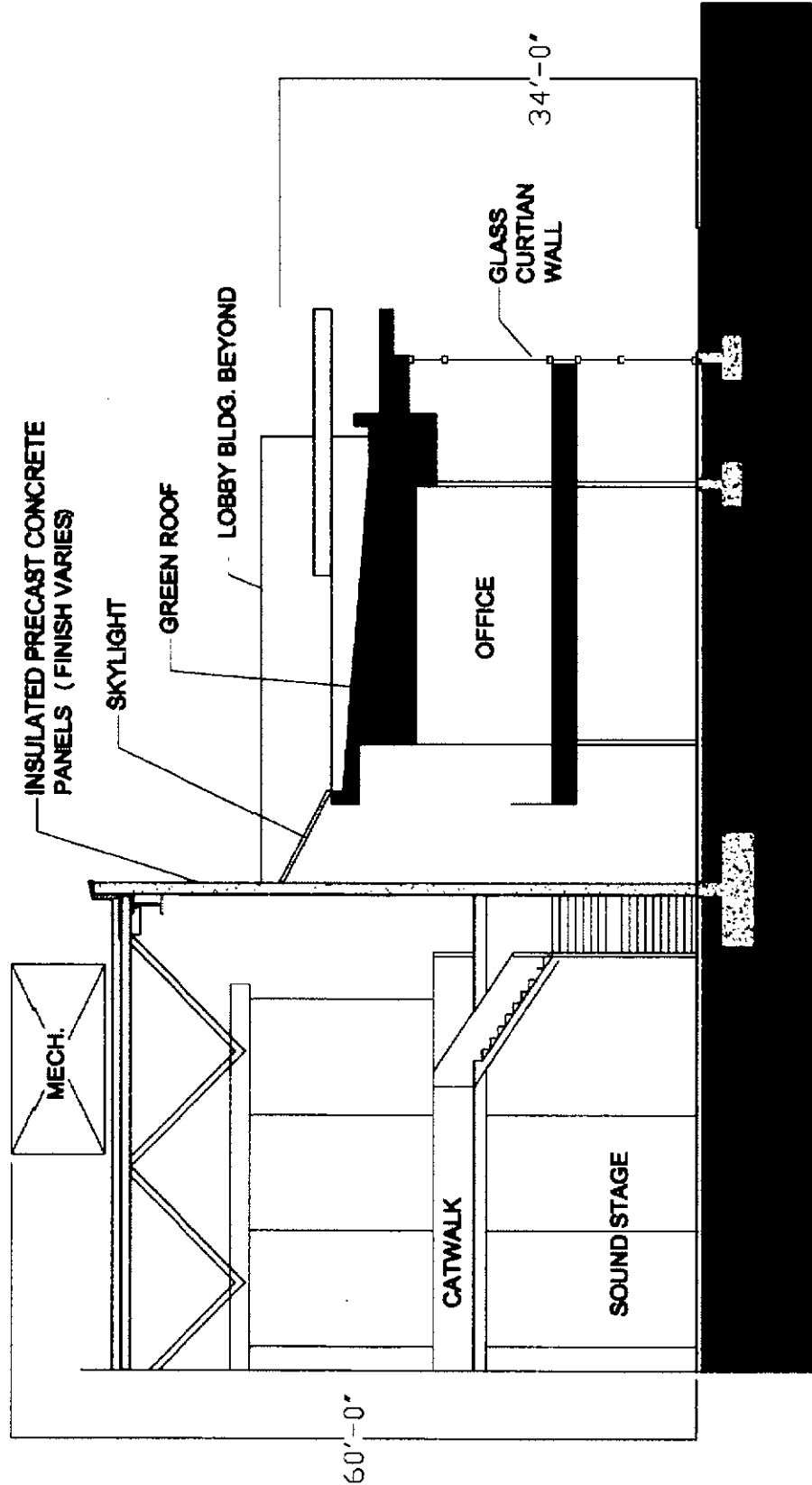
PROPOSED PROJECT

VIEW LOOKING NORTH ON SR 248

Raleigh Studios – Building 7 Wall Section



Raleigh Studios – Building 7 Wall Section



Raleigh Studios – Existing Building Overlay



Existing Buildings

- ① Hospital with Surrounding Parking

Raleigh Studios – Existing Building Overlay



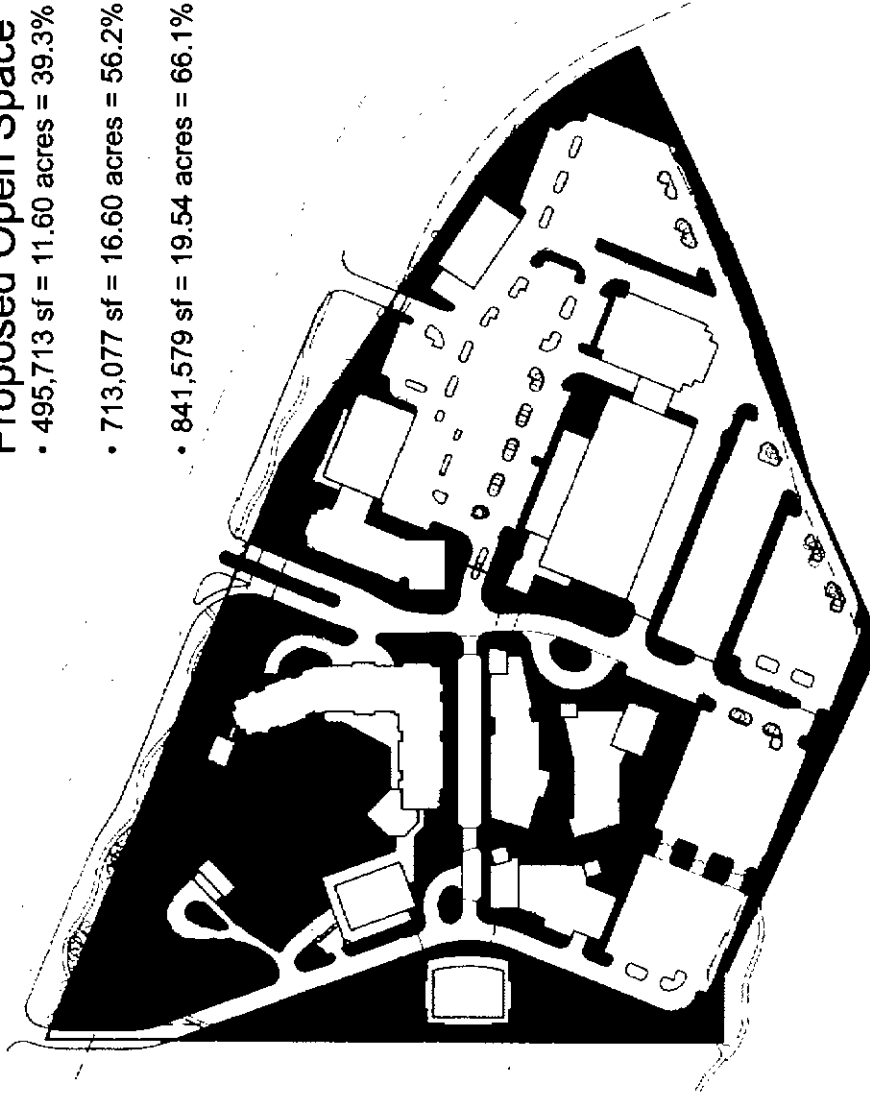
Existing Buildings

- ① Hospital
- ② Ice Rink
- ③ Hotel Park City
- ④ Summit County Health
- ⑤ USSSA

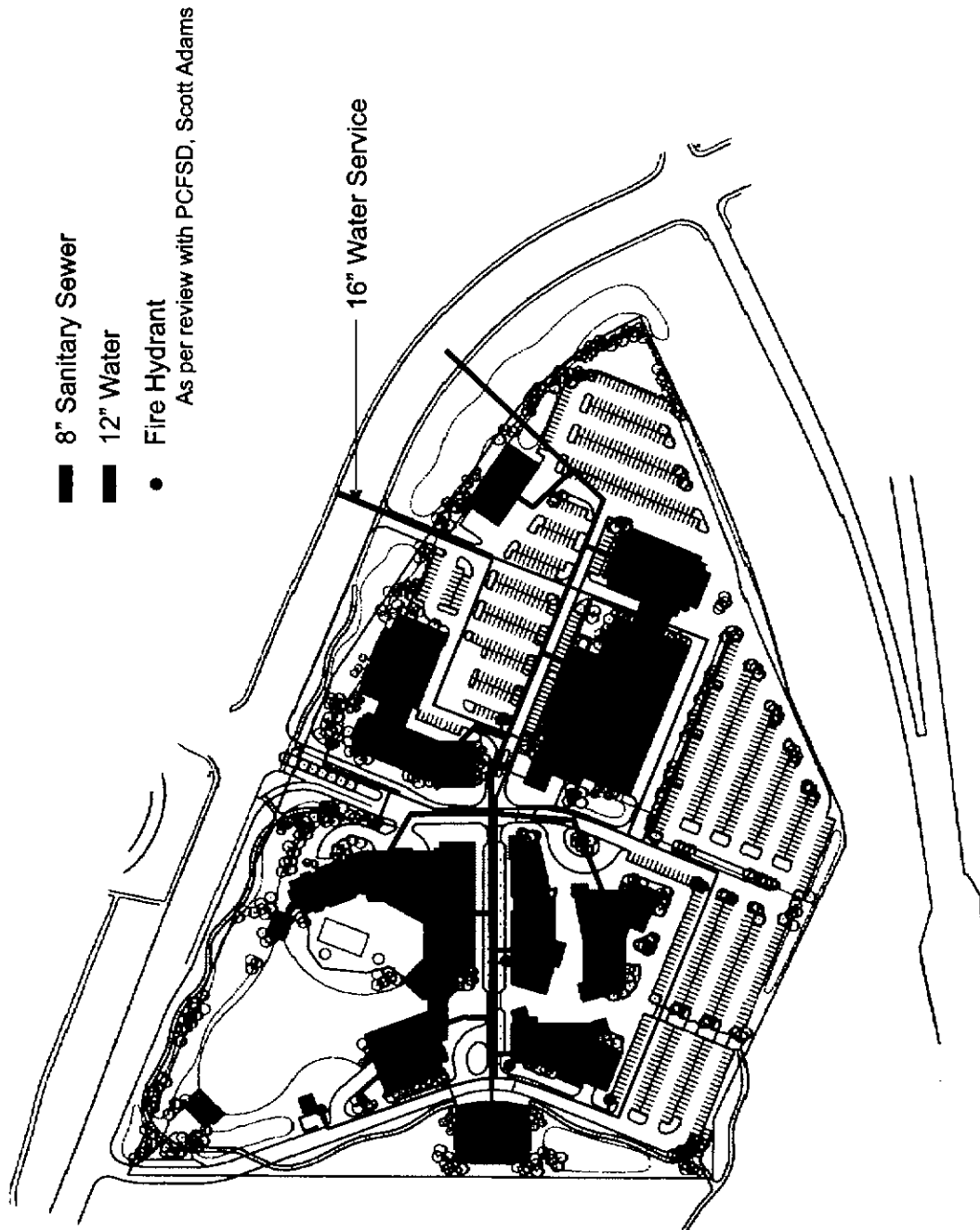
Raleigh Studios – Open Space

Proposed Open Space

- 495,713 sf = 11.60 acres = 39.3% (On-Site)
- 713,077 sf = 16.60 acres = 56.2% (Top of Cut Slope)
- 841,579 sf = 19.54 acres = 66.1% (Edge of Pavement)



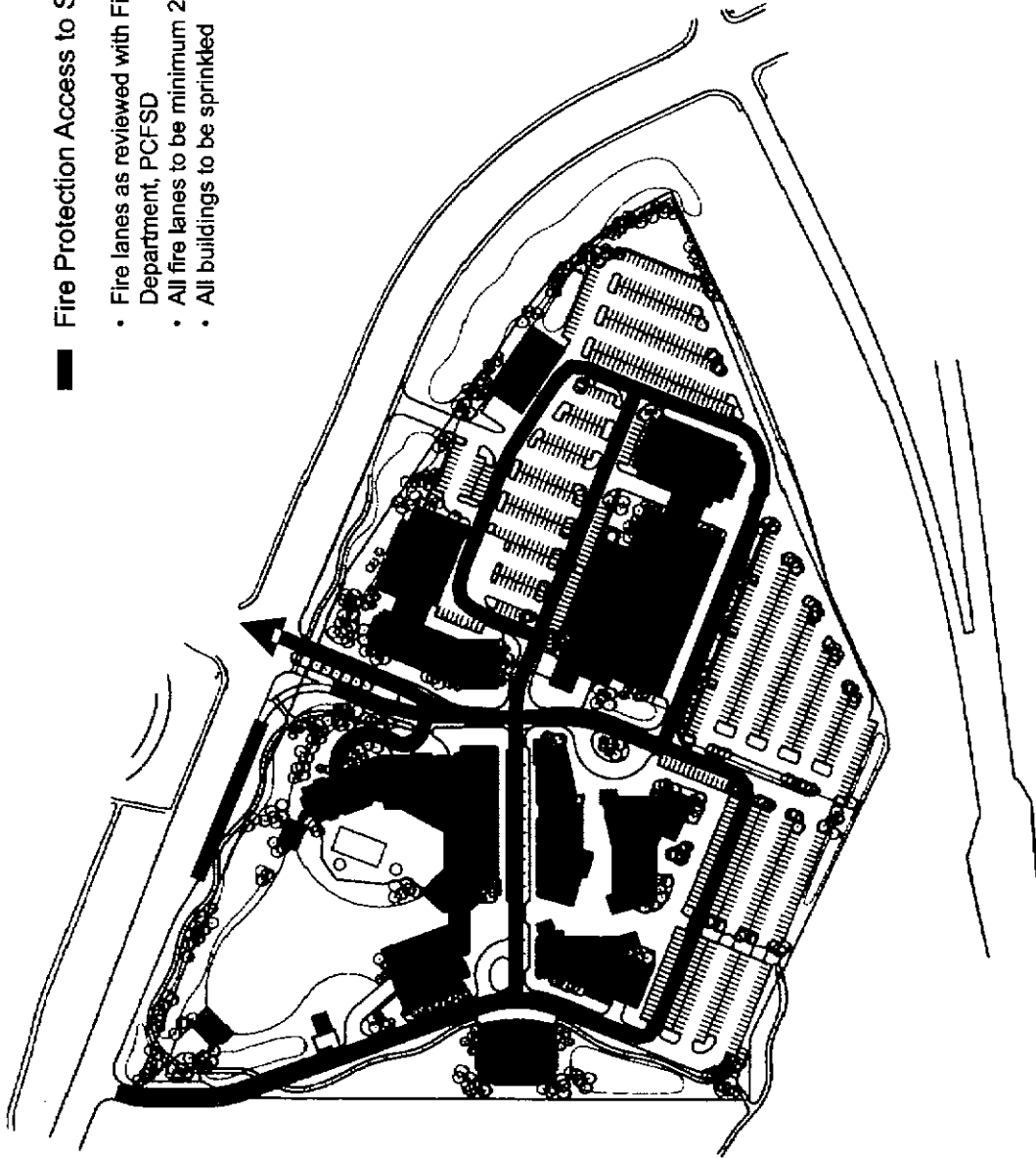
Raleigh Studios – Water/Sewer



Raleigh Studios – Fire Access Routing Plan

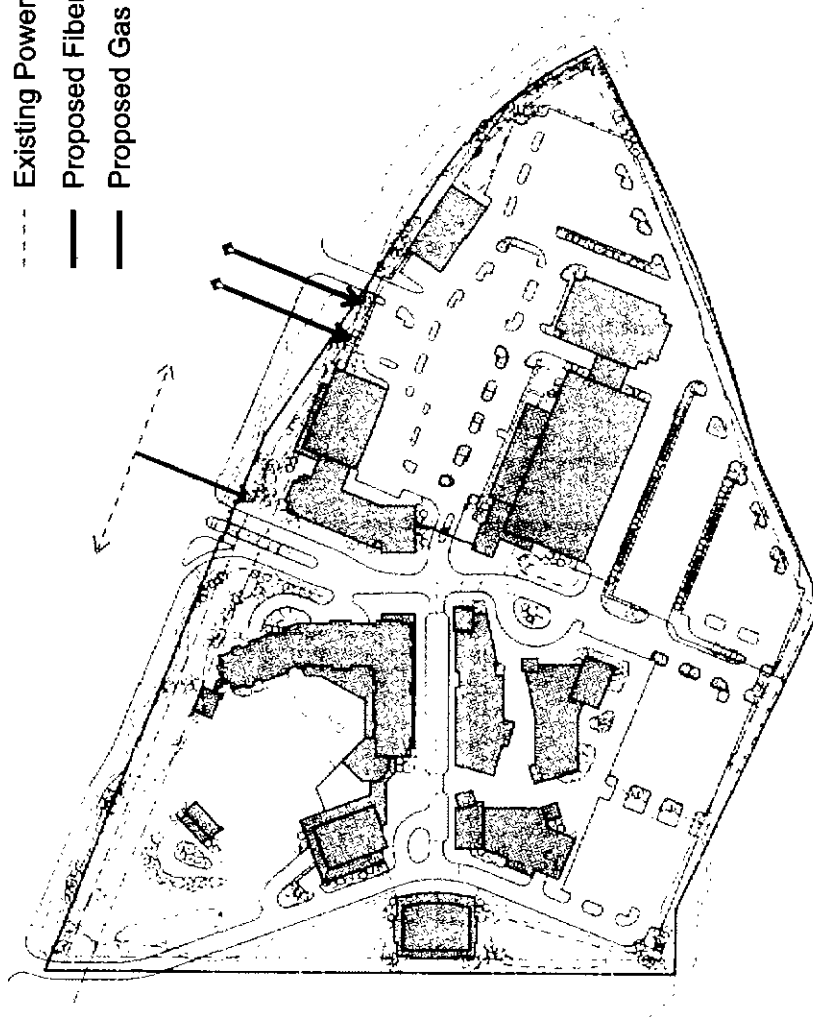
■ Fire Protection Access to Structures

- Fire lanes as reviewed with Fire Department, PCFSD
- All fire lanes to be minimum 20' wide
- All buildings to be sprinkled

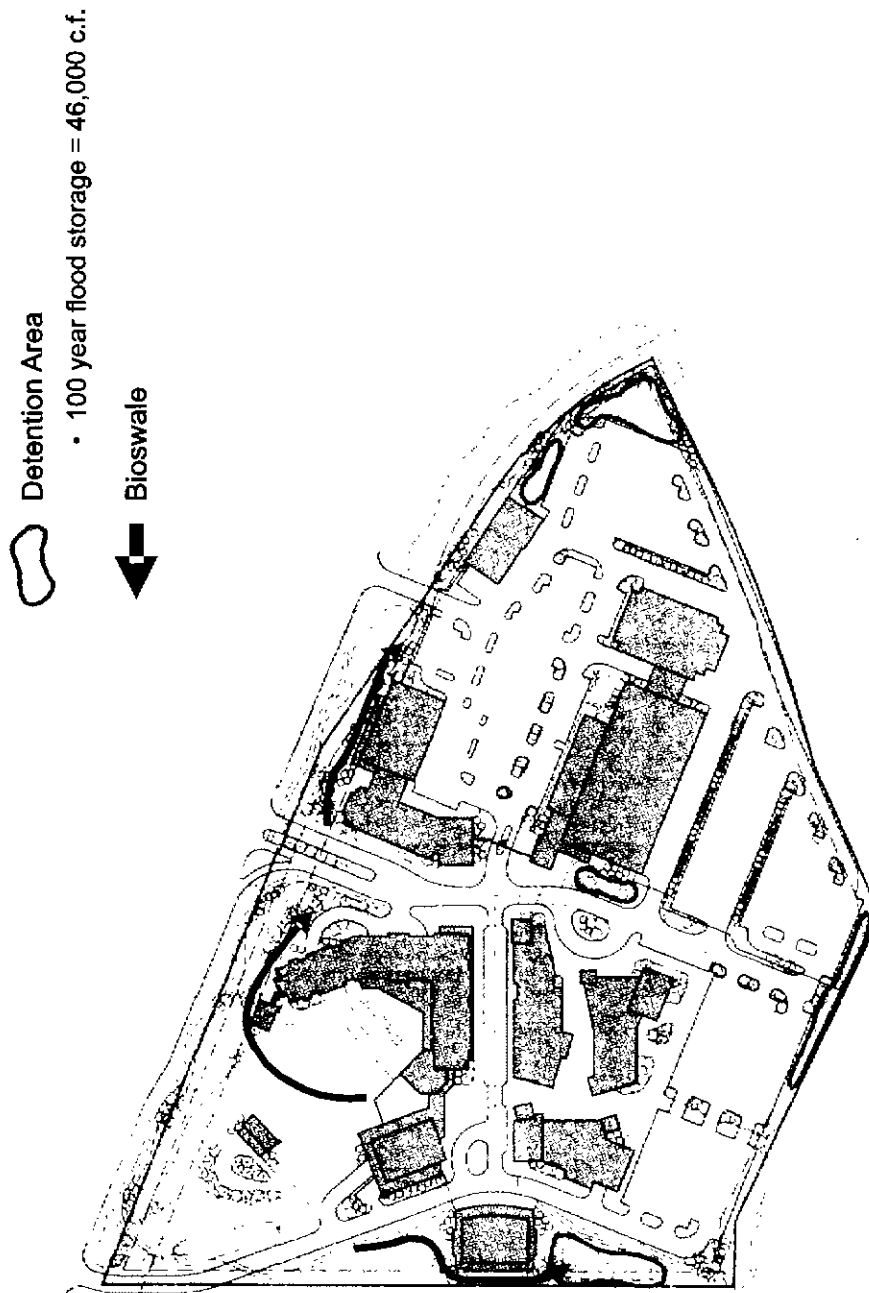


Raleigh Studios – Dry Utilities

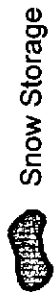
- Proposed Power
- Existing Power
- Proposed Fiber Optic
- Proposed Gas



Raleigh Studios – Detention/Bioswales/Drainage

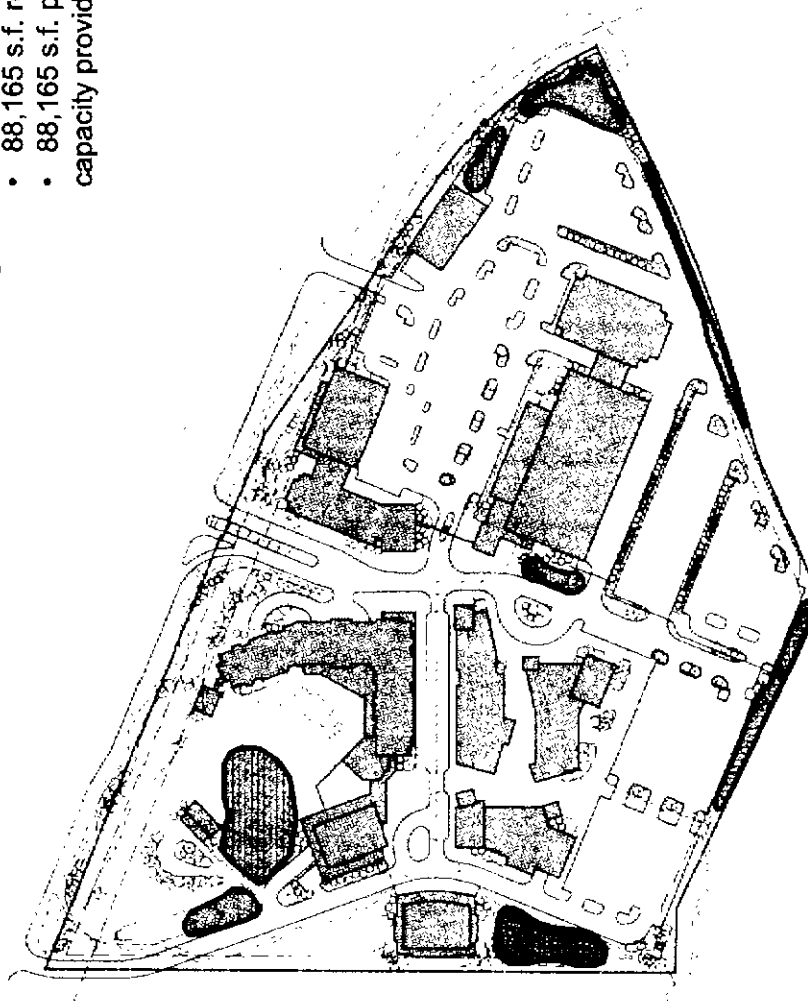


Raleigh Studios – Snow Storage Plan



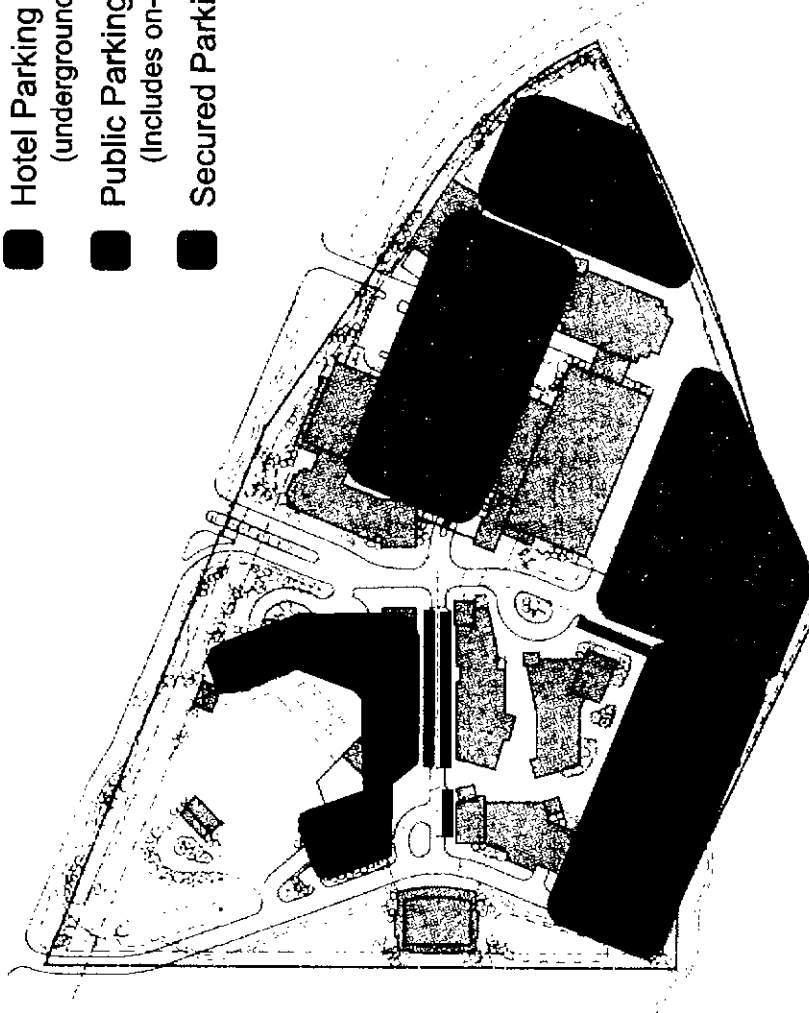
Snow Storage

- 88,165 s.f. required per ordinance
- 88,165 s.f. provided with additional capacity provided in detention ponds



Raleigh Studios – Parking Plan w/Counts

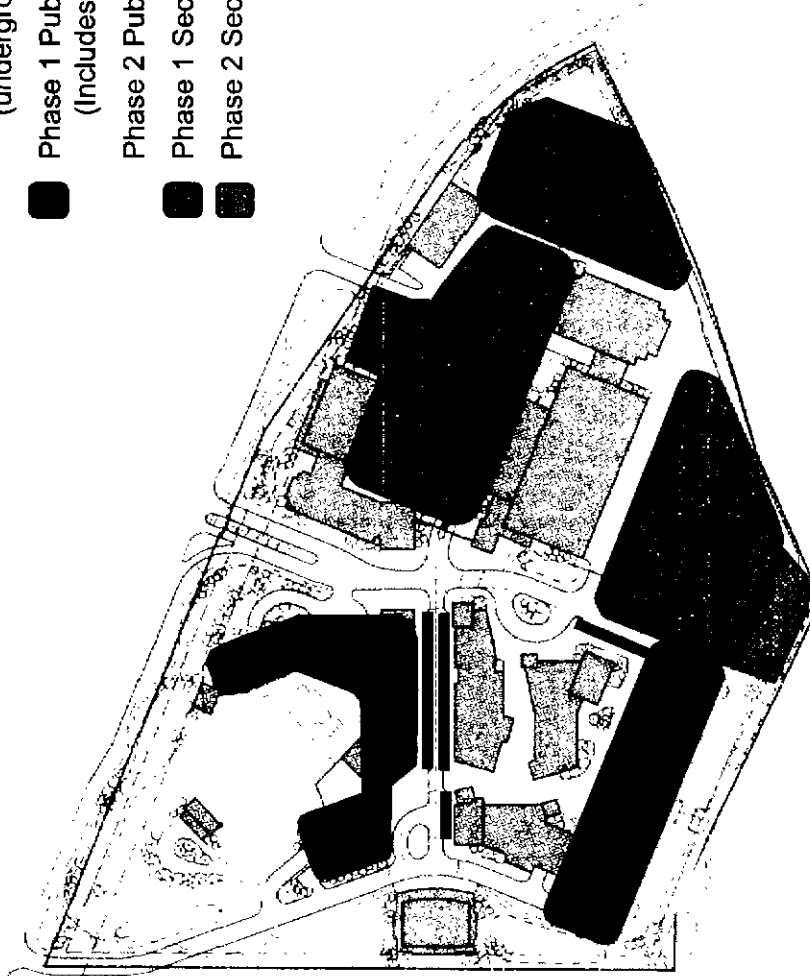
- Hotel Parking – 150 stalls
(underground)
 - Public Parking – 287 stalls
(Includes on-street parking)
 - Secured Parking – 606 previous stalls
 - 109 for staging
 - 48 for additional landscaping
 - = 449 stalls
- 886 total stalls



Parking and Staging Areas
362,750 s.f. = 8.33 Acres

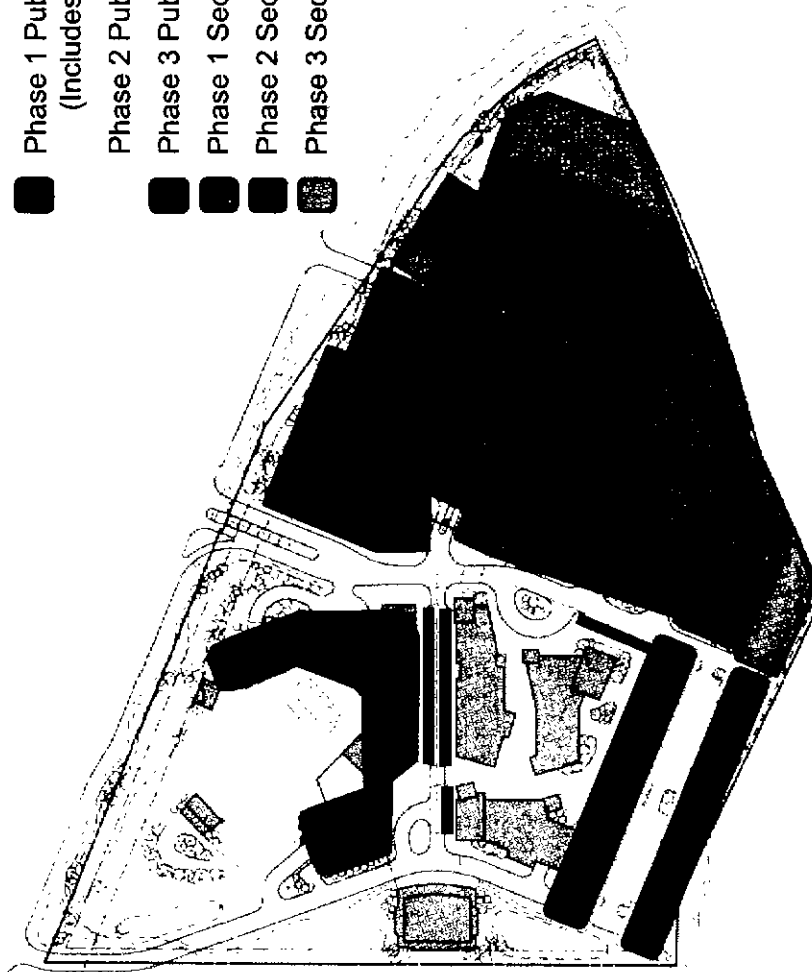
Raleigh Studios – Parking Phasing

- Hotel Parking – 150 stalls
(underground)
- Phase 1 Public Parking – 207 stalls
(Includes on-street parking)
- Phase 2 Public Parking – 80 stalls
- Phase 1 Secured Parking – 340 stalls
- Phase 2 Secured Parking – 109 stalls

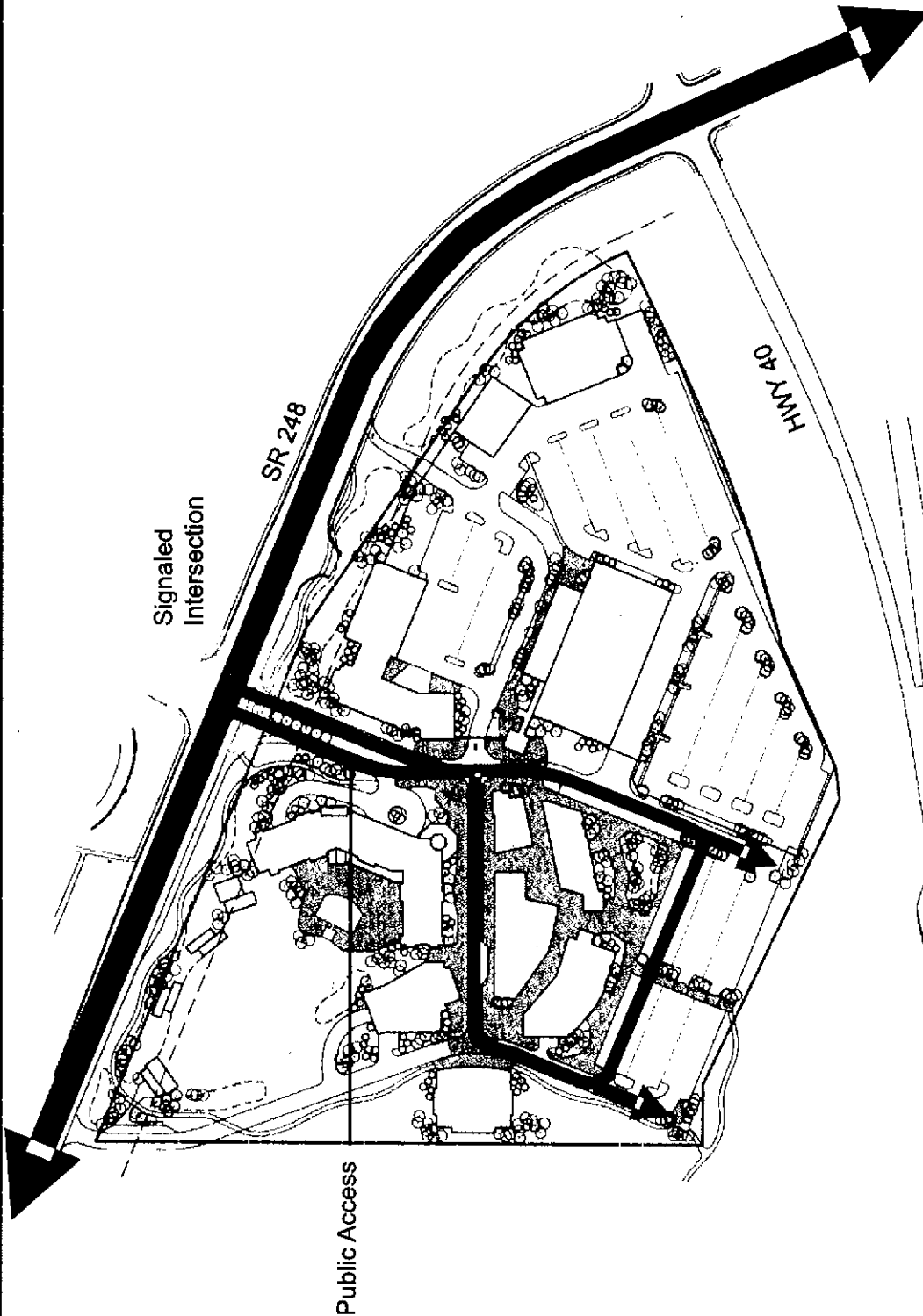


Raleigh Studios – Parking Phasing

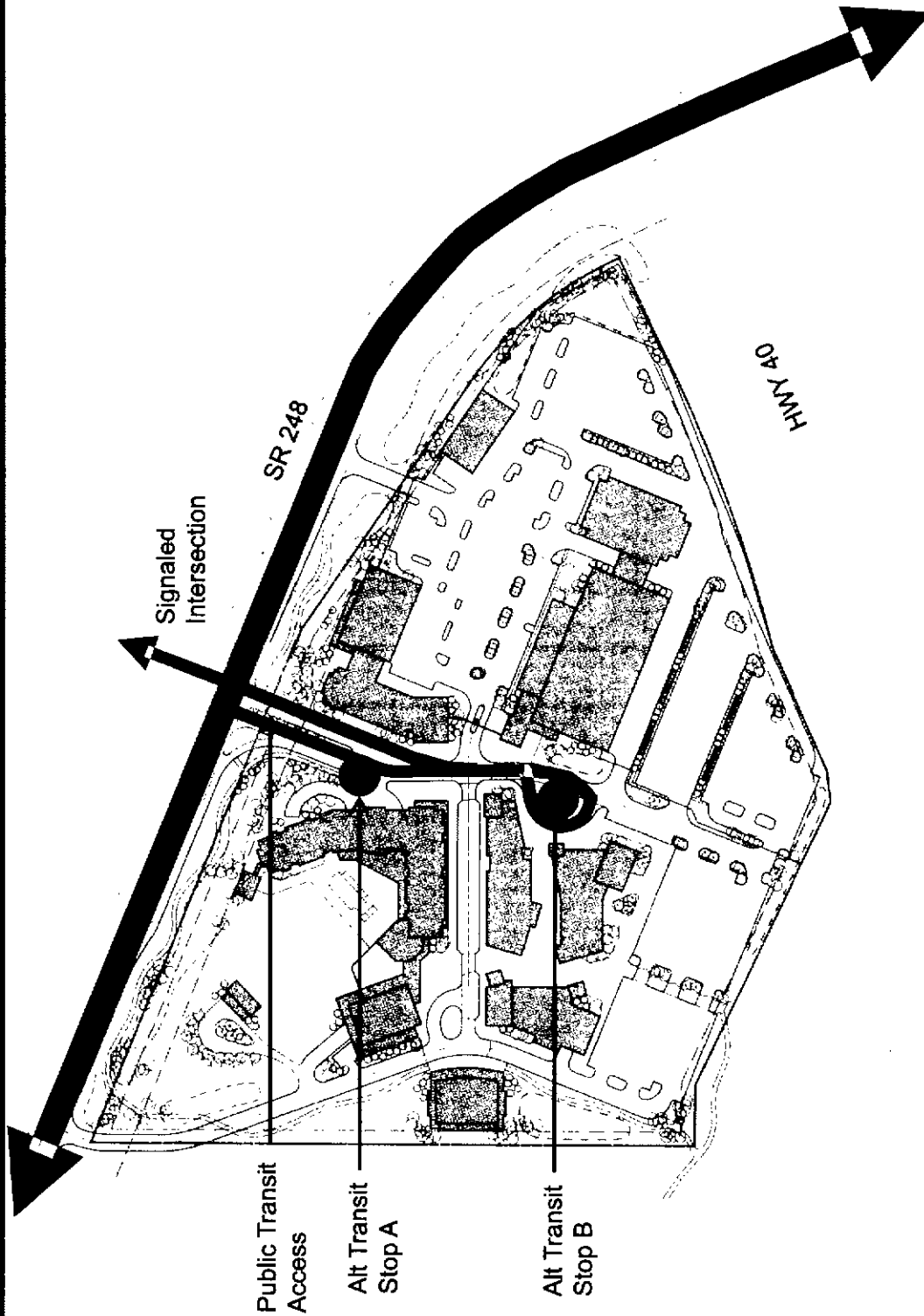
- Hotel Parking (underground)
- Phase 1 Public Parking
(Includes on-street parking)
- Phase 2 Public Parking
- Phase 3 Public Parking
- Phase 1 Secured Parking
- Phase 2 Secured Parking
- Phase 3 Secured Parking



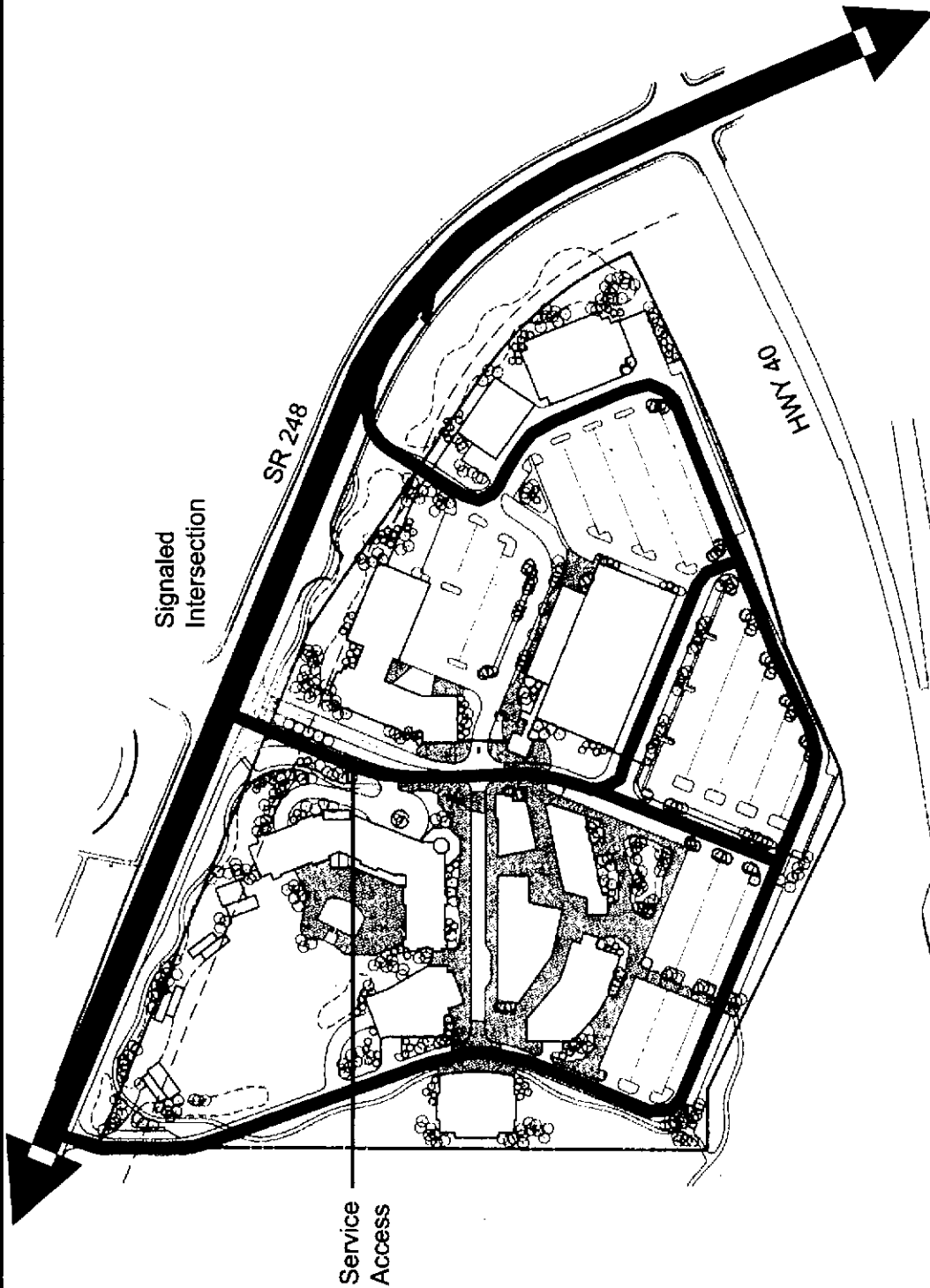
Raleigh Studios – Access/Circulation (Public Access)



Raleigh Studios – Public Transit Plan



Raleigh Studios – Access/Circulation (Service)

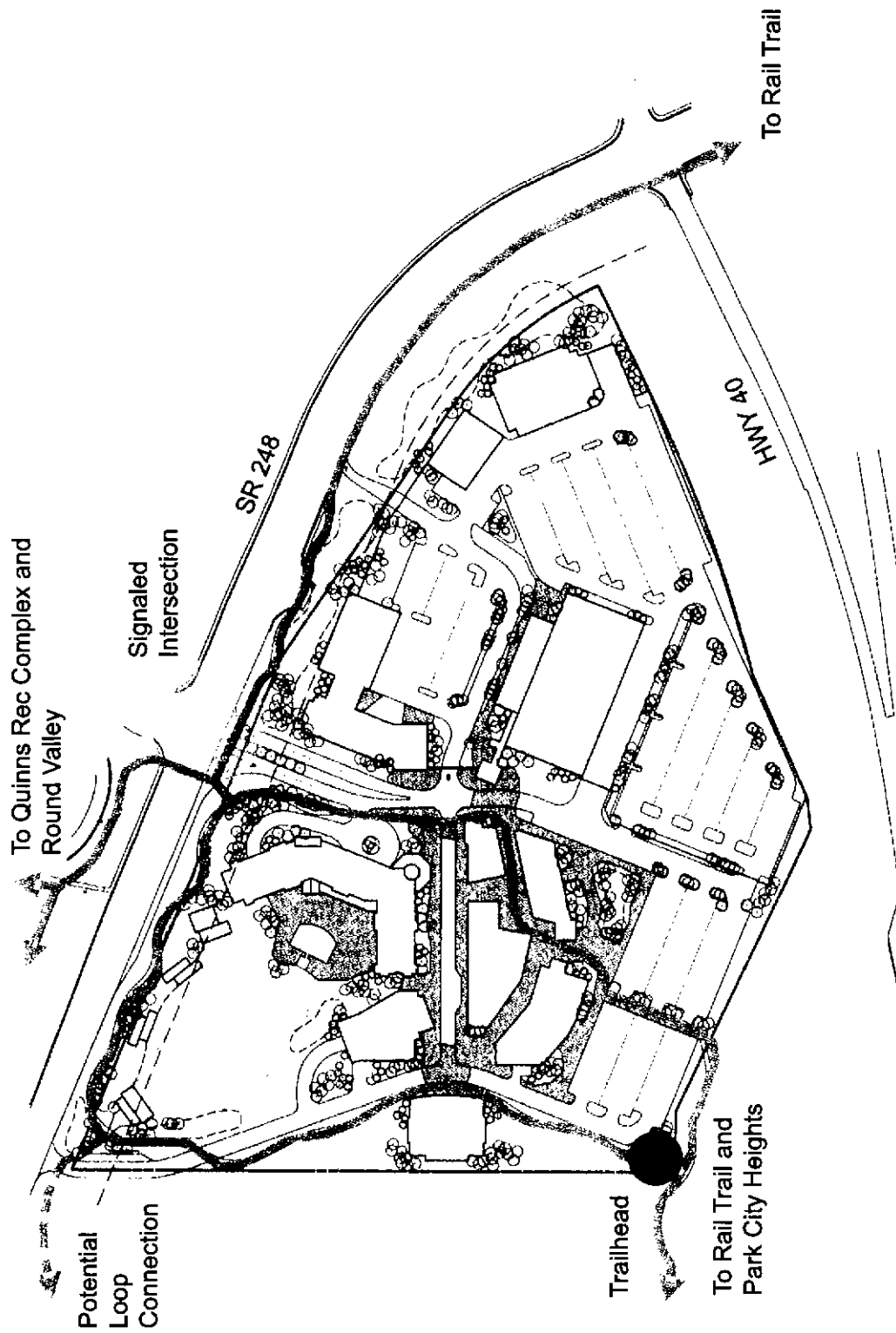


Conceptual Site Plan
March 14, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Access/Circulation (Trails)

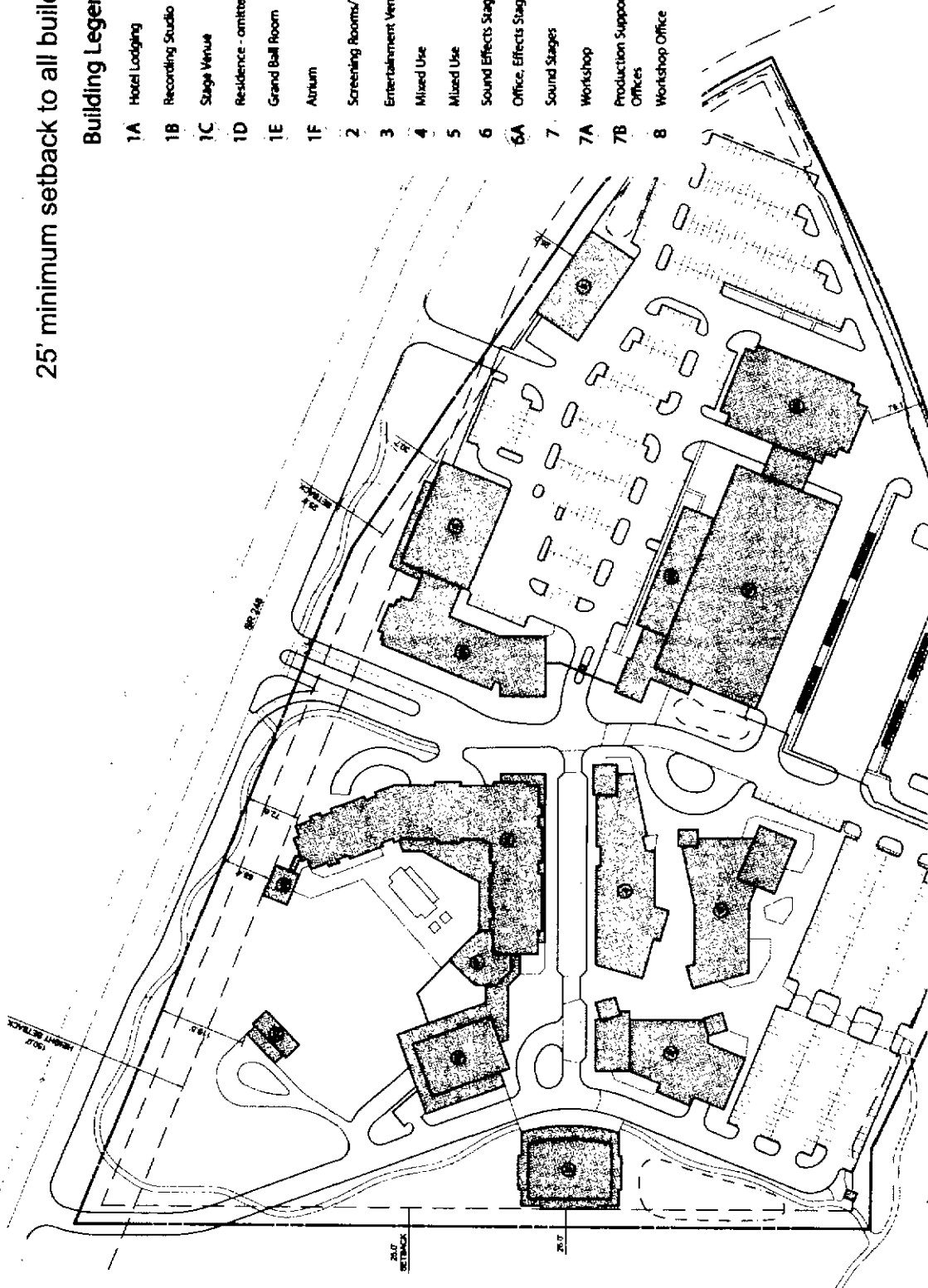


Raleigh Studios – Setback Distances

25' minimum setback to all buildings

Building Legend

- 1A Hotel Lodging
- 1B Recording Studio
- 1C Stage Venue
- 1D Residence - omitted
- 1E Grand Ball Room
- 1F Atrium
- 2 Screening Rooms/Theater
- 3 Entertainment Venue
- 4 Mixed Use
- 5 Mixed Use
- 6 Sound Effects Stage
- 6A Office, Effects Stage
- 7 Sound Stages
- 7A Workshop
- 7B Production Support/Offices
- 8 Workshop Office

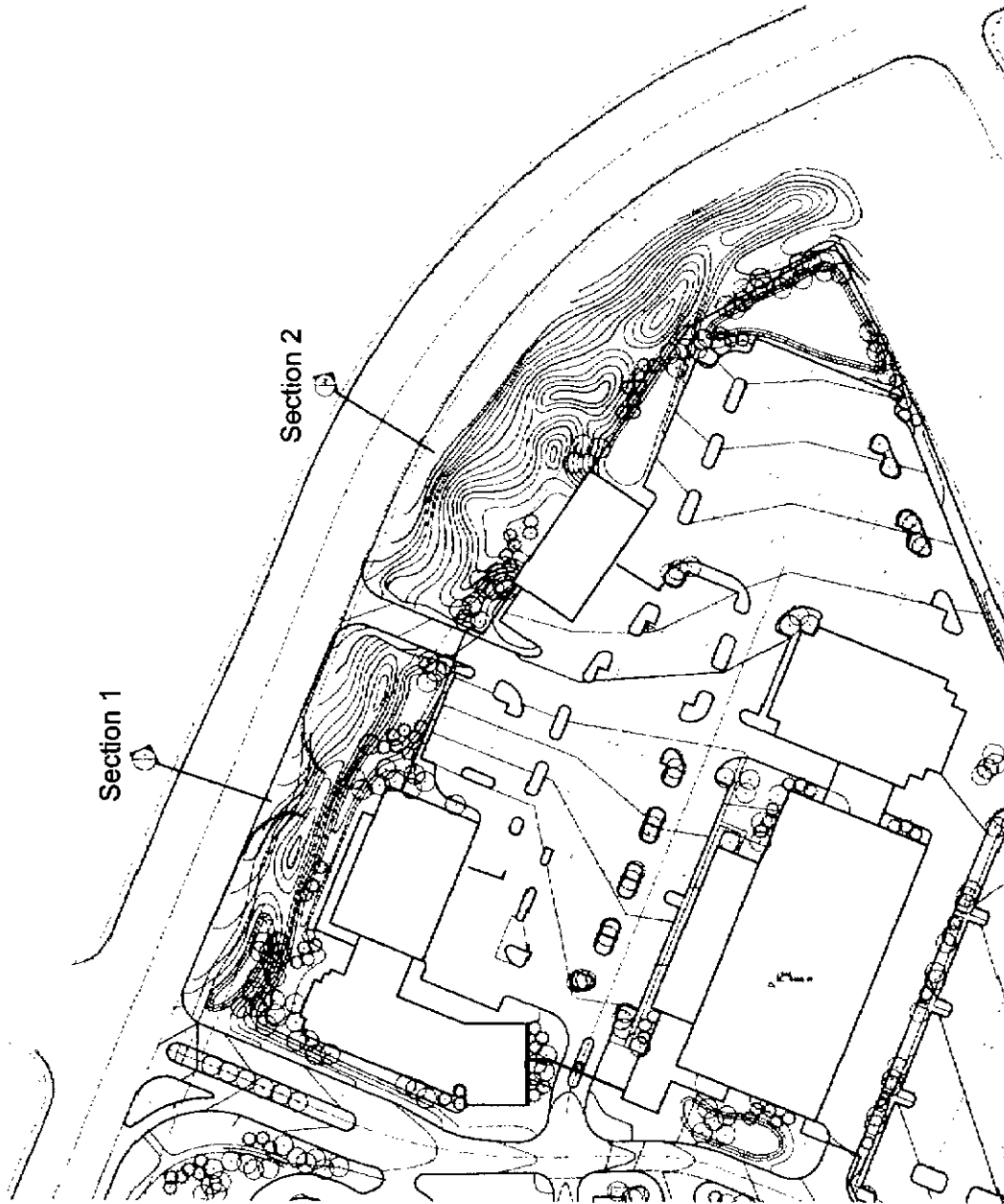


IBI
GROUP

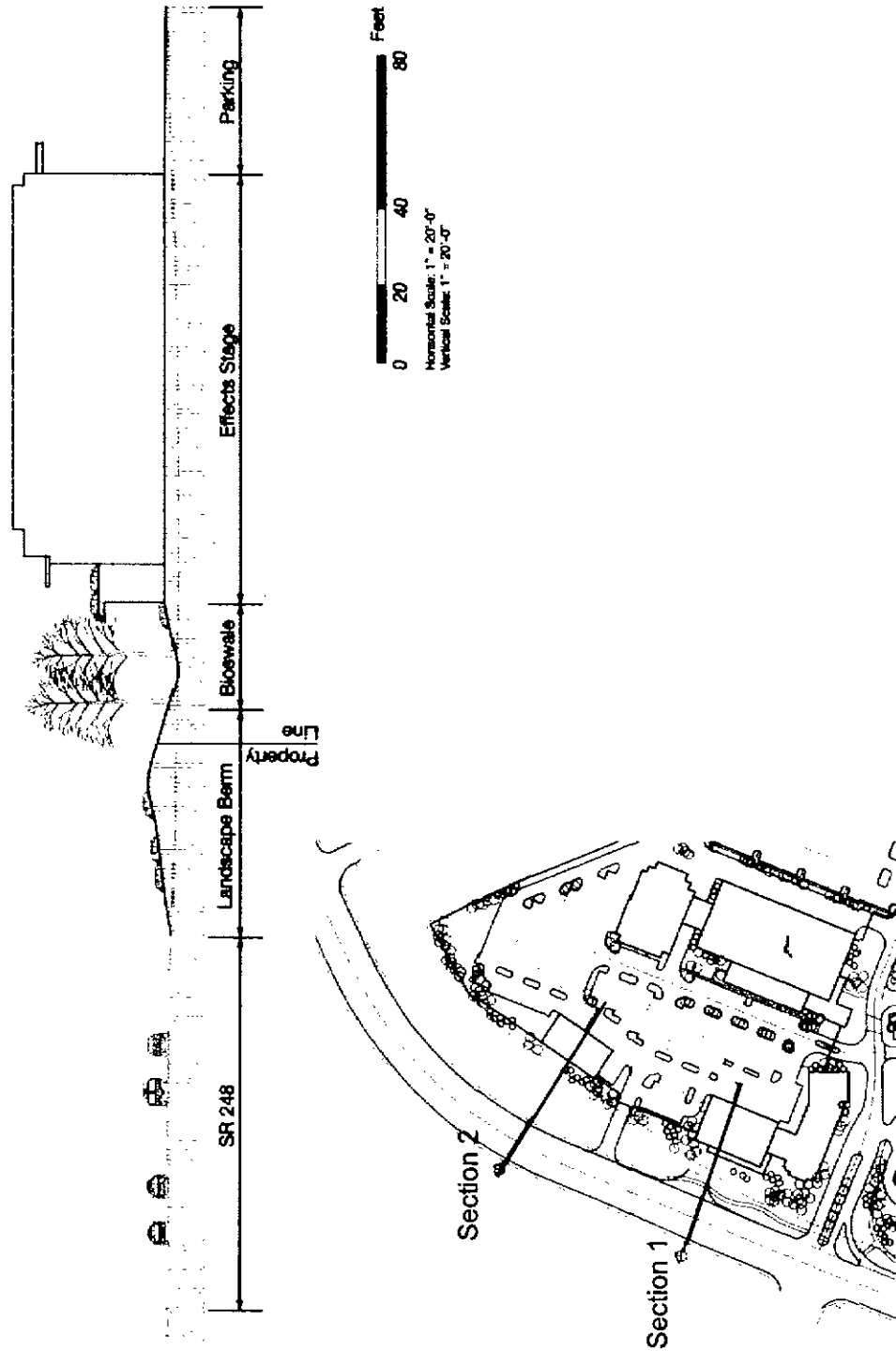
Raleigh Studios
Park City, UT

Conceptual Site Plan
April 11, 2012

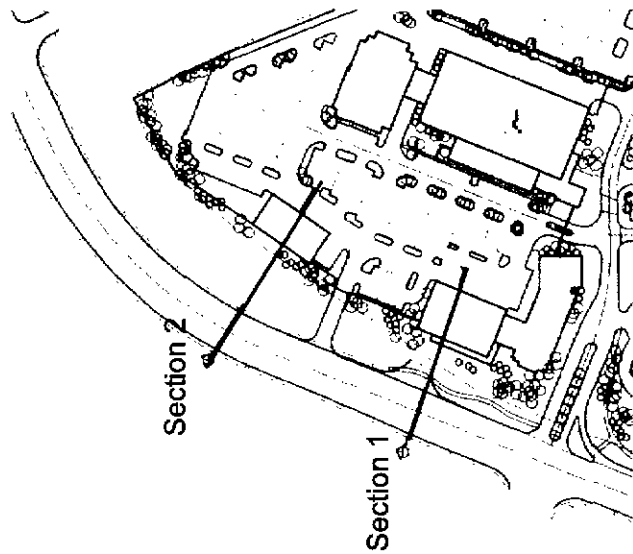
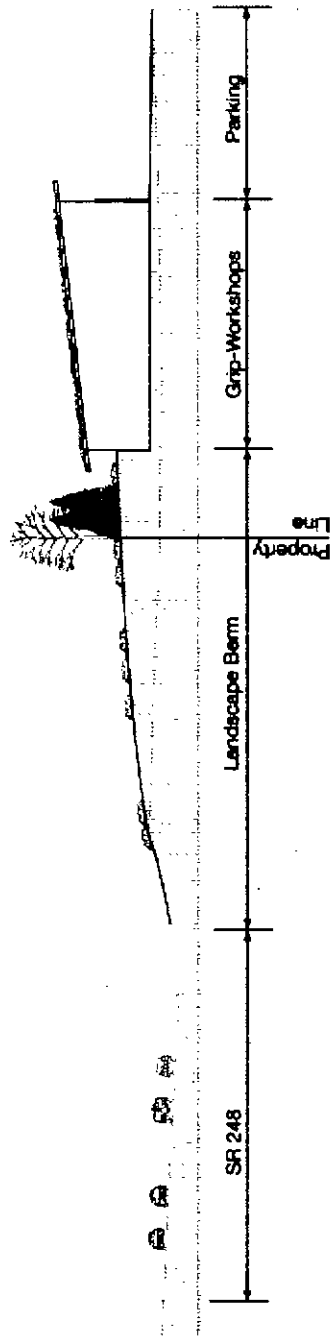
Raleigh Studios – Conceptual Berm Grading



Raleigh Studios – Section 1



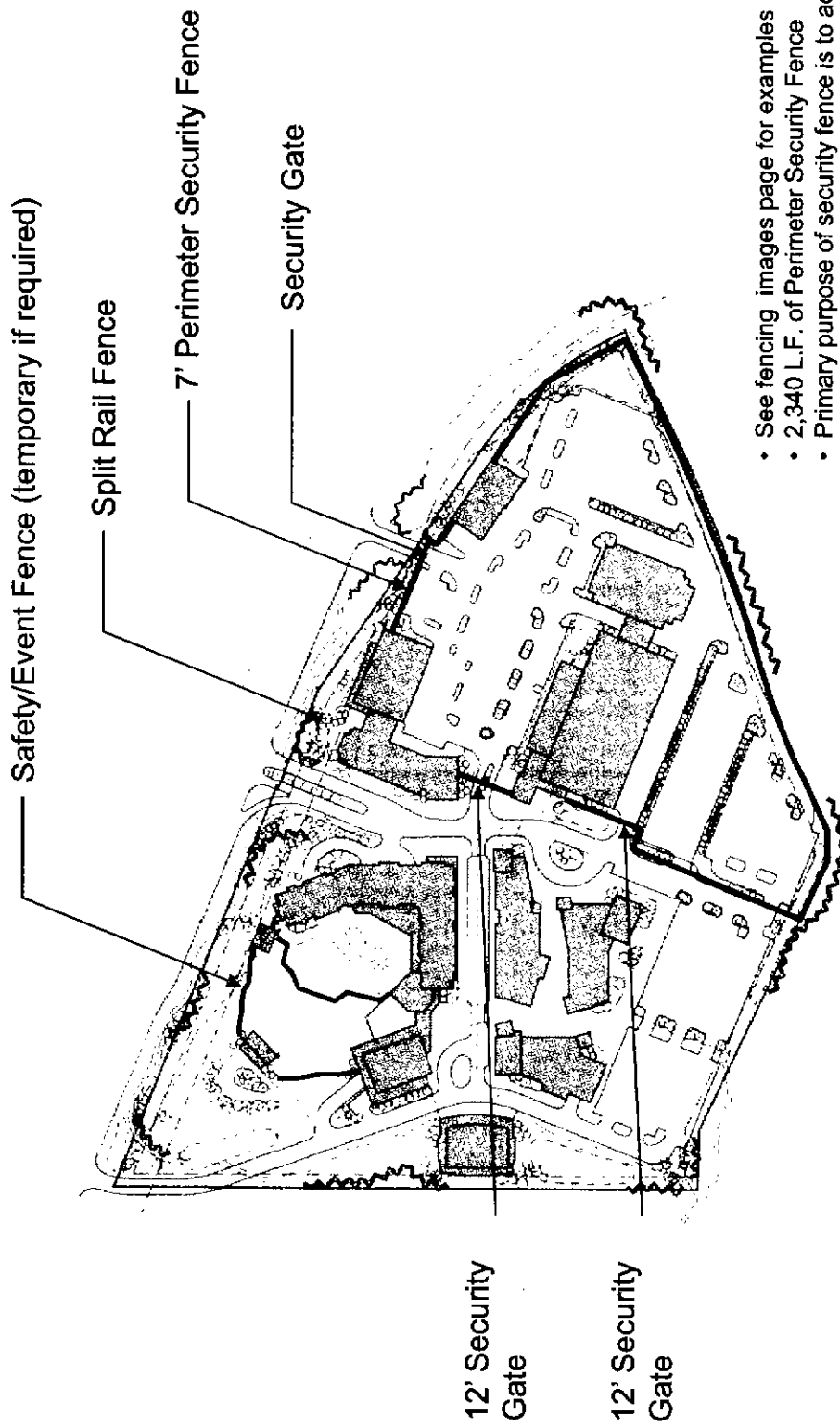
Raleigh Studios – Section 2



Raleigh Studios
 Park City, UT

Conceptual Site Plan
 March 28, 2012

Raleigh Studios – Fencing Plan

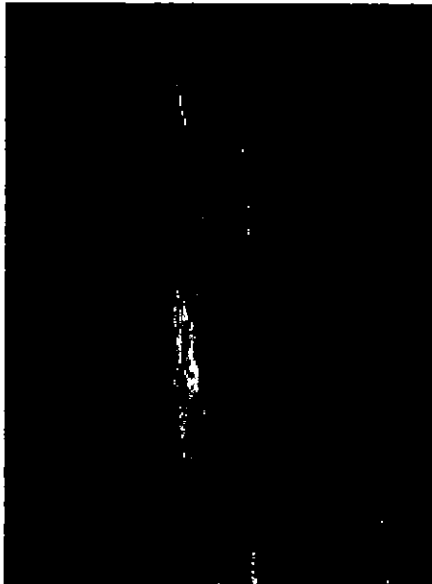


- See fencing images page for examples
- 2,340 L.F. of Perimeter Security Fence
- Primary purpose of security fence is to act as a physical barrier. If in the future it becomes necessary to prevent unauthorized filming or photography, a visual barrier may be added to the fence.

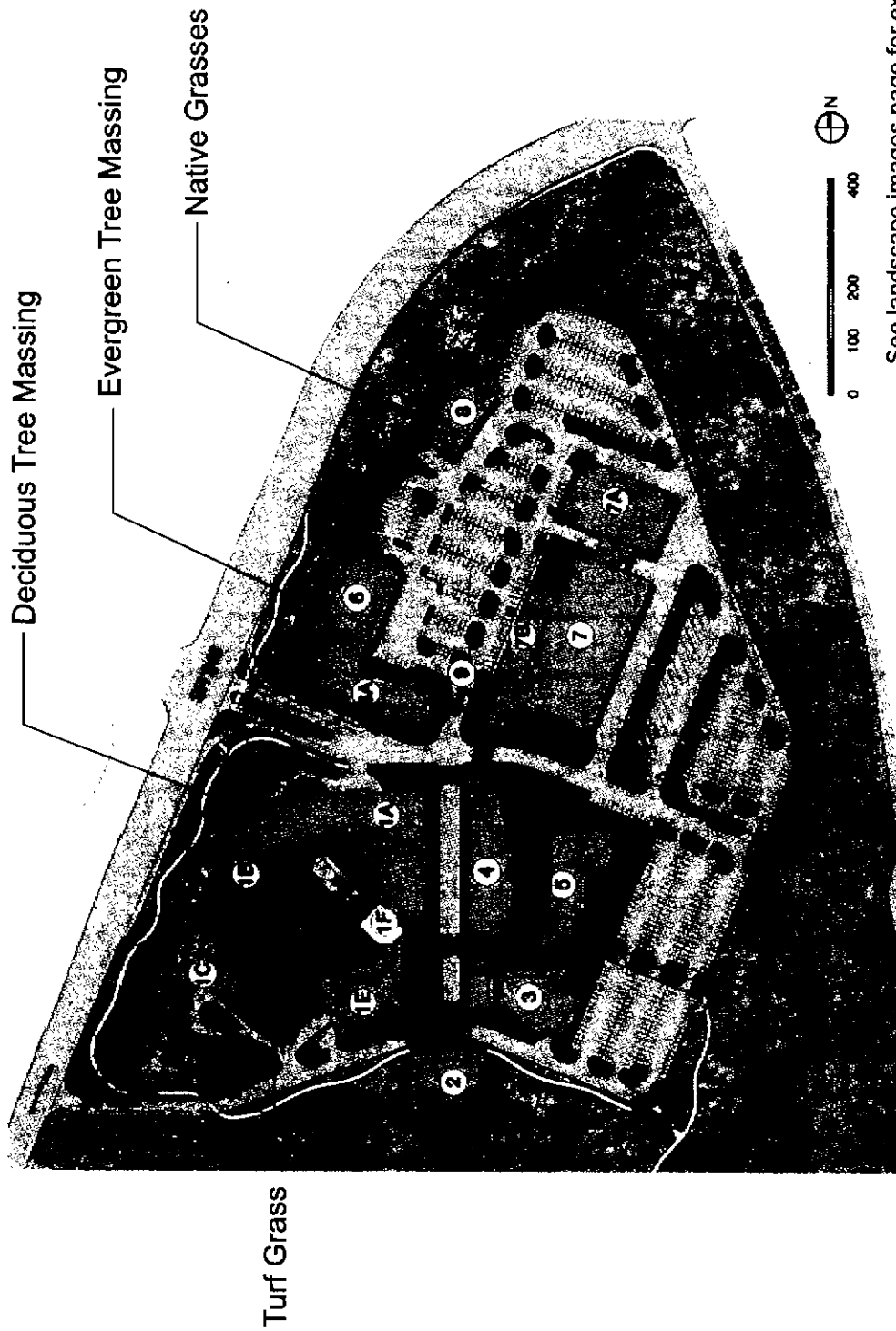
Conceptual Site Plan
May 17, 2012

Raleigh Studios
Park City, UT

Raleigh Studios – Fencing Images

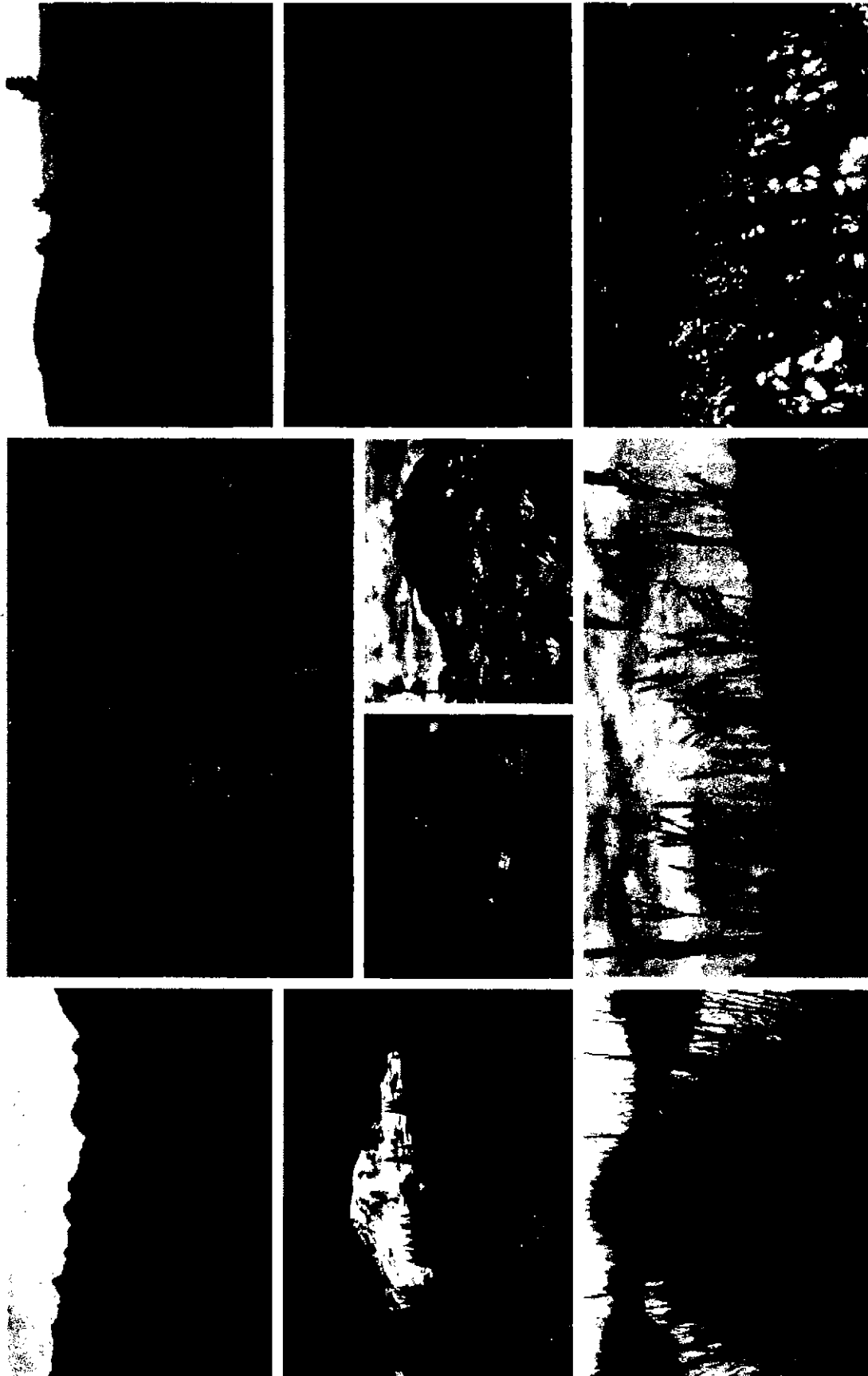


Raleigh Studios – Landscape Plan

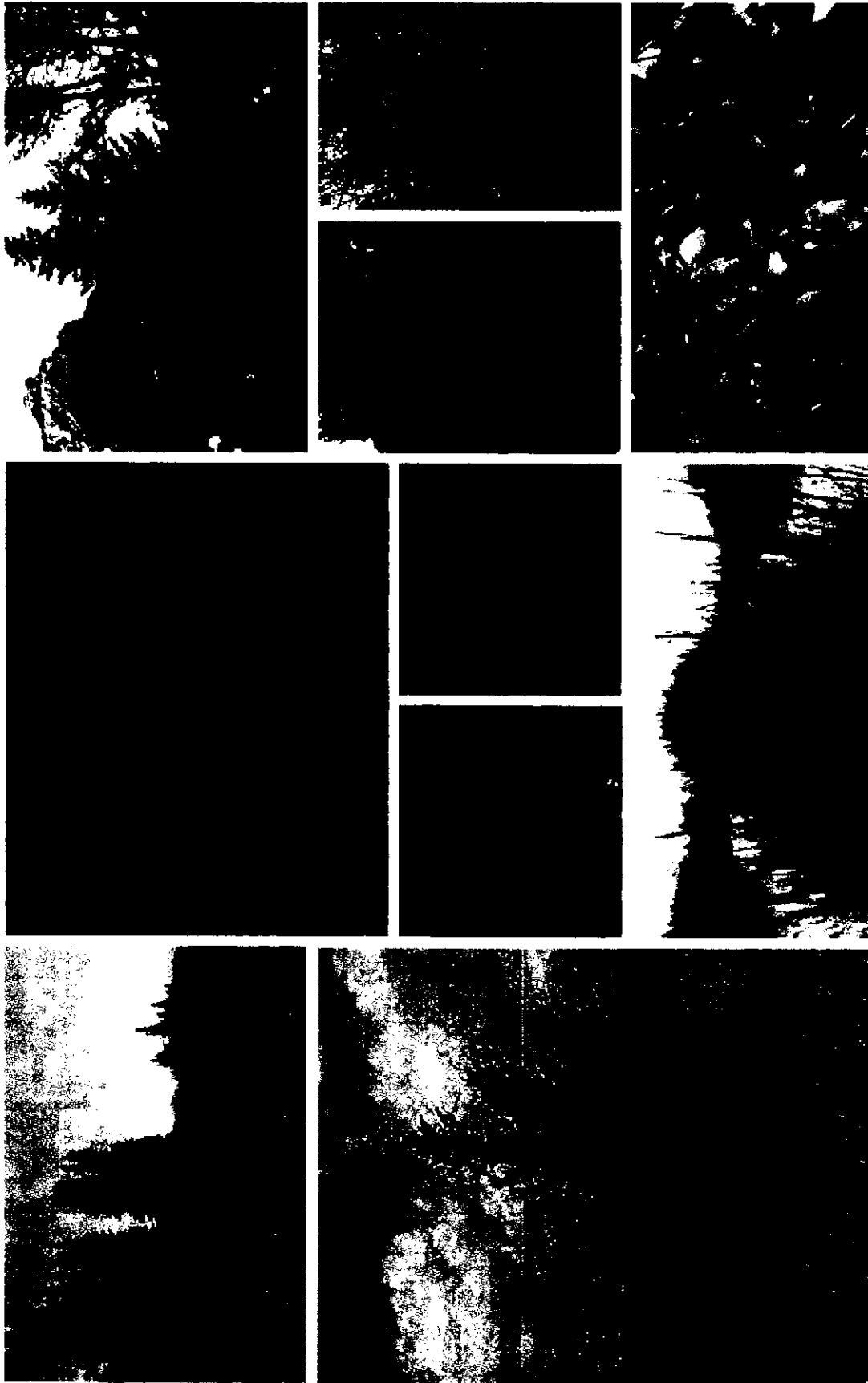


See landscape images page for examples

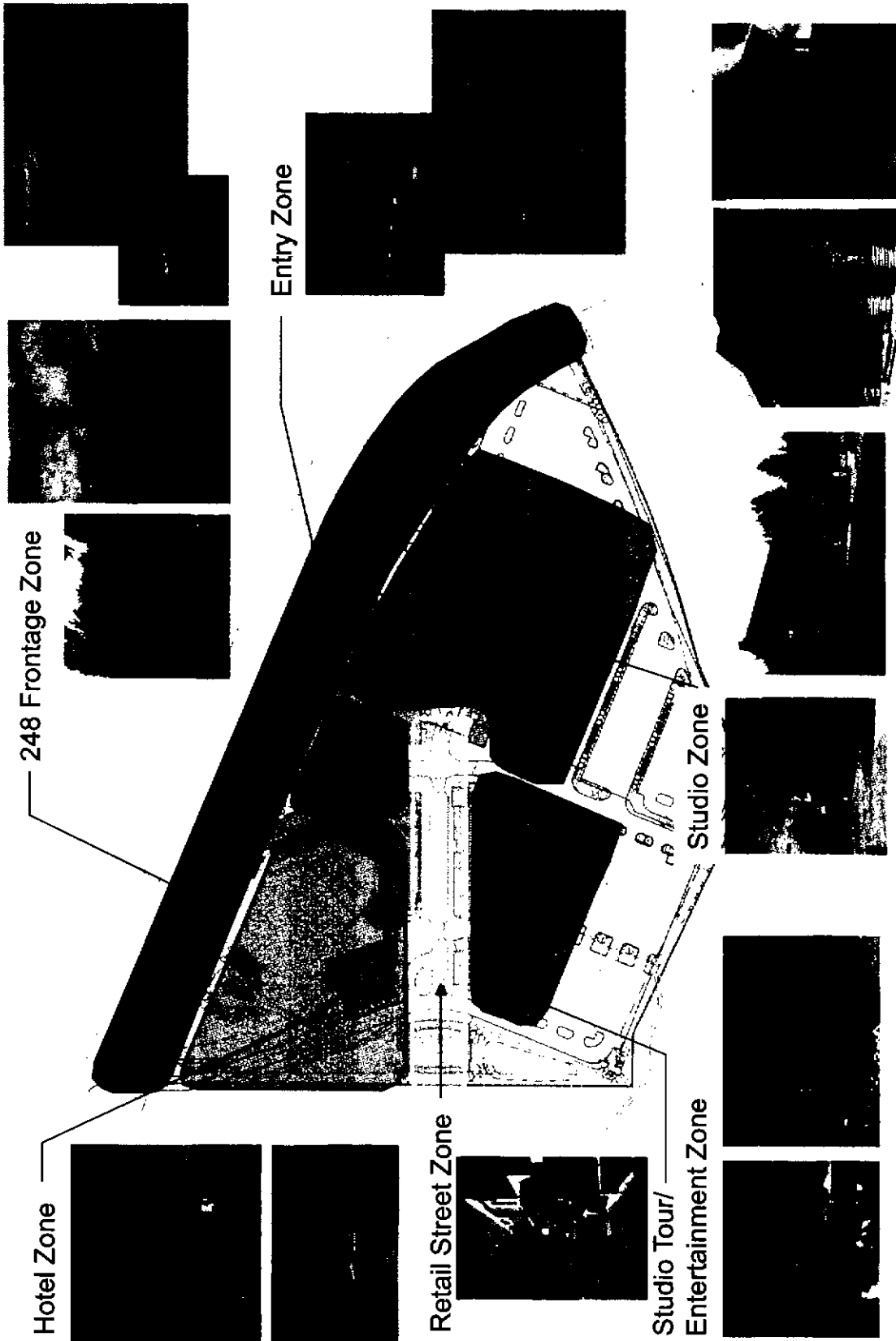
Raleigh Studios – Landscape Images



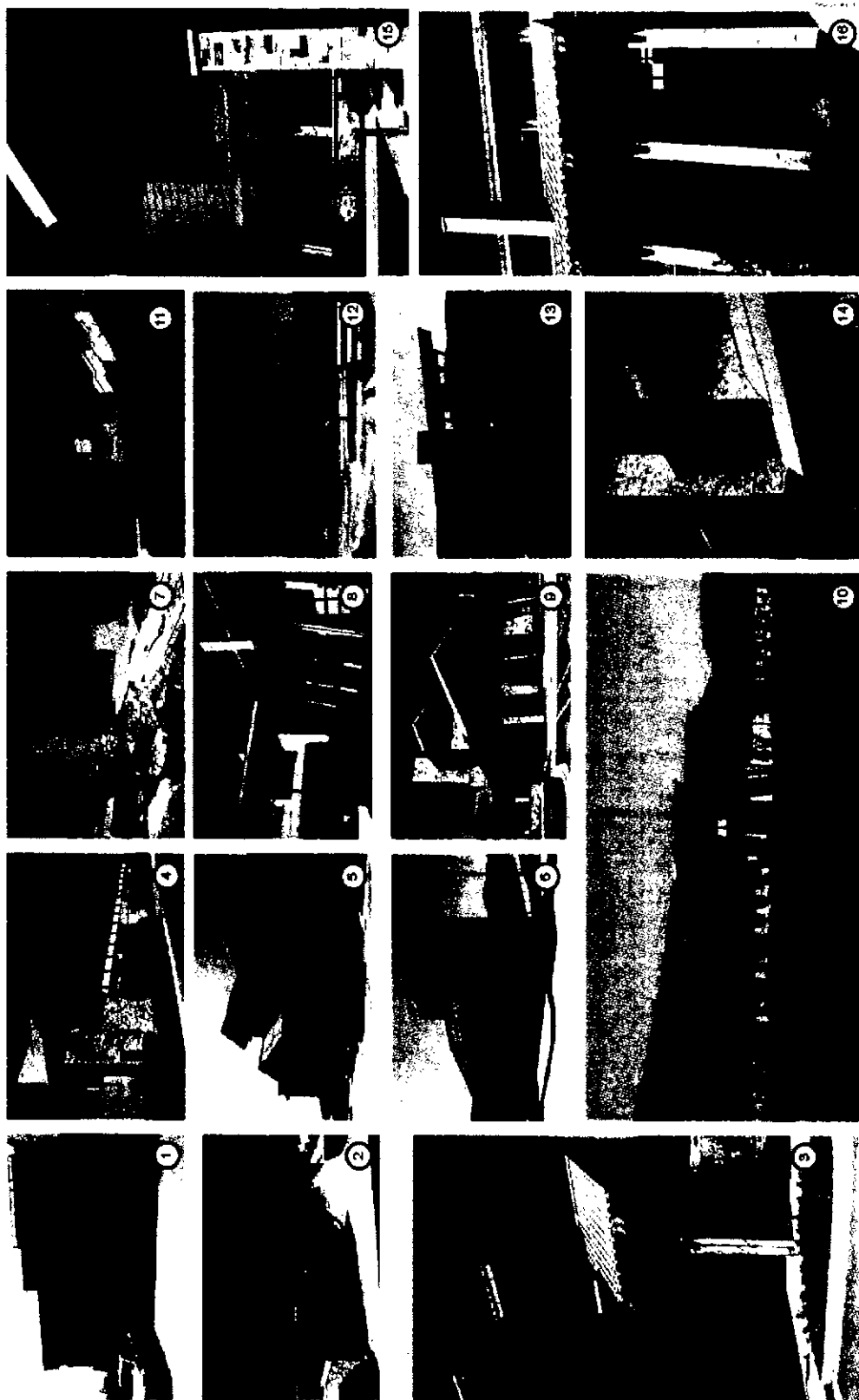
Raleigh Studios – Landscape Images



Raleigh Studios – Architectural Zones



Raleigh Studios – Precedent Image Boards



RALEIGH STUDIOS
March 2012

SURROUNDING AREA BUILDINGS / ARCHITECTURE
PRECEDENT IMAGES

Raleigh Studios
Park City, UT

Conceptual Site Plan
7th April 11, 2012

Raleigh Studios – Precedent Image Boards



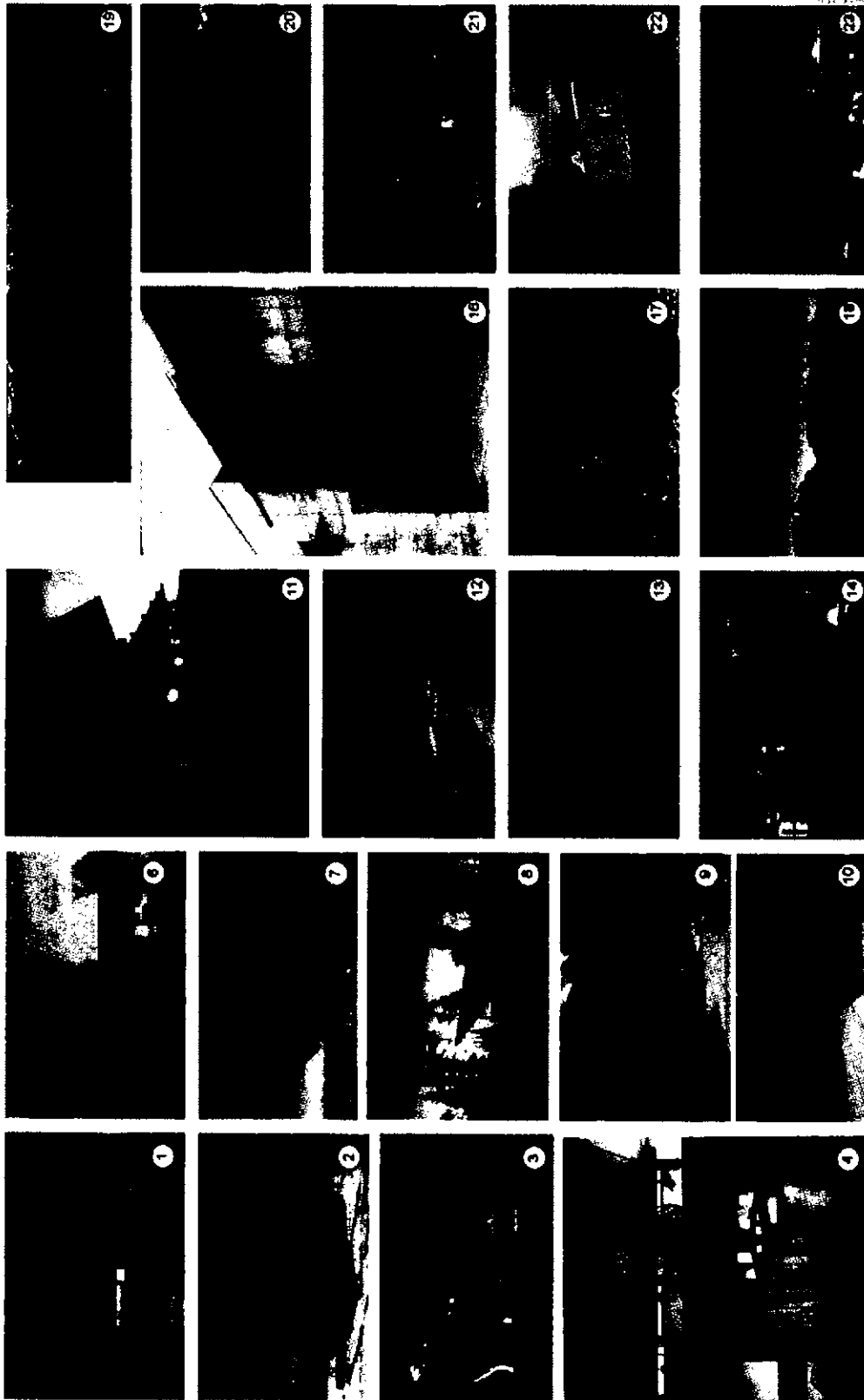
ENTRY / ARCHWAY CONCEPTS
PRECEDENT IMAGES
RALEIGH STUDIOS
March, 2012

Conceptual Site Plan
April 11, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Precedent Image Boards



RALEIGH STUDIOS
March 2012

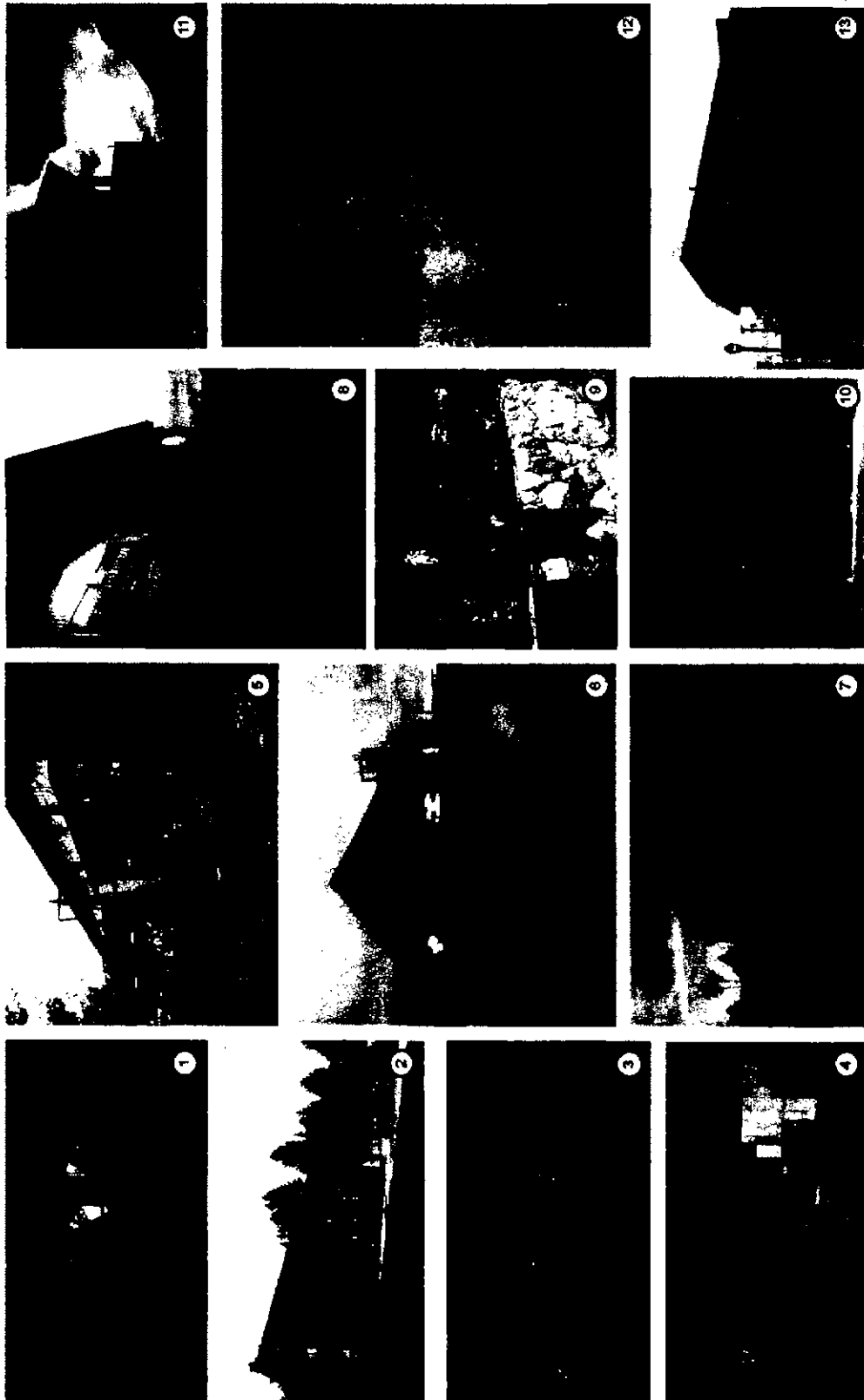
ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES

Conceptual Site Plan
78 April 11, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Precedent Image Boards



ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES

RALEIGH STUDIOS
March, 2012

Raleigh Studios
Park City, UT

Conceptual Site Plan
7th April 11, 2012

Raleigh Studios – Precedent Image Boards



ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES

RALFEIGH STUDIOS
March, 2012

Conceptual Site Plan
April 11, 2012

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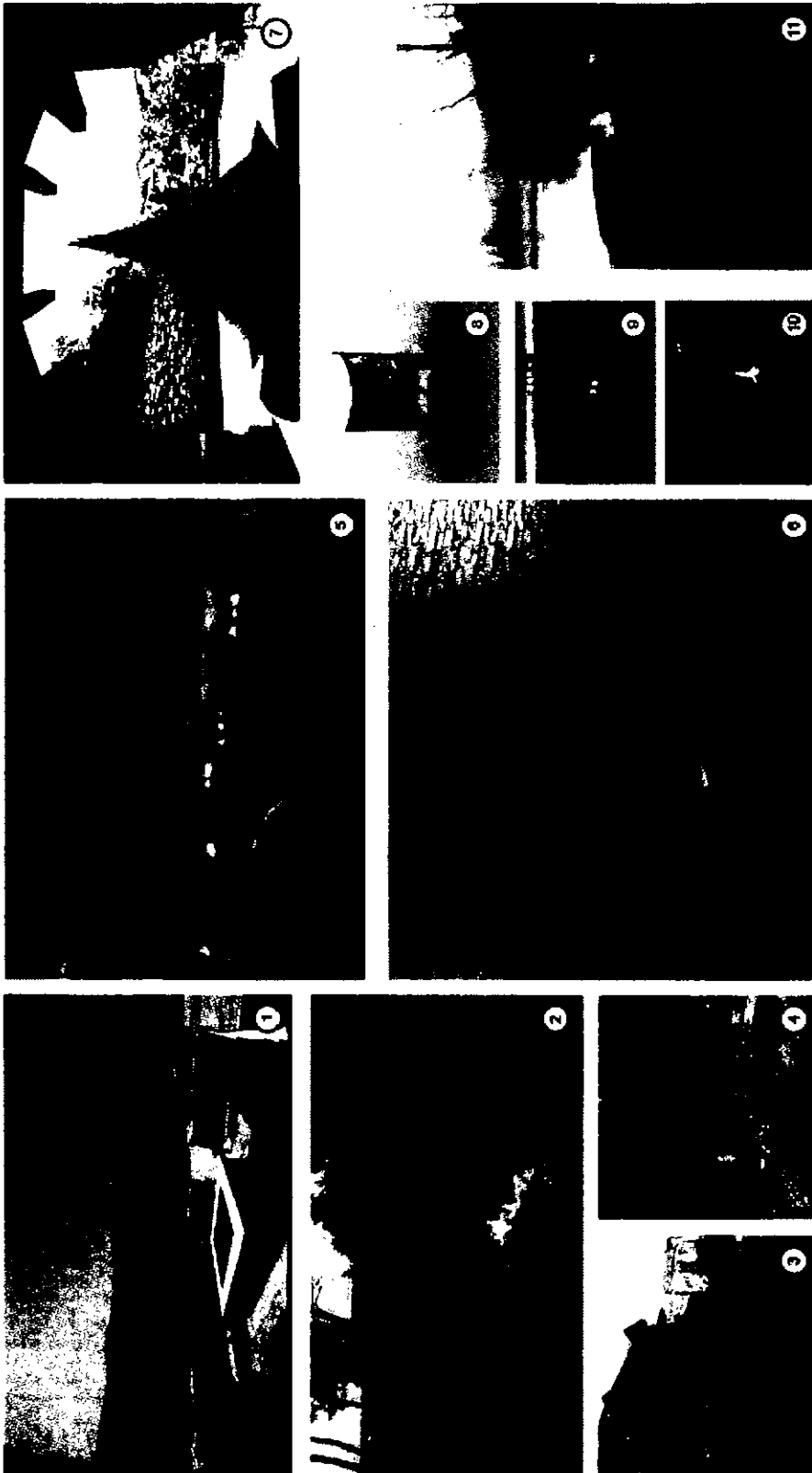
IBI
GROUP

Raleigh Studios
Park City, UT

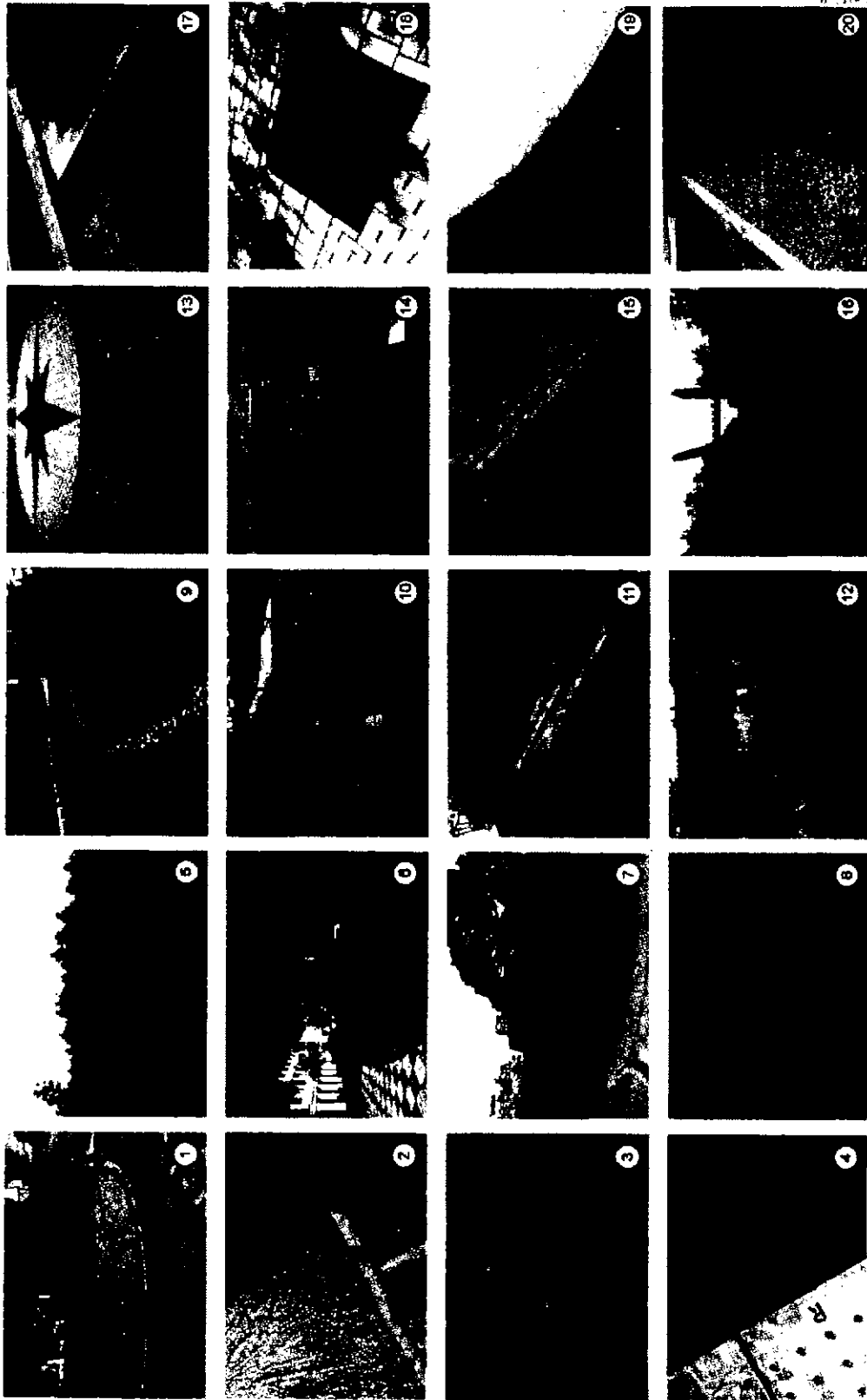
Raleigh Studios – Precedent Images



Raleigh Studios – Precedent Image Boards



Raleigh Studios – Precedent Image Boards



RALIEGH STUDIOS
March, 2012

Conceptual Site Plan
March 28, 2012

IBI GROUP
Raleigh Studios
Park City, UT

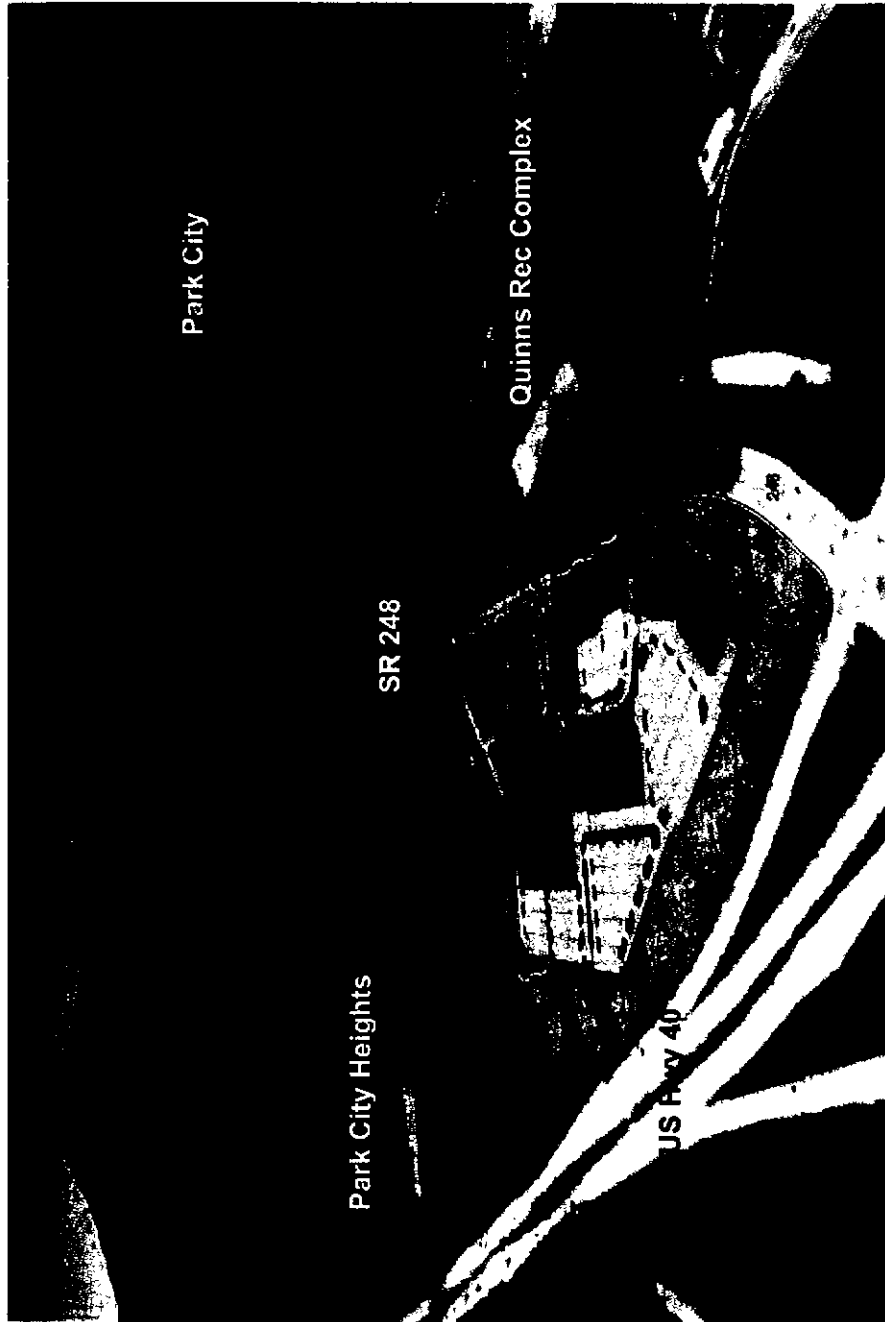
Previous Submittal Information – March 14, 2012



Raleigh Studios
Park City, UT

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April 11, 2012

Raleigh Studios – Visual Analysis



View Looking SW

Raleigh Studios – Visual Analysis



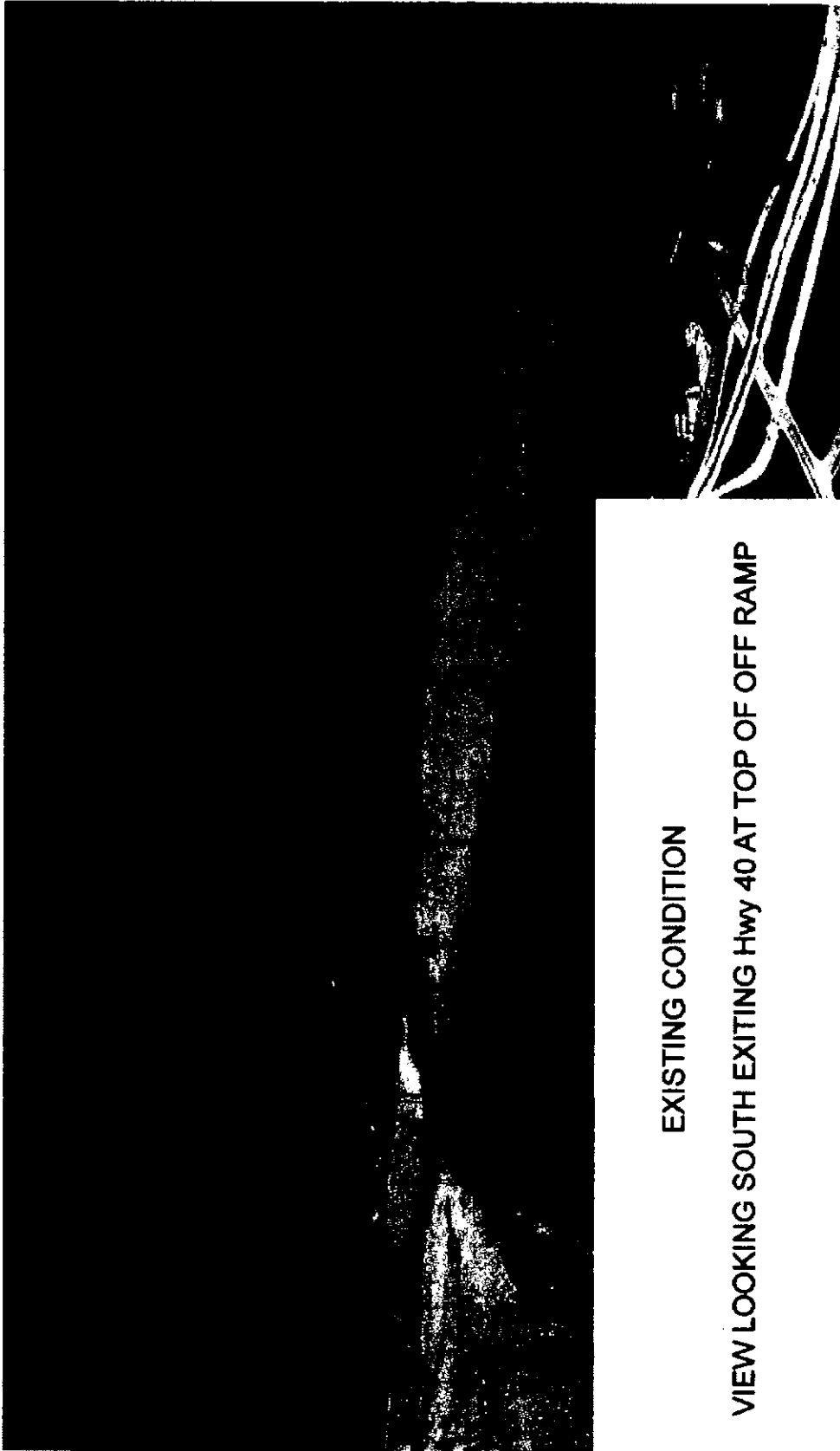
View Looking SE

Raleigh Studios – Visual Analysis



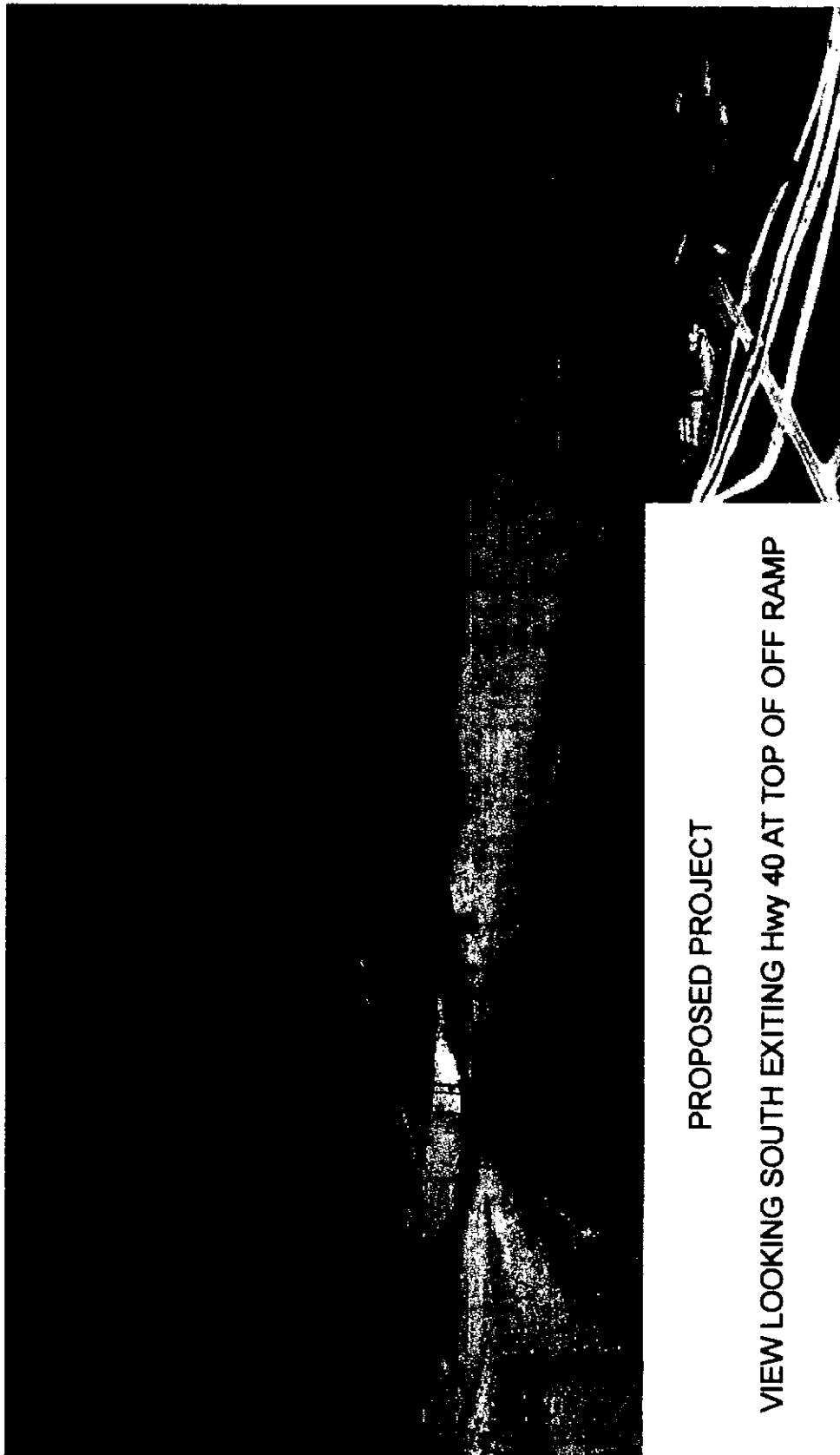
View Looking NE





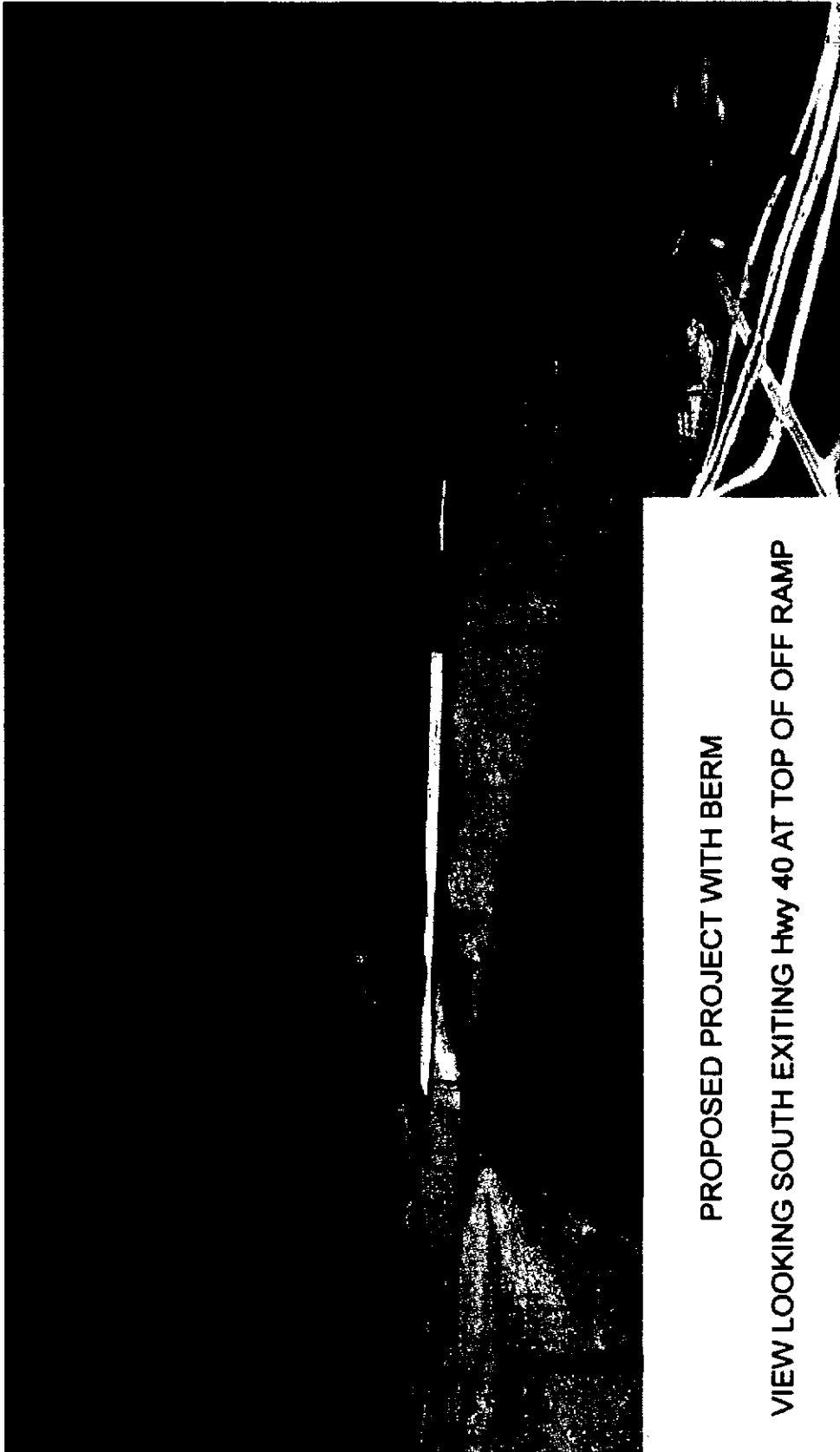
EXISTING CONDITION

VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



PROPOSED PROJECT

VIEW LOOKING SOUTH EXITING HWY 40 AT TOP OF OFF RAMP



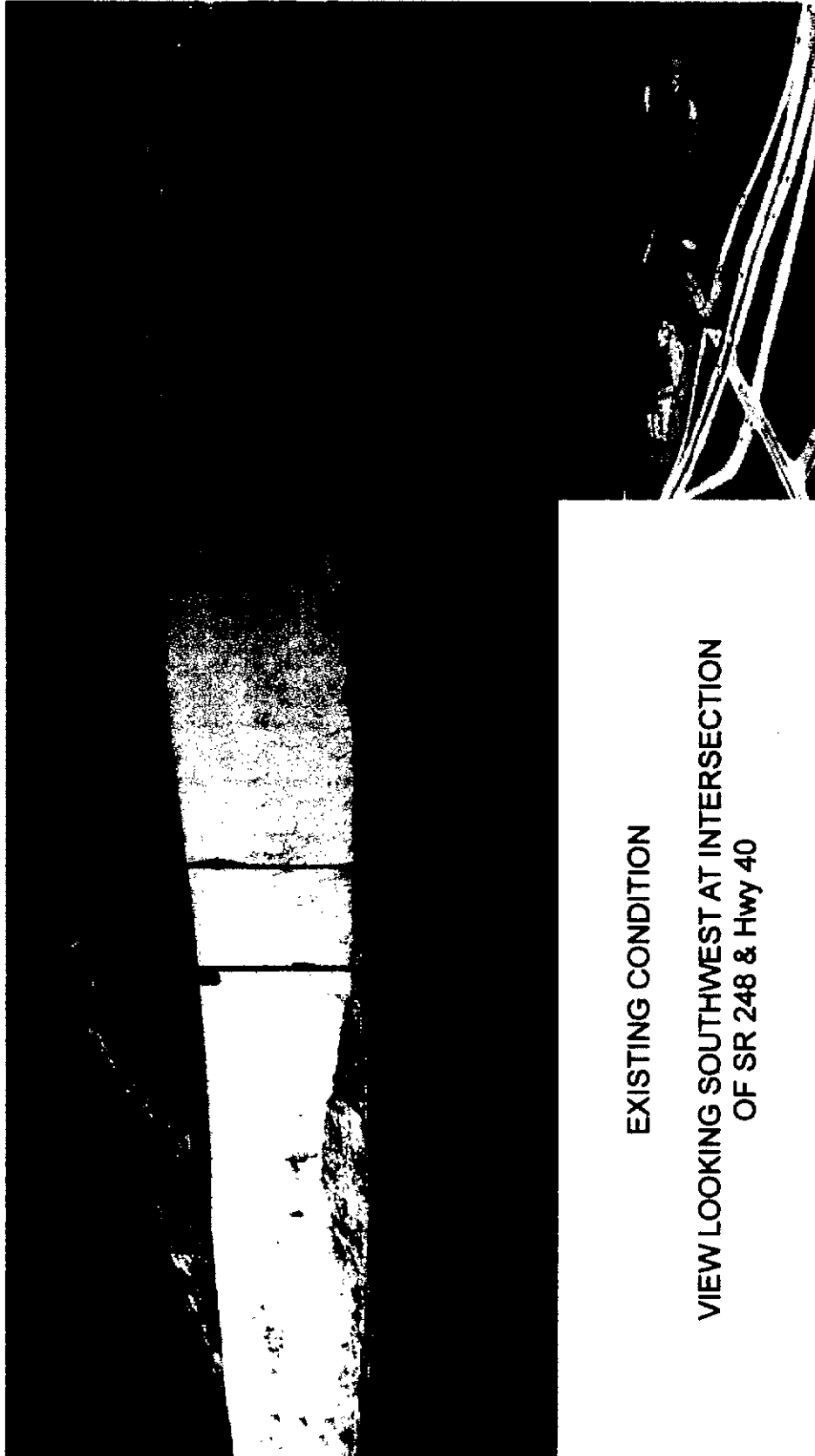
PROPOSED PROJECT WITH BERM

VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



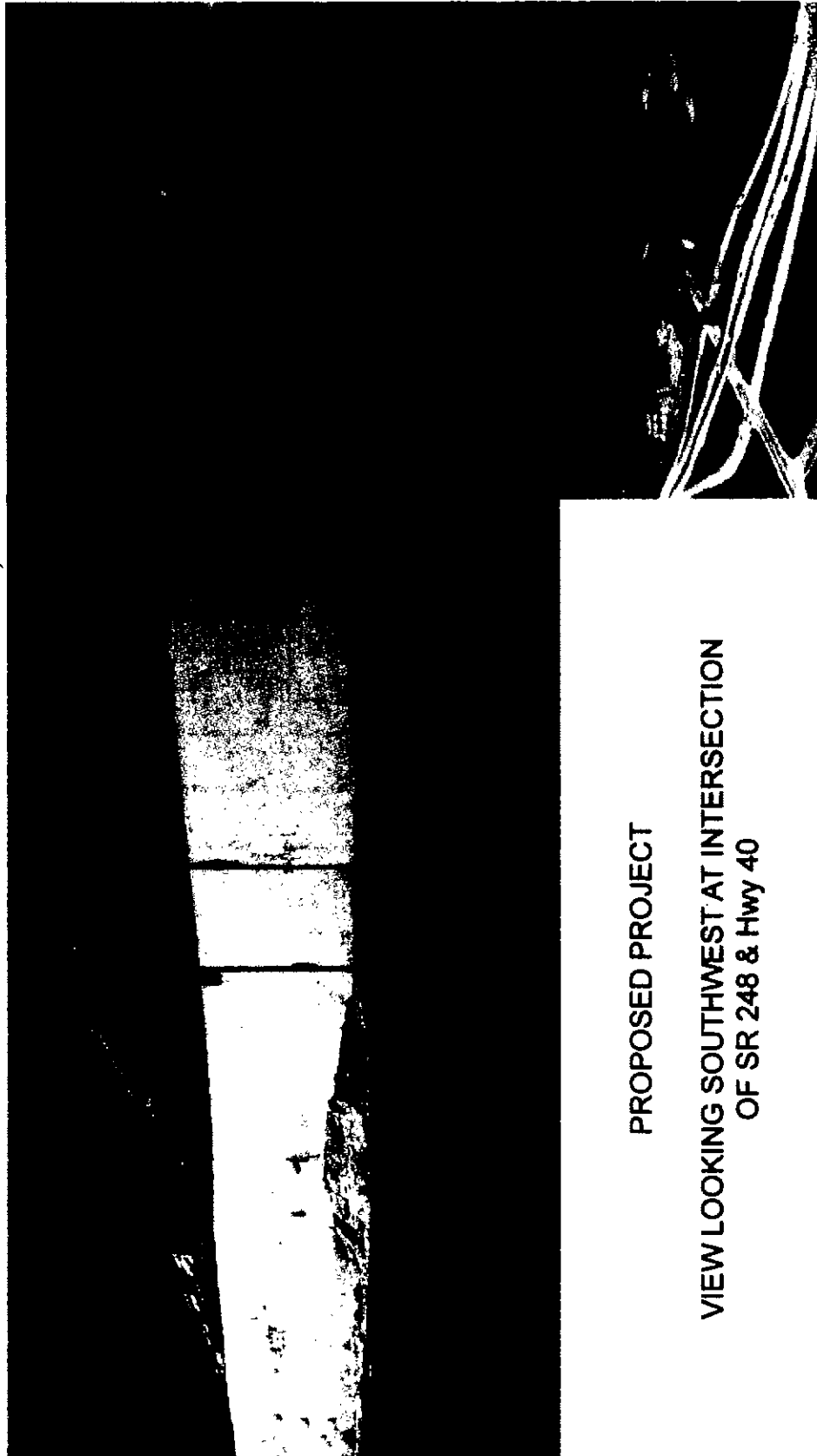
Raleigh Studios
Park City, UT

Conceptual Site Plan
March 14, 2012

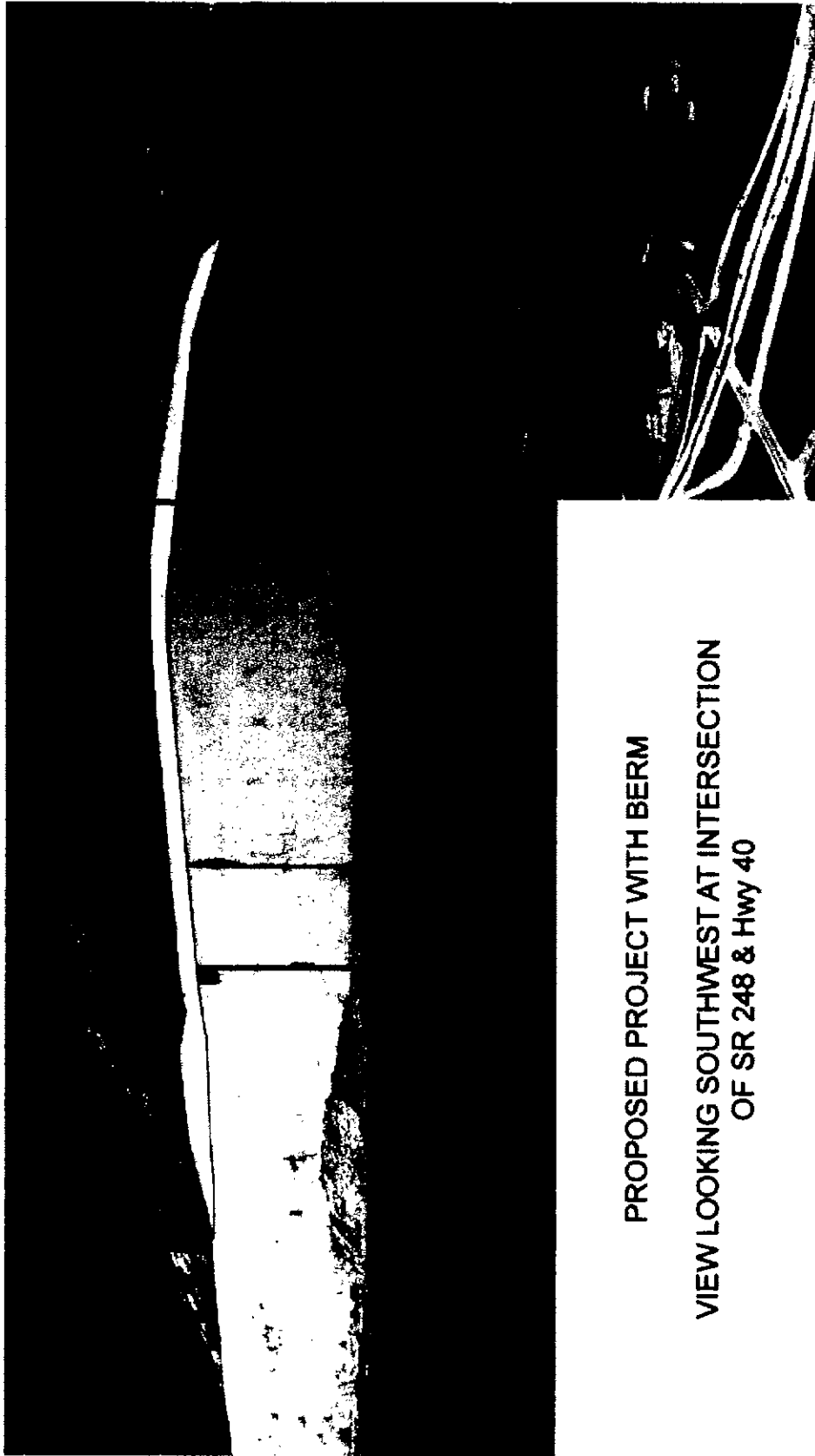


EXISTING CONDITION

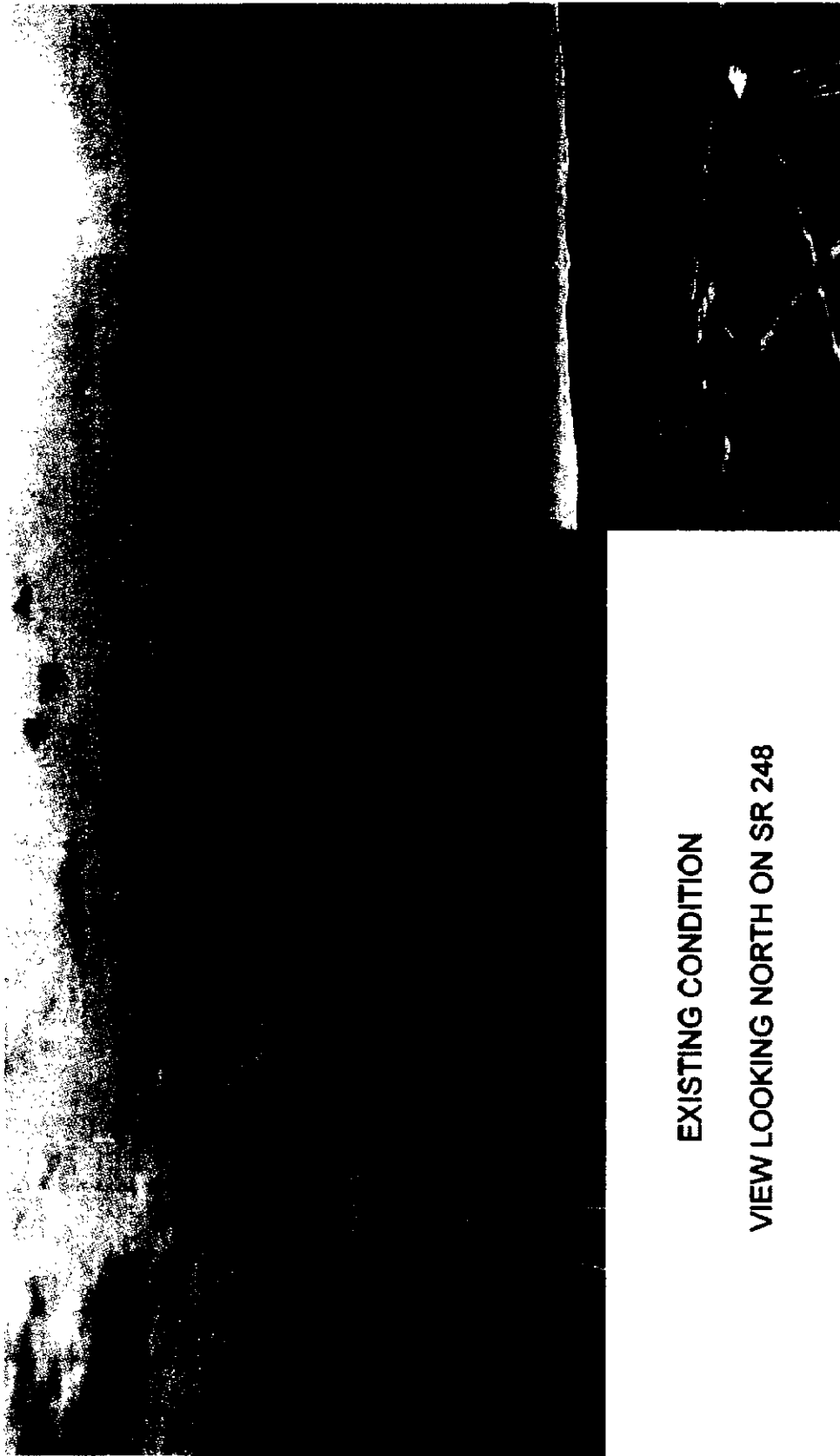
VIEW LOOKING SOUTHWEST AT INTERSECTION
OF SR 248 & Hwy 40



PROPOSED PROJECT
VIEW LOOKING SOUTHWEST AT INTERSECTION
OF SR 248 & Hwy 40

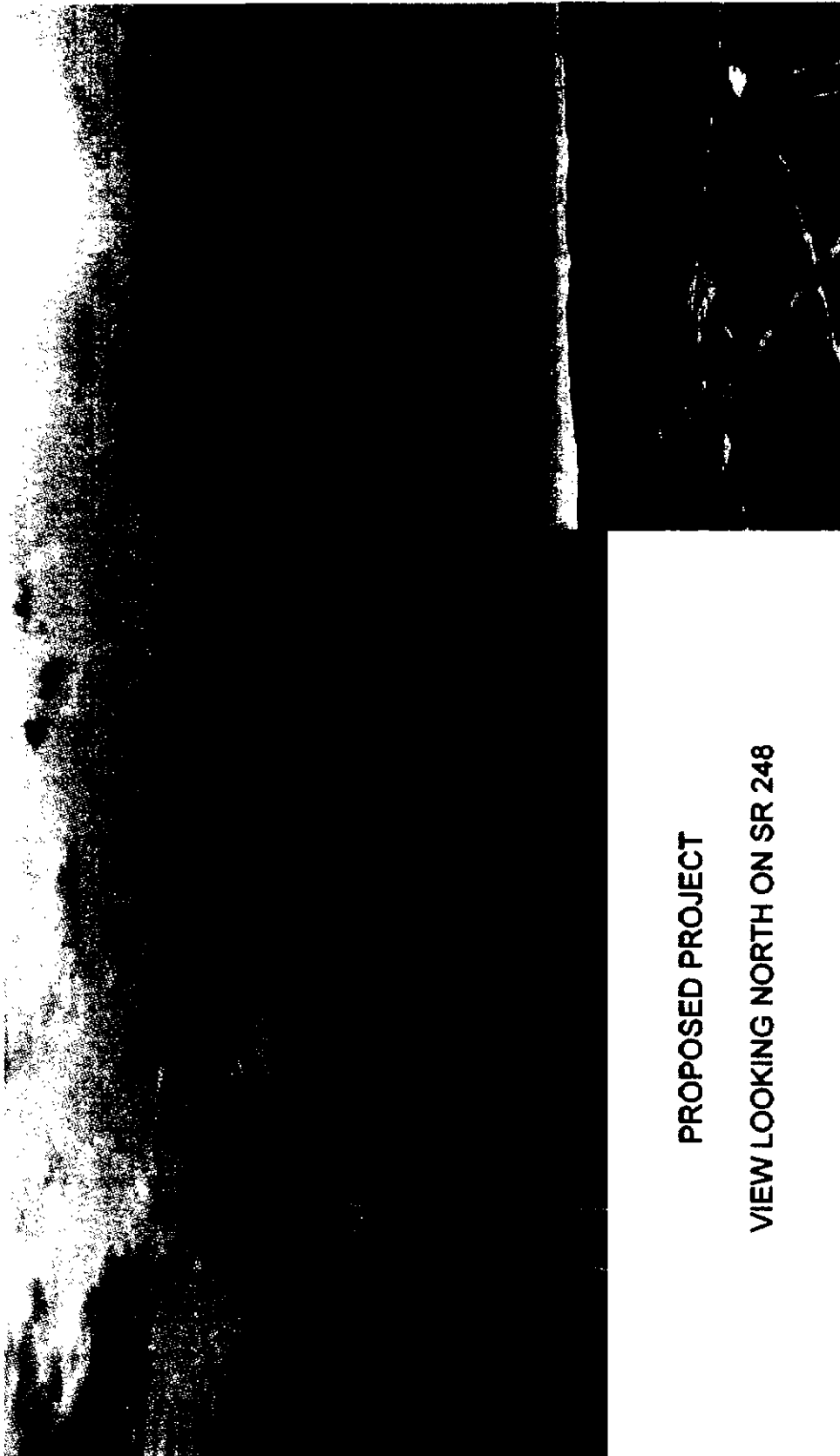


PROPOSED PROJECT WITH BERM
VIEW LOOKING SOUTHWEST AT INTERSECTION
OF SR 248 & Hwy 40



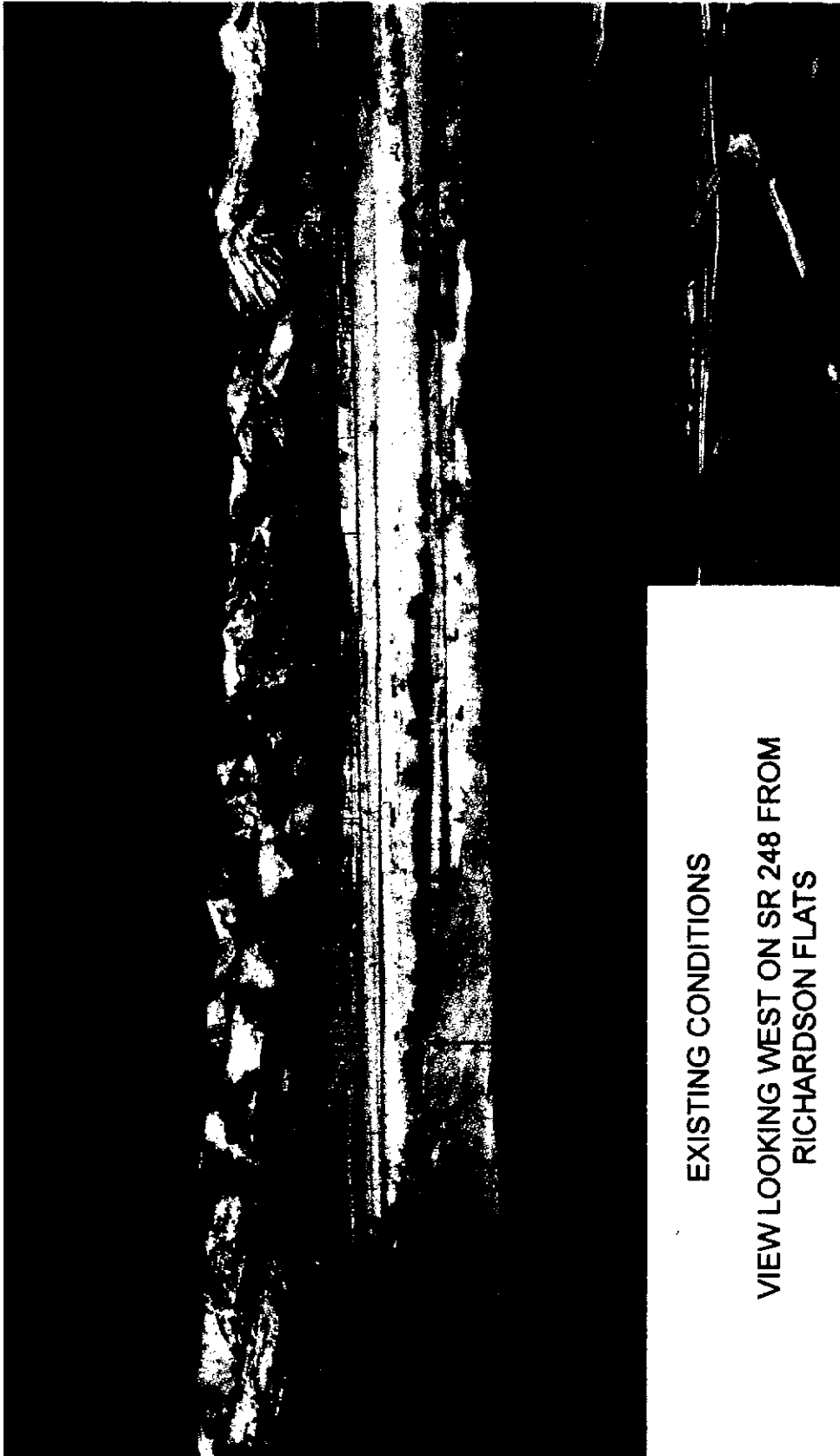
EXISTING CONDITION

VIEW LOOKING NORTH ON SR 248



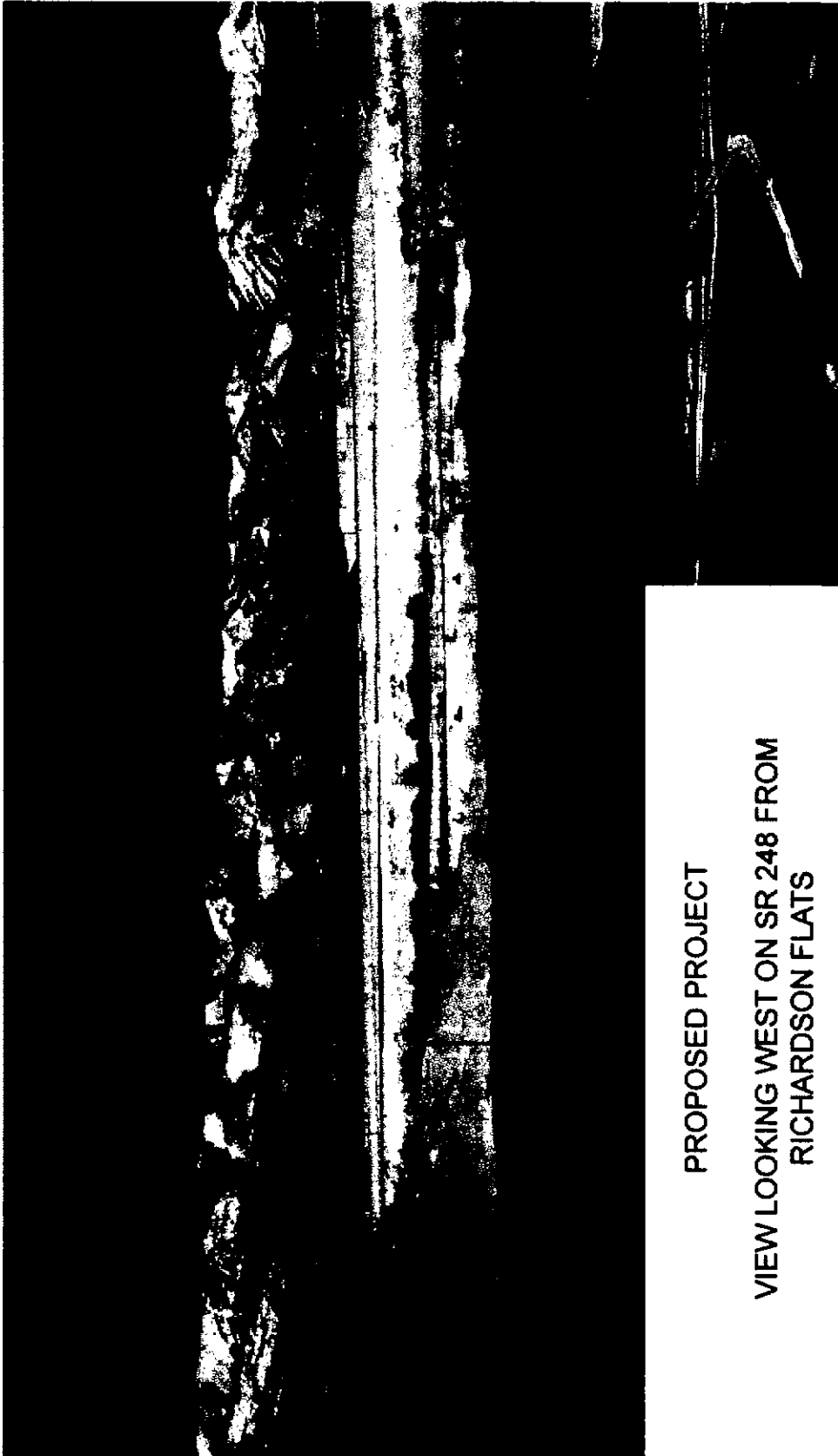
PROPOSED PROJECT

VIEW LOOKING NORTH ON SR 248



EXISTING CONDITIONS

VIEW LOOKING WEST ON SR 248 FROM
RICHARDSON FLATS



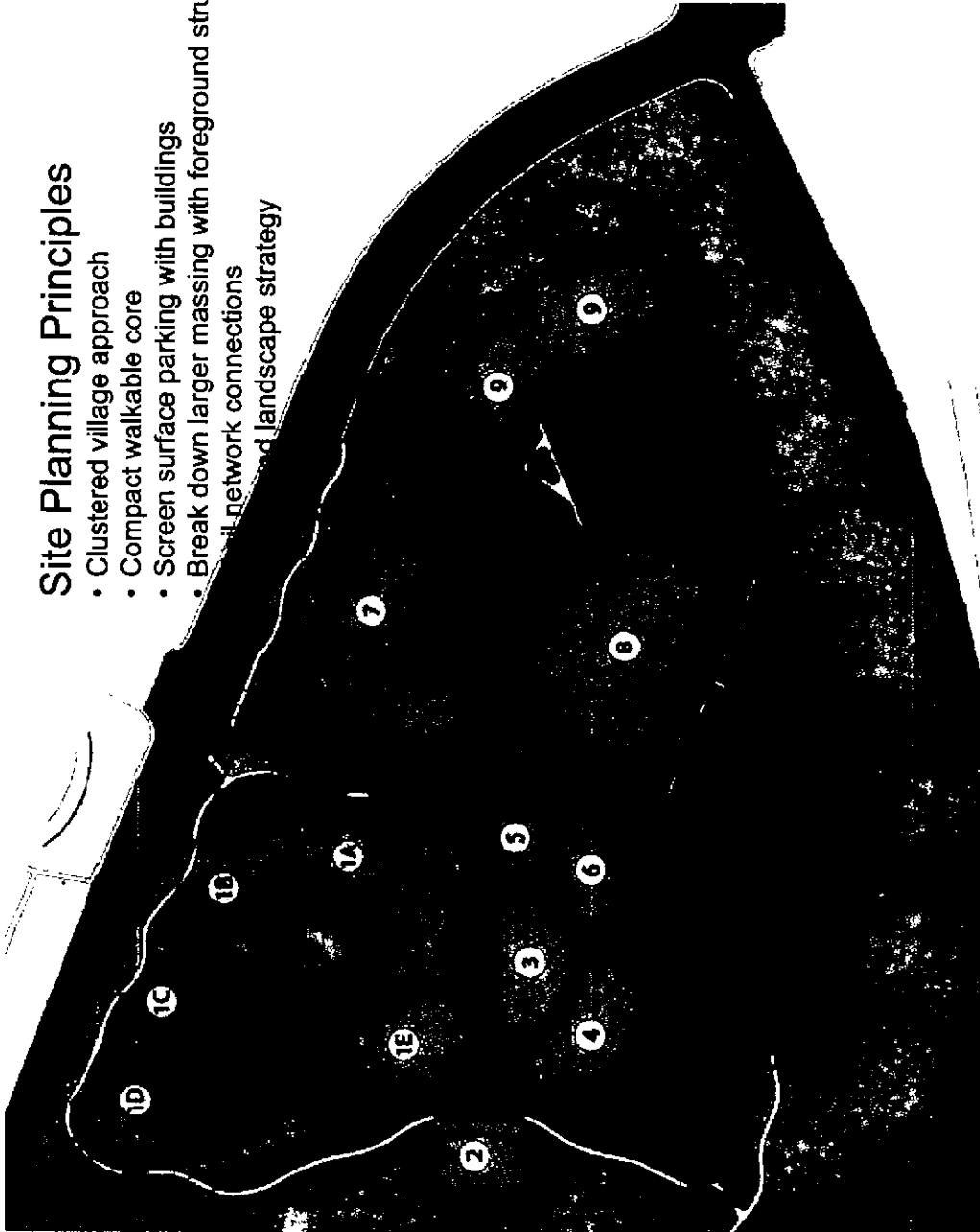
PROPOSED PROJECT

VIEW LOOKING WEST ON SR 248 FROM
RICHARDSON FLATS

Raleigh Studios – Conceptual Site Plan

Site Planning Principles

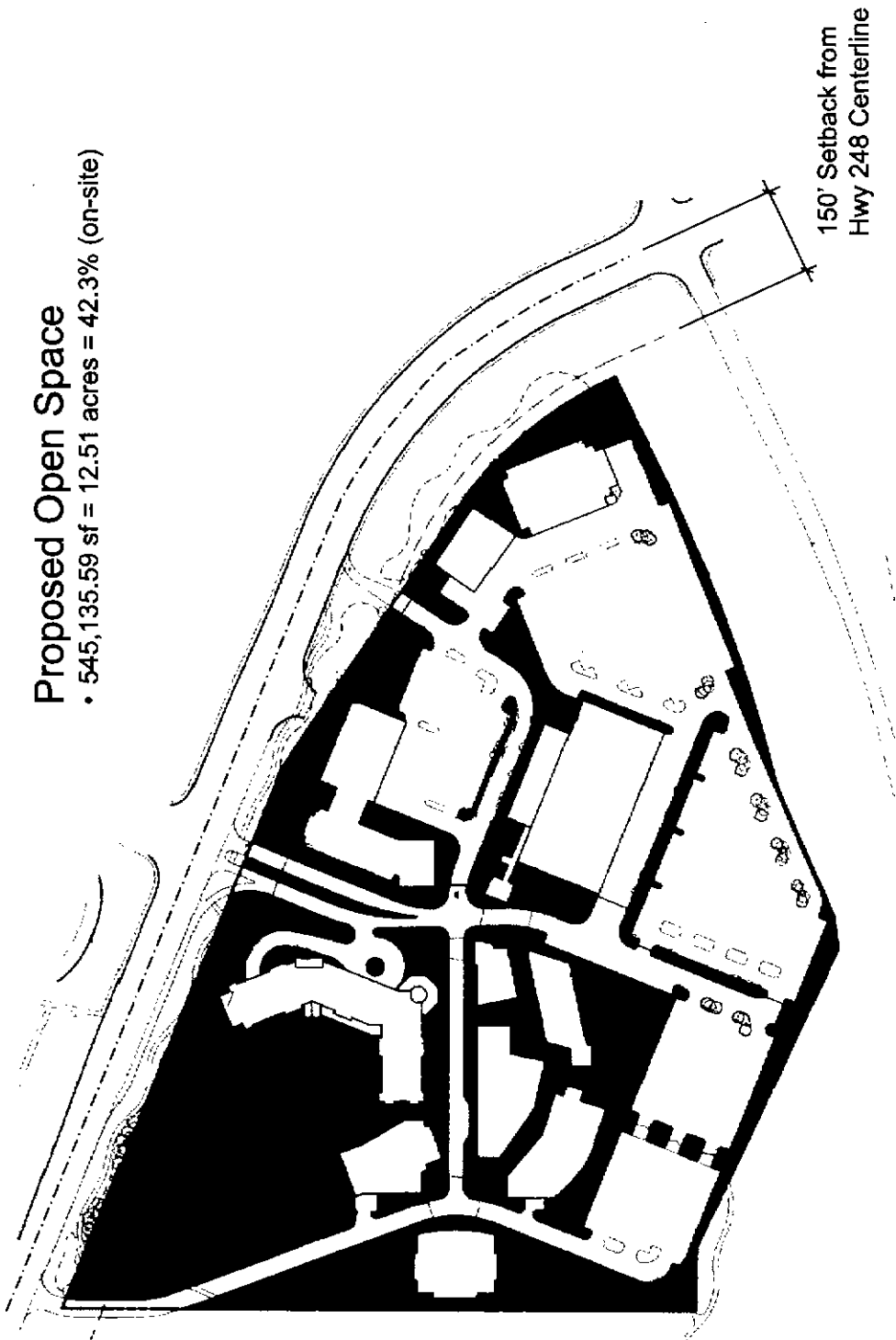
- Clustered village approach
- Compact walkable core
- Screen surface parking with buildings
- Break down larger massing with foreground structures
- Create a network connections
- Implement a landscape strategy



Raleigh Studios – Open Space

Proposed Open Space

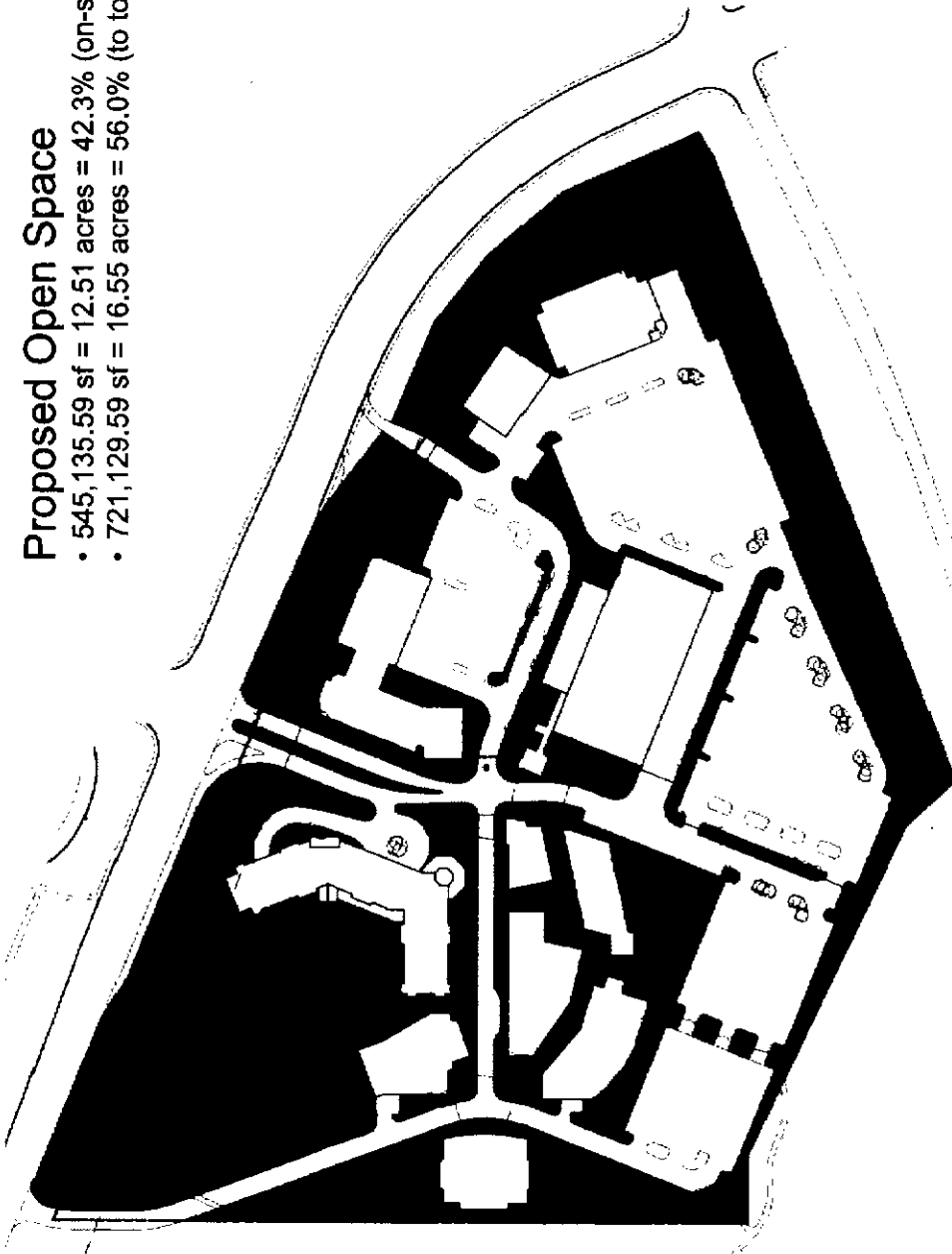
- 545,135.59 sf = 12.51 acres = 42.3% (on-site)



Raleigh Studios – Open Space

Proposed Open Space

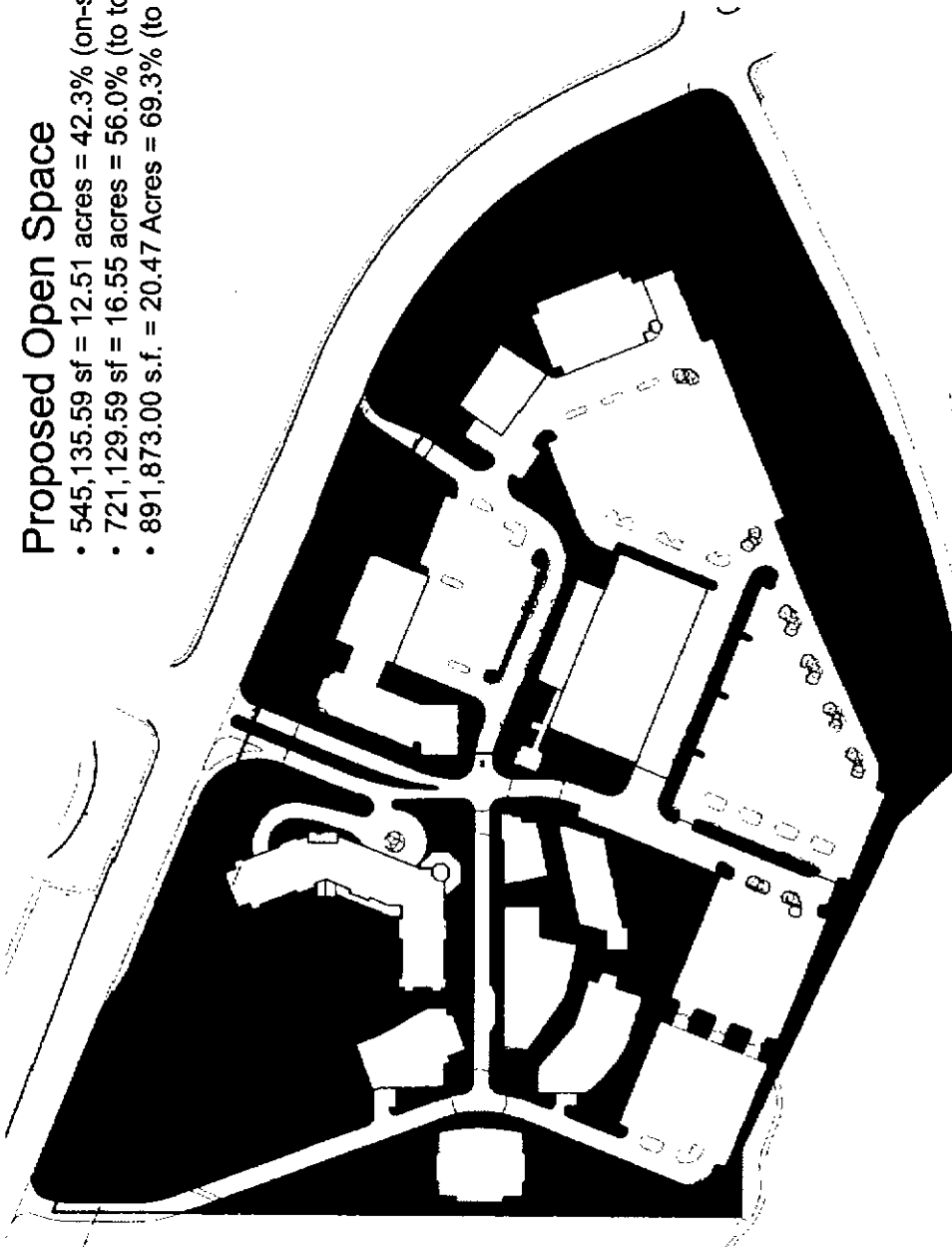
- 545,135.59 sf = 12.51 acres = 42.3% (on-site)
- 721,129.59 sf = 16.55 acres = 56.0% (to top of cut bank)



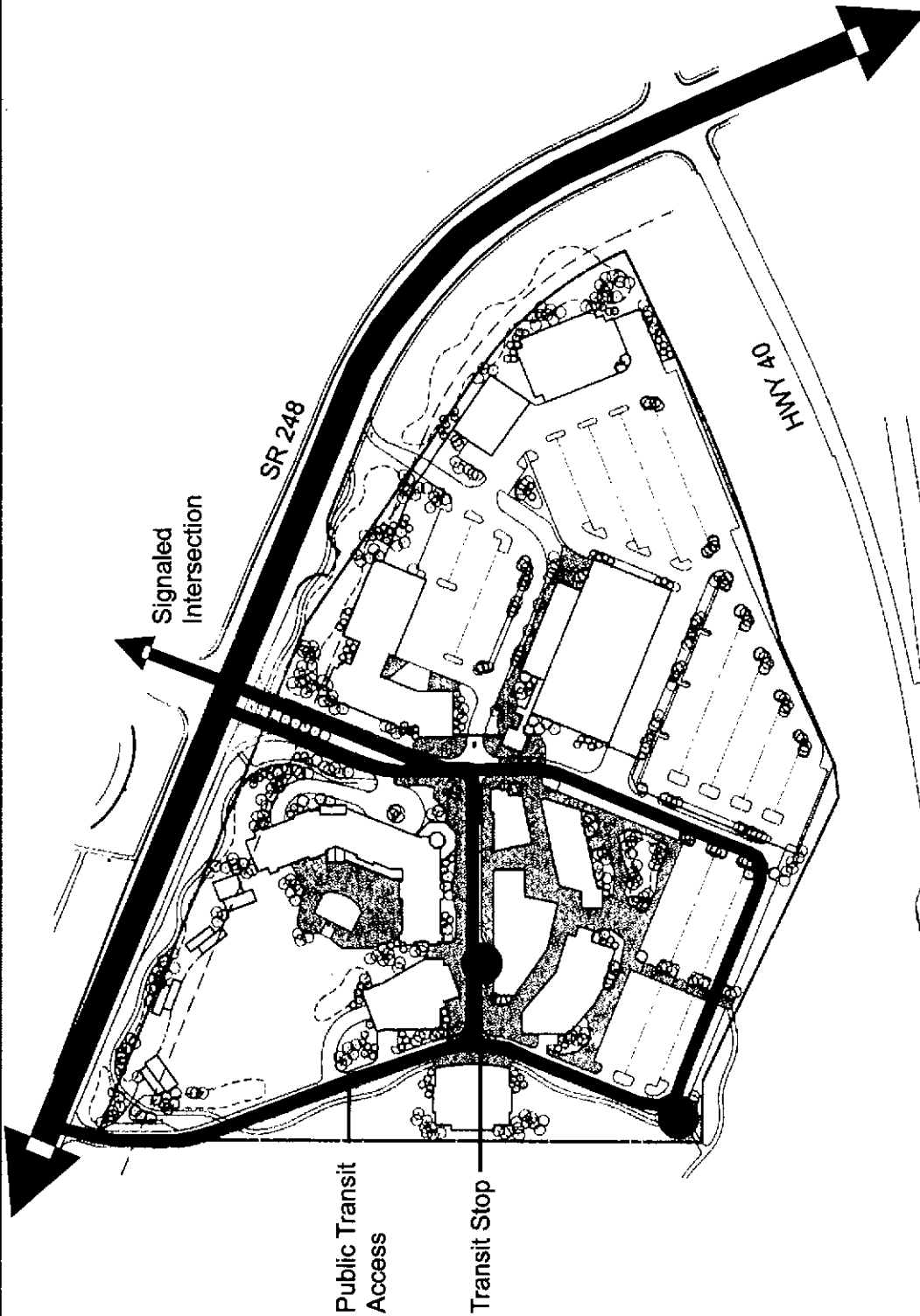
Raleigh Studios – Open Space

Proposed Open Space

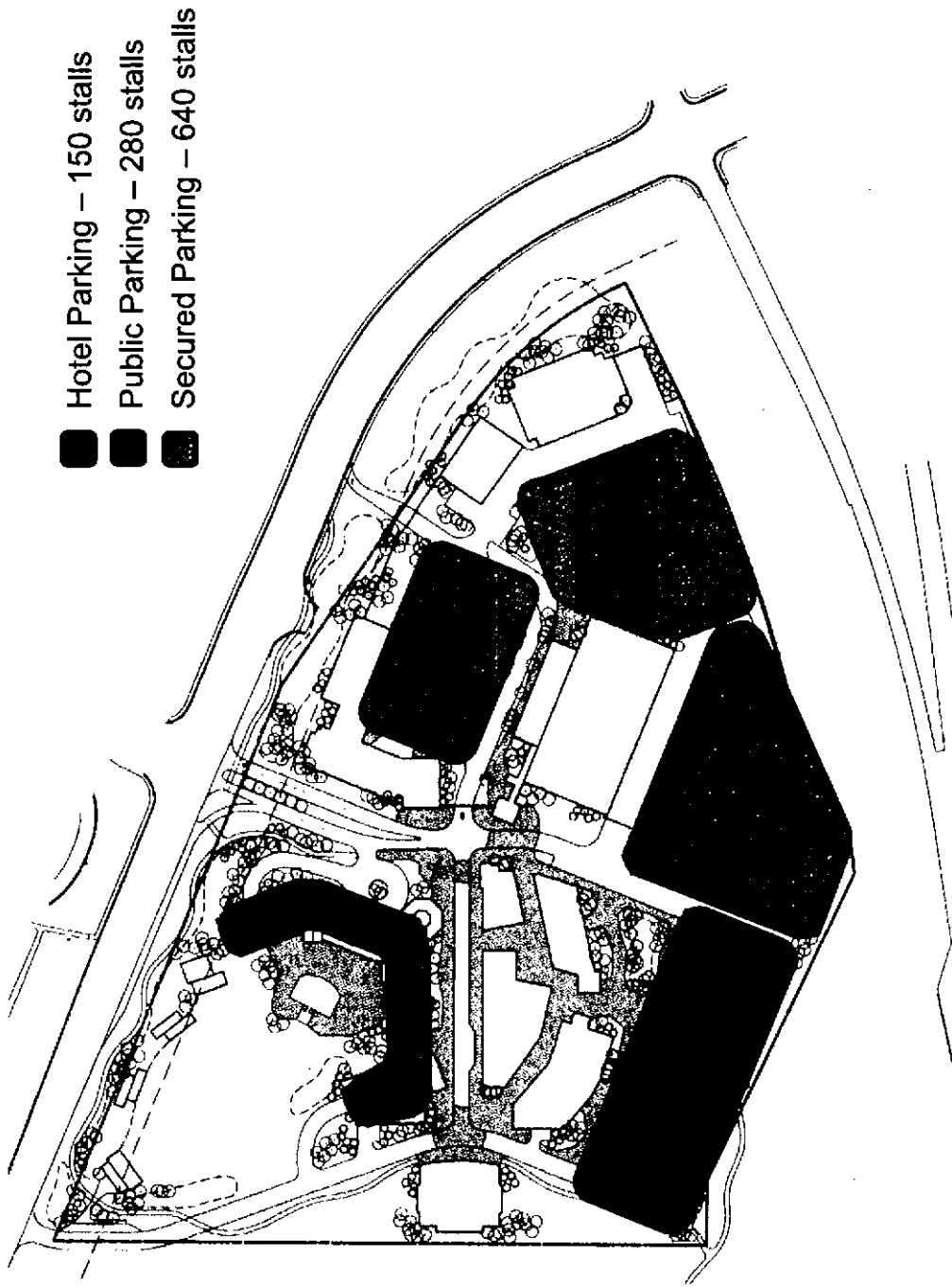
- 545,135.59 sf = 12.51 acres = 42.3% (on-site)
- 721,129.59 sf = 16.55 acres = 56.0% (to top of cut bank)
- 891,873.00 s.f. = 20.47 Acres = 69.3% (to edge of 248/40)



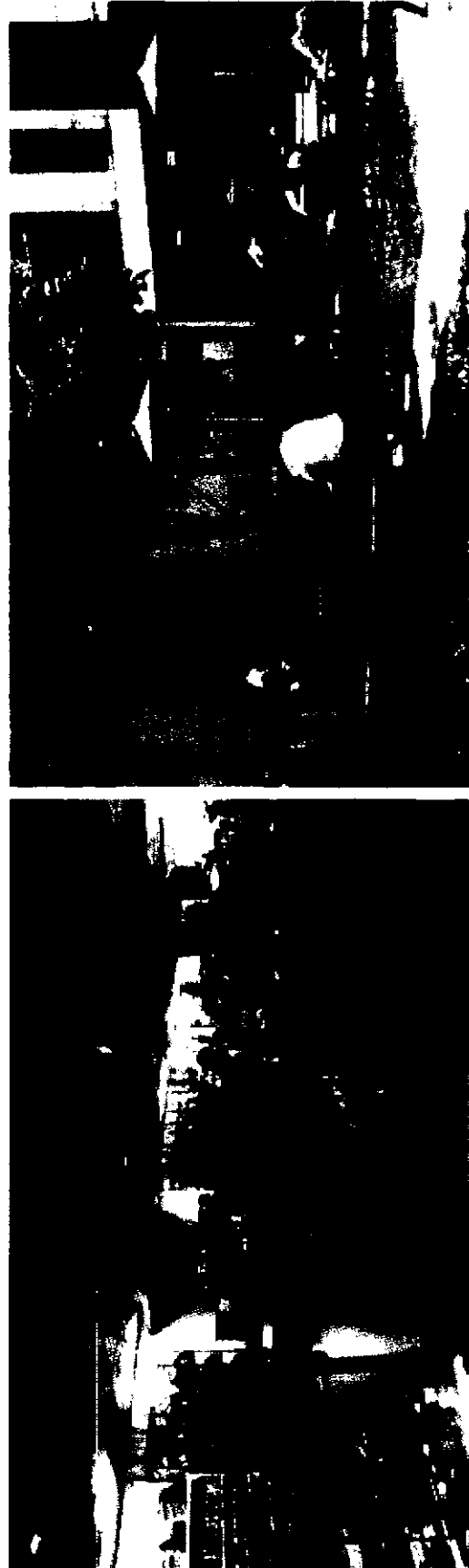
Raleigh Studios – Access/Circulation (Transit)



Raleigh Studios – Parking

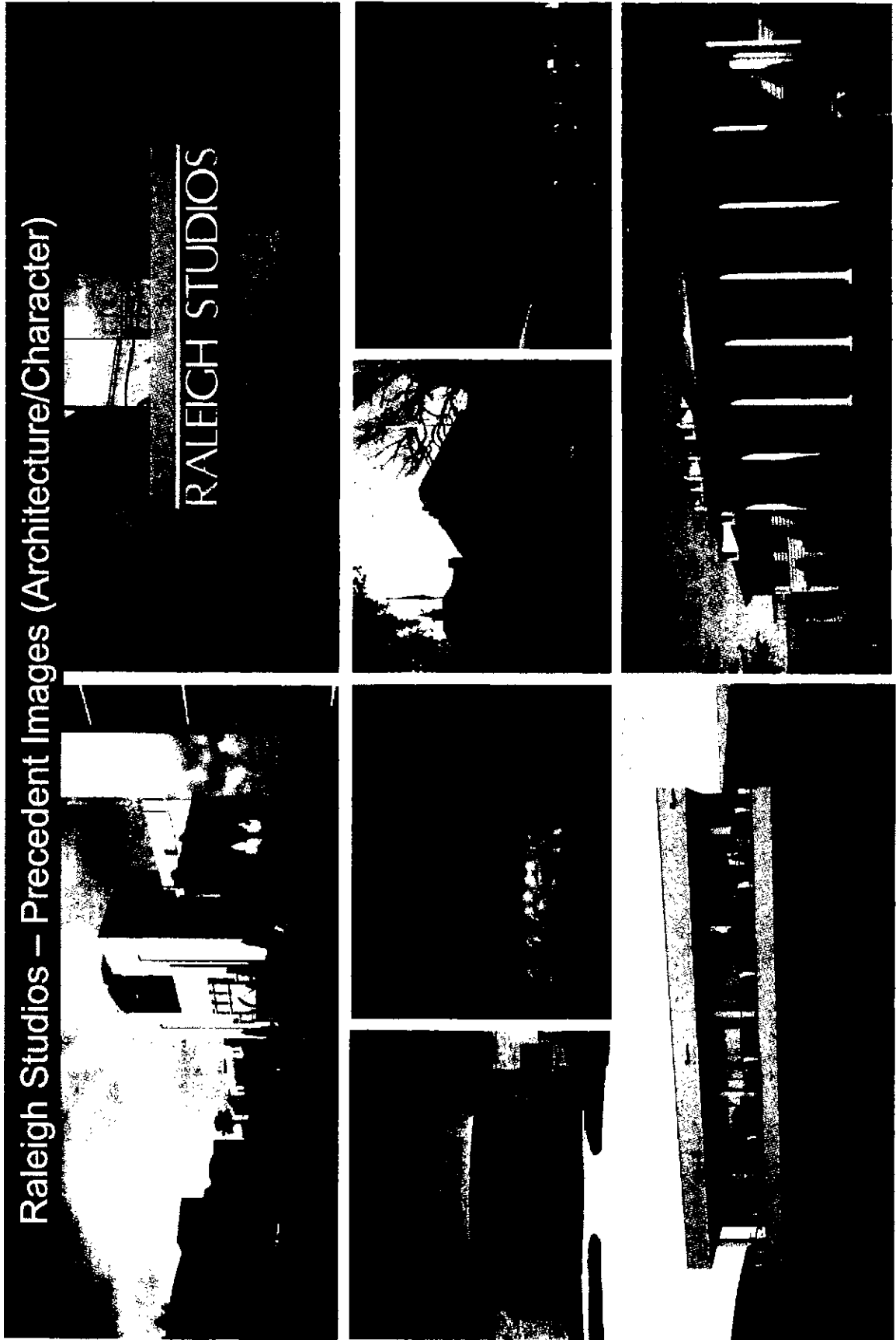


Raleigh Studios – Precedent Images (Studio Retail)



Raleigh Studios
Park City, UT

Conceptual Site Plan
15 March 14, 2012



Raleigh Studios – Precedent Images (Architecture/Character)

RALEIGH STUDIOS

Conceptual Site Plan
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Raleigh Studios
Park City, UT



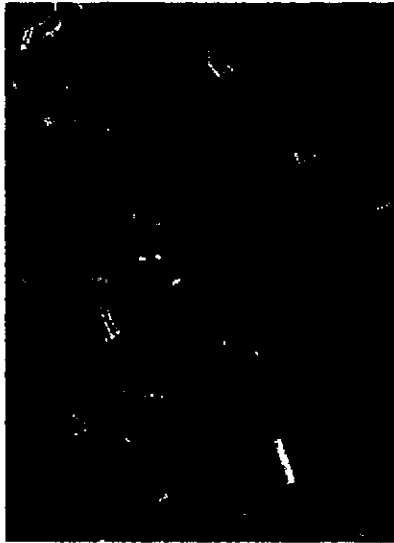
Raleigh Studios – Precedent Images (Site Plans)



Inflight Film Studios – Vancouver, British Columbia



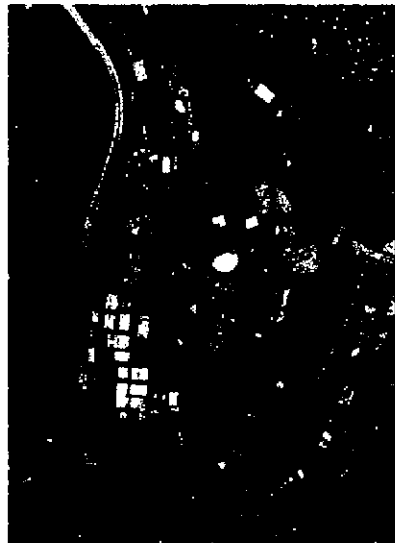
North Shore Studios – Vancouver, British Columbia



Northern Film & Media – Newcastle, England



Pixar Animation Studios – Emeryville, California



Universal Studios – Hollywood, California



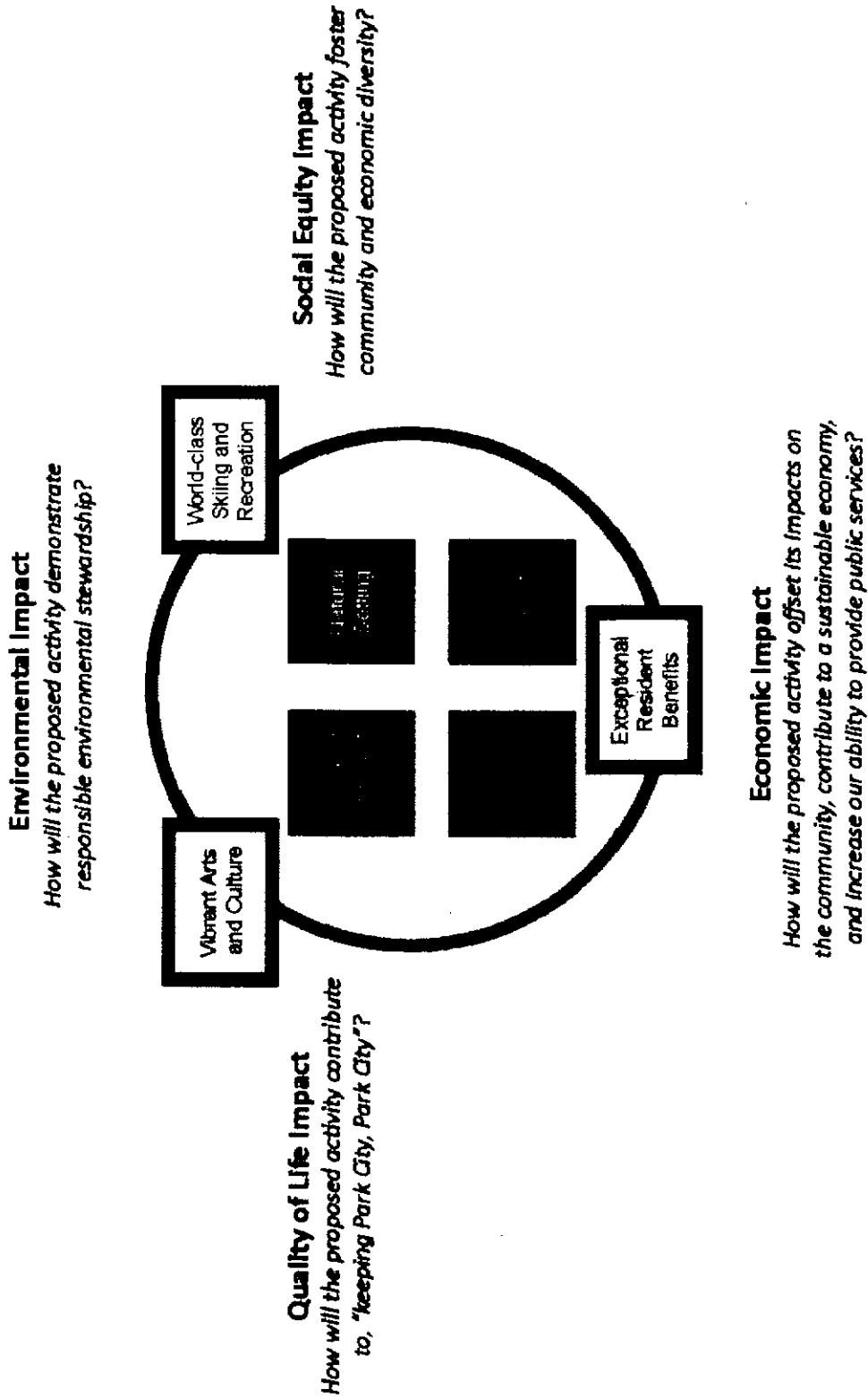
Lions Gate Studio – Vancouver, British Columbia



Raleigh Studios
Park City, UT

Conceptual Site Plan
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Raleigh Studios – Community Visioning Filter



Raleigh Studios – Community Visioning Filter

1 Quality of Life Impact – “keeping Park City, Park City”

- Embrace, showcase and encourage arts and culture
- Contribute to a year-round offering of uses and activities
- Enhance the community trail network
- Attract diverse demographic
- Improve transportation needs of visitors and residents

2 Economic Impact – “contribute to a sustainable economy and provide public services”

- Increased tax base to the resort economy
- Diversify the local economy through art and culture based industry
- Increase national, regional and local employment offerings
- Enhance the tourism economy through unique attractions
- Nurture and grow the success of the Sundance Film Festival
- Promote the film industry within the State of Utah
- Increase the international brand of Park City

3 Social Equity Impact – “foster community diversity”

- Attract the part-time and permanent resident demographic
- Attract and enhance year-round event and activity offerings
- Enhance community identity and image
- Increase and diversify educational offerings

4 Environmental Impact – “demonstrate responsible environmental stewardship”

- Promote public transit and trail connections to reduce vehicle miles traveled
- Green building design and construction to meet minimum LEED Silver Standards
- Water conservation site design through native, drought tolerant planting strategies
- Stormwater management to minimize and filter runoff



Raleigh Studios
Park City, UT

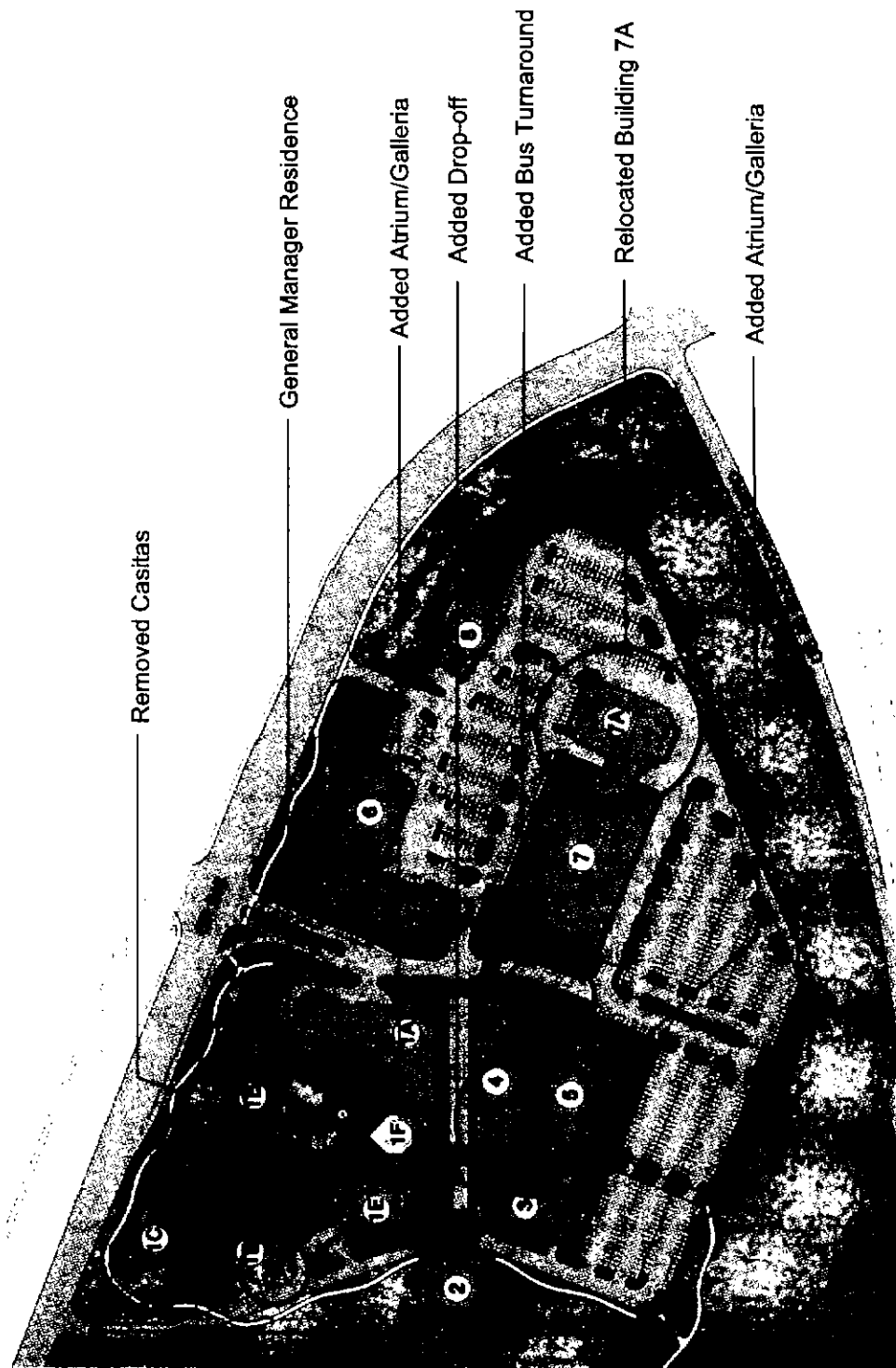
Conceptual Site Plan
19 March 14, 2012

Raleigh Studios – General Plan Compliments

- 1 Preserve mountain resort and historic character of Park City (GP Goal 1)**
 - Complement historic and resort qualities through architectural design
 - Blend building materials and landscape character with the natural environment
 - Enhance the resort bed base and guest experience
- 2 Preserve environmental quality, open space and outdoor recreation opportunities (GP Goal 2)**
 - Focus new development at base of hills minimizing impact on ridgelines
 - Configured trails to provide outdoor recreational opportunities and connections
- 3 Maintain high quality public services and facilities (GP Goal 3)**
 - Promote public transit and trail linkages
 - Increase community facilities to meet the needs and desires of residents and visitors
 - Contribute privately to the development of community facilities
- 4 Work effectively with other governmental agencies to achieve the goals of the General Plan (GP Goal 4)**
 - Work with the State of Utah to promote the film industry
 - Collaborate with the County to benefit the local image and identity
 - Be a model community through policy and advocacy to promote a successful community
- 5 Develop an integrated transportation system to meet the needs of visitors and residents (GP Goal 10)**
 - Enhanced and expanded transit connections
 - Expanded trail network and connectivity

Previous Submittal Information – March 28, 2012

Raleigh Studios – Conceptual Site Plan Revisions

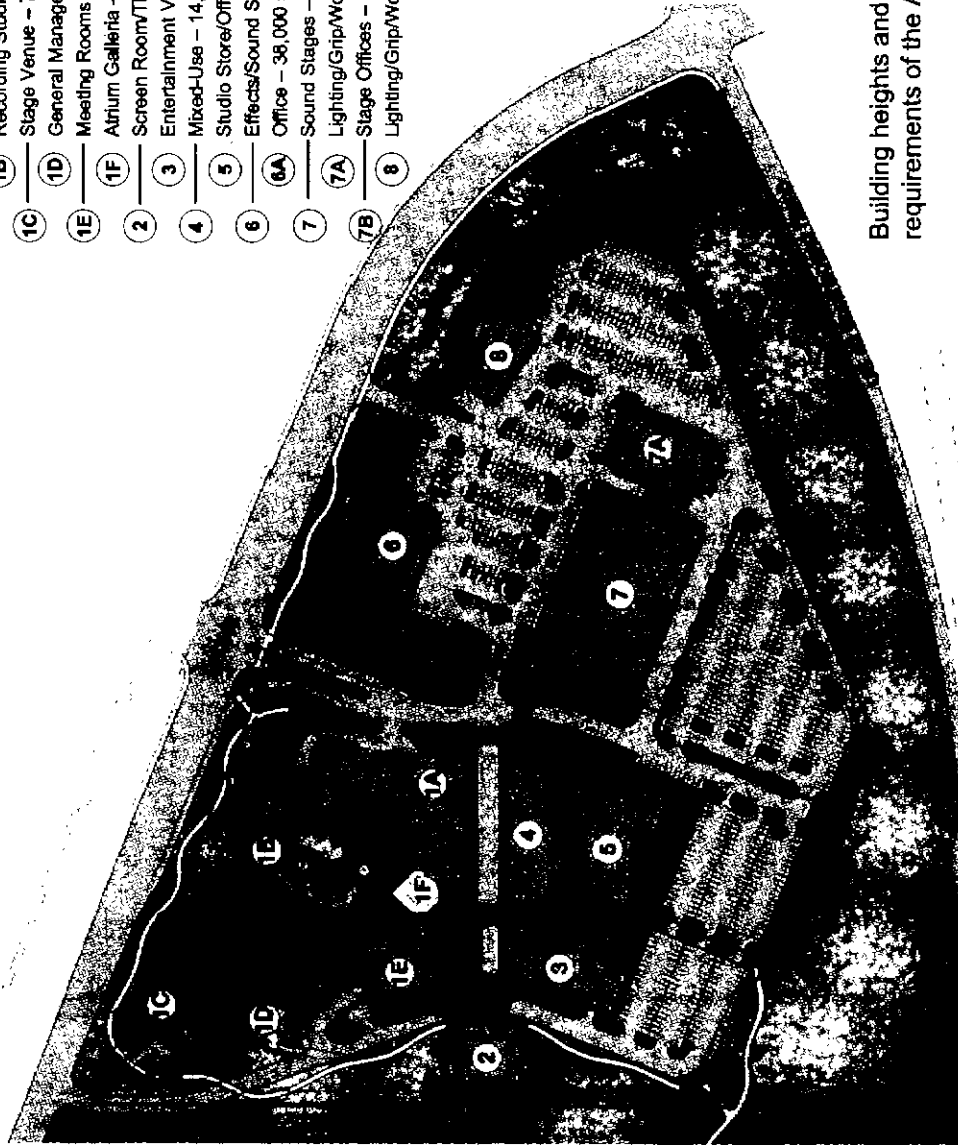


Raleigh Studios
Park City, UT

Conceptual Site Plan
112 March 28, 2012

Raleigh Studios – Building Heights/Sizes

- 1A Hotel – 110,250 sf, 40' height
- 1B Recording Studio – 2,500 sf, 16' height
- 1C Stage Venue – 700 sf, 16' height
- 1D General Manager Residence – 750 sf, 16' height
- 1E Meeting Rooms – 16,000 sf, 28' height
- 1F Atrium Galleria – 0 sf, 28' height
- 2 Screen Room/Theater – 15,000 sf, 40' height
- 3 Entertainment Venue – 33,350 sf, 28' height
- 4 Mixed-Use – 14,500 sf, 40' height
- 5 Studio Store/Office/Tour – 25,675 sf, 28' height
- 6 Effects/Sound Stages – 15,900 sf, 40' height
- 6A Office – 38,000 sf, 30' height
- 7 Sound Stages – 71,375 sf, 60' height
- 7A Lighting/Grip/Workshop – 20,000 sf, 28' height
- 7B Stage Offices – 21,000 sf, 28' height
- 8 Lighting/Grip/Workshop/Offices – 10,000 sf, 28' height



Building heights and percentages comply with requirements of the Annexation Agreement

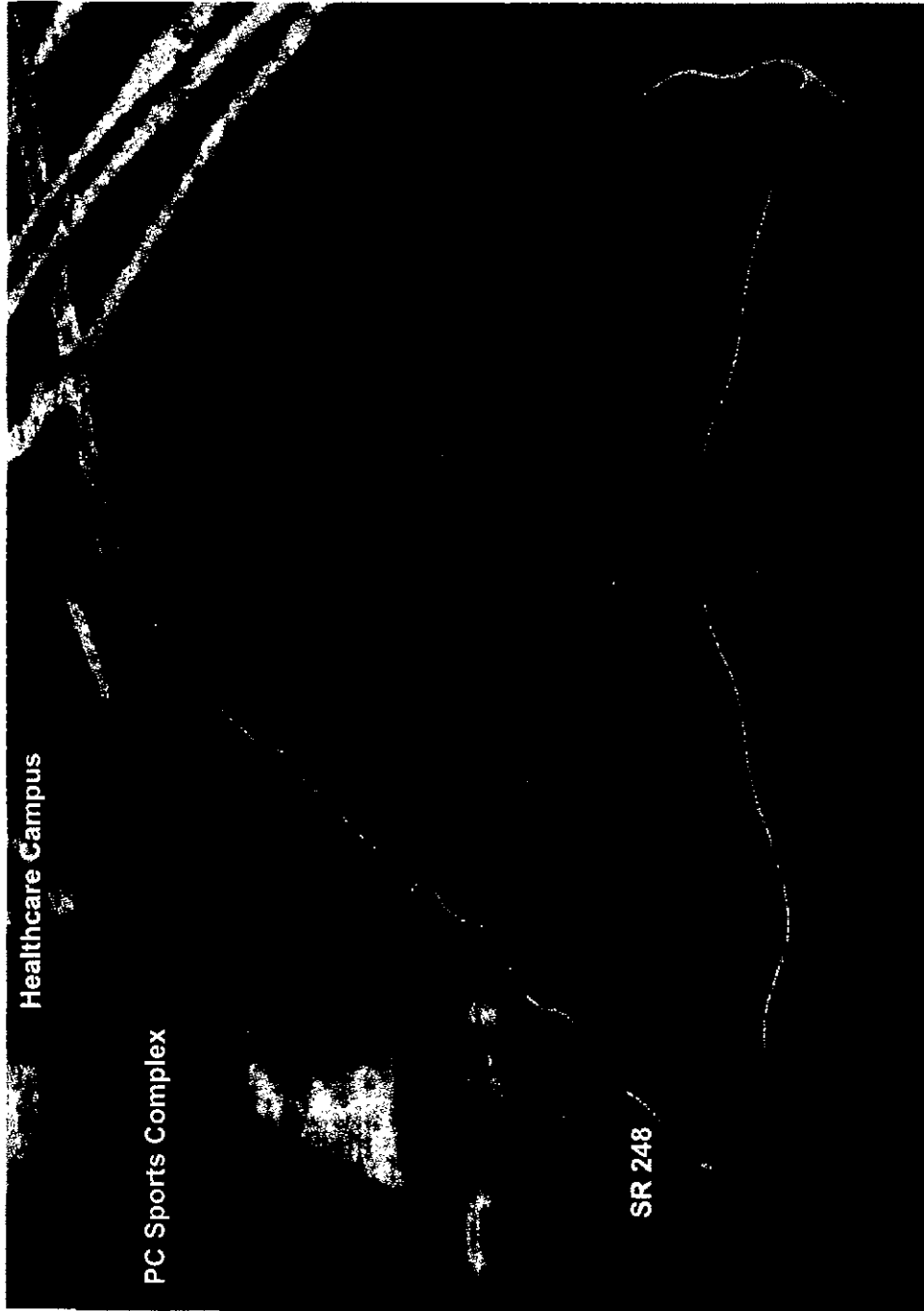


Massing Study Looking South

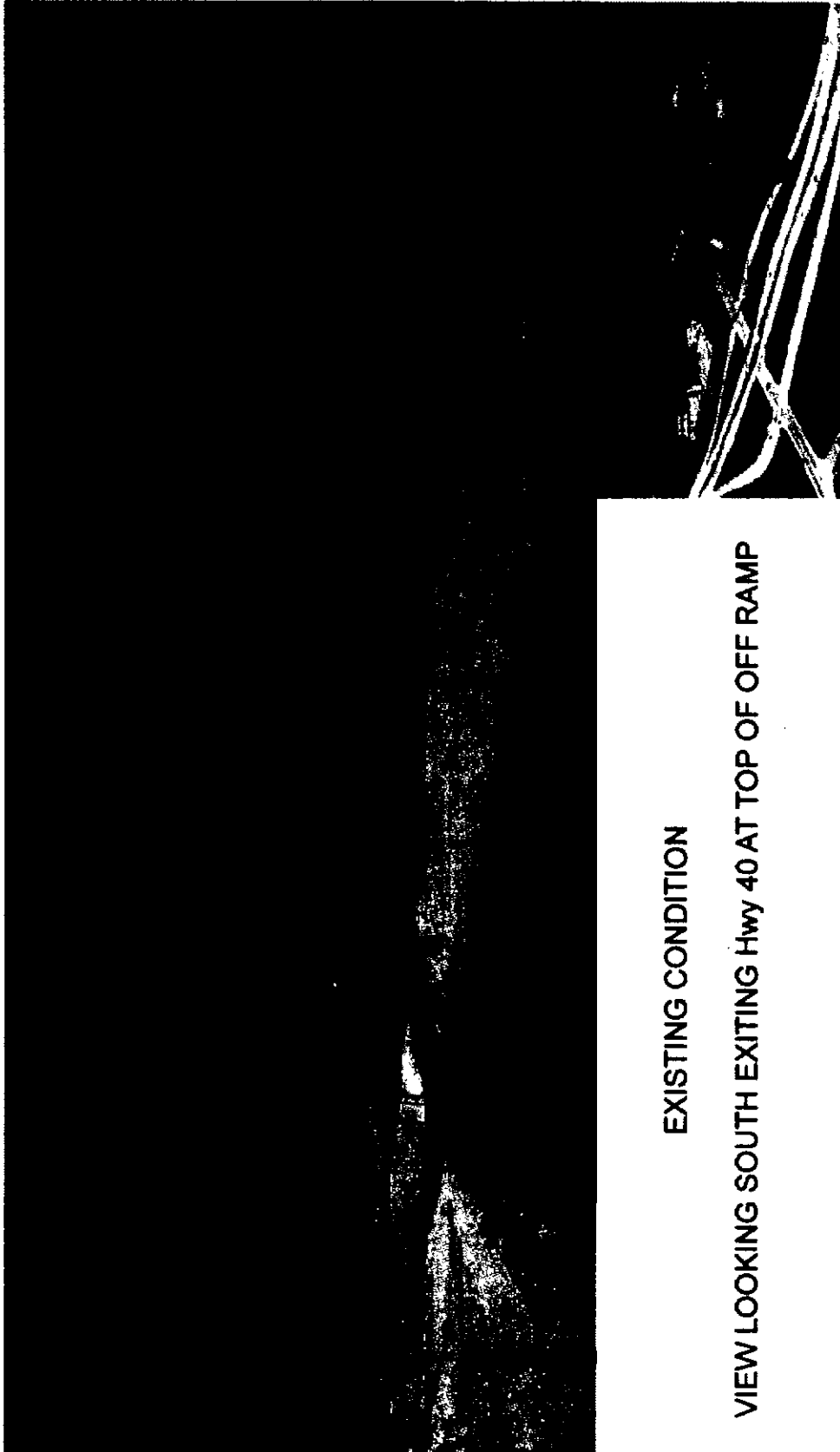


Massing Study Looking SE

Raleigh Studios – Visual Analysis

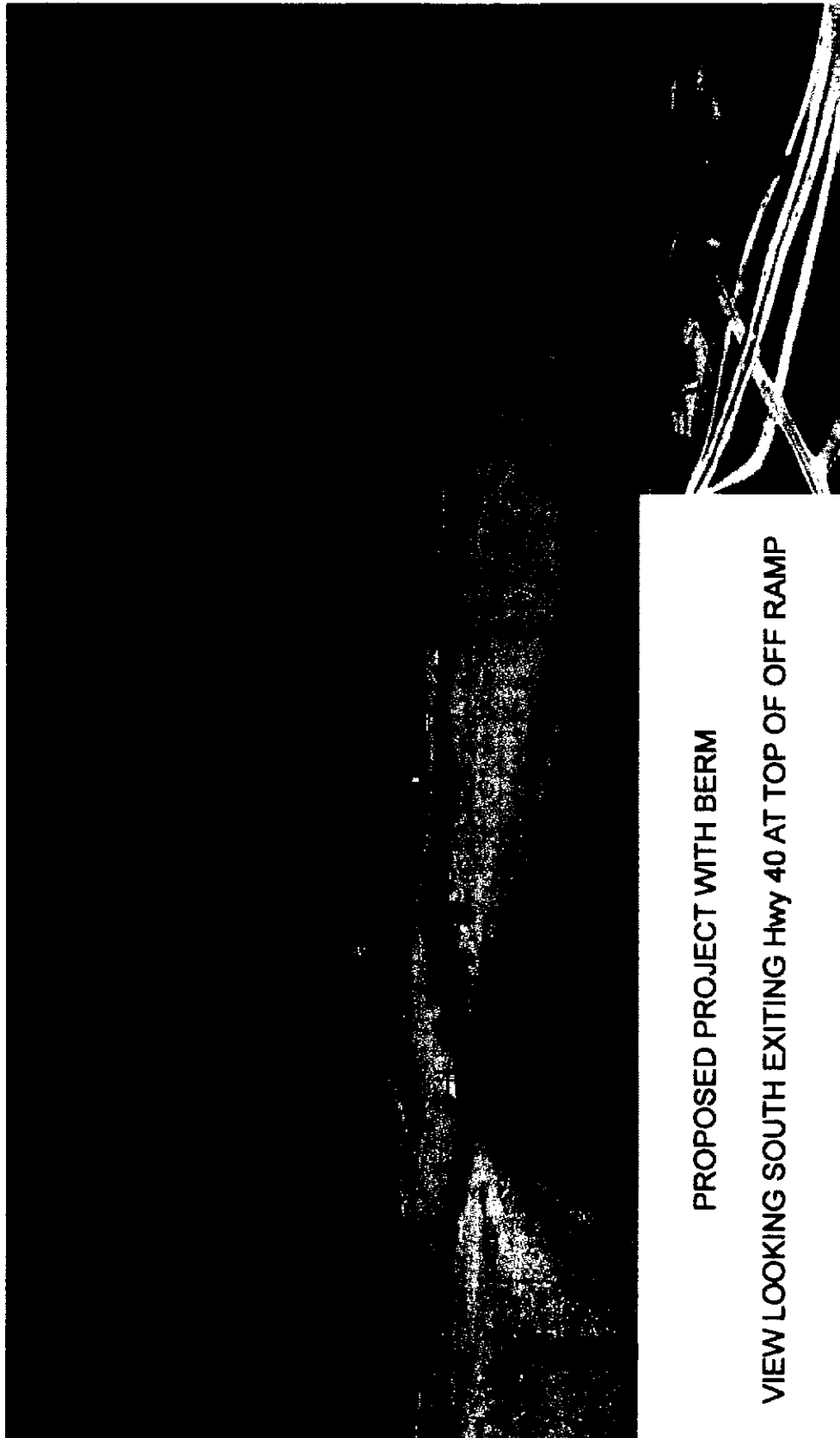


Massing Study Looking NE

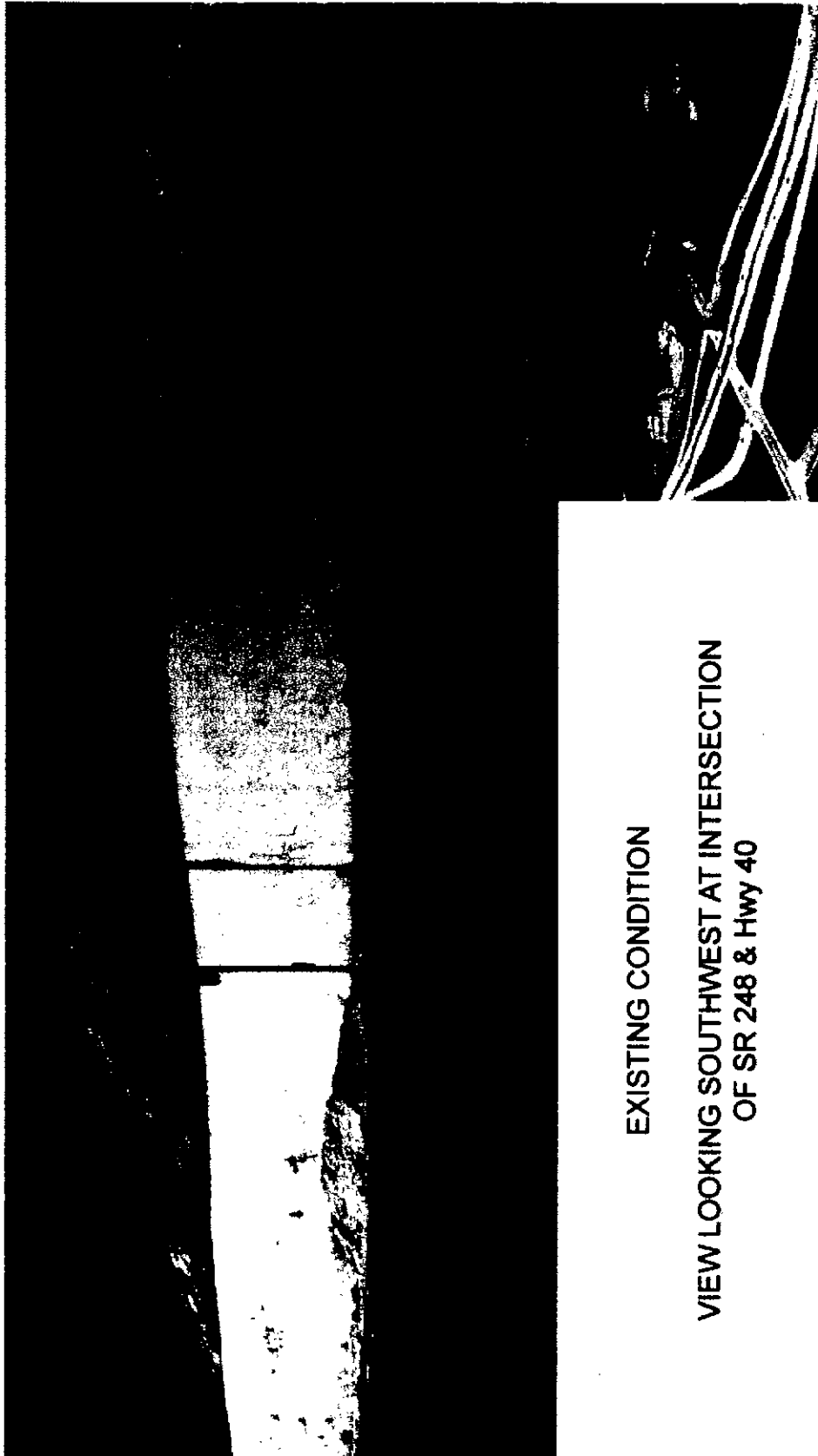


EXISTING CONDITION

VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



PROPOSED PROJECT WITH BERM
VIEW LOOKING SOUTH EXITING Hwy 40 AT TOP OF OFF RAMP



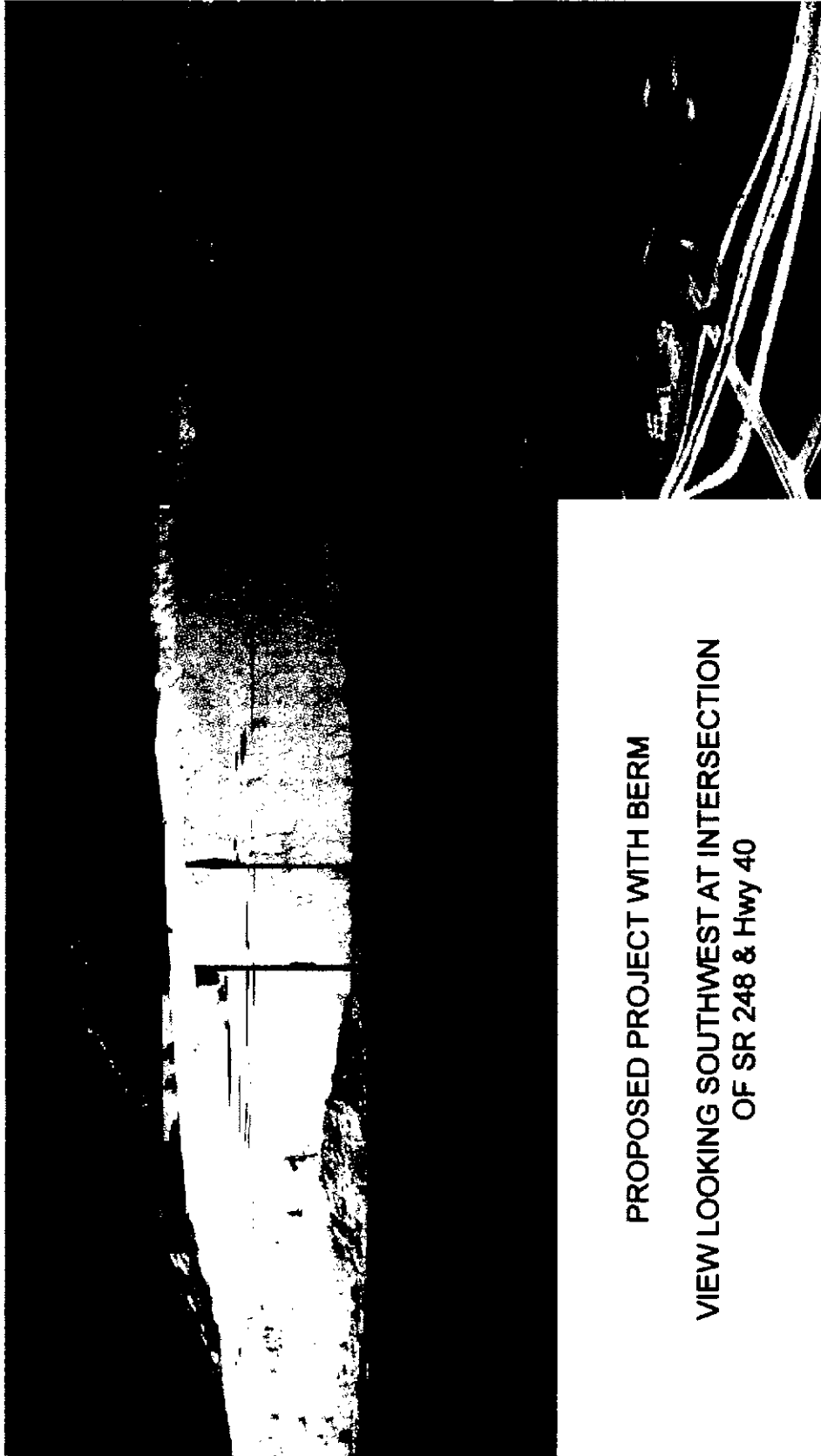
EXISTING CONDITION

VIEW LOOKING SOUTHWEST AT INTERSECTION
OF SR 248 & Hwy 40

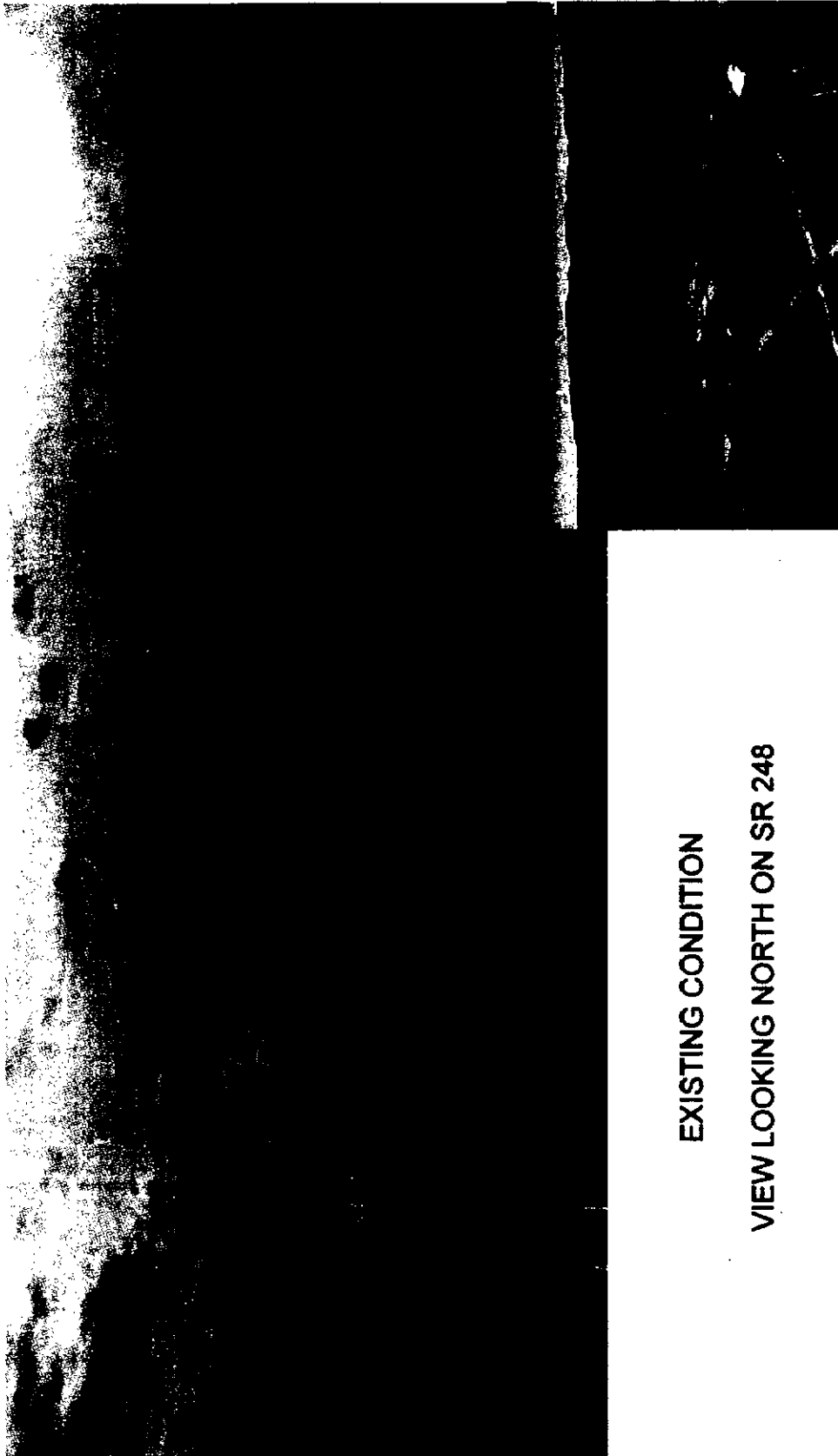


Raleigh Studios
Park City, UT

Conceptual Site Plan
19 March 28, 2012



PROPOSED PROJECT WITH BERM
VIEW LOOKING SOUTHWEST AT INTERSECTION
OF SR 248 & Hwy 40



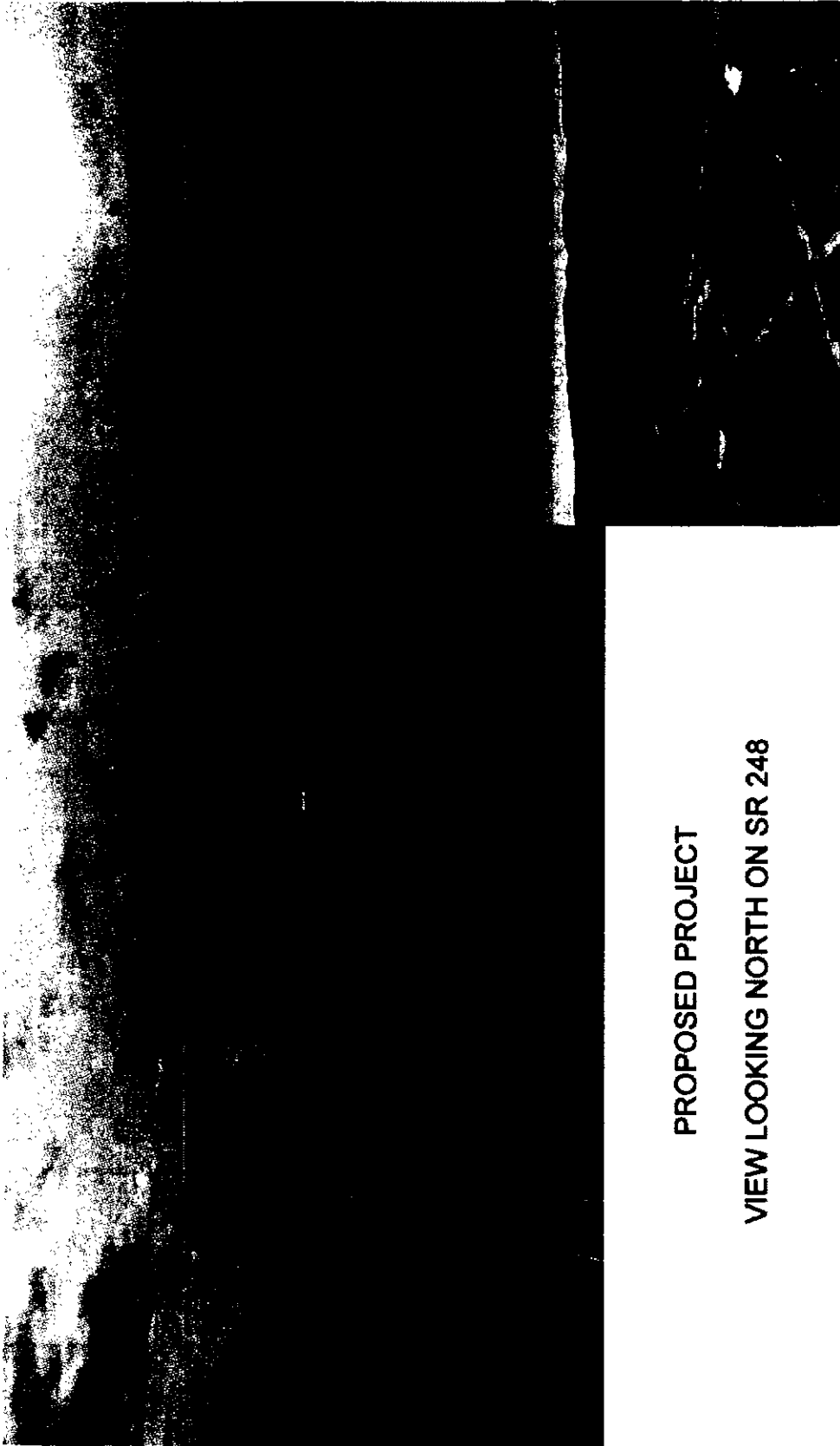
EXISTING CONDITION

VIEW LOOKING NORTH ON SR 248

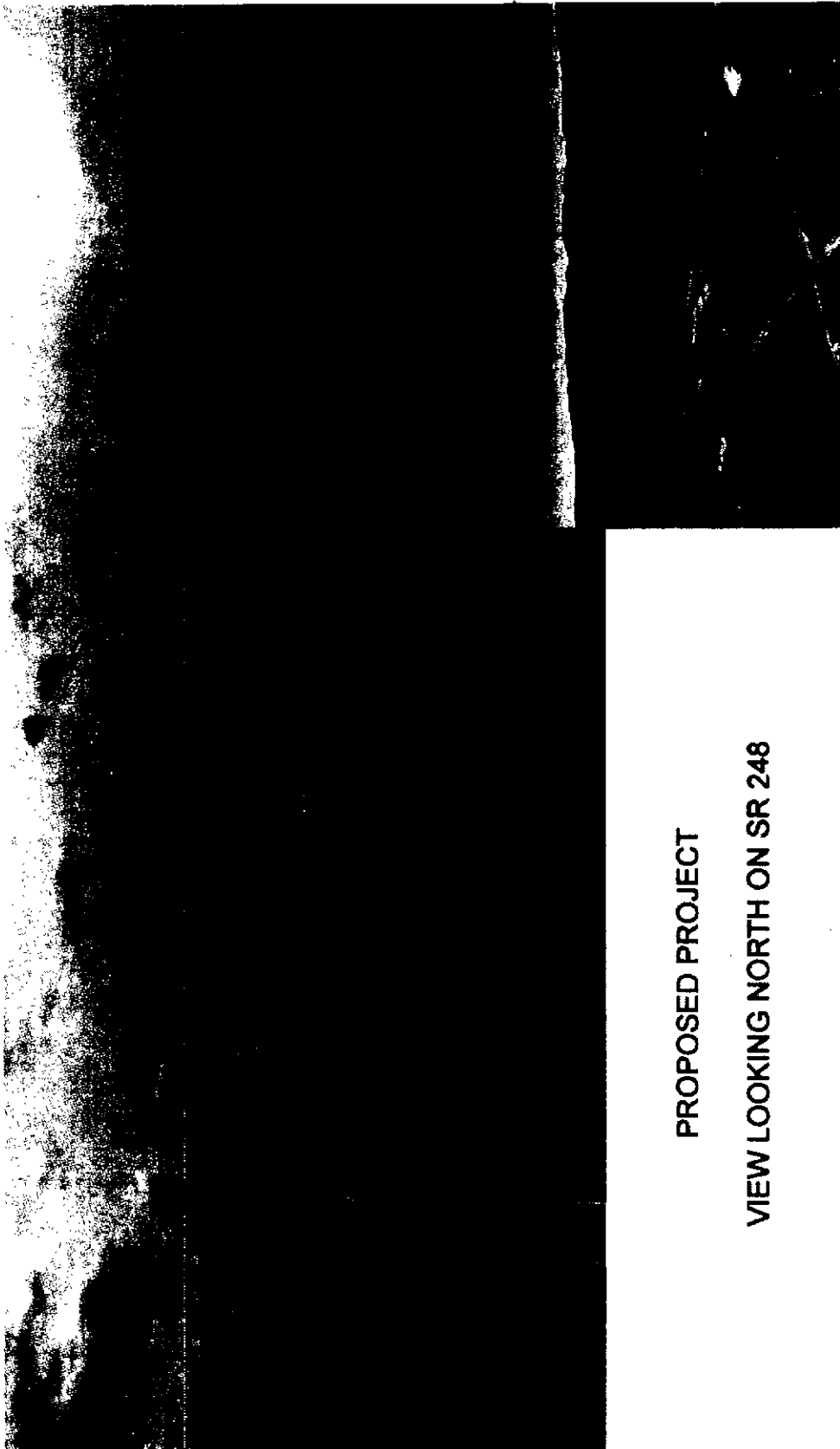


Raleigh Studios
Park City, UT

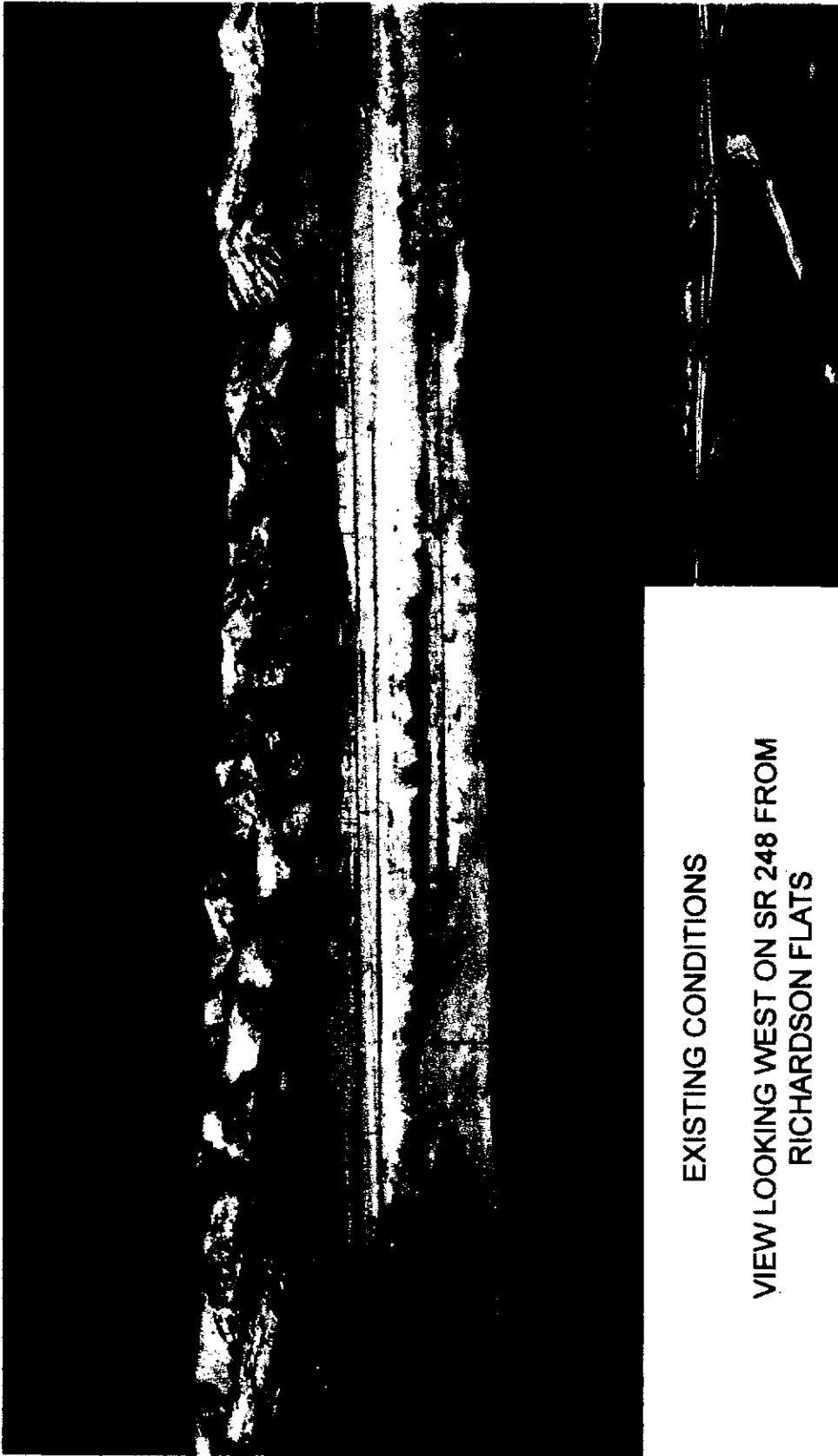
Conceptual Site Plan
121 March 28, 2012



PROPOSED PROJECT
VIEW LOOKING NORTH ON SR 248



PROPOSED PROJECT
VIEW LOOKING NORTH ON SR 248



EXISTING CONDITIONS

VIEW LOOKING WEST ON SR 248 FROM
RICHARDSON FLATS



PROPOSED PROJECT

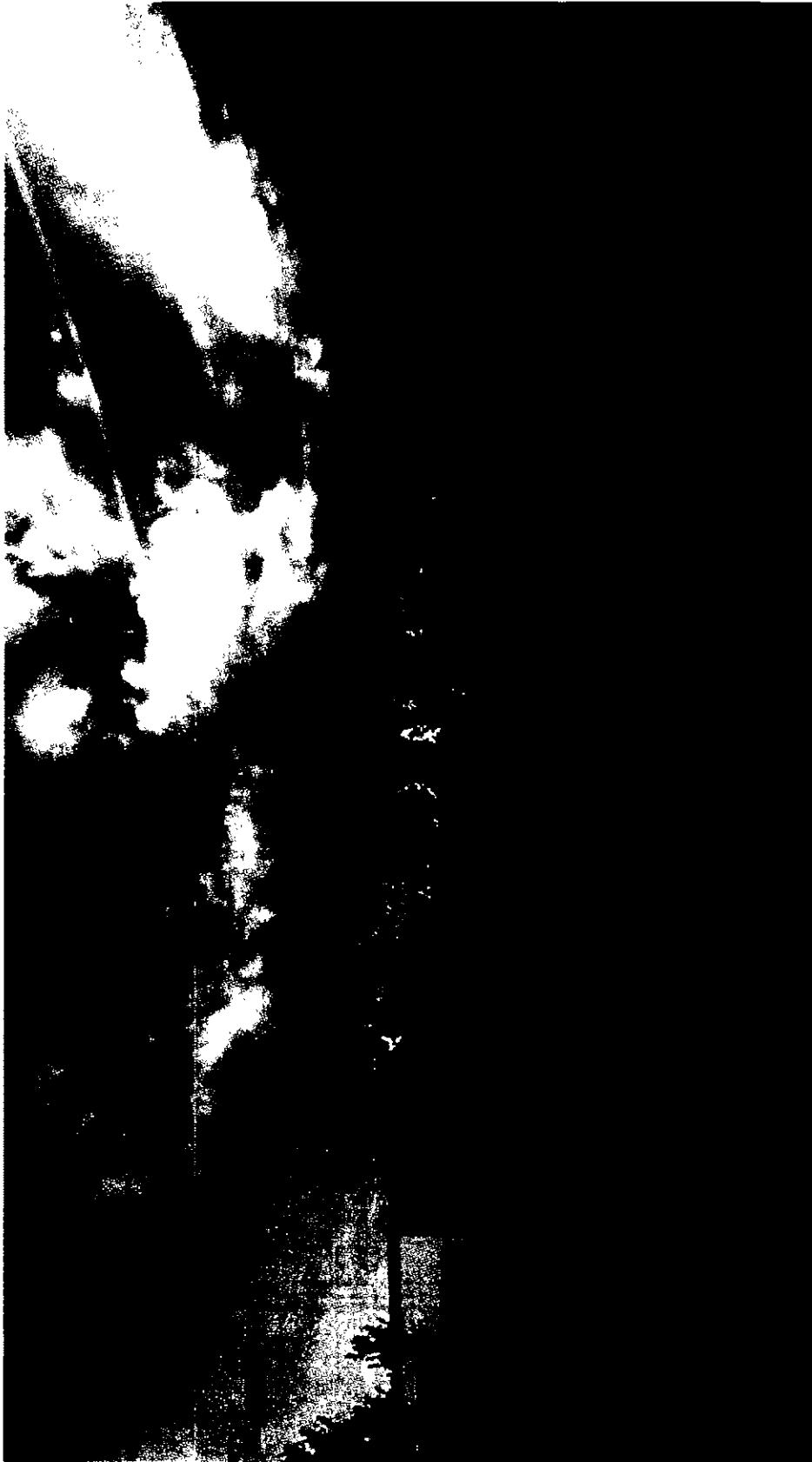
VIEW LOOKING WEST ON SR 248 FROM
RICHARDSON FLATS



Raleigh Studios
Park City, UT

Conceptual Site Plan
125 March 28, 2012

Raleigh Studios – Visual Analysis

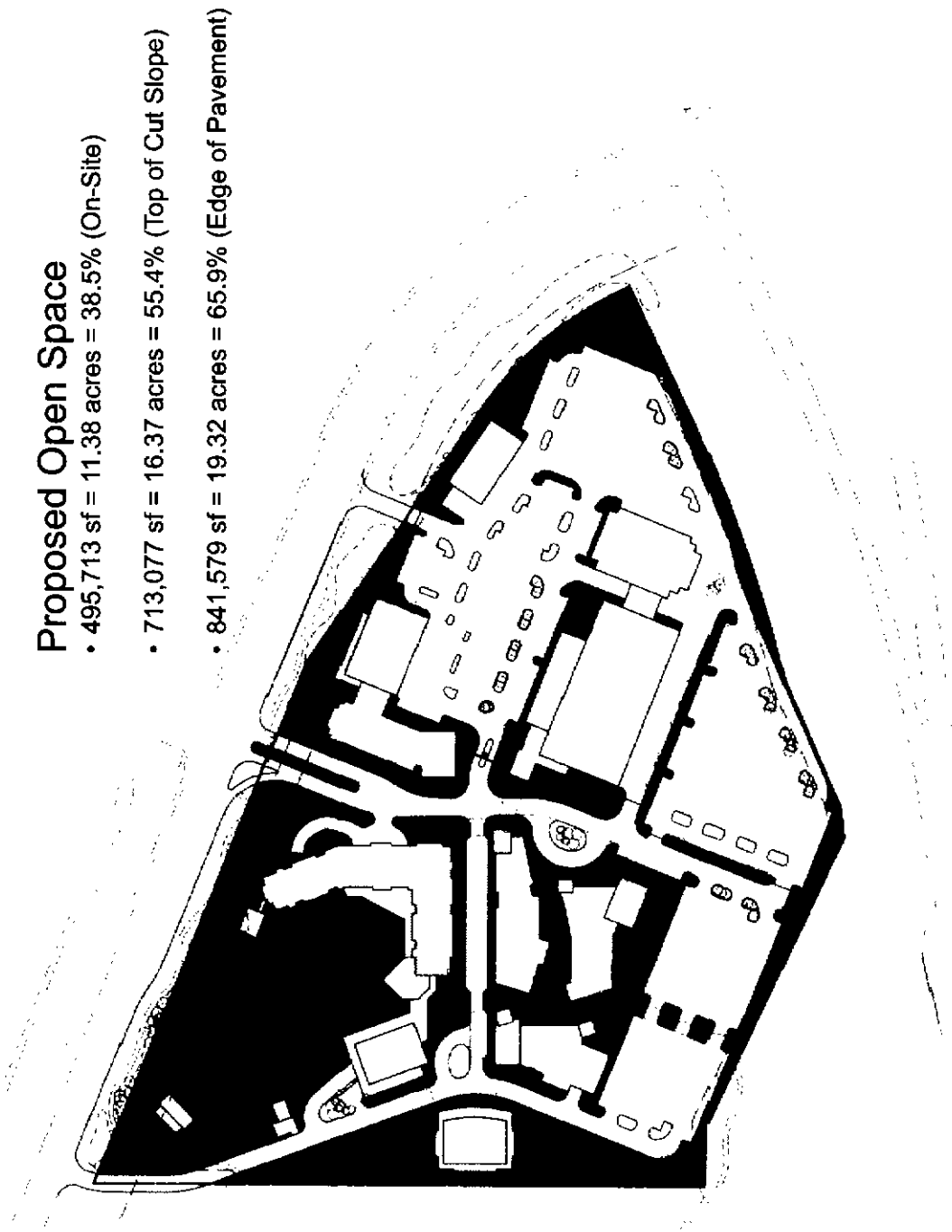


View Looking SW on SR 248

Raleigh Studios – Open Space

Proposed Open Space

- 495,713 sf = 11.38 acres = 38.5% (On-Site)
- 713,077 sf = 16.37 acres = 55.4% (Top of Cut Slope)
- 841,579 sf = 19.32 acres = 65.9% (Edge of Pavement)

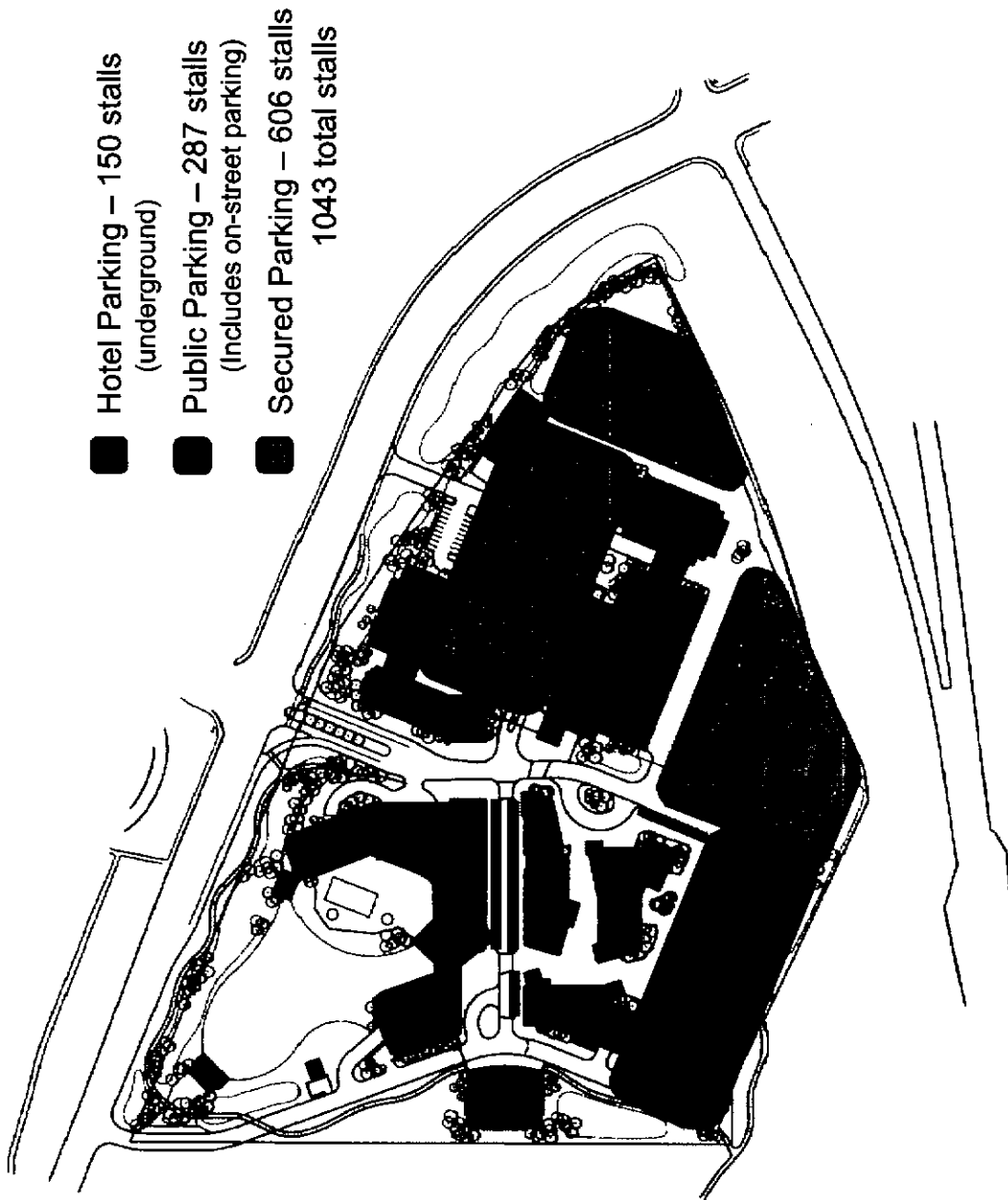


Raleigh Studios
Park City, UT

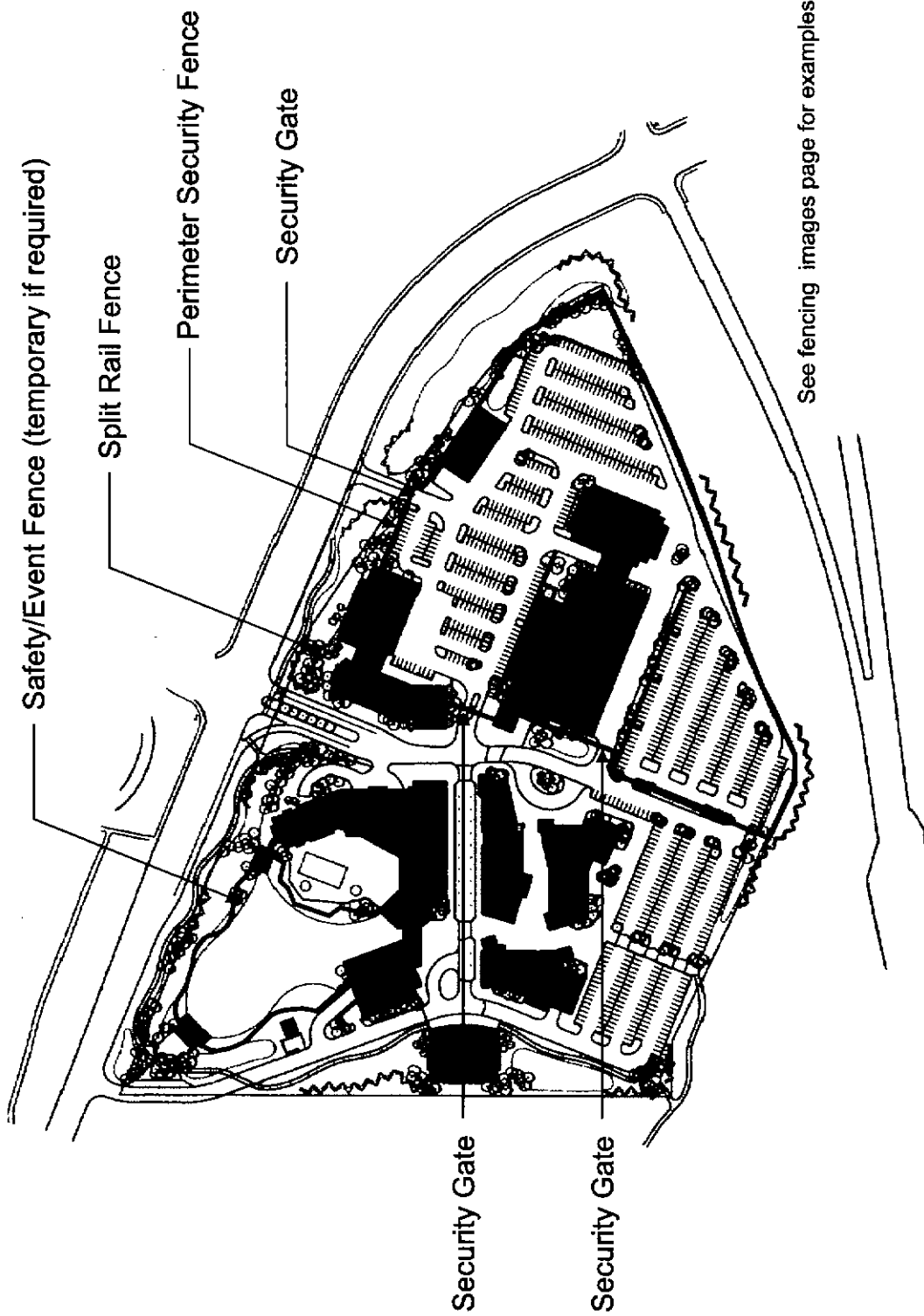


Conceptual Site Plan
127 March 28, 2012

Raleigh Studios – Parking Plan w/Counts

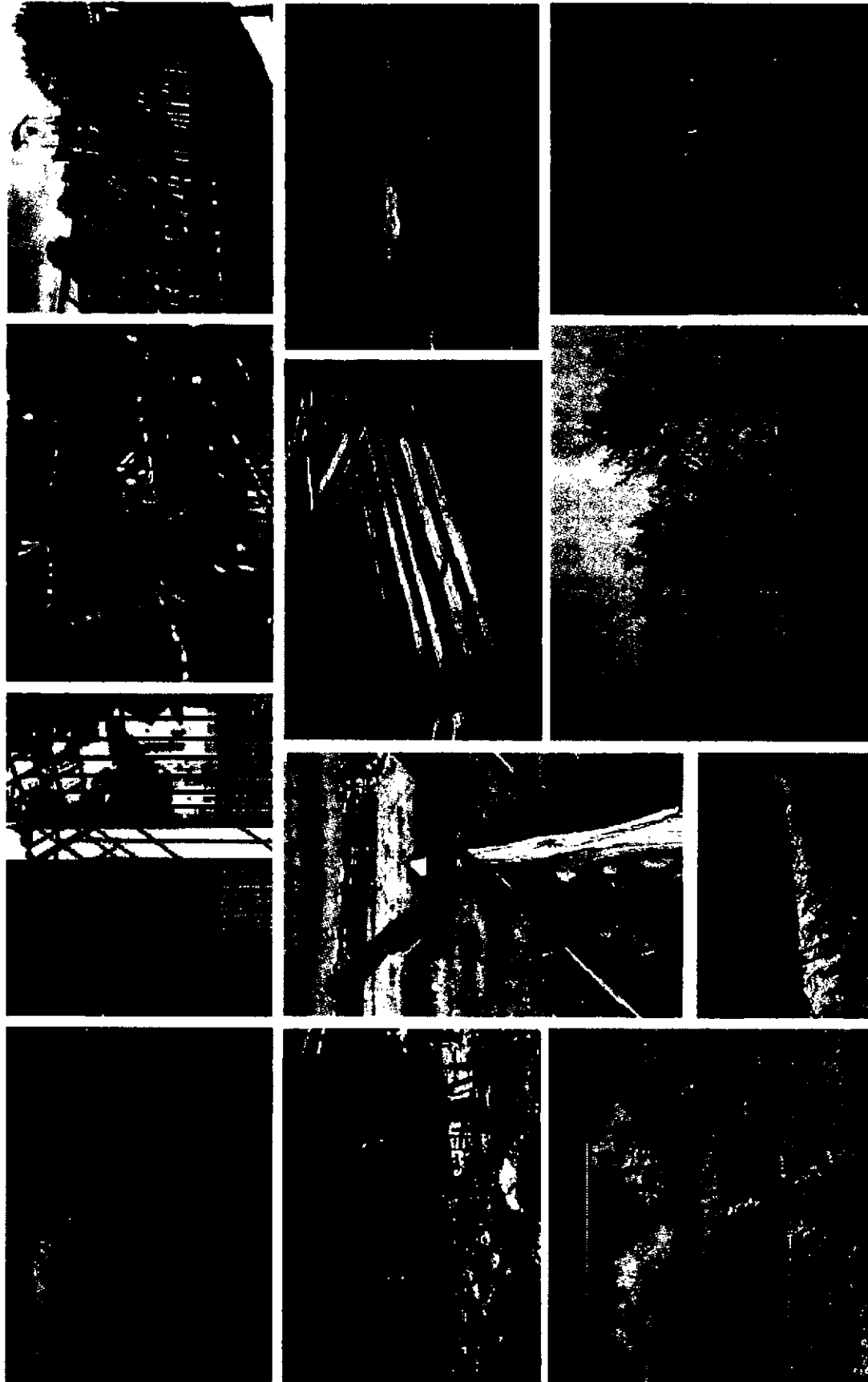


Raleigh Studios – Fencing Plan

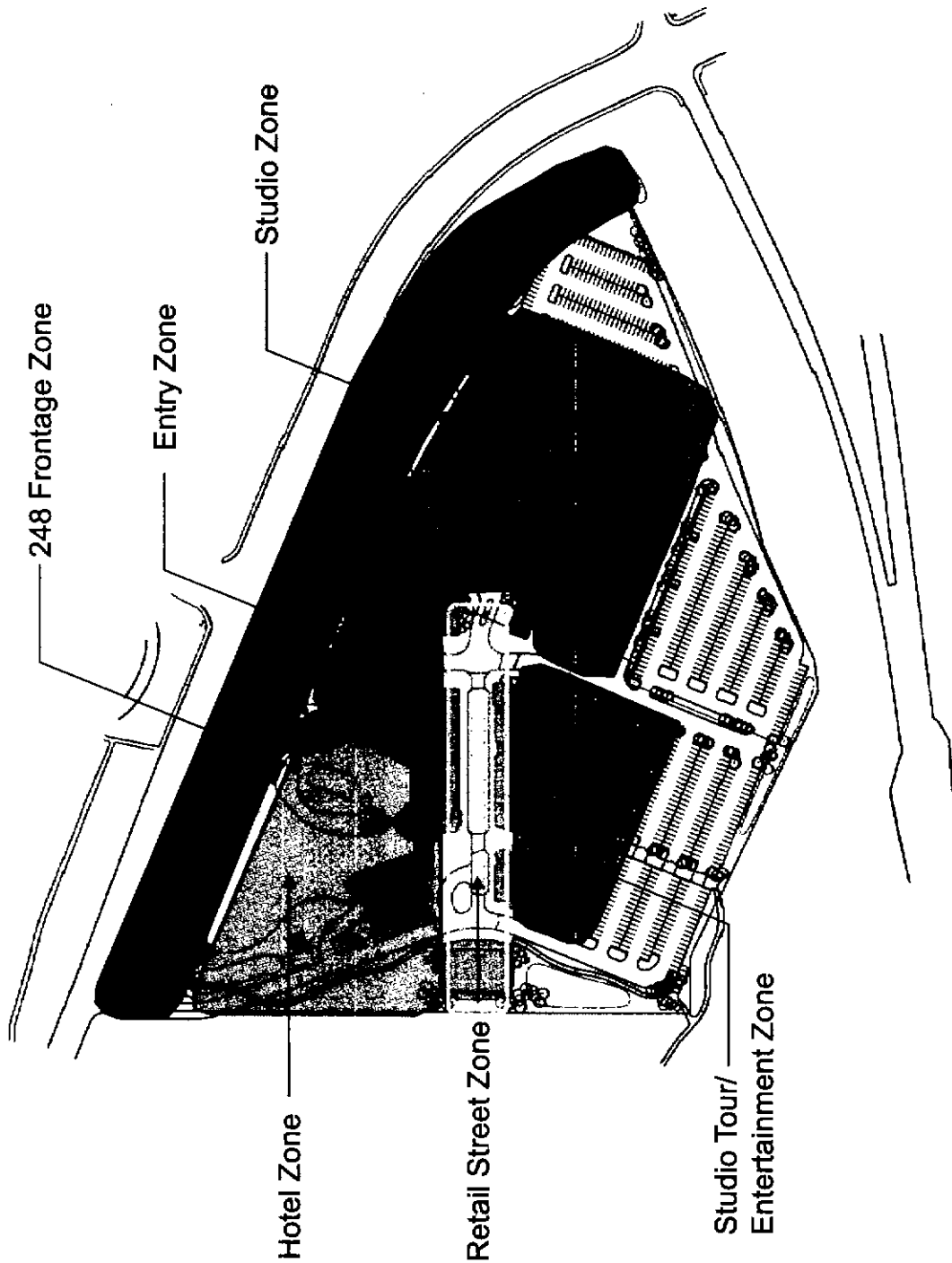


See fencing images page for examples

Raleigh Studios – Fencing Images



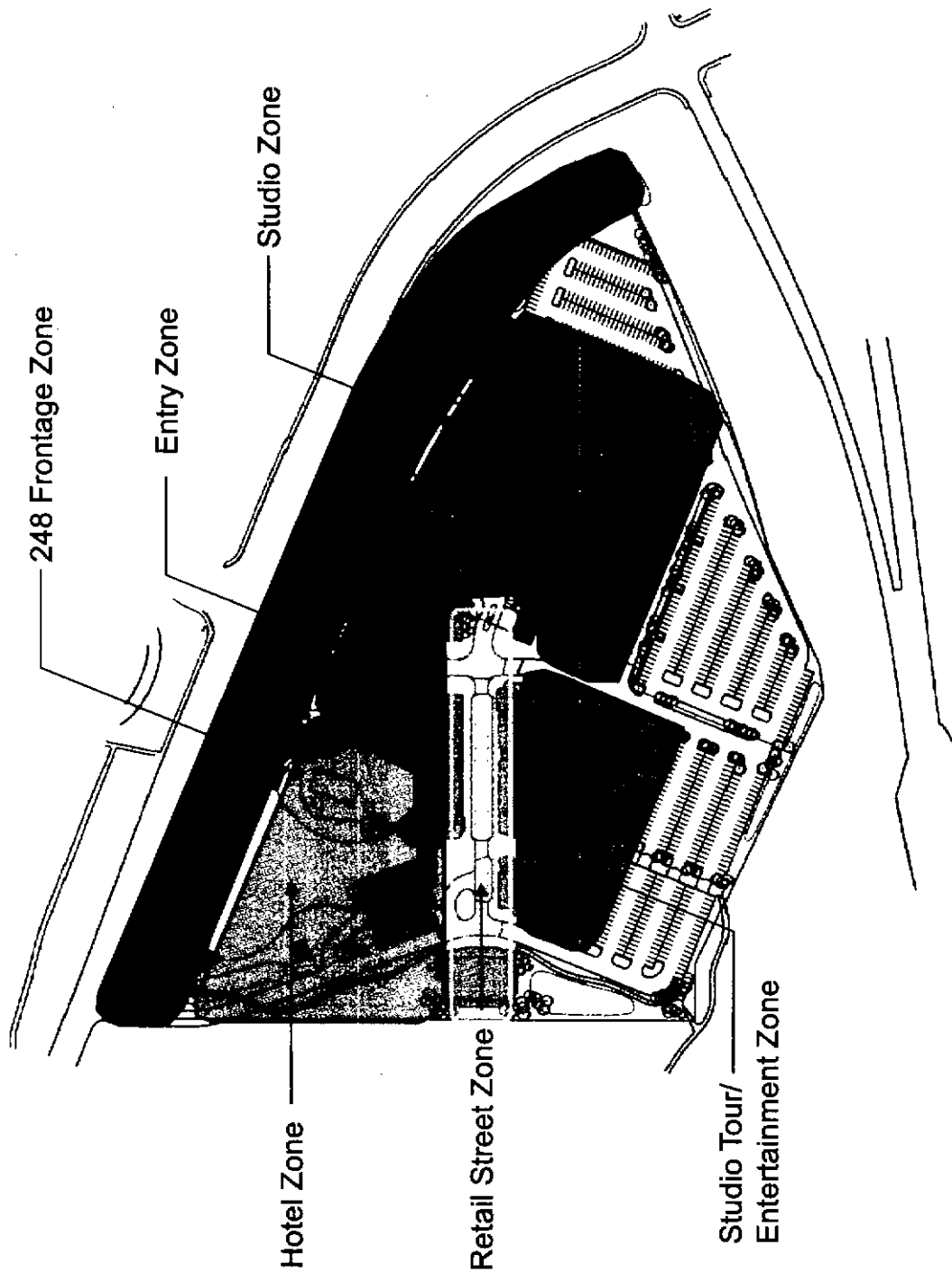
Raleigh Studios – Architectural Zones



Raleigh Studios
Park City, UT

Conceptual Site Plan
131 March 28, 2012

Raleigh Studios – Architectural Zones



Raleigh Studios – Precedent Image Boards



ENTRY / ARCHWAY CONCEPTS
PRECEDENT IMAGES

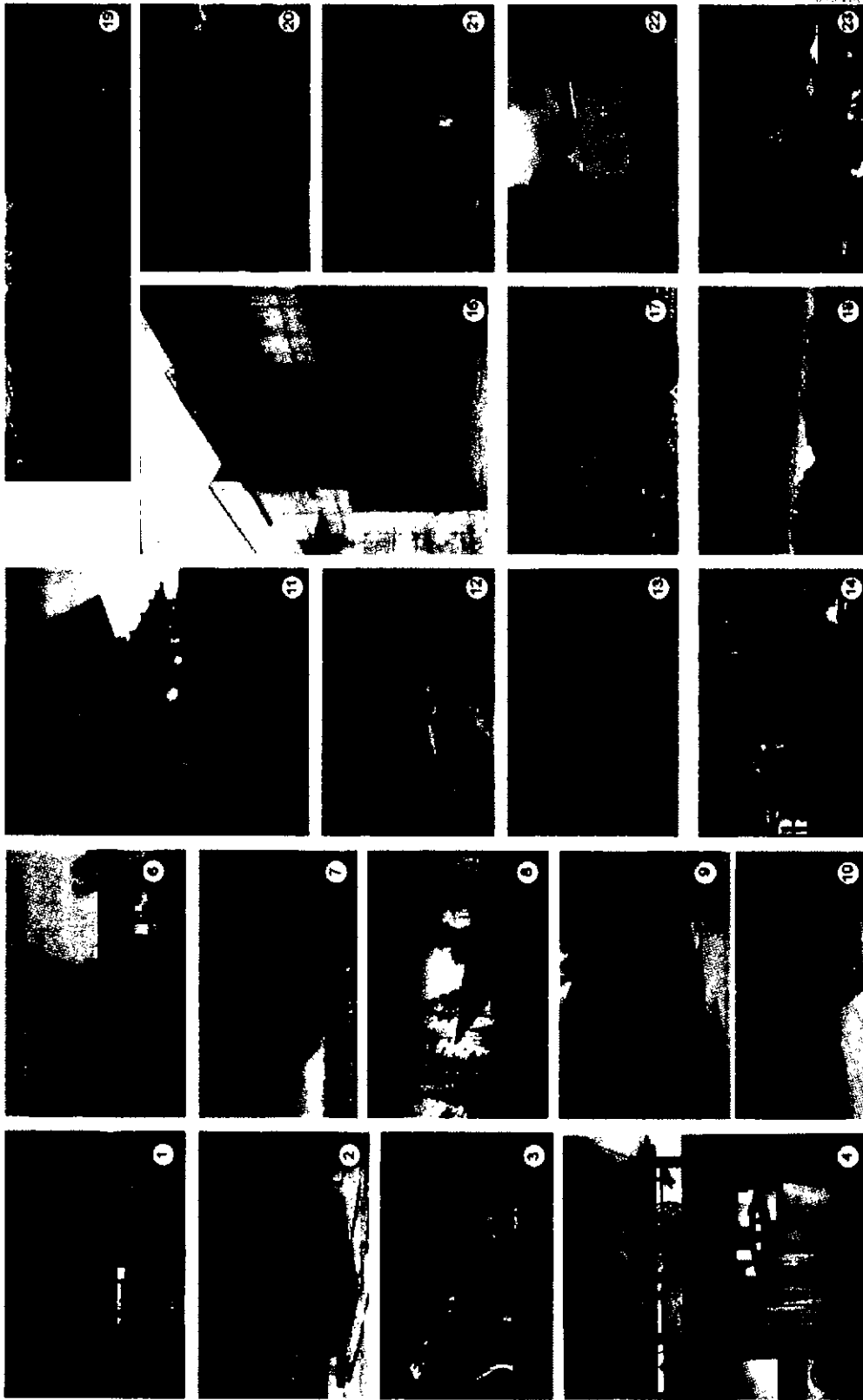
RALEIGH STUDIOS
March, 2012

Conceptual Site Plan
133 March 28, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Precedent Image Boards



ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES

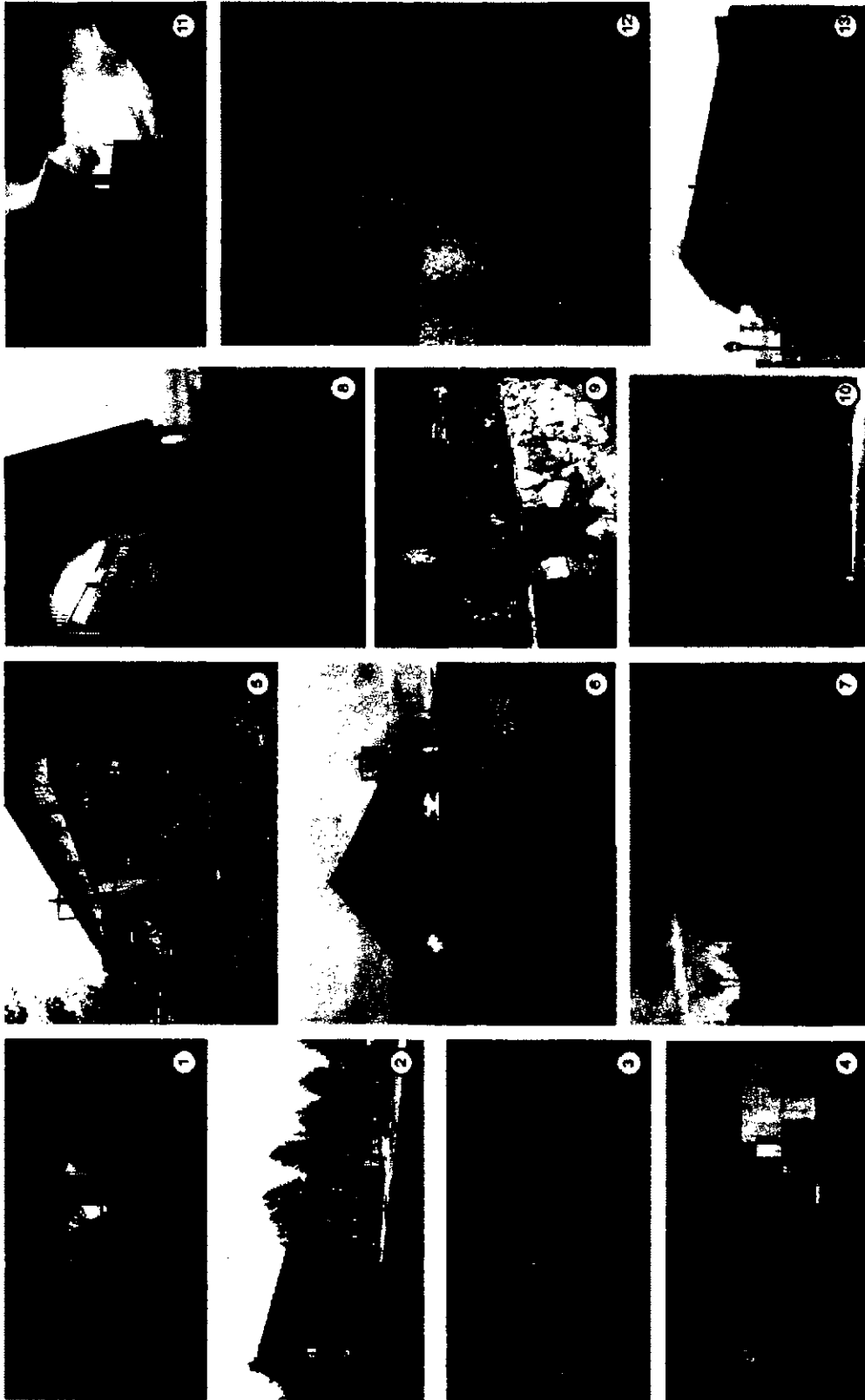
RALEIGH STUDIOS
March 2012

Conceptual Site Plan
14 March 28, 2012

Raleigh Studios
Park City, UT



Raleigh Studios – Precedent Image Boards



ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES



Raleigh Studios
Park City, UT

Conceptual Site Plan
135 March 28, 2012

RALIEGH STUDIOS
March, 2012

Raleigh Studios – Precedent Image Boards



RALEIGH STUDIOS
March, 2012

ARCHITECTURAL CONCEPTS / MATERIALS
PRECEDENT IMAGES

Conceptual Site Plan
128 March 28, 2012

Raleigh Studios
Park City, UT



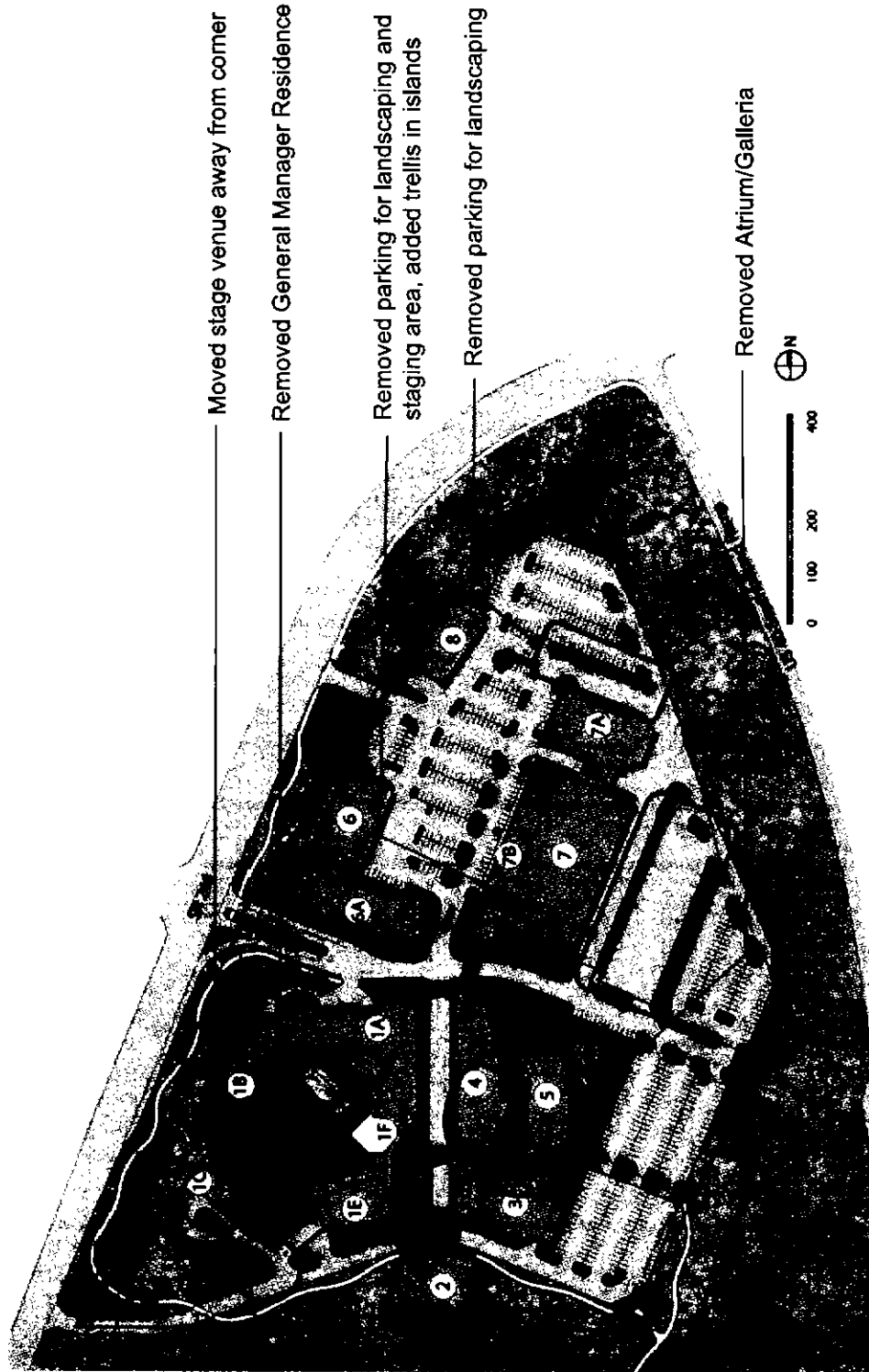
Previous Submittal Information – April 11, 2012



Raleigh Studios
Park City, UT

Conceptual Site Plan
137 April 11, 2012

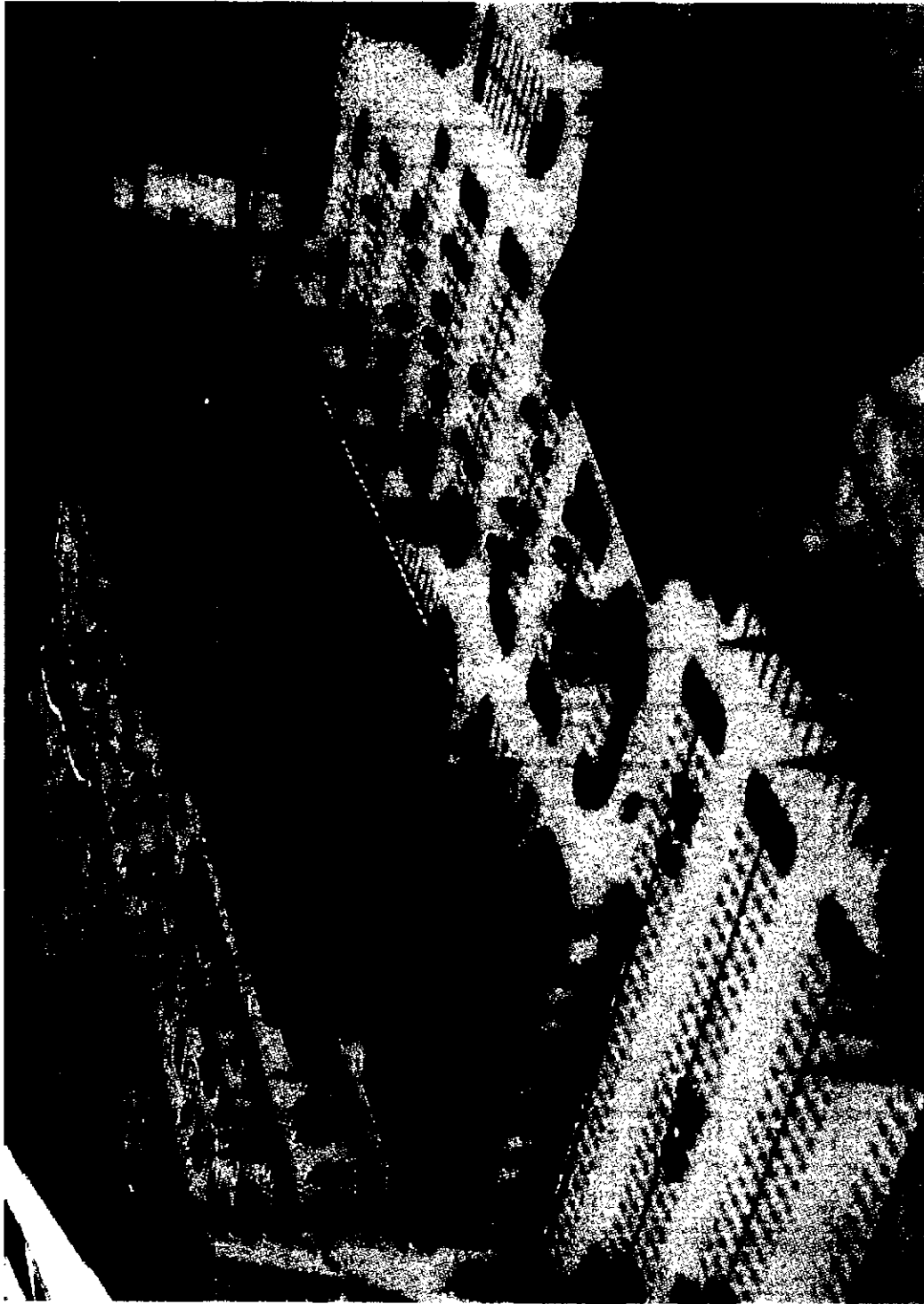
Raleigh Studios – Conceptual Site Plan Revisions



Raleigh Studios – Visual Analysis

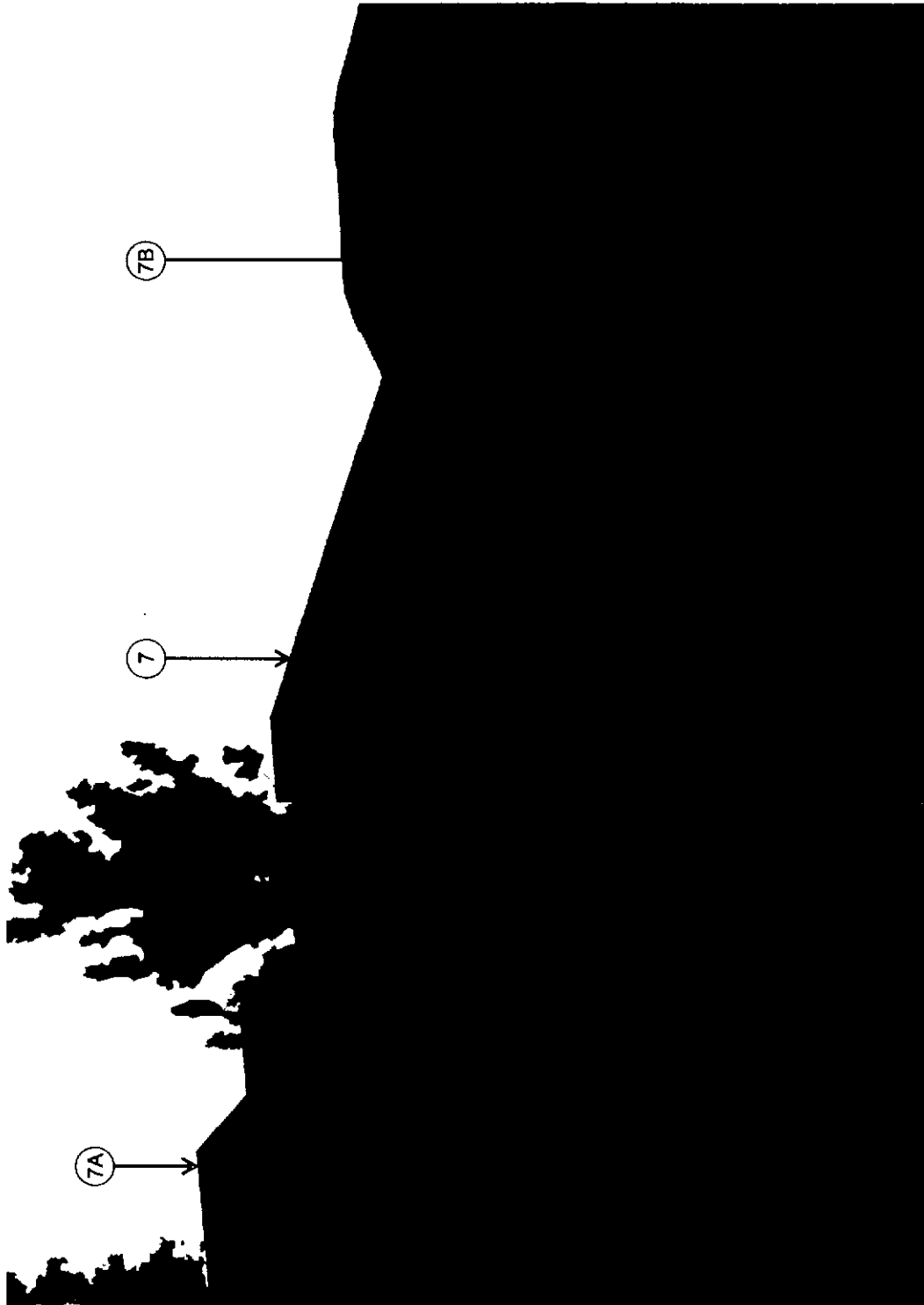


View from US40 Northbound



Massing Study Looking SE

Raleigh Studios – Visual Analysis



Buildings 7, 7A and 7B Massing Study Looking S

Raleigh Studios – Fencing Images

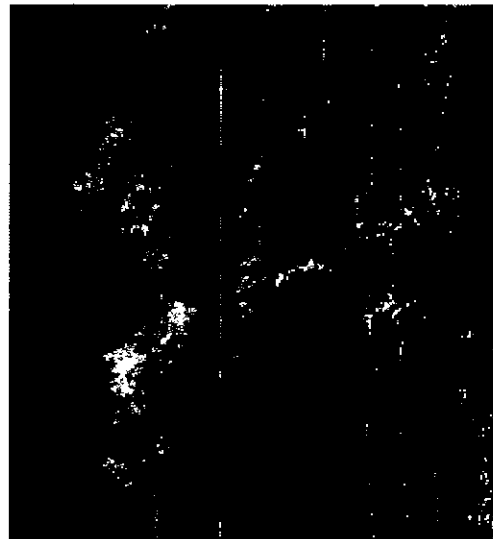
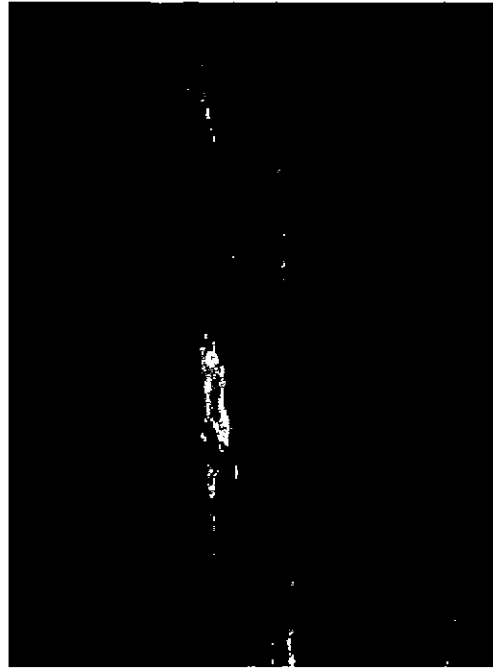
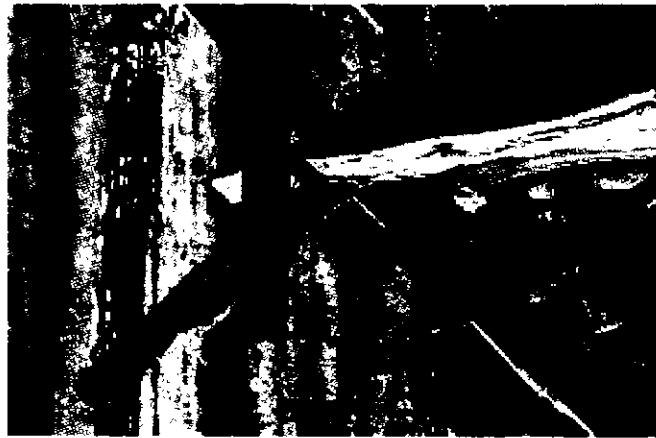


EXHIBIT G

Exhibit G
Phase 1 Plan

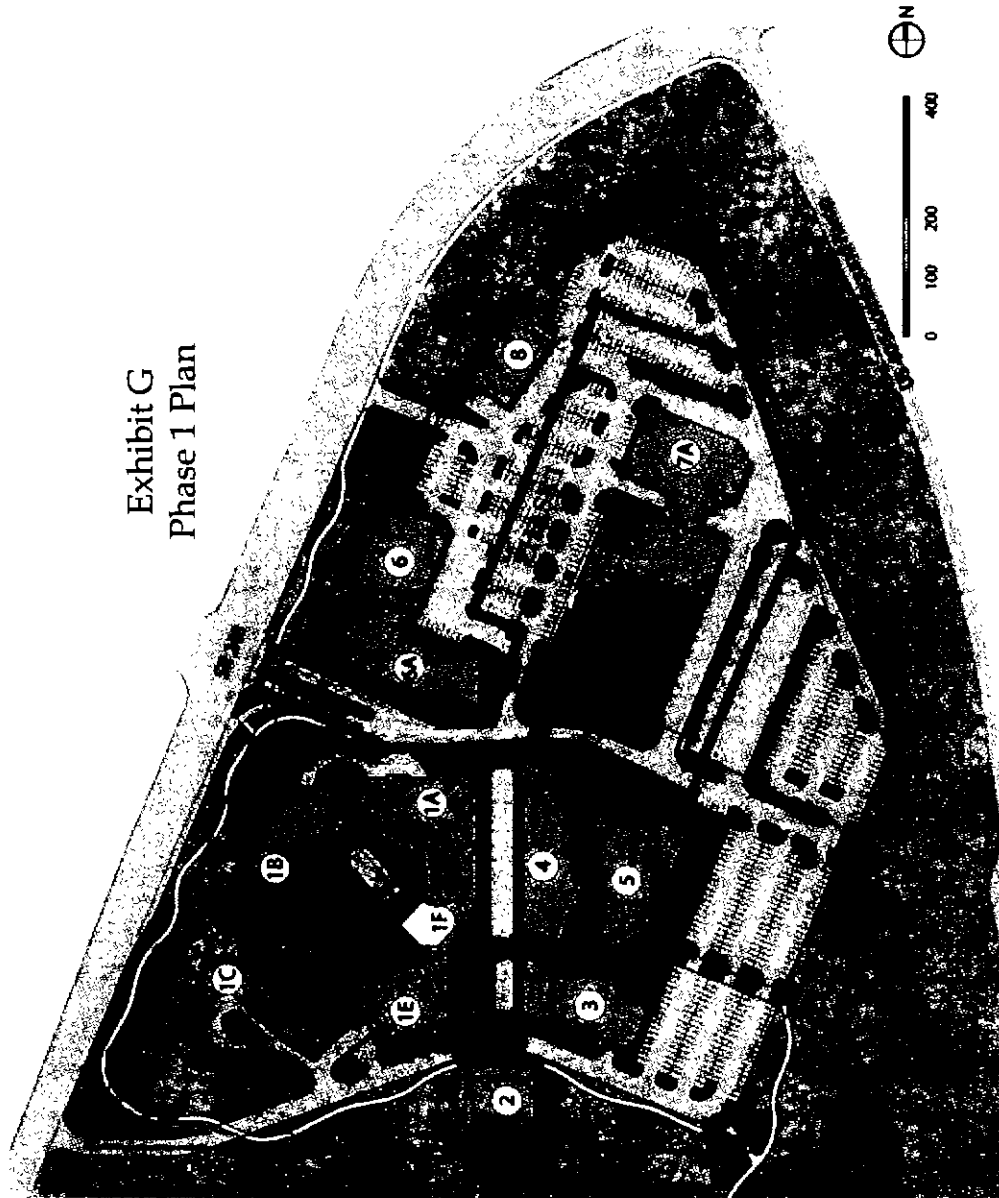


EXHIBIT H

LIST OF KNOWN PHYSICAL MINE HAZARDS:

NONE KNOWN



April 30, 2014

Sahara, Inc.
801 North 500 West, Suite 300
Bountiful, UT 84010

NOTICE OF PLANNING DIRECTOR ACTION

<u>Application #</u>	PL-13-02177
<u>Subject</u>	Park City Film Studios CUP
<u>Project Address</u>	4001 Kearns Blvd
<u>Description</u>	Administrative Conditional Use Permit
<u>Action Taken</u>	Approved
<u>Date of Action</u>	April 30, 2014

On April 30, 2014, the Park City Planning Director made an official determination of Approval of your application based on the following:

Project Description

The applicant is requesting approval of an administrative Conditional Use Permit application for Phase 1-A of the Park City Film Studio project. This phase consists of Building 7 (main sound stages building) with 47,375 gross square feet and Buildings 7A and 7B (workshop and support offices) with 44,000 gross square feet. Building 7A is connected to Building 7 with a breezeway roof element on the north side of Building 7 and Building 7B is connected to Building 7 with common walls, wrapping the west and south sides of Building 7. A small guardhouse, Building 9, is also part of this phase. Phase 1-A consists of approximately ten (10) acres. The entire Film Studio property consists of approximately 29.5 acres.

Parking is phased, with 279 spaces provided with the first phase. Fifty-two (52) of these spaces are proposed to be paved with a permeable paving system. An additional twelve (12) long vehicle spaces are provided on the east side of Building 7 for trailers and other longer vehicles, configured to allow these vehicles to pull through without having to back onto drive aisles.

The property is located at 4001 Kearns Boulevard in the CT zone (RCO overlay), with all development subject to the May 24, 2012 Annexation Ordinance and Master Planned Development and Agreement recorded at Summit County, the January 17, 2012 Annexation Agreement (a pre-Annexation Agreement between the City and the property owner), and this Conditional Use Permit. See attached Staff Report and Exhibits.

The Administrative Conditional Use permit is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. On May 12, 2012, the Park City Council adopted Ordinance 12-12 annexing the 29 acre Quinn's Junction Partnership (QJP) property into Park City.
2. As part of the Annexation approval, a Development Agreement was executed on May 24, 2012, and recorded at Summit County.
3. The Development Agreement includes concept plans for the film studio campus, 100 key hotel, and support uses allowed, as further defined in the Agreement, consistent with the prior January 17, 2012 Annexation Agreement, a pre-Annexation Agreement between the City and the property owner.
4. The Annexation Agreement and Ordinance 12-12 include a condition of approval that an Administrative Conditional Use permit is required for the Park City Film Studio project prior to issuance of any building permits.
5. On December 11, 2013, the applicant submitted an Administrative Conditional Use Permit application for Phase 1-A of the Park City Film Studio project. The application was deemed complete on December 19, 2013.
6. The application is a request for a Conditional Use Permit for Phase 1-A of the Park City Film Studio project. Phase 1-A consists of Building 7 (main sound stages building) with 47,375 gross square feet and Buildings 7A and 7B (workshop and support offices) with a total of 44,000 gross square feet. Building 7A is connected to Building 7 with a breezeway roof element on the north side of Building 7 and Building 7B is connected to Building 7 with common walls, wrapping the west and south sides of Building 7. The entire Film Studio property consists of approximately 29.5 acres. A small guardhouse, Building 9, is also part of this phase. Phase 1-A consists of approximately ten (10) acres.
7. The site is located at 4001 Kearns Boulevard (aka State Road 248).
8. The site is within the Community Transition (CT) Zoning District.
9. A high level of importance was placed on construction of a sound stage as part of the initial phase of construction. It was intended that support buildings for the Sound Stage (such as offices, media, and other technical functions) would be constructed prior to construction of support offices (Buildings 6, 6A, and 8) on the northern portion of the property as well as prior to the hotel and support commercial/retail uses to be located on the southern portion of the property.
10. On October 28, 2013, the owner's representative submitted a request for an amendment to the approved Phasing Plan for construction of the Film Studio campus.
11. On December 5, 2013, the City Council approved the proposed amended phasing plan for Phase 1 allowing it to be broken into three sub-phases (1-A, 1-B, and 1-C). Phase 1-A consists of Buildings 7, 7A, and 7B, as well as building 9 (guard house), and associated parking, landscaping, and utilities.
12. Parking, landscaping, berms along State Road 248, and fencing are required to be phased consistent with construction phasing.
13. A parking phasing plan for Phases A-1, A-2, and A-3 was submitted with the Administrative Conditional Use permit application indicating that construction of parking is phased with the construction of each of these phases and indicates that only essential paving/parking is provided for each phase.

14. A storm water detention area is identified to the north of this north/east parking lot, with a portion of the detention area identified on UDOT property to the north of the QJP property.
15. The following timeframe for construction is anticipated by the applicant as a tentative timeline for construction. This is a proposed timeframe for Phase One, but not a requirement of this Conditional Use Permit.
 - Phase 1-A: Buildings 7, 7a, 7b, 9 – beginning in April 2014 and ending November 2014
 - Phase 1-B: Building 8 – beginning June 2014 and ending November 2014
 - Phase 1-C: Buildings 6, 6a – beginning August 2014 and ending April 2015
16. The entire property will be platted as Lot 1 of the Park City Film Studios Subdivision, which was approved by the City Council on April 17th and is currently under review by the City's Engineering and Legal Departments for form, prior to recordation.
17. The property has direct access to SR 248 at an approved UDOT Corridor Preservation access location.
18. Utilities (water, sewer, power, etc.) are located at or nearby the site and are anticipated by service providers for this project. The applicant has been advised of design, flow, redundancy and capacity code issues regarding their current proposed water system.
19. Emergency vehicle access is identified on the plans and has been reviewed by the Building Department and Fire District for compliance with Building and Fire Codes regarding emergency vehicular access.
20. Parking for this phase of the project consists of 279 parking spaces of which, fifty-two (52) spaces are proposed to be constructed with a permeable paving system as required by the Development Agreement. An additional twelve (12) long vehicle spaces are provided on the east side of the studio building. An updated parking analysis was provided by Hales Engineering on February 4, 2014 for this phase of development. LMC required parking for entire Phase One (1-A, 1-B, and 1-C) is 435 stalls and actual parking proposed is 443 stalls (according to Sheet AS1.0 where 445 proposed stalls were reduced by 2 to provide additional landscape islands).
21. LMC required interior and perimeter parking area landscaping, parking space and drive aisle dimensions; parking lot lighting, snow storage areas, and bicycle parking are addressed by the proposed plan. Parking is consistent with the Development Agreement and the LMC.
22. Internal pedestrian circulation is addressed with a system of sidewalks throughout the site. In future phases the internal pedestrian system will connect to the public trail system.
23. Fencing, screening, and landscaping are provided consistent with the LMC requirements of Chapter 3, the Annexation Development Agreement and the Annexation Ordinance to provide screening of the parking and buildings from SR 248 and adjacent properties to the greatest extent possible.
24. A perimeter security fence (maximum height of 7') is proposed, with final design to be approved by the Planning Director prior to installation.

25. Building mass, bulk, orientation, and location on the Site are consistent with requirements of the LMC, Development Agreement, and conditions of approval of the Annexation Ordinance. Perimeter setbacks of 25' are maintained.
26. Building 7B was reduced in overall footprint and Building 7A was slightly increased from the approval conceptual plan. Staff finds this is a minor modification and the Planning Director approves the modification to Buildings 7, 7A, and 7B because it results in more building articulation for Building 7 to further mitigate the overall massing of the Buildings. Overall gross floor area for Building 7 conforms to the approved MPD plans. Buildings 7A and 7B have a combined gross floor area of 44,000 square feet, consistent with the concept plans. Building 7A is reduced by 10,000 square feet and Building 7B is increased by 10,000 square feet due to film studio use requirements for less workshop space and more support editing/office space. Overall gross floor area for Buildings 7, 7A, and 7B comply with the MPD.
27. The Annexation and Development Agreement stipulated a maximum building height of fifty feet (50') for the sound stage building (Building 7), or up to sixty feet (60') in the event a major, long term film production contract necessitates the full studio height on compliance with Paragraph 2.5 e of the January 17, 2012 Annexation Agreement. Documentation has been provided with this CUP indicating that there is a long term film production contract allowing the building to exceed 50' but not to exceed 60'.

The maximum height of Building 7 is 55'6" from existing grade. Building 7A is 31'6" from existing grade and Building 7B is 33' from existing grade at the highest point. This is based on the stated FF of 6653.5' (finished floor elevation) and stated heights shown on revised sheet Phase 1-A Site Plan submitted on April 29, 2014 AE 4.0) and the USGS topography indicated on the existing conditions survey.

Building heights for Buildings 7A and 7B are consistent with the Annexation Agreement and MPD Development Agreement. The January 17, 2012 Annexation Agreement stipulates that seventy percent (70%) of the buildings are permitted to be between 36' and 40' in height with the remaining buildings to be not greater than the CT zone height of 28'. Excluding Building 7 there are a total of 15 buildings planned, therefore 10.5 buildings can exceed the 28' CT zone height as measured from existing grade. The Agreement also stipulates that any building with a height greater than 28' shall not be closer than 150' from the centerline of the public roadway (SR 248). Buildings 7, 7A and 7B are more than 150' from the centerline of SR 248.

28. Useable open space is provided consistent with the Development Agreement, approved MPD concept plan, and conditions of approval of the Annexation Ordinance. For this phase of the project, usable open space consists primarily of landscaped areas around the buildings and parking lots that provide relief from hard scape and paving. Additional usable open space is planned for future phases. The Annexation Ordinance does not allow plazas, pedestrian walkways, patios, etc. to be heat melted.
29. Signs are only permitted by separate permit with review for compliance with the Park City Sign Code. A Master Sign Plan is required for the Film Studio project.

30. All exterior lighting, as proposed, is consistent with the Park City Land Management Code. The plan includes a requirement to shut off lighting in parking areas used on an intermittent basis.
31. No mechanical factors will affect off-site properties from the proposed use as conditioned.
32. Ground and roof-mounted mechanical equipment is proposed to be screened as required by the LMC, Development Agreement and conditions of the approved Ordinance.
33. All uses are proposed to take place within the Buildings. Staff recommends a condition of approval that any special event or activity that contemplates uses outside of the Buildings shall first obtain approval and permitting from the City before the event or activity commences.
34. Outdoor activities and noise are restricted by the City's noise Ordinance, unless otherwise allowed through a special event or Master Festival permit in accordance with the Municipal Code. The Development Agreement limits outdoor uses and noise to 7AM to 10 PM, unless otherwise permitted.
35. Trash and recycling pick-up are contemplated to be similar to other areas in Park City. Trash and recycling facilities are screened and enclosed to minimize impacts. Adequate circulation through the site is provided as required for these trucks. Loading and unloading for delivery and service vehicles is designed to take place between Buildings 7 and 7A in an area that is screened and not highly visible from public areas and streets.
36. The current owner, Quinn's Junction Property, LC will continue to own the property. Leasing and management of the property will be subject to private agreements however no agreements can be entered into that are contrary to the Development Agreement, Annexation Ordinance, or this Conditional Use Permit. The Ordinance requires that the Final Subdivision approval contain covenants and restrictions in compliance with Paragraph 2.6 of the January 17, 2012 Annexation Agreement.
37. The site is relatively level and is not within the Sensitive Lands Overlay or the Park City Soils Ordinance boundary.
38. The applicant has indicated that the site contains no known Physical Mine Hazards.
39. The National Wetlands Survey maps identify freshwater emergent wetlands adjacent to the property on the northeast boundary.
40. Top soil will be stock piled on site for re-use on site. Excess soil will be used to form the required landscape berms with the goal being to balance cut and fill on the site and minimize transport of soil away from the site.
41. The US 40 corridor is an important entry corridor into Park City. The east façade of Building 7 is visually prominent from the US 40 right-of-way. The east façade of Building 7 is 307 feet in length with an exposed wall height of between 50 and 60 feet making it approximately 16,885 square feet of façade area.
42. The January 17, 2012 Annexation Agreement included Design Guidelines to guide the physical design of the site, including building mass, scale, style, compatibility, design and architectural detailing, and include language regarding provision of building modulation, entry accentuation, and rich architectural details. The Guidelines also include language that long building facades should be broken with architectural details. Facades with varied setbacks are encouraged to provide visual interest. Rear and side wall elevations shall provide building off-sets and architectural details similar to front facades.

Conclusions of Law

1. The proposed Administrative Conditional Use Permit application, as conditioned, is consistent with the January 17, 2012, Annexation Agreement, the May 24, 2012 Annexation Ordinance and Development Agreement, and the December 5, 2013 phasing plan amendments.
2. The proposed application, as conditioned, complies with all requirements of the Land Management Code.
3. The use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
4. The use, as conditioned, is consistent with the Park City General Plan as stated in the negotiated Annexation and Development Agreements.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All conditions of approval of the QJP Annexation Ordinance and Development Agreement continue to apply.
2. All conditions of approval of the December 5, 2013 approved phasing plan continue to apply.
3. A subdivision plat shall be recorded at Summit County prior to issuance of any building permits for construction of the Buildings.
4. The Final Subdivision plat approval shall contain covenants and restrictions in compliance with Paragraph 2.6 of the January 17, 2012 Annexation Agreement.
5. Leasing and management of the property are subject to private agreements however no agreements can be entered into that are contrary to the Development Agreement, Annexation Ordinance, or this Conditional Use Permit.
6. Prior to building permit issuance the applicant shall provide a letter from UDOT confirming that the proposed access point at the currently signalized intersection with SR 248 is an approved UDOT Corridor Preservation access location and that the proposed driveway configuration complies with UDOT requirements.
7. The west bound traffic signal will be installed and activated when warranted and approved by UDOT. The cost associated with the traffic signal shall be worked out between the applicant and UDOT.
8. Applicant submitted a deed securing ownership from UDOT for property for the off-site storm-water detention facility. If UDOT requires any additional approvals for the storm water, or an agreement with the City for any berming, landscaping or fencing proposed for the northern portion of the site, along SR 28 and at the US40/SR 248 intersection, such shall be obtained prior to approval of final utility plans at the cost of the applicant (any city liabilities required by UDOT will be assigned to the applicant).
9. A certificate of occupancy for Buildings 7, 7A, and 7B shall be issued by the Park City Building Department prior to requesting a certificate of occupancy for Buildings 6 and 8 on the approved revised phasing plan.
10. Topsoil shall be stockpiled on site for use on the property and export of excess material from the site shall be minimized.
11. Prior to issuance of a building permit for any of the Buildings subject to this CUP, all building plans shall be reviewed for compliance with these conditions of approval. All exterior building materials, colors and final design details must be consistent with the

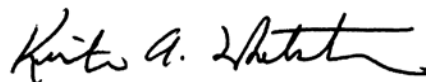
- final CUP plans. Final exterior materials, colors, and finishes shall be approved by the Planning Director prior to installation of exterior materials and upon review of 4' by 4' mock-ups of these exterior materials. Mechanical roof projections shall be indicated on the building plans and shall be minimized, clustered, painted to match the roof, and screened with roof elements to the greatest degree possible.
12. Final approval of a sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to building permit issuance.
 13. A final storm water run-off and drainage plan shall be approved by the City Engineer prior to issuance of permits for site work.
 14. A final utility plan shall be approved by the City Engineer prior to issuance of permits for site work.
 15. A final grading plan shall be approved by the City Engineer prior to issuance of permits for site work.
 16. A final landscape plan shall be approved by the Planning Director prior to issuance of a building permit. This shall include plant materials, quantities, fencing, etc.
 17. Exterior parking lot lighting shall be submitted for final approval with the building permit plans. Lighting shall be turned off at night (minimum 75%) to preserve dark sky, unless a late event requires lighting to remain on.
 18. Impacts to any existing wetland areas or the ditch/channel providing water to the wetland area shall be identified and appropriate permits and/or letters shall be obtained from the Army Corps of Engineers and submitted to the City Engineer prior to any construction impacting these wetlands and ditches/channels.
 19. Green Building requirements required by the Annexation Ordinance (Condition #27) shall be complied with.
 20. Areas of plazas, pedestrian walkways, and patios shall not be heat melted per MPD agreement.
 21. A Traffic Management Plan for special events and activities at the property shall be reviewed by the City's Special Events Staff and Police Departments of Transportation and Public Safety and all necessary special event permits and/or conditional use permits shall be obtained prior to commencement of the event or activity. Use of the City's Richardson Flat Road Park and Ride shall be permitted only with specific approval granted by the City Council.
 22. Final design of the perimeter security fence shall be approved by the Planning Director prior to installation, consistent with the Development Agreement.
 23. Prior to issuance of a certificate of occupancy for Building 7, all landscaping contemplated by the Development Agreement for, 1) the parking lot landscaped island immediately to the east of the long vehicle parking stalls and 2) the berms and area along the western fence line shall be installed to adequately screen on-site parking for Phase 1-A. The remaining berming and landscaping along SR 248 (for Phase One area) will be installed with construction of Building 8.
 24. No sign permits for permanent signs shall be approved until a Master Sign Plan for the project is approved. No signs, with the exception of construction mitigation signs, maybe installed on the site without an approved sign permit application. Decorative elements, such as illustrations, faded lettering, building identification, etc., on the exterior elevations shall be approved by the Planning Director prior to installation.
 25. Any special event or activity that contemplates uses outside of the Buildings and outside of the allowed hours for outdoor activities and noise (7AM to 10 PM) shall first obtain approval and permitting from the City before the event or activity

commences. Outdoor activities and noise are restricted by the City's noise Ordinance, unless otherwise allowed through a Special Event, Master Festival License (MFL), or other City permit in accordance with the Land Management Code and/or the Park City Municipal Code.

26. Administrative Conditional Use applications are required for future phases, including Phases B-1 and C-1.
27. The Building Permit application plans shall be consistent with the revised Administrative CUP plans approved and stamped on April 30, 2014.
28. This Administrative Conditional Use permit approval shall expire one year from the date of final approval unless a written request for an extension is submitted to the Planning Department and the Planning Director grants the request.
29. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and all applicable conditions of approval that apply to this property prior to building permit issuance.
30. A construction recycling area and excavation materials storage area within the development shall be identified on the CMP.
31. Fire protection and emergency access plans shall be consistent with applicable building and fire codes and shall ensure that Park City's ISO rating is not negatively affected by the development.
32. There shall be a system installed that allows the facility manager to shut off lighting in parking areas used on an intermittent basis.
33. The Planning Staff and applicant shall complete a review of the Administrative Conditional Use Permit within one year of the first certificate of occupancy and the staff shall provide a report of the review to the City Council.
34. Water sufficient for adequate redundancy and fire flows per the Park City Fire District is required prior to issuance of building permits for vertical construction.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

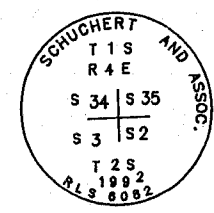
A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with the first name "Kirsten" being more prominent.

Kirsten A. Whetstone, MS, AICP
Senior Planner

Exhibit A- Staff report (4.30.14) and Exhibits

PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION

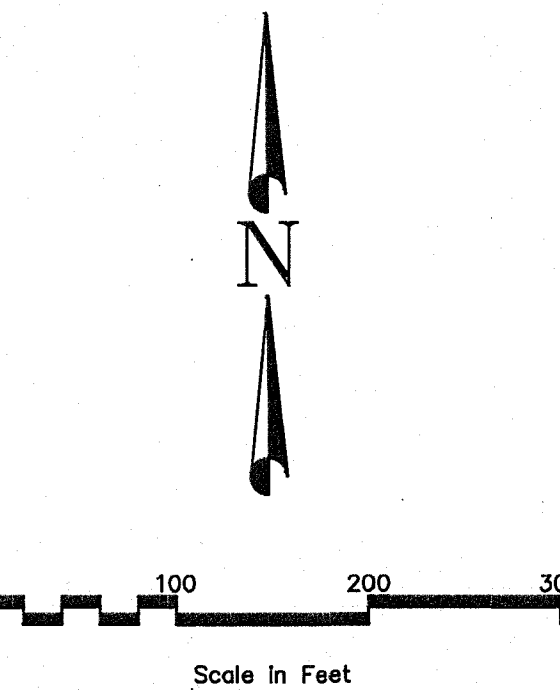
AMENDING LOT 1, PARK CITY FILM STUDIOS SUBDIVISION
LOCATED IN THE NORTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



NORTHWEST CORNER SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
FOUND BRASS CAP MONUMENT
USGS ELEVATION 6769.89

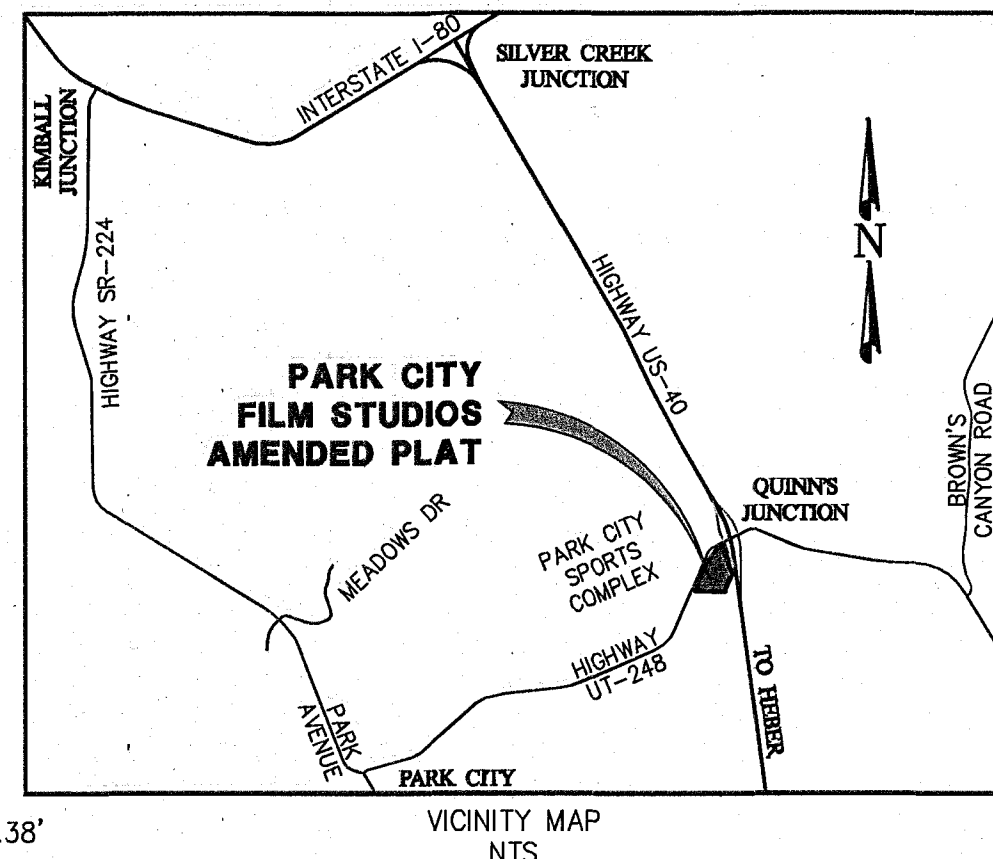
BASIS OF BEARINGS
S89°53'00"E 5321.72' (5320.725' R)
3763.68'

NORTHEAST CORNER
SECTION 2, TOWNSHIP 2
SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND
MERIDIAN FOUND STONE



LINE	BEARING	LENGTH
L1	N 88°58'15" E	37.45'
L2	S 88°58'15" W	37.45'
L3	N 1°01'45" W	11.23'
L4	S 88°58'15" W	89.25'
L5	N 88°58'15" E	46.98'
L6	S 64°32'32" E	49.11'
L7	N 1°01'45" W	103.31'
L8	N 67°15'00" W	107.26'
L9	N 22°00'00" E	58.86'
L10	N 68°00'00" W	18.64'
L11	N 22°00'00" E	143.52'
L12	N 70°33'00" E	63.66'

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT
C1	638.50'	338.83'	30°24'18"	N 49°20'26" E	334.87'	173.51'
C2	2664.79'	535.20'	11°30'26"	S 19°45'25" E	534.30'	268.50'
C3	2664.79'	498.14'	10°42'38"	N 20°09'19" W	497.42'	249.80'
C4	2664.79'	37.06'	0°47'48"	N 14°24'06" W	37.06'	18.53'
C5	50.00'	78.00'	89°22'48"	S 66°42'04" W	70.33'	49.46'
C6	265.00'	103.70'	22°25'12"	S 79°49'09" E	103.04'	52.52'
C7	130.00'	52.35'	23°04'24"	N 79°29'33" W	52.00'	26.54'
C8	190.00'	76.51'	23°04'24"	N 79°29'33" W	76.00'	38.78'
C9	130.00'	60.10'	26°29'13"	S 77°47'08" E	59.56'	30.60'
C10	50.00'	75.53'	86°33'12"	S 21°15'56" E	68.55'	47.08'
C11	202.00'	60.64'	17°12'00"	S 30°48'00" W	60.41'	30.55'
C12	198.00'	60.13'	17°24'00"	N 30°42'00" E	59.90'	30.30'
C13	818.51'	606.90'	42°29'00"	S 43°15'14" W	593.10'	318.16'



NOTES

- This subdivision is subject to conditions of approval set forth in Park City Ordinance No. 2022-06.
- Conditions of Approval of the May 12, 2012, Zoning and Annexation Agreement, Ordinance 2012-12 and Ordinance 2014-16 continue to apply to this subdivision.
- Conditions of approval of the May 24, 2012, Development Agreement Master Planned Development (MPD) continue to apply to this subdivision.
- A shared public access easement will be granted by the Property owner to the City for possible future access to SR-248 at the southwest corner of the property, including possible re-dedication or transfer by the City to the State of Utah. The easement location shall be determined when the access is needed, shall be right in and right out only, and shall meet fire code access requirements of 20 feet in width of hard surface.
- See Covenants, Conditions and Restrictions recorded 5/23/2014, Book 2241, Page 1251.
- If Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply.
- The MPD berming requirements shall continue to apply to Lot 1B.
- The Frontage Protection Overlay Zone and Entry Corridor Protection Overlay requirements shall apply to Lot 1B.

LEGEND

- SUBJECT PROPERTY BOUNDARY LINE
- ADJACENT PROPERTY LINES
- ROAD CENTERLINE
- RIGHT OF WAY LINES
- EASEMENT LINES (LINE TYPE VARIES)
- PROTECTION OVERLAY ZONE (AS NOTED)
- MONUMENTS FOUND (AS NOTED)
- MONUMENTS SET (5/8" REBAR & CAP MARKED "DOMINION ENG" UNLESS NOTED OTHERWISE)
- SECTION CORNER MONUMENT FOUND
- MEASURED BEARING & DISTANCE
- RECORD BEARING & DISTANCE

SURVEYOR'S CERTIFICATE

I, James D. Pitkin, do hereby certify that I am a Professional Land Surveyor in the State of Utah holding certificate number 171546 as prescribed by Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Licensing Act. I further certify that by the authority of the owner, I have made an accurate survey of the tract of land shown and described hereon in accordance with Section 17-23-17 of the Utah State Code, have verified all measurements shown and have subdivided said property into lots hereafter to be known as

PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION

and that the same has been surveyed and monuments have been placed on the ground as represented on this plat. I further certify that the requirements of all applicable statutes and ordinances of the Park City Land Use Code have been complied with.

BOUNDARY DESCRIPTION

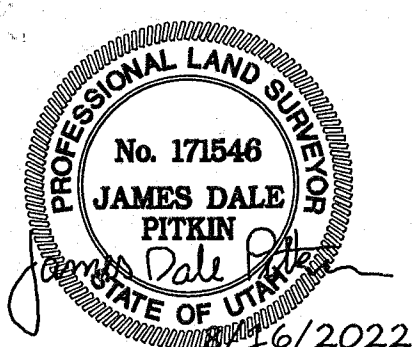
All of Lot 1, Park City Film Studios Subdivision, recorded May 23, 2014 as Entry No. 995940 in the Office of the Summit County Recorder and located in the North Half of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53'00" East 1557.19 feet along the Section line (Basis of Bearings) and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian from which Section corner the GLO Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.73 feet; thence North 22°00'40" East 1005.18 feet along the Easterly right-of-way line of said Highway to a UDOT brass cap monument; thence North 34°07'00" East 544.70 feet along said right-of-way line to a UDOT brass cap monument and the beginning of a 638.50 foot radius curve, the center of which bears South 55°51'43" East; thence Northeasterly 338.83 feet along said right-of-way line and said curve to the right through a central angle of 30°24'19" (chord bearing = North 49°20'26" East 334.87 feet) to a UDOT brass cap monument; thence North 64°25'25" East 14.39 feet along said right-of-way line to a UDOT brass cap monument, said point also being on the westerly right-of-way line of U.S. Highway 40; thence South 25°33'14" East 223.71 feet along said westerly right-of-way line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve, the center of which bears South 64°29'22" West; thence Southeasterly 535.20 feet along said right-of-way line and said curve to the right through a central angle of 11°30'26" (chord bearing = South 19°45'25" East 534.30 feet) to a UDOT brass cap monument; thence South 23°49'09" East 243.42 feet along said right-of-way line to a UDOT brass cap monument; thence South 07°02'43" East 58.38 feet to a rebar with aluminum cap at a point that is South 89°53'00" East 800.00 feet and South 25°20'00" West 1336.80 feet from the PK nail marking the location of the North Quarter corner of said Section 2; thence South 25°20'00" West 568.97 feet to a rebar with aluminum cap on the North-South Quarter Center of Section line of said Section 2; thence along said South 00°30'48" West 109.94 feet along said North-South Quarter Center of Section line to a rebar with aluminum cap, said point being South 00°30'48" West 1834.13 feet from said North Quarter corner of Section 2; thence North 89°53'00" West 1087.40 feet to a rebar with aluminum cap at the point of beginning.

Contains 29.553 acres, more or less.

Date: August 16, 2022

James D. Pitkin, PLS.
License No. 171546



OWNER'S DEDICATION

Know all men by these presents that the undersigned owners of the tracts of land described above, having caused the same to be subdivided into lots and streets to be hereafter known as

PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. hereby consent and give approval to the recording of this plat.

In witness whereof, I have hereunto set my hand this 23 day of Aug, 2022.

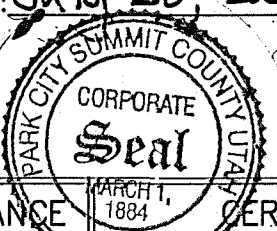
Quinn Capital Partners, LLC, a Utah limited liability company

By: Gary Crandall (Signature) - Gary Crandall (Title) - Manager
GARY CRANDALL (Printed Name)

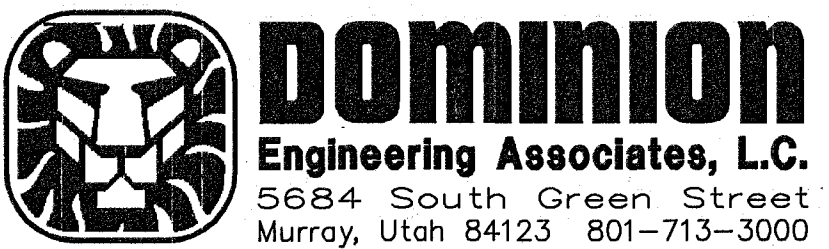
In witness whereof, I have hereunto set my/our hand this 23rd day of August, 2022.

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Salt Lake
On this 23rd day of August, 2022,
Gary Crandall, personally appeared before me, who being by me duly sworn, did acknowledge that he is the Manager of Quinn Capital Partners, LLC, a Utah limited liability company, and that the foregoing Owner's Dedication was signed by him on behalf of said entity.
Commission Number: 712,999
Commission Expires: July 28, 2024
Print Name: Sandra Reiber
A Notary Public Commissioned in Utah



PROJECT NO.
3424
SHEET NO.
1 OF 1
FILE NAME:
PC FILM STUDIOS
SCALE:
1"=100'



PUBLIC SAFETY ANSWERING
POINT APPROVAL
APPROVED THIS 20th DAY
OF September A.D. 2022
BY Sandra Reiber
SUMMIT COUNTY GIS COORDINATOR

CITY ENGINEER
I FIND THIS PLAT TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN THE OFFICE OF THE PARK
CITY ENGINEERING DEPARTMENT ON
THIS 20 DAY OF August A.D. 2022
BY John S. Roberts
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS ON
THIS 23 DAY OF August A.D. 2022
BY [Signature]
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING
COMMISSION ON THIS 24th
DAY OF August A.D. 2022
BY [Signature]
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS 8th
DAY OF September A.D. 2022
BY [Signature]
CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK
CITY COUNCIL THIS 13
DAY OF September A.D. 2022
BY [Signature]
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK
CITY COUNCIL THIS 13th
DAY OF September A.D. 2022
BY [Signature]
CITY RECORDER

SUMMIT COUNTY RECORDER
RECORDED # 1195393
STATE OF UTAH, COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF Quinn Capital Partners, LLC
Date 10/16/2024 Time 2:50PM Book --- Page ---
Fee 35.40
BY Sandra Reiber
SUMMIT COUNTY RECORDER

Portable Restroom Specifications for Pickleball at the Utah Film Studio

2 Stall Luxury Portable Restrooms rental ADA +1

ADA Handicap: **Yes**

Utah Service Capacity:

Recommended Service Capacity:

Stall 1

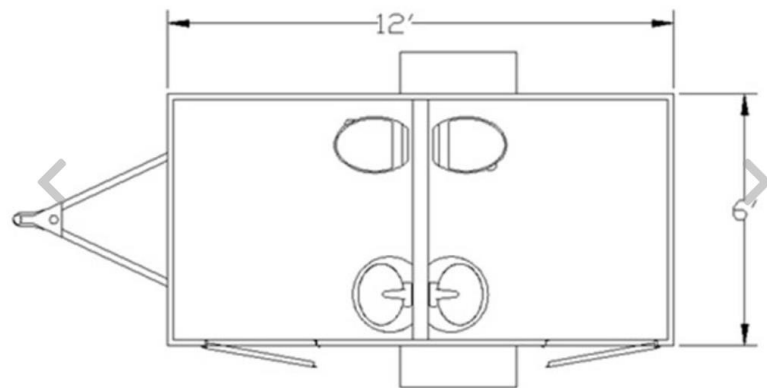
Toilets: 1

Sinks: 1

ADA stall

Toilets: 1

Sinks: 1



Height of trailer 8'; 11' with AC Unit

A total length of 24' is needed with the ADA ramp out and access clearance to the ramp.



Planning Commission Staff Report



Subject: 7185 Little Belle Court
Application: PL-24-06299
Author: Virgil Lund, Planner II
Date: January 8, 2025
Type of Item: Condominium Plat Amendment

Recommendation

(I) Review the Eighth Amended Little Belle Condominiums Plat, Amending Unit 4, (II) conduct a public hearing, and (III) consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Rob Goodman

Location: 7185 Little Belle Court, Unit 4

Zoning District: Residential Development, Sensitive Land Overlay

Adjacent Land Uses: Multi-Family Dwellings, Open Space

Reason for Review: The Planning Commission reviews and takes Final Action on Condominium Plat Amendments.¹

LMC Land Management Code
MPD Master Planned Development
RD Residential Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Little Belle Condominiums is a 20-Unit Condominium. The Condominium Plat was recorded with Summit County on December 21, 1981 (Entry No.186813) and includes six buildings between Royal Street, Service Road, and Guardsman's Connection Road in the Silver Lake Village of Deer Valley.

¹ LMC [§ 15-7.1-2](#)

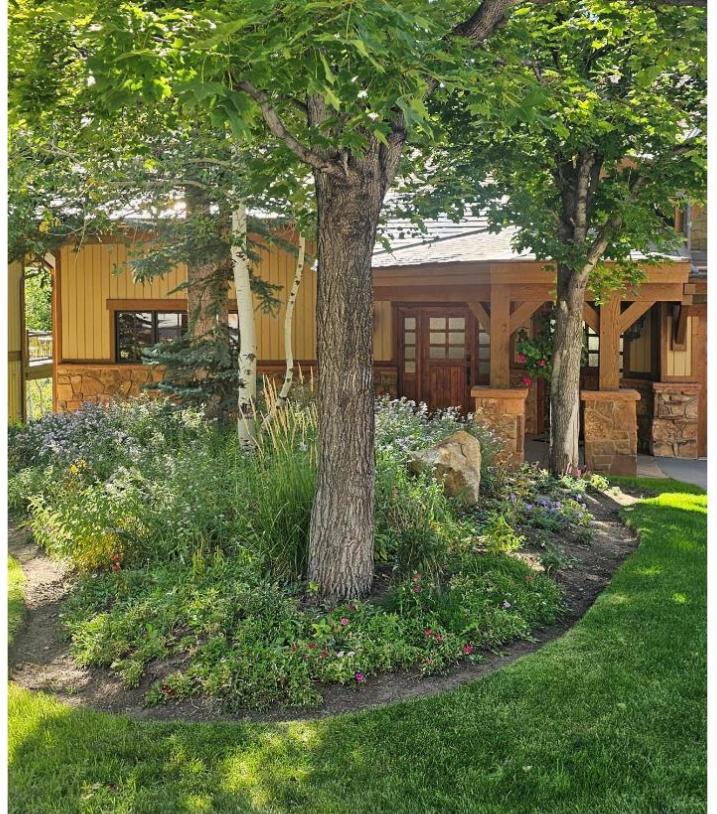


Figure 1: Map Created by Staff Using ArcGIS and Summit County GIS Data Showing the Location of Little Belle Condominiums Unit 4



LITTLE BELLE CONDOMINIUMS UNIT 4 LOOKING SOUTHEAST

Figure 3: Applicant's Photo Exhibit



LITTLE BELLE CONDONDOMINIUMS UNIT 4 LOOKING WEST (FRONT OF BUILDING)

Figure 2: Applicant's Photo Exhibit



LITTLE BELLE CONDOMINIUMS UNIT 4 LOOKING NORTHWEST

Figure 4: Applicant's Photo Exhibit



LITTLE BELLE CONDOMINIUMS UNIT 4 LOOKING NORTHEAST

Figure 5: Applicant's Photo Exhibit



LITTLE BELLE CONDOMINIUMS UNIT 4 LOOKING EAST (BACK OF BUILDING)

Figure 6: Applicant's Photo Exhibit

The Applicant requests a Plat Amendment (Exhibit A - Attachment 1) to reflect the existing conditions of the private area square footage of Unit 4. The existing Unit is 2,684 square feet and the Applicant proposes a 252-square-foot increase for a 2,936-square-foot Unit. The Plat Amendment addresses a built-out 'Open to Below' area and does not change the exterior features, windows, or exterior walls of the Unit. The Applicant states:

"Sometime before the current owners purchased Unit 4 of Little Belle Condominiums in 2004, an area of vaulted ceilings, labelled 'Open to Below' on the original plat was closed in to create an additional 252 square footage on the Upper Level of Unit 4. That area currently serves as a large closet for the master bedroom. It has existed that way for at least 20 years. The purpose of this plat amendment is to update the square footage and private ownership areas to reflect what currently exists" (Exhibit B, Applicant's Narrative).

The Little Belle Condominiums Plat has been amended seven times; many of those amendments were to increase the private area square footage (See Background Section below for detailed history).

Utah Code Chapter [57-8](#) requires a minimum 66.6% approval vote by the Homeowner's Association (HOA) for a Plat Amendment. On August 13, 2024, 90% of the Little Belle Condominiums HOA voted to approve the proposed Plat Amendment (Exhibit D).

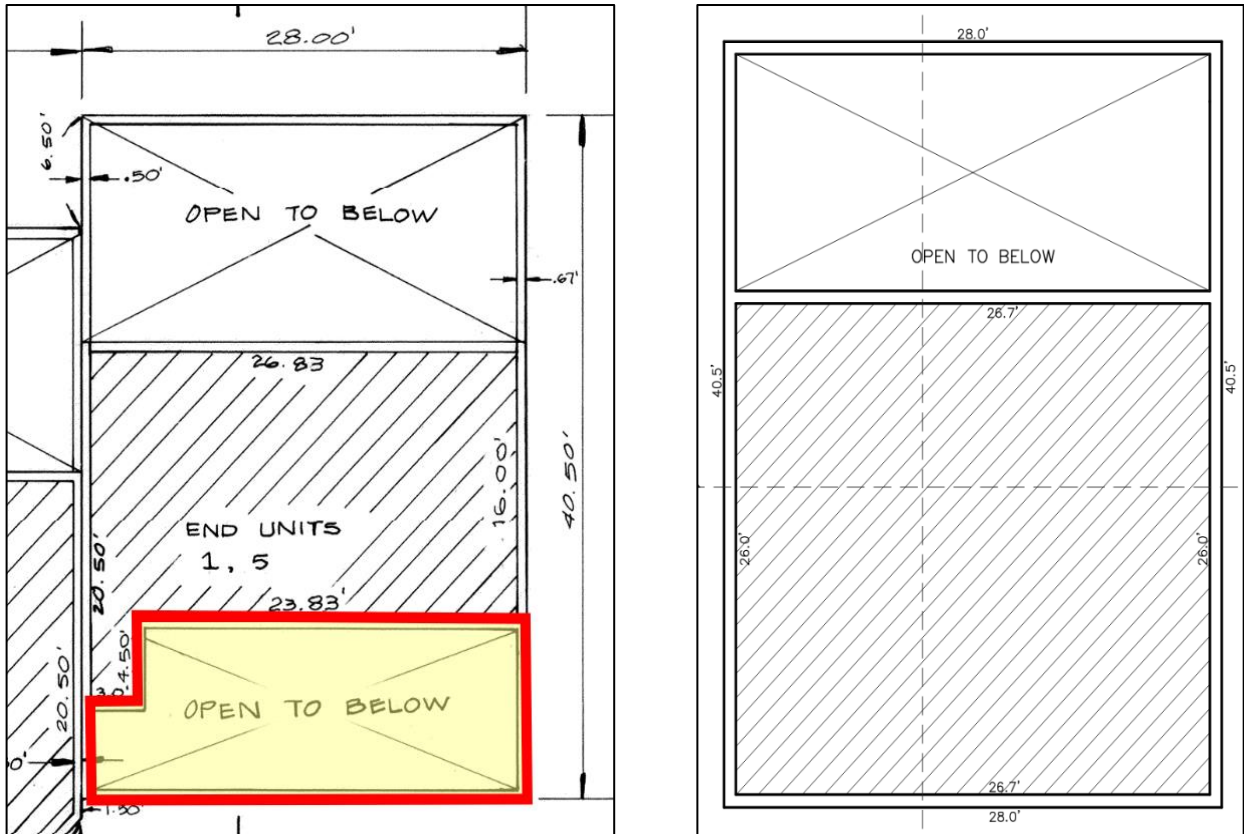


Figure 7: Original Plat (Left) With Staff Highlight Showing the 252-square-foot Enclosed Area, and Proposed Plat (Right) Reflecting Existing Conditions

Background

The 12th Amended and Restated Deer Valley Master Planned Development (MPD) approved 20 Units for the Little Belle Condominiums (Exhibit C), with no square footage limitations for any individual Unit.

The Little Belle Condominiums Plat was recorded with Summit County on December 21, 1981 (Entry No. 186813) and does not limit the square footage of any Unit.

The Little Belle Condominiums Plat has been amended seven times:

- First Amendment, recorded August 2, 2000 (Entry No. 570172).
 - Increased the private area square footage for Units 5 (increase of 178.4 square feet), 6 (increase of 544.3 square feet), 7 (increase of 653.9 square feet) and 8 (increase of 178.4 square feet).
- Second Amendment, recorded August 8, 2001 (Entry No. 595276).
 - Increased the private area square footage for Units 2 (increase of 168.8 square feet), 9 (increase of 496 square feet), and 10 (increase of 784 square feet).
- Third Amendment , recorded April 19, 2004 (Entry No. 695554).
 - Increased the private area square footage for Unit 20 (increase of 63.86 square feet). This Plat Amendment was retired after the recordation of the

Fourth Amendment, which amended Unit 20 a second time and subsequently made the third amended Plat inaccurate.

- Fourth Amendment, recorded June 7, 2006 (Entry No. 780095).
 - Converted decks and balconies labeled as limited common area to private area for 13 of the 20 Units.
- Fifth Amendment, recorded June 2, 2011 (Entry No. 923784).
 - Created a 208-square-foot private area addition for Unit 3.
- Sixth Amendment, recorded May 23, 2018 (Entry No. 1092170).
 - Converted 14 square feet of private area to limited common ownership for Unit 5.
- Seventh Amendment, recorded February 9, 2022 (Entry No. 1183122).
 - Created a 150-square-foot private area addition for Unit 2.

Analysis

(I) The proposed Eighth Amended Little Belle Condominiums Plat Amending Unit 4 complies with LMC Chapter 15-2.13, Residential Development Zoning District Requirements.

The purposes of the RD Zoning District include:

1. allowing a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
2. encouraging the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
3. allowing commercial and recreational activities that are in harmony with residential neighborhoods,
4. minimizing impacts of the automobile on architectural design,
5. promoting pedestrian connections within Developments and between adjacent Areas; and
6. providing opportunities for variation in architectural design and housing types.²

Development within the RD Zoning District must meet the following Lot and Site requirements:³

Requirement	Analysis of Proposal
Setbacks: Front - 20 Feet Rear - 15 Feet Side - 12 Feet	Complies The existing Structure maintains a Setback greater than 70 feet to all property lines. No exterior alterations or additions are proposed.

² LMC [§ 15-2.13-1](#)

³ LMC [§ 15-2.13-3](#)

Maximum Building Height: 28 feet from Existing Grade	Complies: The proposed Plat Amendment will not increase the Building Height of the Structure. The existing Structure is 28 feet from Existing Grade.
Density: The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space, and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.	Complies: The Lot for the Little Belle Condominiums is approximately 3.7 acres. The Little Belle Condominiums were platted in 1981 for 20 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment complies with LMC § 15-9-6(A) in that it does not create an additional Unit or enlargement of the non-compliance and complies with the original Condominium and MPD approval for 20 Units.

(II) The proposal complies with LMC Chapter 15-3, Off-Street Parking.

Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit.⁴ The square footage shown on the recorded plat for Unit 4 will increase from 2,684 square feet to 2,936 square feet and requires two Parking Spaces. Double car garages must have a minimum interior dimension of 20 feet in width by 20 feet in depth.⁵ Unit 4 has a two-car garage that is approximately 20 feet wide by 20 feet deep. Therefore, Unit 4 complies with the parking and garage requirements of the LMC.

(III) The proposal complies with the Deer Valley Resort 12th Amended and Restated Large Scale Master Plan Development.

The 12th Amended Large Scale Deer Valley MPD allowed 20 Units for the Little Belle Condominium Project, and 20 Units have been constructed. No additional Units are proposed as part of this Plat Amendment.

(IV) The proposal complies with the Sensitive Land Overlay requirements.

The proposed addition has been constructed within the footprint of the existing Structure and does not impact undeveloped land.

(V) The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

⁴ LMC [§ 15-3-6\(A\)](#)

⁵ LMC [§ 15-3-4\(A\)\(1\)](#)

Changes to platted elements including expansion of private area square footage within a condominium requires a Plat Amendment. The Planning Commission reviews Plat Amendments according to the requirements of LMC [§ 15-7-1.6](#) and approval requires a finding of Good Cause.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Plat Amendment because it does not propose any exterior expansion or changes to the existing Unit. The 252-square-foot addition does not increase the number of bedrooms or bathrooms and does not increase the parking requirements. The proposed Plat Amendment corrects existing non-conformities with the recorded Plat. The original plat for the Deer Valley Large Scale MPD, approved in 1981, does not include plat notes that impose limitations on the size of the condominium Units. The Little Belle Condominiums were platted in 1981 for 20 Units. The LMC in effect in 1981 did not have a Density limitation. The proposed Plat Amendment does not create an additional Unit and complies with the original Condominium approval and the 12th Amended Deer Valley Large Scale MPD. No Public Street, Right of Way, or easement will be vacated or amended.

(VI) The Development Review Committee reviewed the proposal on December 3, 2024 and confirmed the proposed Plat conforms with their requirements.⁶

Department Review

The Planning Department and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 20, 2024. The *Park Record* published courtesy notice on December 21, 2024.⁷

Public Input

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

⁶ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁷ LMC [§ 15-1-21](#)

Alternatives

- The Planning Commission may approve the Eighth Amended Little Belle Condominiums Plat Amending Unit 4.
- The Planning Commission may deny the proposed Plat Amendment and direct staff to make findings for the denial.
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Attachment 1: Proposed Plat

Exhibit B: Applicant's Narrative

Exhibit C: 12th Amended and Restated Deer Valley MPD

Exhibit D: Little Belle Condominiums HOA Approval



Planning Department

January 8, 2025

Alliance Engineering
7185 Little Belle Court, Unit 4

CC: Rob Goodman

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 7185 Little Belle Court, Unit 4

Zoning District: Residential Development, Sensitive Land Overlay

Application: Condominium Plat Amendment

Project Number: PL-24-06299

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 8, 2025

Project Summary: The Applicant proposes the Eighth Amended and Restated Little Belle Condominiums Plat Amending Unit 4 to Include 252-square-feet of 'Open to Below' area was built out to Increase the Private Area Square Footage from 2,684 square feet to 2,936 square feet.

Action Taken

On January 8, 2025, the Planning Commission conducted a public hearing and approved the Eighth Amended Little Belle Condominium Plat according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Little Belle Condominiums is a 20-Unit Condominium. The Condominium Plat was recorded with Summit County on December 21, 1981 (Entry No.186813).
2. The Condominium Plat includes six buildings between Royal Street, Service Road, and Guardsman's Connection Road in the Silver Lake Village of Deer Valley.



Planning Department

3. The Applicant requests a Plat Amendment (Attachment 1) to reflect the existing conditions of the private area square footage of Unit 4.
4. The Applicant states: "Sometime before the current owners purchased Unit 4 of Little Belle Condominiums in 2004, an area of vaulted ceilings, labelled 'Open to Below' on the original plat was closed in to create an additional 252 square footage on the Upper Level of Unit 4. That area currently serves as a large closet for the master bedroom. It has existed that way for at least 20 years. The purpose of this plat amendment is to update the square footage and private ownership areas to reflect what currently exists."
5. The existing Unit is 2,684 square feet and the Applicant proposes a 252-square-foot increase for a 2,936-square-foot Unit. The Plat Amendment addresses a built-out 'Open to Below' area and does not change the exterior features, windows, or exterior walls of the Unit.
6. The Little Belle Condominiums Plat has been amended seven times; many of those amendments were to increase the private area square footage.
7. Utah Code Chapter 57-8 requires a minimum 66.6% approval vote by the Homeowner's Association (HOA) for a Plat Amendment.
8. On August 13, 2024, 90% of the Little Belle Condominiums HOA voted to approve the proposed Plat Amendment.
9. The 12th Amended and Restated Deer Valley Master Planned Development approved 20 Units for the Little Belle Condominiums with no square footage limitations for any individual Unit.
10. The Little Belle Condominiums Plat does not limit the square footage of any Unit.
11. The Little Belle Condominiums Plat has been amended seven times:
 - a. First Amendment, recorded August 2, 2000 (Entry No. 570172).
 - i. Increased the private area square footage for Units 5 (increase of 178.4 square feet), 6 (increase of 544.3 square feet), 7 (increase of 653.9 square feet) and 8 (increase of 178.4 square feet).
 - b. Second Amendment, recorded August 8, 2001 (Entry No. 595276).
 - i. Increased the private area square footage for Units 2 (increase of 168.8 square feet), 9 (increase of 496 square feet), and 10 (increase of 784 square feet).
 - c. Third Amendment, recorded April 19, 2004 (Entry No. 695554).
 - i. Increased the private area square footage for Unit 20 (increase of 63.86 square feet). This Plat Amendment was retired after the recordation of the Fourth Amendment, which amended Unit 20 a



Planning Department

second time and subsequently made the third amended Plat inaccurate.

- d. Fourth Amendment, recorded June 7, 2006 (Entry No. 780095).
 - i. Converted decks and balconies labeled as limited common area to private area for 13 of the 20 Units.
 - e. Fifth Amendment, recorded June 2, 2011 (Entry No. 923784).
 - i. Created a 208-square-foot private area addition for Unit 3.
 - f. Sixth Amendment, recorded May 23, 2018 (Entry No. 1092170).
 - i. Converted 14 square feet of private area to limited common ownership for Unit 5.
 - g. Seventh Amendment, recorded February 9, 2022 (Entry No. 1183122).
 - i. Created a 150-square-foot private area addition for Unit 2.
12. The proposed Eighth Amended Little Belle Condominiums Plat Amending Unit 4 complies with LMC Chapter 15-2.13 *Residential Development Zoning District Requirements*:
- a. The purposes of the RD Zoning District include:
 - i. allowing a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
 - ii. encouraging the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
 - iii. allowing commercial and recreational activities that are in harmony with residential neighborhoods,
 - iv. minimizing impacts of the automobile on architectural design,
 - v. promoting pedestrian connections within Developments and between adjacent Areas; and
 - vi. providing opportunities for variation in architectural design and housing types
 - b. Setbacks
 - i. The existing Structure maintains a Setback greater than 70 feet to all property lines. No exterior alterations or additions are proposed.
 - c. Maximum Building Height: 28 feet from Existing Grade
 - i. The proposed Plat Amendment will not increase the Building Height of the Structure. The existing Structure is 28 feet from Existing Grade.



Planning Department

- d. Density: The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space, and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.
 - i. The Lot for the Little Belle Condominiums is approximately 3.7 acres. The Little Belle Condominiums were platted in 1981 for 20 Units. The Land Management Code in effect in 1981 did not have a Density limitation. The proposed Plat Amendment complies with LMC § 15-9-6(A) in that it does not create an additional Unit or enlargement of the non-compliance and complies with the original Condominium and MPD approval for 20 Units.
- e. The proposal complies with LMC Chapter 15-3, Off-Street Parking.
 - i. Condominiums greater than 2,000 square feet require two Parking Spaces per Dwelling Unit. The square footage shown on the recorded plat for Unit 4 will increase from 2,684 square feet to 2,936 square feet and requires two Parking Spaces. Double car garages must have a minimum interior dimension of 20 feet in width by 20 feet in depth. Unit 4 has a two-car garage that is approximately 20 feet wide by 20 feet deep. Therefore, Unit 4 complies with the parking and garage requirements of the LMC.
- 13. The proposal complies with the Deer Valley Resort 12th Amended and Restated Large Scale Master Plan Development.
 - a. The 12th Amended Large Scale Deer Valley MPD allowed 20 Units for the Little Belle Condominium Project, and 20 Units have been constructed. No additional Units are proposed as part of this Plat Amendment.
- 14. The proposal complies with the Sensitive Land Overlay requirements.
 - a. The proposed square footage has been constructed within the footprint of the existing Structure and does not impact any undeveloped land.
- 15. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
 - a. Changes to platted elements within a condominium require a Plat Amendment. The Planning Commission reviews Plat Amendments according to the requirements of LMC § 15-7-1.6 and are required to make a finding of Good Cause.



Planning Department

- b. LMC § 15-15-1 defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
 - c. Staff finds Good Cause for this Plat Amendment because it does not propose any exterior expansion or changes to the existing Unit. The 252-square-foot addition does not increase the number of bedrooms or bathrooms and does not increase the parking requirements. The proposed Plat Amendment corrects existing non-conformities with the recorded Plat. The original plat for the Deer Valley Large Scale MPD, approved in 1981, does not include plat notes that impose limitations on the size of the condominium Units. The Little Belle Condominiums were platted in 1981 for 20 Units. The LMC in effect in 1981 did not have a Density limitation. The proposed Plat Amendment does not create an additional Unit and complies with the original Condominium approval and the 12th Amended Deer Valley Large Scale MPD. No Public Street, Right of Way, or easement will be vacated or amended.
16. The Development Review Committee reviewed the proposal on December 3, 2024 and confirmed the proposed Plat conforms with their requirements.
17. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 20, 2024. The Park Record published courtesy notice on December 21, 2024.

Conclusions of Law

- 1. There is Good Cause for this Plat Amendment
- 2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 *Off-Street Parking*, and Chapter 15-2.13 *Residential Development District*.
- 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 below, does not adversely affect the health, safety, and welfare of the citizens of Park City



Planning Department

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Declaration of Condominium of The Little Belle Condominiums prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made to the Planning Department in writing prior to the expiration date and an extension is granted by the Planning Director.

If you have questions regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund

Attachment 1: Proposed Plat

OWNERSHIP LEGEND

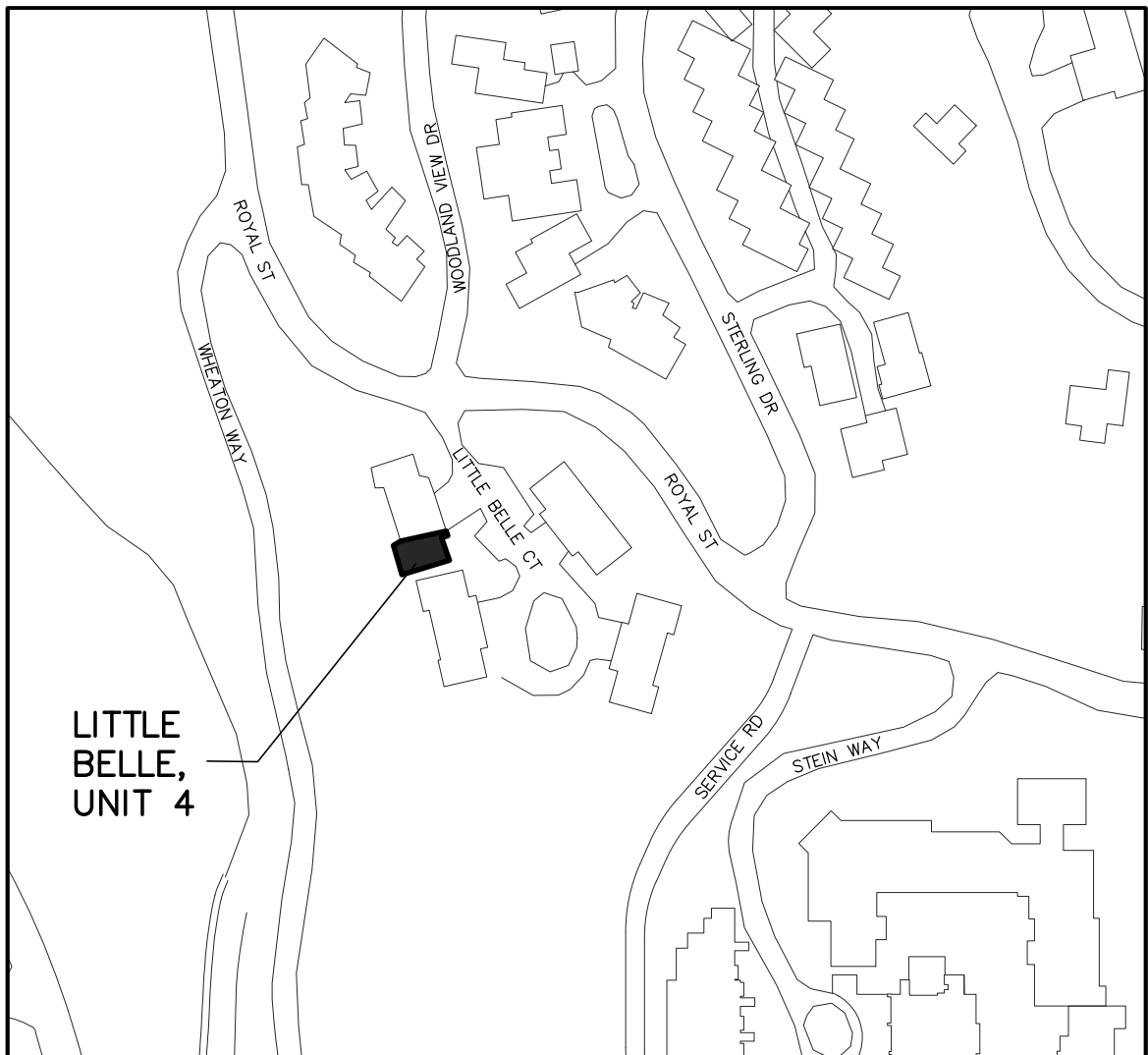
	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

NOTES

- This plat is subject to the Conditions of Approval in the Final Action Letter dated _____, and on file with the Planning Department (PL-24-_____).
- The address of Unit 4 is 7185 Little Belle Court.
- This plat amendment adds 252 square feet to the Upper Level as shown. The amended square footage of Unit 4 was derived by adding the expansion area of 252 square feet to the existing square footage of 2684.26 as shown on Little Belle Condominiums, recorded December 21, 1981, as Entry No. 186813 in the Office of the Summit County Recorder and rounding to the nearest whole square foot.

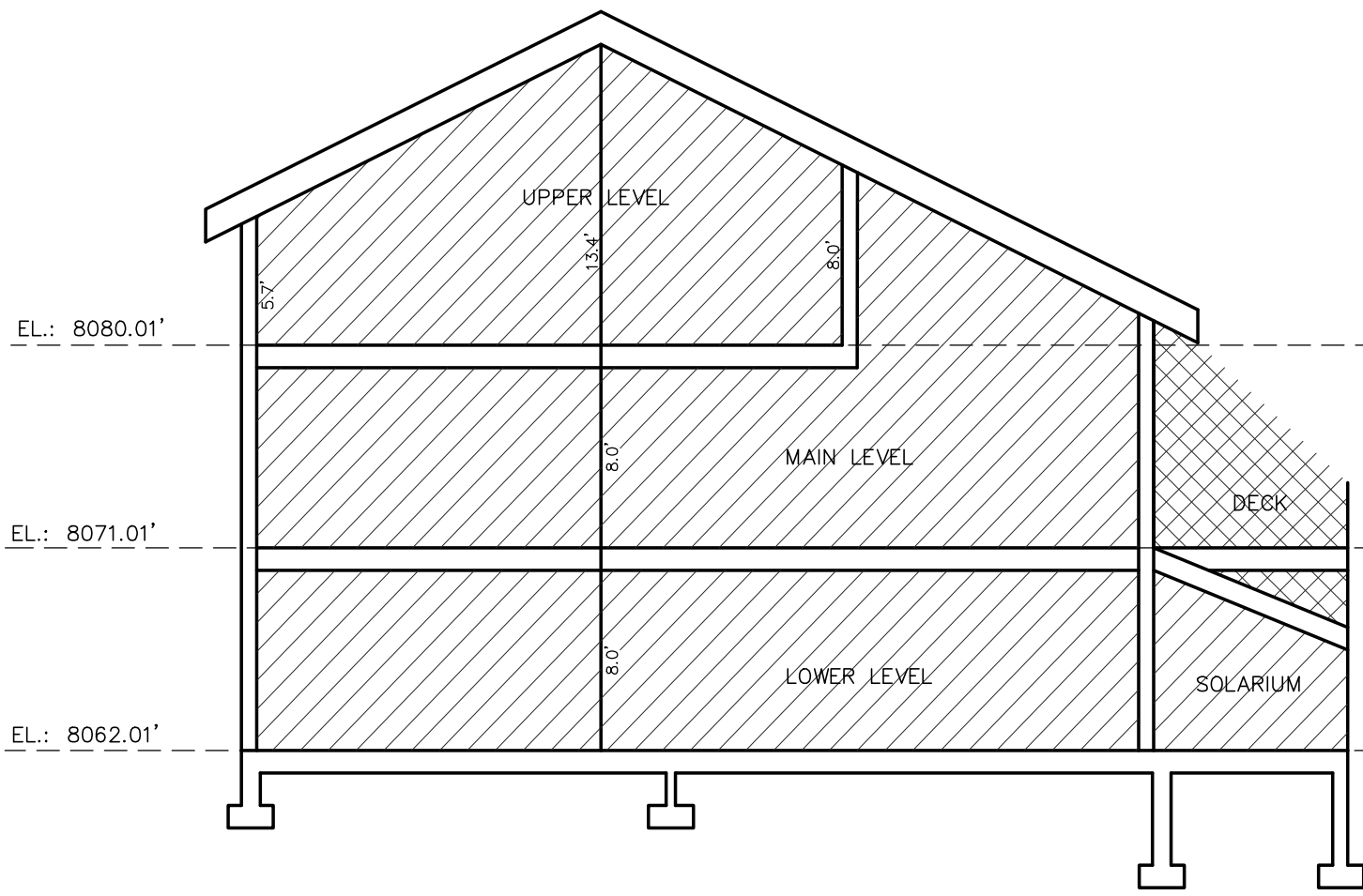
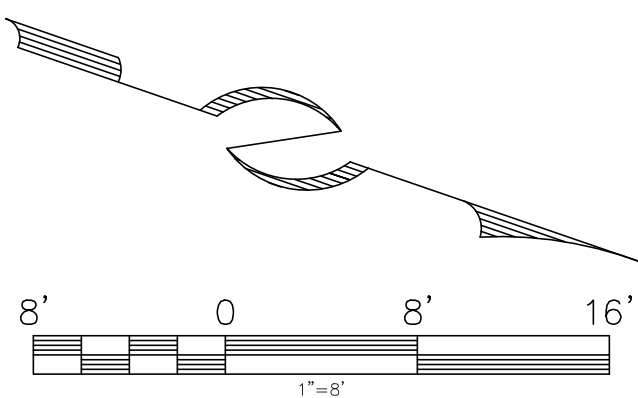
SQUARE FOOTAGE TABLE

PREVIOUS PRIVATE OWNERSHIP	ADDED PRIVATE OWNERSHIP	TOTAL PRIVATE OWNERSHIP
2,684 SF	252 SF	2,936 SF

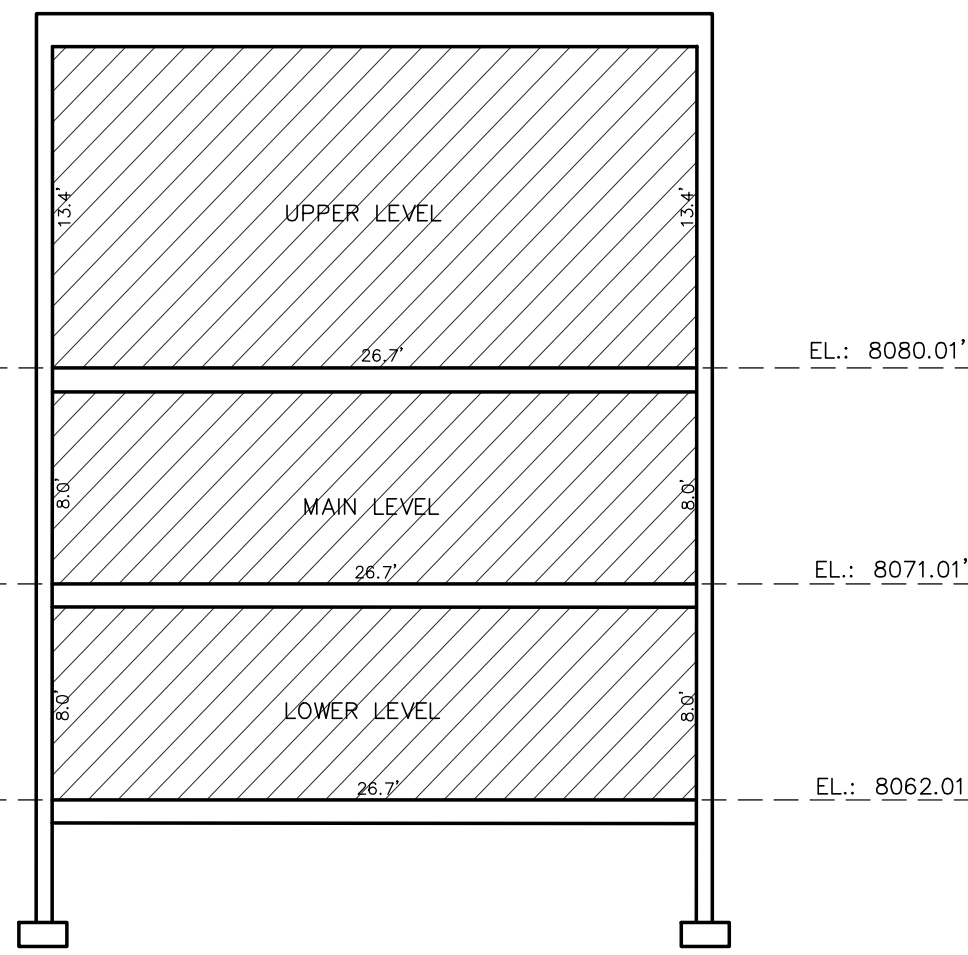


VICINITY MAP

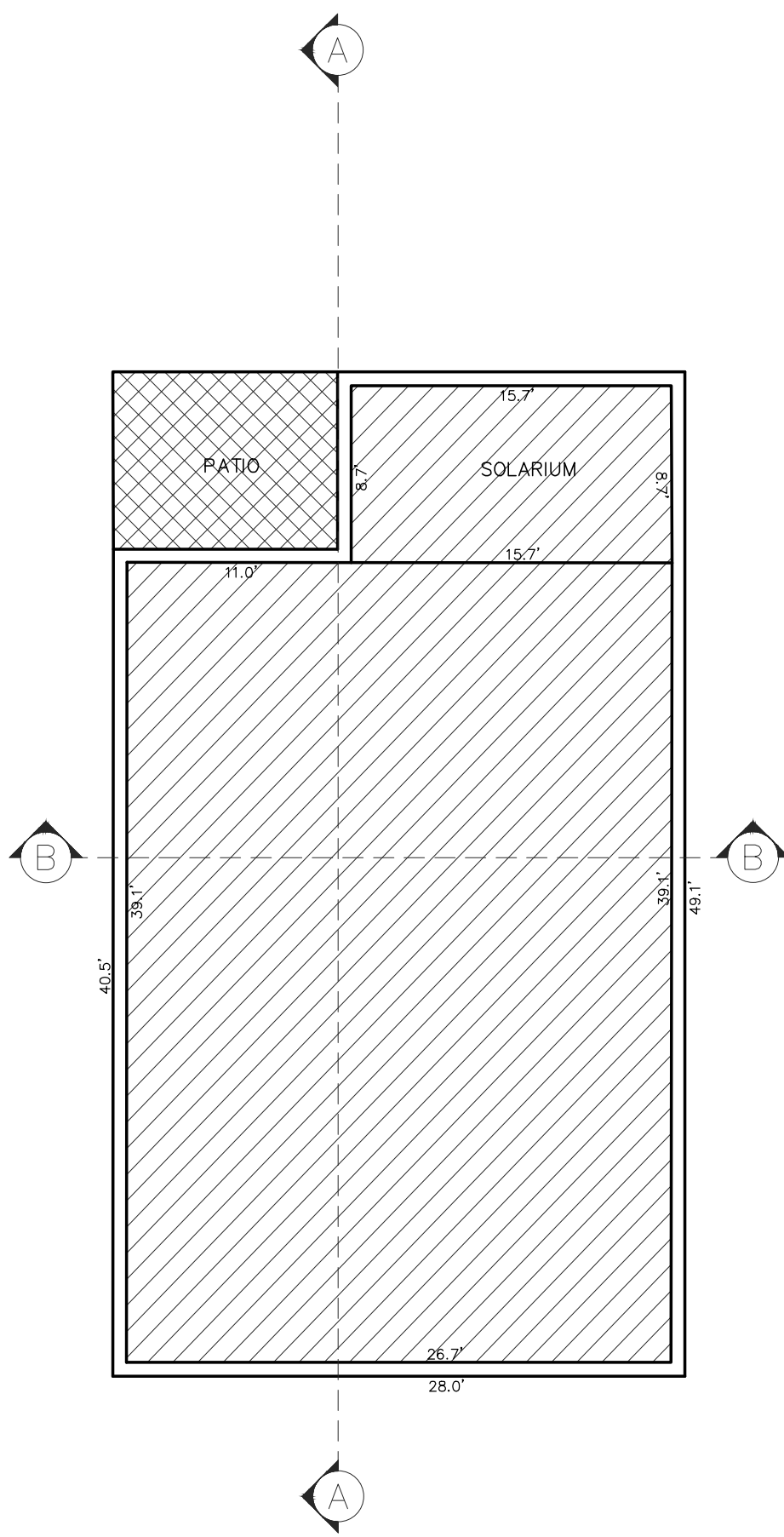
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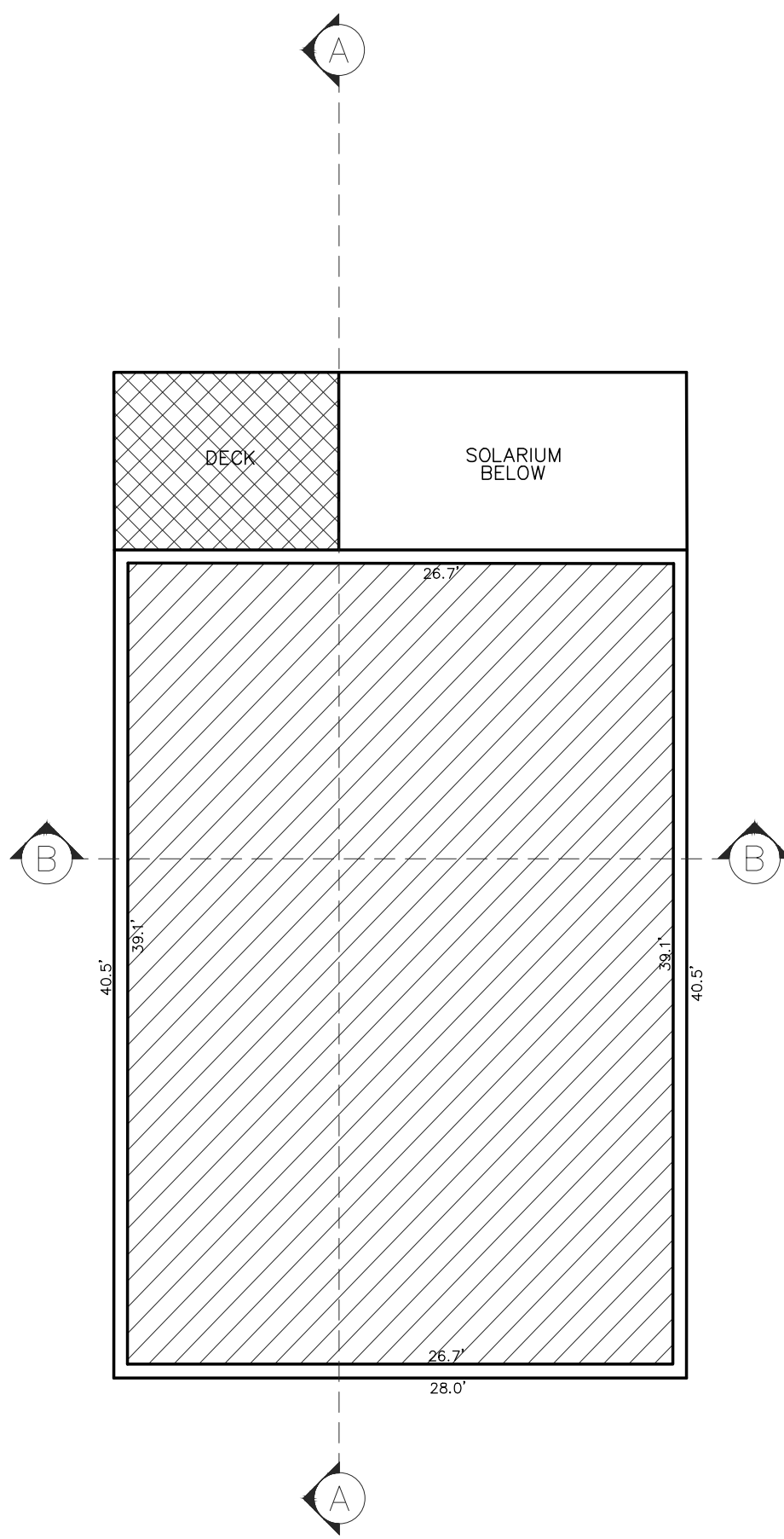
SECTION A-A



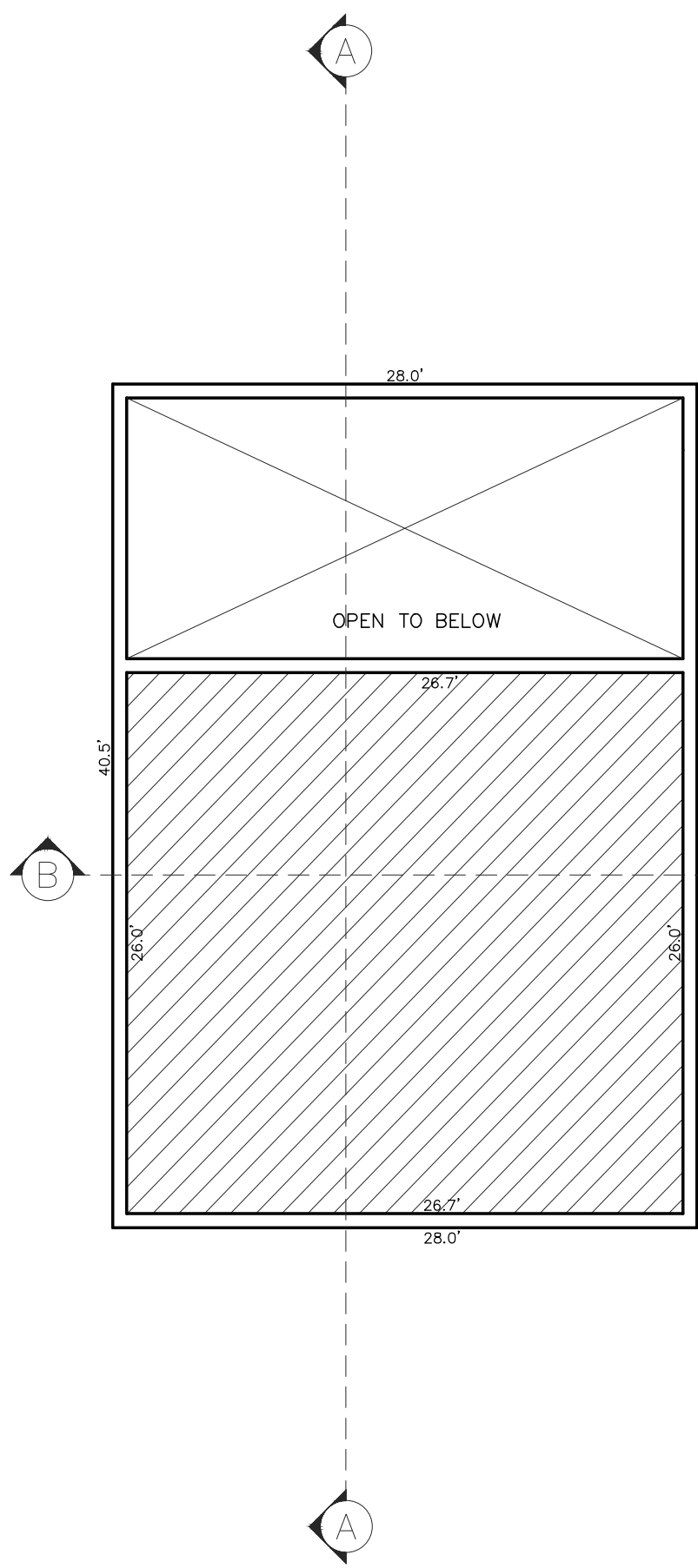
SECTION B-B



LOWER LEVEL



MAIN LEVEL



UPPER LEVEL

LITTLE BELLE CONDOMINIUMS

EIGHTH AMENDED

AMENDING UNIT 4

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYORS CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of Unit 4, and have amended said Unit as shown hereon, in accordance with the provisions of the Utah Condominium Ownership Act, hereafter to be known as LITTLE BELLE CONDOMINIUMS EIGHTH AMENDED, AMENDING UNIT 4.

LEGAL DESCRIPTION

Unit 4, contained within the LITTLE BELLE CONDOMINIUMS, FOURTH AMENDED, together with an appurtenant undivided ownership interest in the Common Areas as described in the Record of Survey Map recorded JUNE 7, 2006, Entry No. 780095 and in the Declaration of Condominium recorded JUNE 7, 2006 as Entry No. 780096 in Book 1795 at Page 1745, and any additional amendments and/or supplements to said Record of Survey Map and Declaration heretofore recorded, in the Summit County Recorder's Office.

OWNER'S CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Robert N. Goodman and Lori Goodman, Trustees of The Robert and Lori Goodman Living Trust Dated May 23, 1985, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set his hand
this ____ day of _____, 2024.
By: _____
Robert N. Goodman

In witness whereof, the undersigned set her hand
this ____ day of _____, 2024.
By: _____
Lori Goodman

ACKNOWLEDGMENT

State of _____)
: ss.

County of _____)

On this ____ day of _____, 2024, Robert N. Goodman, a Trustee of The Robert and Lori Goodman Living Trust Dated May 23, 1985, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the LITTLE BELLE CONDOMINIUMS EIGHTH AMENDED, AMENDING UNIT 4.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

ACKNOWLEDGMENT

State of _____)
: ss.

County of _____)

On this ____ day of _____, 2024, Lori Goodman, a Trustee of The Robert and Lori Goodman Living Trust Dated May 23, 1985, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the LITTLE BELLE CONDOMINIUMS EIGHTH AMENDED, AMENDING UNIT 4.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Little Belle Homeowners' Association, Inc., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this Condominium Plat Amendment.

Little Belle Homeowners' Association, Inc., a Utah nonprofit corporation

Randy Gallo, President

ACKNOWLEDGMENT

State of _____)
: ss.

County of _____)

On this ____ day of _____, 2024, personally appeared before me, the undersigned Notary Public, in and for said County and State, Randy Gallo, being duly sworn, acknowledged to me that he is the president of the Little Belle Homeowners' Association, Inc., a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners at Little Belle Condominiums acting as a group (under the name of the Little Belle Homeowners' Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Little Belle Condominiums.

A Notary Public Commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No.: _____

SHEET 1 OF 1

9/30/24 JOB NO.: 4-8-24 FILE: X:\SilverLakeVillage\dwg\sr\plat2024\040824.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2024

BY _____
ENGINEERING DEPARTMENT

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2024

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 2024

BY _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS TH DAY OF _____, 2024

BY _____
PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL

APPROVED THIS ____ DAY OF _____, 2024

BY _____
SUMMIT COUNTY GIS COORDINATOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

FEE _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

Little Belle Condominiums Eighth Amended, Amending Unit 4

September 23, 2024

Little Belle Condominiums is a 20-unit condominium development recorded on December 21, 1981 as Entry No. 186813. It is made up of 6 buildings all located between Royal Street, Service Road, and Guardsman's Connection Road in Park City Utah. Unit 4 of Little Belle Condominiums is located in the southernmost portion of the northwest building and has an address of 7185 Little Belle Court Park City, Utah.

Sometime before the current owners purchased Unit 4 of Little Belle Condominiums in 2004, an area of vaulted ceilings, labelled "Open to Below" on the original plat was closed in to create an additional 252 square footage on the Upper Level of Unit 4. That area currently serves as a large closet for the master bedroom. It has existed that way for at least 20 years. The purpose of this plat amendment is to update the square footage and private ownership areas to reflect what currently exists.

When recorded, Mail to:
Park City Recorder
PO Box 1480
Park City, UT 84060

**DEER VALLEY RESORT TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
November 30, 2016**

WHEREAS, Royal Street Land Company, a Utah corporation ("Royal Street") heretofore submitted to the Planning Commission of Park City ("Commission") certain items with relation to a residential, commercial, and recreational development project known as Deer Valley / Lake Flat Area Development ("Project") which items were listed in the original Permit granted for the Project by Commission and are incorporated herein by reference; and

WHEREAS, Commission found that such items submitted by Royal Street complied with and satisfied all applicable requirements of the Park City Land Management Code as then in force, to permit the construction of the Project as a planned unit development pursuant to the planned unit development exception then contained in the Park City Land Management Code; and

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, and an Eleventh Amended and Restated Large Scale Master Planned Development Permit dated March 23, 2011, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the combination of vacant Deer Valley MPD Silver Lake Village Lots F, G, and H into one Lot I and to transfer 843 square feet of existing residential density (0.4215 unit equivalents (UE)) from Deer Valley MPD Silver Lake Village Lot D (existing Goldener Hirsh Inn) to the new Deer Valley MPD Silver Lake Village Lot I, to accommodate connection, access and circulation between the Goldener Hirsch Inn on Parcel D and the future Goldener Hirsch Residences proposed on Parcel I.

WHEREAS, Permittee has requested modification to the Large Scale Master Planned Development Permit and Commission is willing to grant said modifications as herein set forth; and

WHEREAS, Commission finds that it is in the best interest of Park City and its citizens that Permittee be granted the right to construct and develop the Project as a Master Planned Development in accordance with the Park City Land Management Code passed and adopted December 22, 1983, effective January 1, 1984 as the same has been amended by Ordinance to the date hereof (herein designated the "Code") and in accordance with the Large Scale Master Planned Development Permit as amended and restated hereby.

NOW THEREFORE, the Large Scale Master Planned Development Permit is hereby amended and restated to authorize and grant the right, and Permittee is hereby authorized and granted the right, to develop and construct the Project, subject to Planning Commission approval of any required Conditional Use Permits for site specific development and City Council approval and recordation of any required subdivision plats, as outlined and detailed in this: (A) Twelfth Amended and Restated Large Scale Master Planned Development Permit ("Permit") including the Exhibits hereto and those documents and items submitted by Permittee as aforesaid, as a Master Planned Development pursuant to the Master Planned Development provisions contained in the Code; and, (B) the Agreement dated July 12, 1978, between Park City, as "City", and Royal Street, as "Royal Street", as amended by an Amendment to Agreement dated May 29, 1978, a Second Amendment to Agreement dated April 3, 1980, a Third Amendment to Agreement dated August 21, 1980, as amended and restated in its entirety by a Fourth Amendment and Restatement of Agreement, a Fifth Amendment to Agreement dated May 17, 1984, and a Sixth Amendment to Agreement dated February 21, 1985, and all subsequent amendments, which are all incorporated herein by reference and which Agreement as so amended is herein referred to as the "Agreement", and as such Agreement may hereafter be further amended from time to time. Park City is hereinafter referred to in this Permit as "City".

A. **Densities.** For purposes of determining densities in the Project:

(1) Insofar as the following portions of the Project are concerned, the authorized densities shall be as follows:

<u>Parcel Designation</u>	<u>Authorized Dwelling Units</u>
Northwest Multi-Family (Fawn grove)	80
North Entrance Multi-Family (Pinnacle)	40
North Hillside Multi-Family (Pinnacle)	46
Southwest Multi-Family (Aspenwood)	30
Southwest Multi-Family (Courchevel)	13.5
Northwest Hillside Multi-Family (Daystar)	24
South Entrance Multi-Family (Stonebridge)	50
South Multi-Family (Lakeside)	60
West Multi-Family (Pine Inn and Trails End)	40
Total	383.5

For purposes of determining densities on the parcels designated in this Subparagraph (1), a single family home or an apartment containing two bedrooms or more constituted a dwelling

Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

(2) Insofar as all portions of the Project other than the nine parcels containing 383.5 dwelling Units identified in Subparagraph A. (1) above are concerned, an apartment Unit containing one bedroom or more shall constitute a dwelling Unit and a hotel room or lodge room shall constitute one-half of a dwelling Unit.

(3) If approved in advance by Commission and Permittee, the owner of any development parcel in the Project shall have the right to have the densities permitted on said development parcel calculated in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) or in accordance with the Unit Equivalent formula contained in Section 10.12 of the Code, as said Unit Equivalent formula may from time to time be amended or modified. In the event of election of an owner to utilize said Unit Equivalent formula and approval thereof by Commission and Permittee, the maximum number of Unit Equivalents which may be contained in the structures built upon said development parcel shall not exceed the permitted number of dwelling Units to be constructed thereon determined in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) and the number of Unit Equivalents as constructed on said development parcel shall for all purposes hereof be deemed the number of units constructed thereon. Approval of use of the Unit Equivalent formula by Commission and Permittee shall not, and cannot, alter or release any private land use covenants between the owner and Deer Valley, or others, concerning development of the property or the density permitted thereon.

(4) Insofar as the following portions of the Project are concerned, the authorized densities, permitted on the development parcels are required to be calculated in accordance with the Unit Equivalent Formula contained in Section 10.12 of the Code as said Unit Equivalent formula may from time to time be amended or modified:

<u>Parcel Designation</u>	<u>Authorized Unit Equivalents</u>
Snow Park Village	209.75
Total	209.75

B. Unit Size. Except for units with relation to which the owner elected or elects to or is required to utilize the Unit Equivalent formula, there shall be no size limitation for Units constructed on any parcel provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

C. Development Parcel Designations. Development parcel designations, prescribed densities, parcel sizes, building height limitations (the height limitation for each parcel will be determined by reference to the Code in effect at time of application for approval of the development of the parcel) and the status of development of the parcels as of the date hereof are reflected on Exhibit 1. Permittee shall have the right to develop a total of 2,110 residential Units (exclusive of employee housing Units) within the Project. Permittee shall have the right to develop 209.75 Unit Equivalents within the Snow Park Village, subject to the conditions and

requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

(1) **Conditional Use Review.** Prior to the sale by Permittee of the Snow Park Village, Permittee shall submit a site-specific plan with relation to such parcel to the Commission requesting approval for construction on the parcel. In addition, the Permittee shall request the establishment of building site conditions with relation to the parcel. Accordingly, Permittee or persons acting on its behalf shall file with the Community Development Department of City a completed application form supported by the information set forth in Section 15-6 of the Code, as the same may be amended from time to time. The procedure for the approval or disapproval of any site-specific plan shall be based upon the provisions of this Permit and the conditional use criteria of the Code in effect on the date of application. Components of the Project, other than land development parcels, are listed on Exhibits 2 and 3.

D. Subdivision of Development Parcels. Prior to the sale of any individual lots on any parcel listed on Exhibit 1 developed for residential use as a "subdivision" as defined by the City subdivision ordinance and state statute, the party electing to establish a subdivision on said parcel shall comply with all applicable provisions of the City subdivision ordinance in effect at the time of application. The procedure for the approval or disapproval of any subdivision application shall be based upon the procedure provided in the City subdivision ordinance in effect at the time of application.

Prior to the filing of a record of survey map and declaration of condominium to establish a condominium on any parcel listed on Exhibit 1, the party electing to establish a condominium shall comply with all applicable provisions of any City condominium ordinance in effect at the time of application. The procedure for the approval or disapproval of any condominium shall be based upon the Utah Code and any City condominium ordinance in effect at the time of application.

E. Applicability of Sensitive Area Overlay Zone. For projects within the Deer Valley Large Scale Master Planned Development, the density limitations of the Sensitive Area Overlay Zone do not apply because Master Planned Developments approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.

F. Relationship to National Standards. The provisions of the Code and any other applicable zoning and development ordinances including national standards with respect to engineering or building requirements as adopted by City, in effect in City on the date hereof, shall govern the development within the Project, except as otherwise provided herein.

G. Off-Street Parking. Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. For purposes of calculating required parking, the Project shall be deemed to be zoned Residential Development District (RD) Master Planned Developments (MPD). Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space.

If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season the need for constructing additional parking in said area shall be reviewed by the Commission.

H. Commercial Space, Support Commercial, and Meeting Space. Exhibit 2 hereto lists commercial and support space allotted to the Project. The General Snow Park Commercial category is restricted in utilization within the Project to the following parcels in the Snow Park area:

Pine Inn Multi-Family Parcel
Snow Park Lodge Multi-Family Parcel (Black Diamond Lodge)
Snow Park Village (Combination of Snow Park Hotel Parcel and
Snow Park Parking Area Parcel)
Snow Park Day Center Parcel

Utilization of portions of the General Snow Park Commercial category within any of the above listed parcels is subject to the specific approval of both Permittee and Commission.

In addition to the Exhibit 2 Commercial Space permitted in the Project, Support Commercial shall be permitted and used as defined in the Code, as amended, at the time of application.

I. Employee Housing. Permittee has been required to cause the development of 112 employee (affordable) housing units pursuant to prior editions of this Permit. Prior to the date of this Permit, Permittee has developed or caused to be developed units qualifying under the low and moderate income housing exception of the Code as follows:

<u>Project Location</u>	<u>Number of Qualifying Units</u>
A. Units in Deer Valley:	
Little Belle Manager Unit	1
Stag Lodge Manager Unit	1
Sterlingwood Manager Unit	1
Bald Eagle Caretaker Units	2
Mt. Cervin Manager Unit	1
Deer Valley Club Manager Unit	1
B. Units Other Than in Deer Valley:	
Parkside Apartments	42
Fireside Apartments / Condos	42
Washington Mill Apts.	8
Peace House	3
Aspen Villas / Silver Meadows (Participation)	9
Fawn grove Employee Unit	1
Total	112

Deer Valley shall be obligated to comply with all applicable ordinances of City relating to the creation and construction of employee housing, including ordinances that are adopted after the date of this Permit. Deer Valley will be given credit for the previously developed units

identified above when computing the employee housing obligation under applicable ordinances. The City acknowledges full satisfaction of Deer Valley's current obligation in the Employee Housing Agreement dated October 6, 1995 executed in conjunction with Deer Valley's contribution to the Silver Meadows project. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing employee / affordable housing units built by Deer Valley or persons acting on its behalf exceeds the number of units required by the new ordinance, credit shall be given against the ordinance imposed obligation, but in no event shall City be obligated to reimburse Deer Valley for any excess, or to permit the assignment of the excess to other parties with a similar employee housing requirement. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing units built by Deer Valley or those acting on its behalf falls short of the newly imposed ratio of employee units to conventional units, Deer Valley agrees to be bound by the provisions of the newly adopted ordinance; provided, however, that the new ordinance shall apply only to those Units on which site specific approval is granted after the adoption of the employee / affordable housing ordinance.

J. Technical Reports. Permittee shall submit updated technical reports with regard to traffic monitoring, water systems, and sewer systems for review by Commission as significant changes occur in those systems and as needed for specific project review as required by the Community Development Director and Public Works Director prior to density approval.

K. Public Use of Ski Facilities. Use of all ski facilities shall be open to the general public and shall not be restricted to owners of property located in Deer Valley or to members of any private club. Furthermore, all charges, fees and costs paid by the general public for the use of such facilities shall not exceed the charges, fees and costs paid by owners of property located in Deer Valley.

L. Trails .There are 4 types of trails in Deer Valley:

- (1) Bicycle paths located within street rights-of-way;
- (2) Pedestrian paths connecting parcels together within a community;
- (3) Connecting paths connecting communities together; and
- (4) Hiking trails to provide access to the mountain.

Bicycle paths shall be located within street rights-of-way dedicated to City and shall be operated and maintained by City as shown on the Deer Valley Trails Master Plan and the City Trails Master Plan.

Pedestrian paths shall be hard surfaced, a minimum of five feet wide, a maximum of six feet wide and built to public sidewalk specifications. These paths shall connect development parcels together and connect development parcels to commercial nodes. At the time of conditional use approval of a particular development parcel, the developer of said parcel shall provide a pedestrian path across said parcel connecting to the paths on the adjoining parcels. The location of these paths shall be determined by the parcel developer and by City staff with the Deer Valley Trails Master Plan used as a guide. The locations shall be modified as necessary to take into consideration topography and existing trails, and shall tie into the bus system which serves Deer Valley. These paths shall form a year-round system. Maintenance shall be the responsibility of the parcel owner. A 10 to 15 foot wide easement (easement size

shall be determined at the time of site specific conditional use approval) for each pedestrian path shall be dedicated to City and is required to be shown on the recorded plat for the applicable development parcel.

It is recognized by the parties that the property within the Deer Valley Resort is private property. Public access to ski runs is at the discretion of Permittee. Summer public access and non-destructive summer use which includes casual hiking on ski runs shall be allowed by Permittee subject to reasonable rules and regulations.

In the event that City in its sole discretion determines that City should hold any easements for hiking, City shall make a request that an easement be granted for any or all of the hiking trails that City desires to hold within or adjacent to ski runs shown on the Trails Master Plan. In the event that City obtains a formal agreement, City agrees to maintain such hiking trails, and Permittee will provide legal descriptions, signage and grant to City an easement (minimum of 10 feet to maximum of 15 feet wide) to maintain such hiking trails without hard surface and without winter maintenance. If City desires to upgrade the hiking trails beyond that which currently exists, City agrees to bear the cost of those improvements. The Trails Master Plan shall serve as a general guide in determining the final location of said hiking trails. In the event City obtains and holds formal easements for hiking trails, City shall indemnify and hold Permittee and its successors and assigns harmless from and against any loss, damage, injury or responsibility with relation to any such trail and any claims, demands or causes of action from any person resulting from injuries sustained while utilizing any hiking trails for which City has obtained and holds easements. Said public easement shall also be subject to such additional reasonable rules and regulations as Permittee deems appropriate to eliminate possible interference with the operation and maintenance of the ski resort, or in the interest of safety or security.

M. Open Space. With the exception of those parcels identified on Exhibit 1 and those areas and items listed on Exhibit 2 as "commercial and support space", all remaining property in the Project is hereby designated "landscaped open space" as that term is defined in the Code as presently in effect and shall remain substantially free from structures, roads and parking lots except as otherwise approved by City or permitted by the Code as presently in effect. The "landscaped open space" shall be maintained and operated by Permittee at Permittee's sole cost and expense.

N. Fire Considerations. All buildings or structures located within the Bald Eagle, Silver Lake, and North Silver Lake Communities shall be fire sprinkled in accordance with UBC 38-1-82.

O. Water Improvements .Permittee agrees that, as a condition of and concurrently with issuance to Permittee of a building permit for the construction of any buildings or structures comprising a portion of the Project, Permittee shall be obligated to agree in writing to construct and convey to City storage facilities, pumping facilities, and transmission lines, as agreed upon and approved by the Public Works Director and City Engineer at the time of issuance of said building permit, to the extent necessary to store and transmit culinary water, irrigation water, and water for fire flows to the buildings and structures covered by the building permit and to connect the same to the water system of City, and shall evidence to the satisfaction of City the ability of Permittee to comply with such agreements.

Permittee agrees that completion of the action required by this Section O with relation to any building or structure included in the Project shall be deemed a condition precedent to the

right to occupy and utilize the building or structure. Commission and Permittee agree that the general level of water facilities construction for the Project required by this Section O has been heretofore accomplished by Permittee.

The existing agreement relating to water rights and water facilities for Deer Valley development entered into November 17, 1988 between Permittee as "DVRC", Royal Street as "Royal Street", and City as "Park City" and the Deer Valley Water Facilities Improvement Agreement dated March 31, 1994 between City, Royal Street and Permittee (as "DVRC") and the Amendment to the 1994 Deer Valley Water Facilities Improvement Agreement dated May 12, 2006 between City as "Park City", Royal Street and Permittee (as "DVRC") are made a part of this Permit by reference.

P. Sewer Considerations .Although City has no responsibility for sewer approvals; the Snyderville Basin Sewer Improvement District has indicated the following with respect to sewerage in Deer Valley: Projected flow calculations are based on average wastewater flow from residential units and make no distinction regarding size. In other words, the Sewer District does not follow the "unit equivalent" concept as does City.

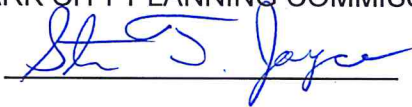
The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325 additional residential units. There are several sections with only slightly greater capacity. This concern or limitation was eliminated by construction of a new sewer trunk line from Royal Street through the Westview Parcel in 1988. Lower System (Solamere, Queen Esther, Fawn grove) - A portion of the trunk sewer serving this area was replaced in 1985 to provide greater capacity for Hanover and Park Con projects as well as Deer Valley's. These three developers executed an agreement with the District which identified their anticipated development and the percentage of the cost they would fund to "reserve" capacity in the sewer system. Of the present sewer capacity of approximately 1385 units, Deer Valley has approximately 200 units available for future development. However, there are downstream sections of sewer that have less capacity than the new Deer Valley North Road sewer. This problem will be pursued with the developers as necessary.

Q. Separability. If any provision or provisions of this Permit shall be held or deemed to be, or shall, in fact, be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent, whatsoever.

R. Term of Permit. The term of this Permit is governed by the Twenty-Ninth Edition of the Land Management Code of Park City as revised as of April 1, 1993.

Approved this 30th day of November, 2016.

PARK CITY PLANNING COMMISSION

By 

Planning Commission Chair

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	5.5785	18	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	0	0		59 (A)	0.35
Silver Lake Village Lot G	0	0		59 (A)	0.38
Silver Lake Village Lot H	0	0		59 (A)	0.44
Silver Lake Village Lot I (combination of Silver Lake Village lots F, G, H)	34.4215	38	13,14,15	59 (A)	1.17
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
2. One small unit was separately permitted in this project using .5 unit of density.
3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
10. The development density on these parcels is less than the original permitted density at the election of the developer.
11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
12. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on March 23, 2011.
13. Prior to issuance of a building permit on Lot I, the Property owner shall submit an Historic Mine Waste report.
If Historic Mine Waste is located on the site, a mitigation plan shall also be submitted compliant with the Park City Soils Boundary Ordinance.
14. Building on Lot I shall be designed to be broken into more than one volumetric mass above final grade,
exhibiting both horizontal and vertical articulation. Common underground parking is permitted.
15. The transfer of 0.4215 UE from Lot D to Lot I was approved by Planning Commission on November 30, 2016.

A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 2
COMMERCIAL AND SUPPORT SPACE

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL	DEVELOPED	REMAINING
SNOW PARK LODGE	13807	26958		85578	126343		126343	0
SNOW PARK TICKET SALES BUILDING				5112	5112		5112	0
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280		23280	0
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890		0	21890
SILVER LAKE LODGE	1200	29160		15790	46150		46150	0
EMPIRE LODGE (4)		22456		12544	35000		30453	4547
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954	11968
NORTH SILVER LAKE COMMUNITY	8000			6525	14525		0	14525
MAINTENANCE, WHSE, & SHOPS				31724	31724		31724	0
TOTAL	75959	78574	20265	174391	349189		295016	52930

NOTES:

(1) General Snow Park Commercial may only be utilized on certain parcels with approval of Commission and Permittee.
18110 square feet of General Snow Park Commercial has previously been allocated to and is included in totals for Snow Park Lodge.

(2) 10125 square feet of Silver Lake Community commercial has previously been allocated to and is included in totals for Silver Lake Lodge (1994 Silver Lake Lodge expansion 6990 sf and 1998 Silver Lake Lodge expansion 3135 sf).
Remainder of Silver Lake Community commercial consists of:

Developed Space:

Royal Plaza	14312
Mt. Cervin Plaza	8080
Goldener Hirsch Inn	2062 (see note #5)
Chateaux at Silver Lake	7500
Total	31954

Transferred to Royal Plaza Residential

1243

Allocated but Undeveloped Space:

Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

(5) Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses.



DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 3
OTHER PROJECT COMPONENTS

ITEM	WITHIN PARK CITY	OUTSIDE PARK CITY
SKI AREA (1)		
CHAIRLIFTS	15	5
GONDOLA		1
SKI TRAILS AND BOWLS	63	34
SNOWMAKING	X	X
SKI PATROL / UTILITY STATIONS:		
BALD EAGLE MTN.	X	
BALD MTN.	X	
FLAGSTAFF MTN.	X	
LITTLE BALDY		X
JORDANELLE BASE		X
EMPIRE CANYON	X	
AMENITIES		
SNOW PARK LAKES & MEADOWS	X	
SNOW PARK PARKING LOTS	X	
PEDESTRIAN TRAIL SYSTEM	X	X
MOUNTAIN BIKING TRAILS SYSTEM	X	X
SOLAMERE SWIM & TENNIS FACILITY	X	
SNOWSHOE TOMMYS CABIN	X	
CUSHINGS CABIN	X	
BIRDSEYE CABIN	X	
JORDANELLE BASE		X
SNOW PARK CONCERT AMPHITHEATRE	X	

(1) ADDITIONAL SKI AREA FACILITIES AS DEMAND DICTATES, SUBJECT TO PROVISIONS OF PARK CITY LAND MANAGEMENT CODE AND OTHER APPLICABLE JURISDICTIONS.



Little Belle Homeowner's Association

August 13, 2024

Park City Building Department
445 Marsac Avenue
Park City, UT 84060

Subject: 7150 Little Belle Ct, Unit 4 Remodel and Plat Amendment

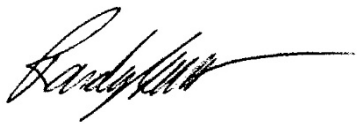
Dear Park City Building Department:

The purpose of this letter is to confirm to the Park City Building Department that the Little Belle Homeowner's Association (LBHOA) has met with the contractor and owner of 7150 Little Belle Ct, Unit 4 to review the proposed plans for the remodel and amendments to the plat of said unit. The LBHOA's questions have been answered and resolved.

Additionally, the LBHOA reviewed the existing plat and proposed changes to the plat with the rest of the owners in the community on August 12, 2024. Following that review, the LBHOA, through its owners constituting 90% of the owners, voted in the affirmative to approve the changes to the existing plat as presented in the attached.

On behalf of the LBHOA, I can confirm the vote and the approval of the plat amendment of Unit 4.

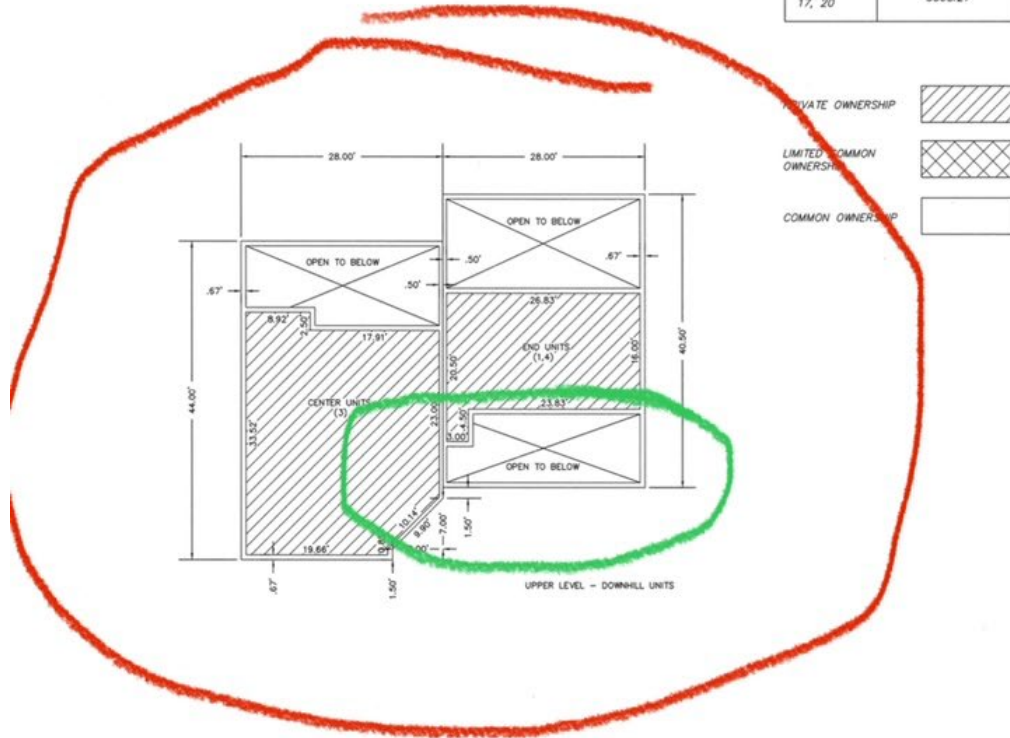
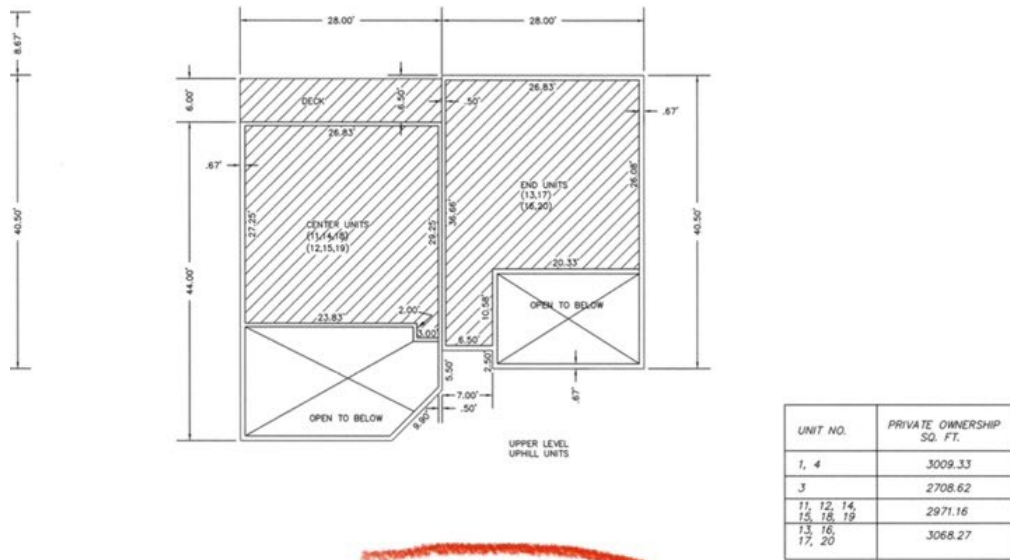
Thank you,



Randy Gullo
President of Little Belle Homeowner's Association

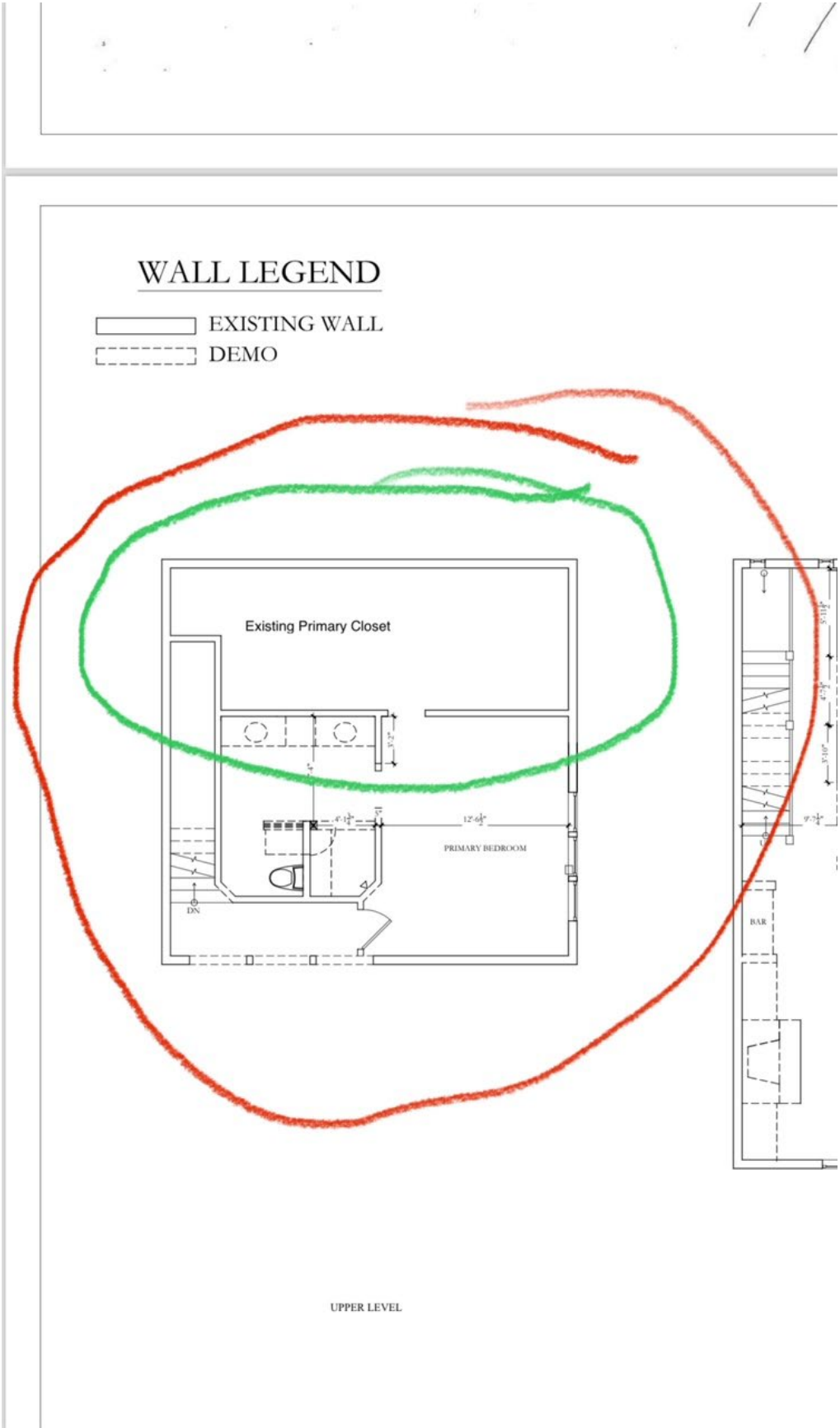
cc: The Management Committee of Little Belle Homeowner's Association
Robert Goodman - owner
Josh Hannay - contractor

Current Plat of Unit 4 before replat. Red circle is the unit and floor needing replat. Green circles the specific area.



780095 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Founders Title
 DATE 6-07-06 TIME 11:44 BOOK 114 PAGE 114
4163 FEE 163.00 Denise A. Brown RECORDER

This is a drawing of the existing floor plan



Planning Commission Staff Report



Subject: 2366 Good Trump Court
Unit 1, Queen Esther Village No. 1
Condominium Plat
Application: PL-24-06314
Author: Jacob Klopfenstein, Planner I
Date: January 8, 2025
Type of Item: Condominium Plat Amendment

Recommendation

(I) Review the Plat Amendment for 2366 Good Trump Court, Unit 1 of the Queen Esther Village No. 1 Condominium Plat, (II) conduct a public hearing, and (III) consider approving the Condominium Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: High Vibe Homes LLC
Marshall King, Applicant Representative

Location: 2366 Good Trump Court

Zoning District: Residential Development

Adjacent Land Uses: Residential, Recreational Open Space

Reason for Review: The Planning Commission reviews and takes Final Action on Condominium Plat Amendments.¹

LMC Land Management Code
MPD Master Planned Development
PUD Planned Unit Development
RD Residential Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

The Applicant proposes converting 269 square feet of common and limited common space to private for Unit 1 of the Queen Esther Village No. 1 Condominium Plat (2366 Good Trump Court) in two areas:

- To reflect an interior/enclosed 218-square-foot area at the southeast corner of

¹ LMC [§ 15-1-8](#)

the ground level that has been used as a private bedroom but is common ownership on the recorded plat.

- To enclose an exterior 51-square-foot front porch that is limited common ownership on the recorded plat.

The Applicant proposes the Plat Amendment to reflect existing conditions, to continue using the 218-square-foot area as an additional bedroom, and to enclose the 51-square-foot area to provide additional space in the entrance hall of the unit. The Applicant proposes to enclose the front porch area in spring 2025, concurrently with remodels the owner's association plans for other units in the Queen Esther Village No. 1 Subdivision (see Exhibit B, Applicant's Narrative and Supplemental Materials).

The 51-square-foot front porch area is seen in the photo below:



Figure 1: This 51-square-foot front porch at 2366 Good Trump Court is currently platted as limited common ownership area. The Applicant seeks a Plat Amendment to convert the area to private ownership and proposes to enclose the area to provide more space in the entrance hall of the unit.

The photo below highlights the 51-square-foot area proposed to be enclosed:



Figure 2: The applicant proposes enclosing this front porch area, shown in red, at 2366 Good Trump Court to create more space in the entrance hall of the unit.

The applicant's proposal to convert a rear ground-level bedroom from common area to private area would not result in exterior changes to the unit:



Figure 3: Rear view of 2366 Good Trump Court. The rear view of the unit would remain unchanged with the proposed Plat Amendment. The property owner proposes changes to a rear bedroom on the ground level of the unit, which is below grade at the rear of the site and occupies roughly the same space as the area highlighted in red.



Figure 4: Front view of 2366 Good Trump Court.



Background

2366 Good Trump Court is governed by the Queen Esther Village Master Planned Development (MPD), which was first approved as a Planned Unit Development (PUD) by the Planning Commission on May 13, 1981.

2366 Good Trump Court is Unit 1 of the Queen Esther Village No. 1 Condominium Plat (Exhibit C), approved by the City Council on August 13, 1981, and recorded on August 26, 1981.

On March 15, 2018, the City Council approved a plat amendment to convert 108 square feet of common area underneath a deck adjacent to Private Area for Unit 6 (see Exhibit E).

The Queen Esther Village No. 1 Plat (Exhibit C) does not include the layout for 2366 Good Trump. However, the plat includes the layout for 2380 Good Trump Court. 2366 Good Trump Court is a mirror image of the adjacent 2380 Good Trump Court, Unit 2 of the Queen Esther Village No. 1 Plat. Units 1 and 2 are shown on the plat as “Unit C” types. The layout for 2380 Good Trump Court matches the layout for the platted Unit C type, and the layout for 2366 Good Trump Court is the same layout, but in reverse.

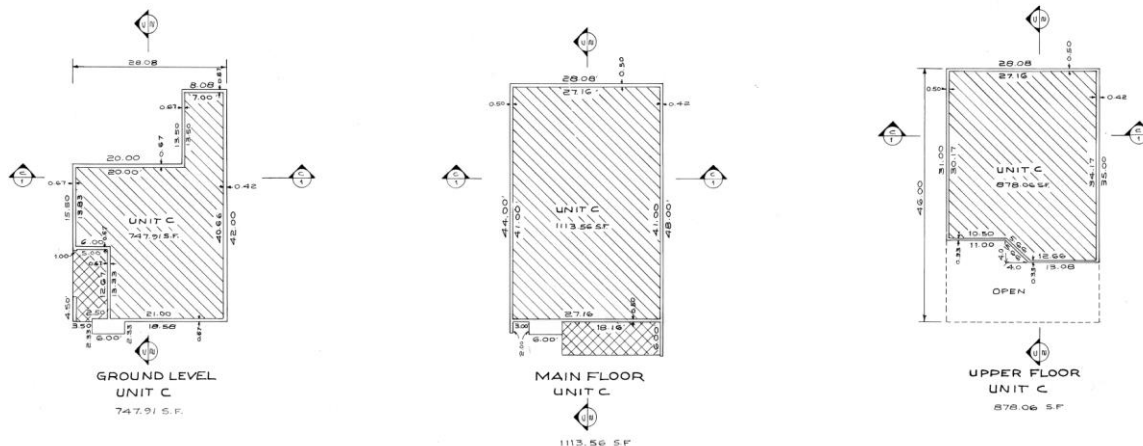


Figure 6: Excerpt from Queen Esther Village No. 1 Condominium Plat showing layout of 2380 Good Trump Court. The layout of 2366 Good Trump Court is the same as above, but in reverse.

The Applicant's proposed plat (Attachment A) shows the changes to the ground level of the unit:

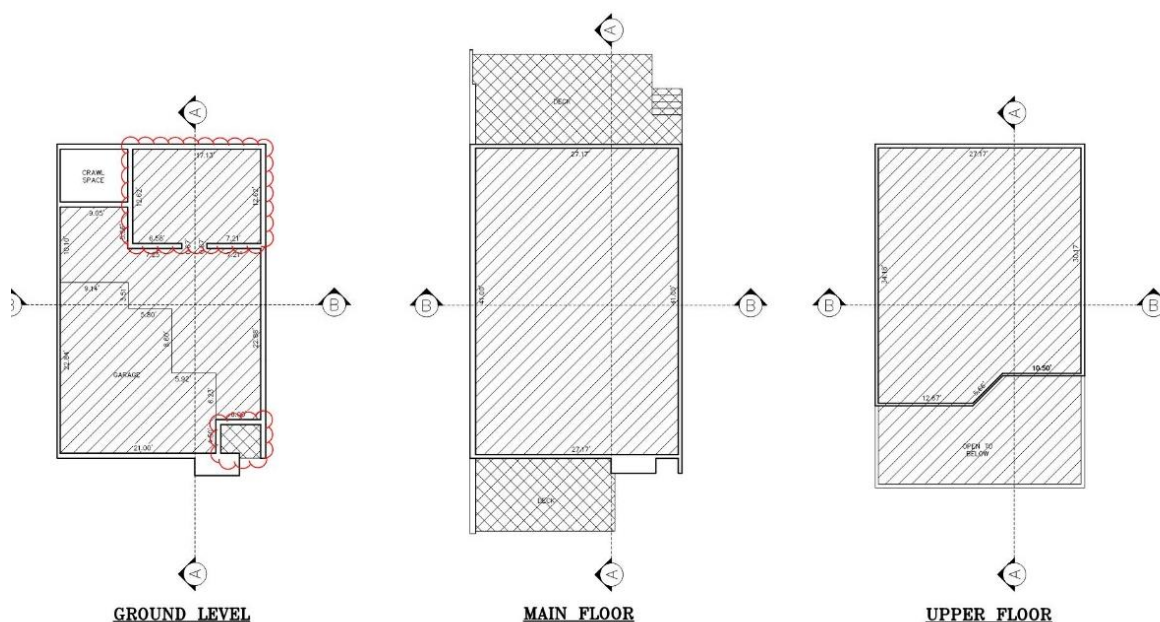


Figure 7: An excerpt from the Applicant's proposed plat (Attachment A) showing the two areas, outlined in red, proposed to be converted to private ownership on the ground level of the unit.

Building Permit records show a deck was added to the rear of 2366 Good Trump Court in 2016 and the unit underwent an interior remodel in 2017. Further Building Permit records for 2366 Good Trump Court could not be located.

Pursuant to Utah Code [§ 57-8-7\(3\)](#), common areas in Utah condominium projects may not be altered without the consent of two-thirds of the unit owners. The Applicant provided proof of a two-thirds vote in favor of the proposed project by the Queen Esther Village Homeowners Association on October 11, 2024 (Exhibit D).

Analysis

(I) The proposed Plat Amendment, as conditioned, complies with the requirements of Land Management Code [Chapter 15-2.13](#) Residential Development Zoning District.

Pursuant to LMC [§ 15-2.13-3](#) and LMC [§ 15-2.13-4](#), the following Lot and Site Requirements and Building Height standards apply for properties within the RD Zoning District:

Requirement	Analysis of Proposal
Front Setback: 20 feet required, 25 feet for front-facing garages for Single-Family and Duplex Dwellings	Complies: 2366 Good Trump Court maintains a minimum 180-foot Front Setback to the west.
Side Setback: 12 feet required	Complies: 2366 Good Trump Court maintains a minimum 167-foot Side Setback to the south and a minimum 39-foot Side Setback to the north.
Rear Setback: 15 feet required	Complies: 2366 Good Trump Court maintains a minimum 52-foot Rear Setback to the east.
Building Height: 28 feet maximum from Existing Grade, or 33 feet maximum from Existing Grade with a roof pitch of 4:12 or greater	Condition of Approval recommended: The existing structure is approximately 35 feet, 7 inches from Existing Grade and has a roof pitch of 6:12. The structure exceeds the allowed height by approximately 2 feet, 7 inches. Building Permit records do not indicate if or when this noncompliant structure was approved. The March 18, 1980 edition of the LMC that was in effect when the Queen Esther PUD was approved and the June 15, 1981 edition of the LMC that was in effect at the time the Queen Esther Village No. 1 Condominium Plat was recorded established a maximum Building Height of 28 feet from Natural Grade for the Residential Development Zoning District. The 1981 LMC allows ridges of gable, hip, gambrel, and similarly pitched roofs to extend up to 5 feet beyond the zoning district height. Since the roof of 2366 Good Trump Court extends beyond 33 feet in height, it does not comply with this provision of the 1980 LMC.

	The proposed Plat Amendment impacts the ground level of 2366 Good Trump Court and does not pertain to portions of the unit that exceed the RD Zone height limit. Staff recommends Condition of Approval 1 prohibiting any modifications to building height as part of the Plat Amendment approval and requiring a plat note: any new construction must to comply with the Residential Development Zoning District Building Height regulations.
--	---

(II) The proposed Plat Amendment complies, as conditioned, with Land Management Code [Chapter 15-3](#) *Off-Street Parking*.

LMC [§ 15-3-6](#) requires two parking spaces per Dwelling Unit for a condominium with 2,000 square feet or more of floor Area. The existing unit includes approximately 2,740 square feet, and the proposed Plat Amendment will increase the floor Area to approximately 2,958 square feet, so two parking spaces are required for the unit.

LMC [§ 15-3-3\(F\)](#) states the minimum required parking space dimensions are 9 feet wide and 18 feet deep. The unit includes a two-car garage that is approximately 18 feet, $\frac{3}{4}$ inches wide and 27 feet, 4 inches deep, which meets the minimum dimensions for two parking spaces.

(III) The property includes easements that will not be impacted by the proposed Plat Amendment.

The Queen Esther Village No. 1 Condominium Plat (Exhibit D) notes that all common areas are dedicated as public utilities easements.

Condition of Approval 2 requires the Applicant to obtain letters prior to plat recordation from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. Condition of Approval 2 requires the Applicant to provide these letters to the Planning Department prior to plat recordation.

An easement for a buried telephone cable runs along the west and south sides of the unit:

as a front porch for the unit and the proposal is within the existing footprint of the upper level.

There is Good Cause for this Condominium Plat Amendment, as conditioned, because it resolves an existing issue by recording common and limited common areas that are under exclusive private use for Unit 1, reflecting existing conditions at the Site.

(V) The Development Review Committee reviewed the proposal on November 19, 2024 and requires Conditions of Approval.²

The Summit County Recorder's Office requires Condition of Approval 3 requiring the Plat to be named "Queen Esther Village No. 1 Unit 1 Amended," Condition of Approval 4 requiring the applicant to include the certificate of attest note on the final Plat, and Condition of Approval 5 requiring the applicant to submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project."

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 17, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 17, 2024. The *Park Record* published courtesy notice on December 18, 2024.³

Public Input

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

Alternatives

- The Planning Commission may approve the Condominium Plat Amendment for 2366 Good Trump Court;
- The Planning Commission may deny the Condominium Plat Amendment and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain or uncertain.

Exhibits

Exhibit A: Draft Final Action Letter

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)

Attachment 1: Proposed Queen Esther Village No. 1 Unit 1 Amended
Condominium Plat

Exhibit B: Applicant's Narrative and Supplemental Materials

Exhibit C: Queen Esther Village No. 1 Condominium Plat

Exhibit D: Queen Esther Village Homeowner Association Letter dated October 11, 2024

Exhibit E: Queen Esther Village No. 1 Unit 6 Amended Condominium Plat



Planning Department

January 8, 2025

Marshall King
marshall@alliance-engr.com

CC: High Vibe Homes LLC

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 2366 Good Trump Court

Zoning District: Residential Development

Application: Condominium Plat Amendment

Project Number: PL-24-06314

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 8, 2025

Project Summary: The Applicant proposes converting 269 square feet of Common Ownership Area and Limited Common Ownership Area to Private Ownership Area on the ground level of the condominium unit.

Action Taken

On January 8, 2025, the Planning Commission conducted a public hearing and approved the Condominium Plat Amendment for 2366 Good Trump Court according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. 2366 Good Trump Court is an attached single-family condominium unit.
2. 2366 Good Trump Court is Unit 1 of the Queen Esther Village No. 1 Condominium Plat, recorded on August 26, 1981.
3. On March 15, 2018, the City Council approved a Plat Amendment to amend Queen Esther Village No. 1 Subdivision Unit 6 (2346 Good Trump Court). The



Planning Department

plat converted 108 square feet of Common Area underneath a deck adjacent to Unit 6 to Private Area.

4. 2366 Good Trump Court is a mirror image of the adjacent 2380 Good Trump Court, which is Unit 2 of the Queen Esther Village No. 1 Plat. The plat only shows the floor plan and layout for 2380 Good Trump Court. The floor plan and layout for 2366 Good Trump Court is the same as the floor plan and layout of 2380 Good Trump Court in reverse.
5. Building Permit records indicate a deck was added to the rear of 2366 Good Trump Court in 2016, and the unit underwent an interior remodel in 2017.
6. The applicant proposes converting a 218-square-foot area at the southeast corner of the ground level of 2366 Good Trump that has been used in the past as an additional bedroom, but is shown as common ownership area on the current recorded plat to private ownership area.
7. The applicant also proposes converting a 51-square-foot area that is currently used as part of the front porch of 2366 Good Trump Court and is shown as limited common ownership on the current recorded plat to private ownership area.
8. The Applicant proposes the Plat Amendment to update the record of survey to reflect existing conditions, to continue using the 218-square-foot area as an additional bedroom, and to enclose the 51-square-foot area to provide additional space in the entrance hall of the unit. The Applicant proposes to enclose the front porch area in spring 2025, concurrently with remodels the owner's association plans for other units in the Queen Esther Village No. 1 Subdivision.
9. Pursuant to Utah Code § 57-8-7(3), common areas in Utah condominium projects may not be altered without the consent of two-thirds of the unit owners. The applicant provided proof that at least two-thirds of Unit Owners voted in the affirmative on October 11, 2024 to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area.
10. The Plat Amendment proposal, as conditioned, complies with the requirements of the Residential Development (RD) Zoning District.
 - a. A 20-foot Front Setback is required, and a 25-foot Front Setback is required for front-facing garages for Single-Family and Duplex Dwellings.
 - i. 2366 Good Trump Court maintains a minimum 180-foot Front Setback to the west.
 - b. A 12-foot Side Setback is required.



Planning Department

- i. 2366 Good Trump Court maintains a minimum 167-foot Side Setback to the south and a minimum 39-foot Side Setback to the north.
- c. A 15-foot Rear Setback is required.
 - i. 2366 Good Trump Court maintains a minimum 52-foot Rear Setback to the east.
- d. The maximum allowable Building Height is 28 feet maximum from Existing Grade, or 33 feet maximum from Existing Grade with a roof pitch of 4:12 or greater.
 - i. The existing structure is approximately 35 feet, 7 inches from Existing Grade and has a roof pitch of 6:12.
 - ii. The structure exceeds the allowed height by approximately 2 feet, 7 inches. Building Permit records do not indicate if or when this noncompliant structure was approved.
 - iii. The March 18, 1980 edition of the LMC that was in effect when the Queen Esther PUD was approved and the June 15, 1981 edition of the LMC that was in effect at the time the Queen Esther Village No. 1 Condominium Plat was recorded established a maximum Building Height of 28 feet from Natural Grade for the Residential Development Zoning District.
 - iv. The 1981 LMC allows ridges of gable, hip, gambrel, and similarly pitched roofs to extend up to 5 feet beyond the zoning district height. Since the roof of 2366 Good Trump Court extends beyond 33 feet in height, it does not comply with this provision of the 1980 LMC.
 - v. The proposed Plat Amendment impacts the ground level of 2366 Good Trump Court, and do not pertain to portions of the unit that exceed the Residential Development Zone height limit
 - vi. Condition of Approval 1 requires a plat note that states that any new construction shall comply with the Residential Development Zoning District regulations.
- 11. The proposed Plat Amendment complies, as conditioned, with Land Management Code Chapter 15-3 Off-Street Parking.
 - a. Land Management Code Section 15-3-6 requires two parking spaces per Dwelling Unit for an apartment or condominium with 2,000 square feet or more of floor Area.



Planning Department

- i. The existing unit includes approximately 2,740 square feet of floor Area, and the proposed Plat Amendment will increase the floor Area to approximately 2,958 square feet.
 - b. Land Management Code Section 15-3-3(F) states the minimum required parking space dimensions are 9 feet wide and 18 feet deep.
 - i. The unit includes a two-car garage that is approximately 18 feet, $\frac{3}{4}$ inches wide and 27 feet, 4 inches deep, which meets the minimum dimensions for two parking spaces and meets the parking requirements outlined in Land Management Code Section 15-3-6.
- 12. The property includes easements that will not be impacted by the proposed Plat Amendment.
 - a. The Queen Esther Village No. 1 Condominium Plat notes that all common areas are dedicated as public utilities easements.
 - i. Condition of Approval 2 requires the applicant to obtain letters prior to plat recordation from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. Condition of Approval 2 requires the Applicant to provide these letters to the Planning Department prior to recordation.
 - b. An easement for a buried telephone cable runs along the west and south sides of 2366 Good Trump Court. This easement will not be affected by the proposed Plat Amendment, which affects areas only within the existing building footprint of the condo unit.
- 13. Land Management Code Section 15-7.1-6(C) requires the Planning Commission to find Good Cause to approve a Plat Amendment.
 - a. Land Management Code Section 15-15-1 defines Good Cause as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the



Planning Department

character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

- b. No public street, Right-of-Way, or easement is vacated or amended with the proposed Condominium Plat Amendment.
 - c. Per the Applicant, the 218-square-foot area on the ground floor has been finished as an additional bedroom in the past. The 51-square-foot area on the ground floor is currently used as a portion of the front porch. Since these two areas are currently being used for private uses, staff finds Good Cause to approve the Condominium Plat Amendment, as conditioned, to convert these areas from common ownership and limited common ownership to private ownership to reflect existing conditions at the Site.
14. The Development Review Committee reviewed the proposal on November 19, 2024 and required Conditions of Approval.
15. The Summit County Recorder’s Office requires Condition of Approval 3 requiring the Plat to be named “Queen Esther Village No. 1 Unit 1 Amended,” Condition of Approval 4 requiring the applicant to include the certificate of attest note on the final Plat, and Condition of Approval 5 requiring the applicant to submit the “Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project.” Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 19, 2024. The Park Record published courtesy notice on December 19, 2024.

Conclusions of Law

1. There is Good Cause for this Condominium Plat Amendment because it amends the record of survey to reflect existing conditions.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.13 Residential Development (RD) District.
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. Modifications to the Building Height of 2366 Good Trump Court are prohibited as part of this Plat Amendment approval. The applicant shall implement a plat note



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that states that any new construction shall comply with the Residential Development Zoning District requirements.

2. Prior to plat recordation, the Applicant shall obtain letters from public utility providers (including, but not limited to, Enbridge, Rocky Mountain Power, and communications providers) indicating there are no public utilities located under the 218-square-foot area located at the southeast corner of the ground level of 2366 Good Trump Court that is proposed to be converted from Common Ownership to Private Ownership, or that approval is granted to relocate any such public utilities at the Unit owner's expense. The Applicant shall provide these letters to the Planning Department prior to plat recordation.
3. The Plat shall be named "Queen Esther Village No. 1 Unit 1 Amended."
4. The applicant shall implement a Certificate of Attest approval and signature box.
5. The applicant shall submit the "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" for review to the Summit County Recorder's Office. The "Seventh Amended and Restated Declaration of Condominium for Queen Esther Village Project 1, A Condominium Project" shall include:
 - a. A Statement of Purpose for Amendment,
 - b. A statement and date of the vote of two-thirds of Unit Owners in the affirmative to authorize the conversion of Common Area and Limited Common Area to Private Ownership Area,
 - c. An exhibit describing the boundary of the condominium project,
 - d. Parcel numbers for Units 1-26 of the Queen Esther condominiums,
 - e. Updated ownership percentages.
6. The City Planner, City Attorney, and City Engineer shall review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and these Conditions of Approval, prior to recordation of the plat.
7. The Applicant shall record this Plat Amendment at the County within one year from the date of Planning Commission 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 made in writing prior to the expiration date and an extension is granted by the Planning Director.

If you have questions or concerns regarding this Final Action Letter, please call (385)-481-2037 or email jacob.klopfenstein@parkcity.org.



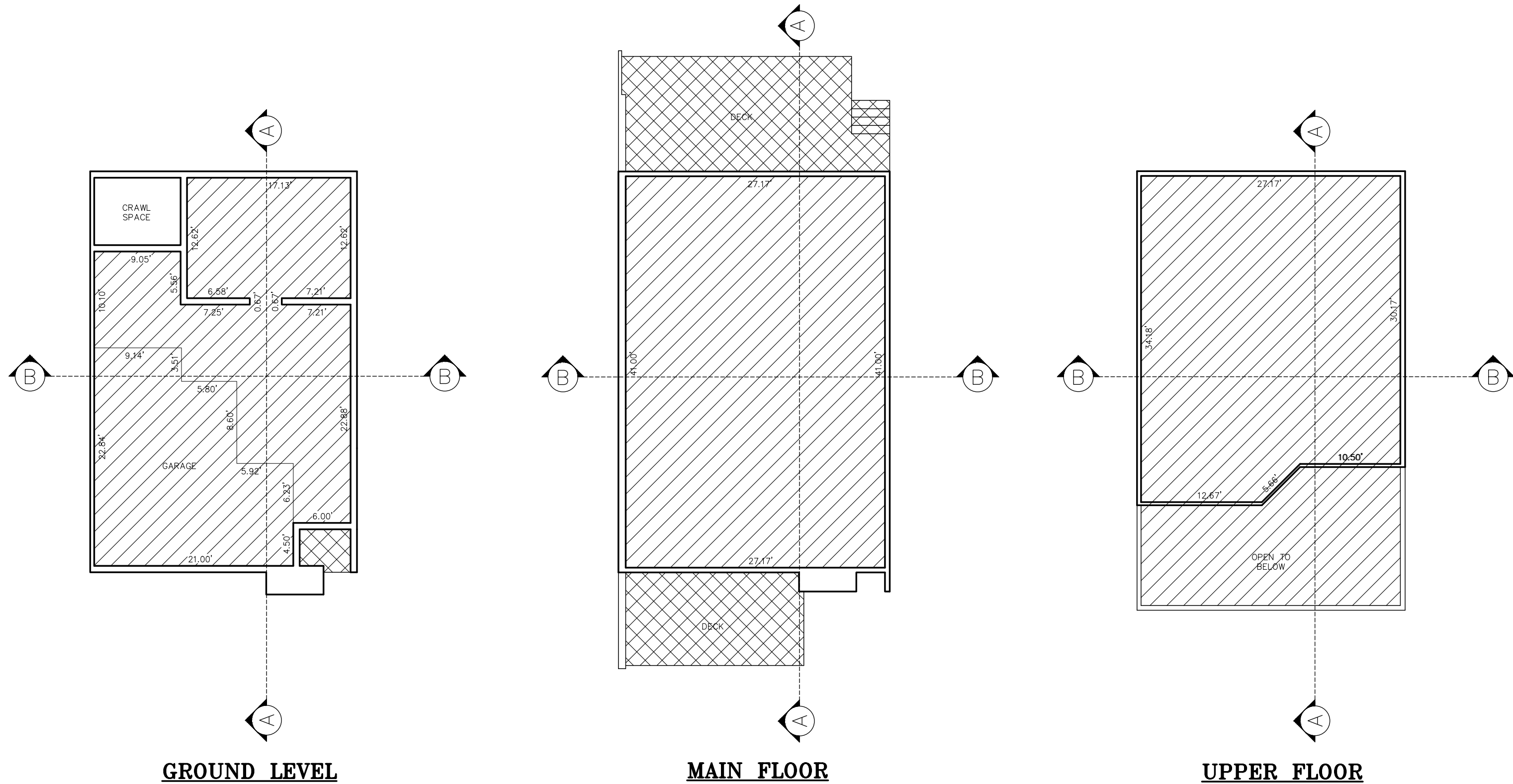
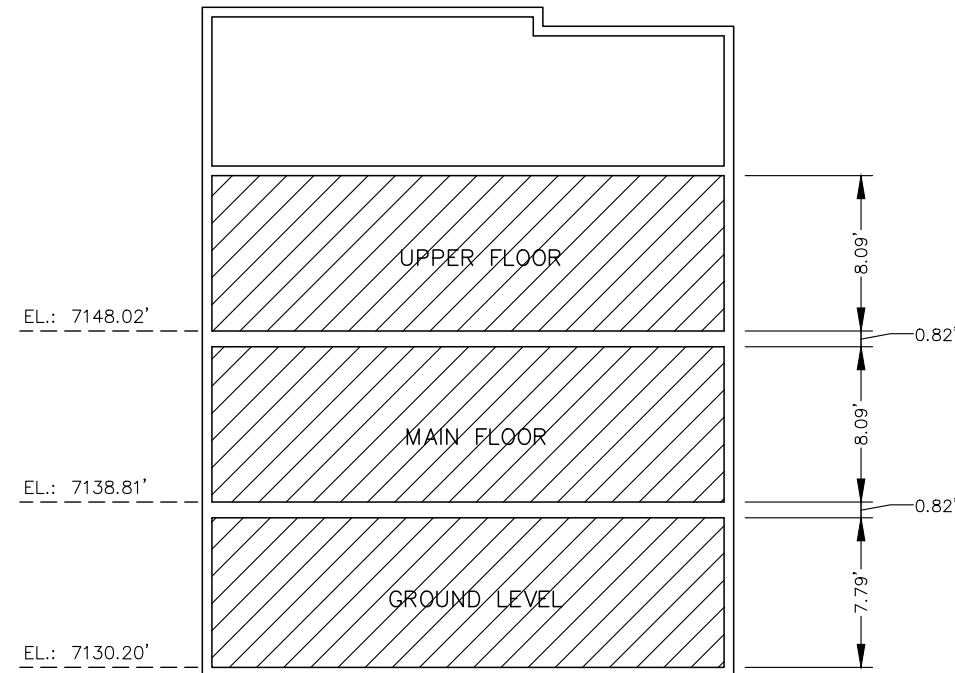
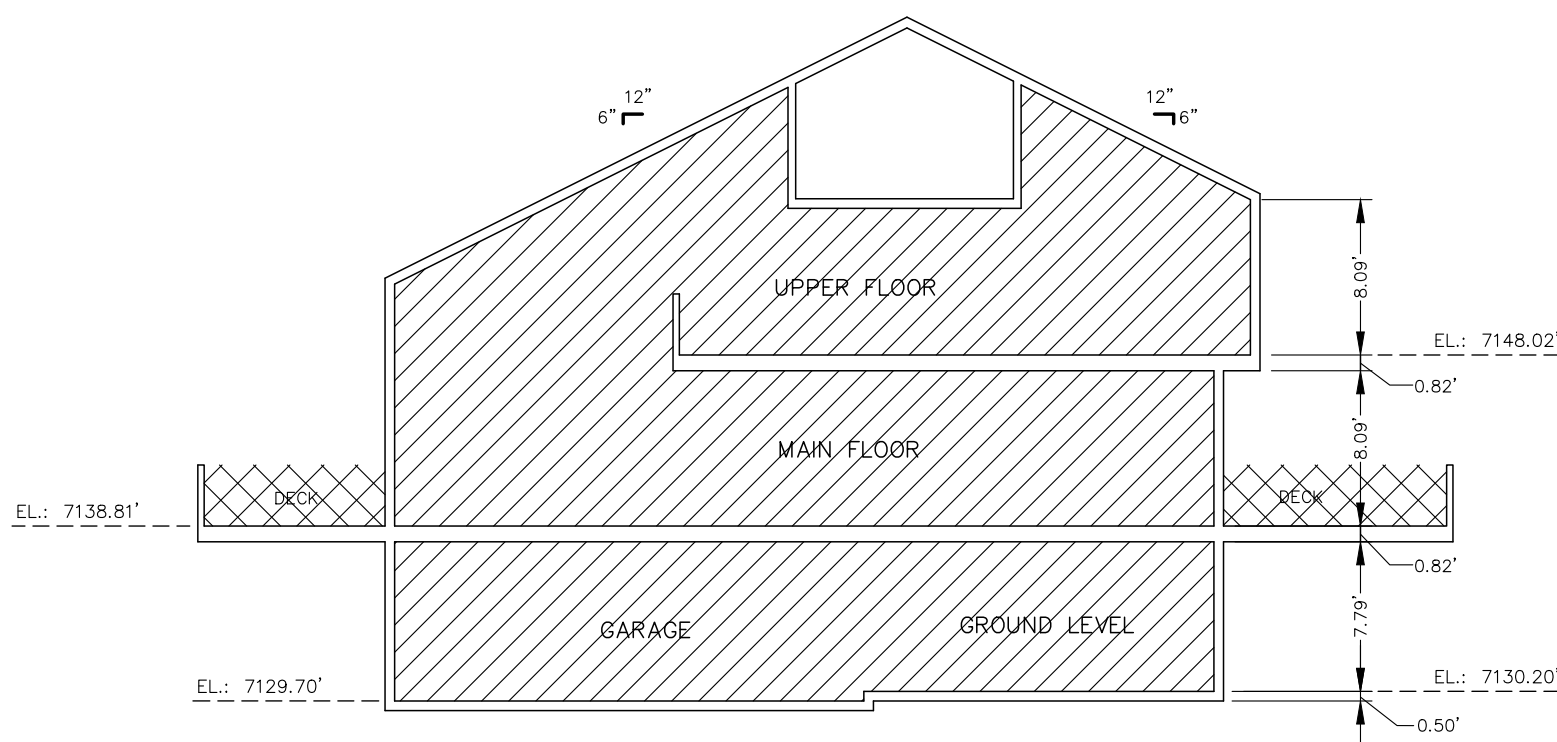
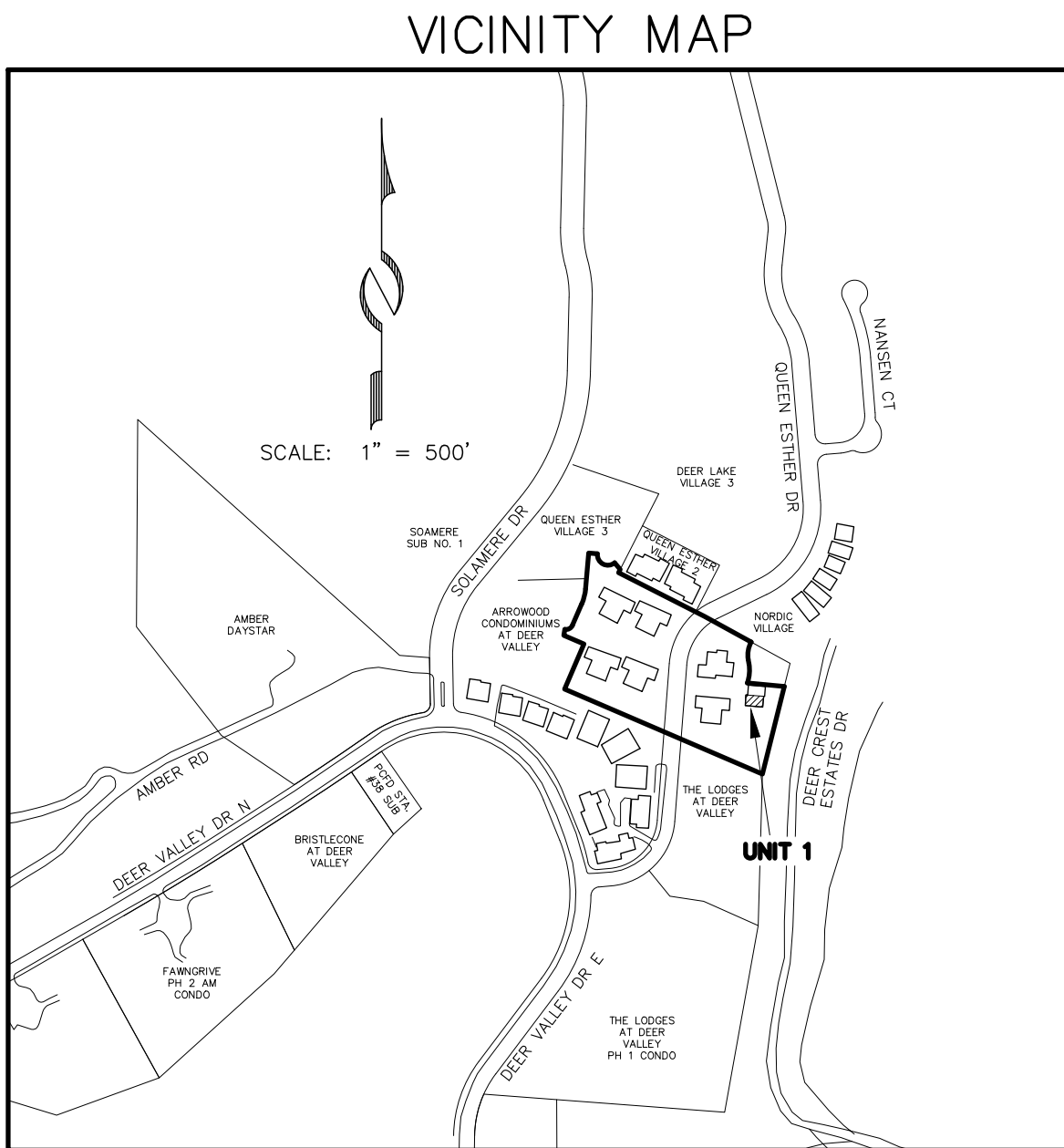
Planning Department

Sincerely,

Sarah Hall, Chair
Planning Commission

CC: Jacob Klopfenstein

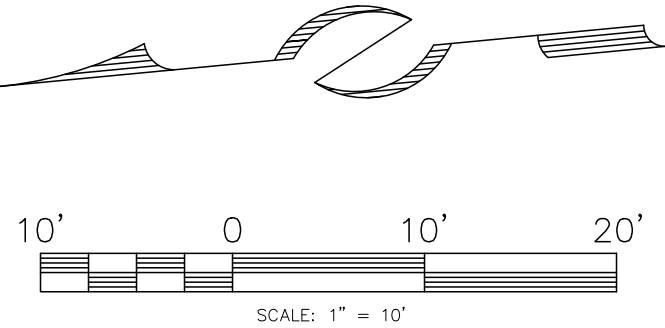
DRAFT



GROUND LEVEL

MAIN FLOOR

UPPER FLOOR



UNIT 1	SQUARE FOOTAGE
GROUND LEVEL	593
MAIN FLOOR	1,114
UPPER FLOOR	878
TOTAL	2,585
GARAGE	384

OWNERSHIP LEGEND

	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	PRIVATE OWNERSHIP

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Queen Esther Village Project 1 Owners Association, a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this Plat Amendment.

Queen Esther Village Project 1 Owners Association, a Utah nonprofit corporation

Stephen Guttentberg, President

ACKNOWLEDGMENT

State of _____

: ss.

County of _____

On this ____ day of _____, 2025, personally appeared before me, the undersigned Notary Public, in and for said County and State, Stephen Guttentberg, being duly sworn, acknowledged to me that he is the president of Queen Esther Village Project 1 Owners Association, a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners of Queen Esther Village Project 1 Owners Association acting as a group (under the name Queen Esther Village Project 1 Owners Association, a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for the Queen Esther Village Project 1 Owners Association.

A Notary Public Commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No.: _____

SURVEYOR'S CERTIFICATE



I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I do further certify that by authority of the owner I have prepared this condominium plat amendment of the property described hereon, hereafter to be known as QUEEN ESTHER VILLAGE NO.1, UNIT 1 AMENDED.

LEGAL DESCRIPTION

Unit 1, contained within the QUEEN ESTHER VILLAGE NO. 1, a Utah Condominium Project as the same is identified in the record of Survey Map recorded in Summit County, as Entry No. 182974 (as said record of Survey Map may have heretofore been amended or supplemented) and in the declaration recorded on May 26, 1981, in Summit County, as Entry No. 182076, in Book M-196, at Page 683 (as said declaration may have heretofore been amended or supplemented). Together with the appurtenant undivided interest in said project's Common Areas as established in said declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the common areas and facilities to which said interest relates.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of High Vibe Homes, LLC, a Utah limited liability company, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this condominium plat amendment.

High Vibe Homes, LLC, a Utah limited liability company

By: _____
Kevin Reilly, Manager

ACKNOWLEDGMENT

STATE OF _____

: ss.

COUNTY OF _____

On this ____ day of _____, 2025, Kevin Reilly personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Manager of High Vibe Homes, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed QUEEN ESTHER VILLAGE NO. 1, UNIT 1 AMENDED.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

- This plat is subject to the Conditions of Approval in the Final Action Letter dated _____ and on file with the Planning Department (PL-24-_____).
- The address of Unit 1 is 2366 Good Trump Court.
- This Plat Amendment adds 269 square feet of Private Ownership to the Ground Level by converting 218 square feet of Common Ownership to Private Ownership and 51 square feet of Limited Common Ownership to Private Ownership.
- All conditions of approval of Queen Esther Village No. 1, recorded August 26, 1981, as Entry No. 182974 shall continue to apply and remain in full force and effect.

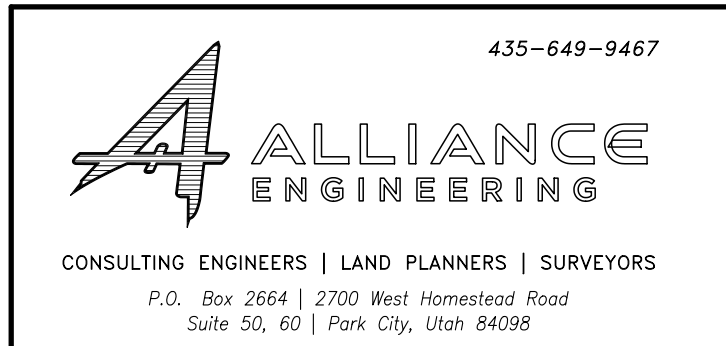
QUEEN ESTHER VILLAGE NO. 1

UNIT 1 AMENDED

A UTAH CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

11/18/24 JOB NO.: 5-9-24 FILE: X:\SnowParkVillage\dwg\sr\plat2024\050924.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2025
BY _____

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2025.
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2025
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2025
BY _____ PARK CITY ATTORNEY

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY
OF _____, 2025
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

QUEEN ESTHER VILLAGE NO. 1

UNIT 1

October 21, 2024

Queen Esther Village No.1, recorded August 26, 1981, as Entry No. 182974, is a 26-unit condominium project located in Lower Deer Valley.

This plat amendment application proposes to add a total of 269 square feet to the Ground Level in two different locations.

The first location is a 218-square foot area at the southeast corner of the Ground Level, and is shown as Common Ownership on the original plat. This area was finished in the past as an additional bedroom, but a plat amendment was not recorded at that time. The owner desires to convert the 218 square feet of Common Ownership to Private Ownership to continue to be used as an additional bedroom.

The second location being proposed for the plat amendment would convert 51 square feet, which is a portion of the front porch, from Limited Common Ownership to Private Ownership. The 51 square feet is fully within the footprint of the current building and will not extend outside of the current footprint. The added 51 square feet would be used as additional space in the entrance hall. The enclosure of the portion of the front porch would take place beginning in the Spring of 2025 when the association plans to remodel the units in Queen Esther Village No. 1.



2366 Queen Eshter Village No. 1 Unit 1 – looking Easterly



Queen Eshter Village No. 1 Unit 1 – looking Northerly (proposed enclosed entry area)



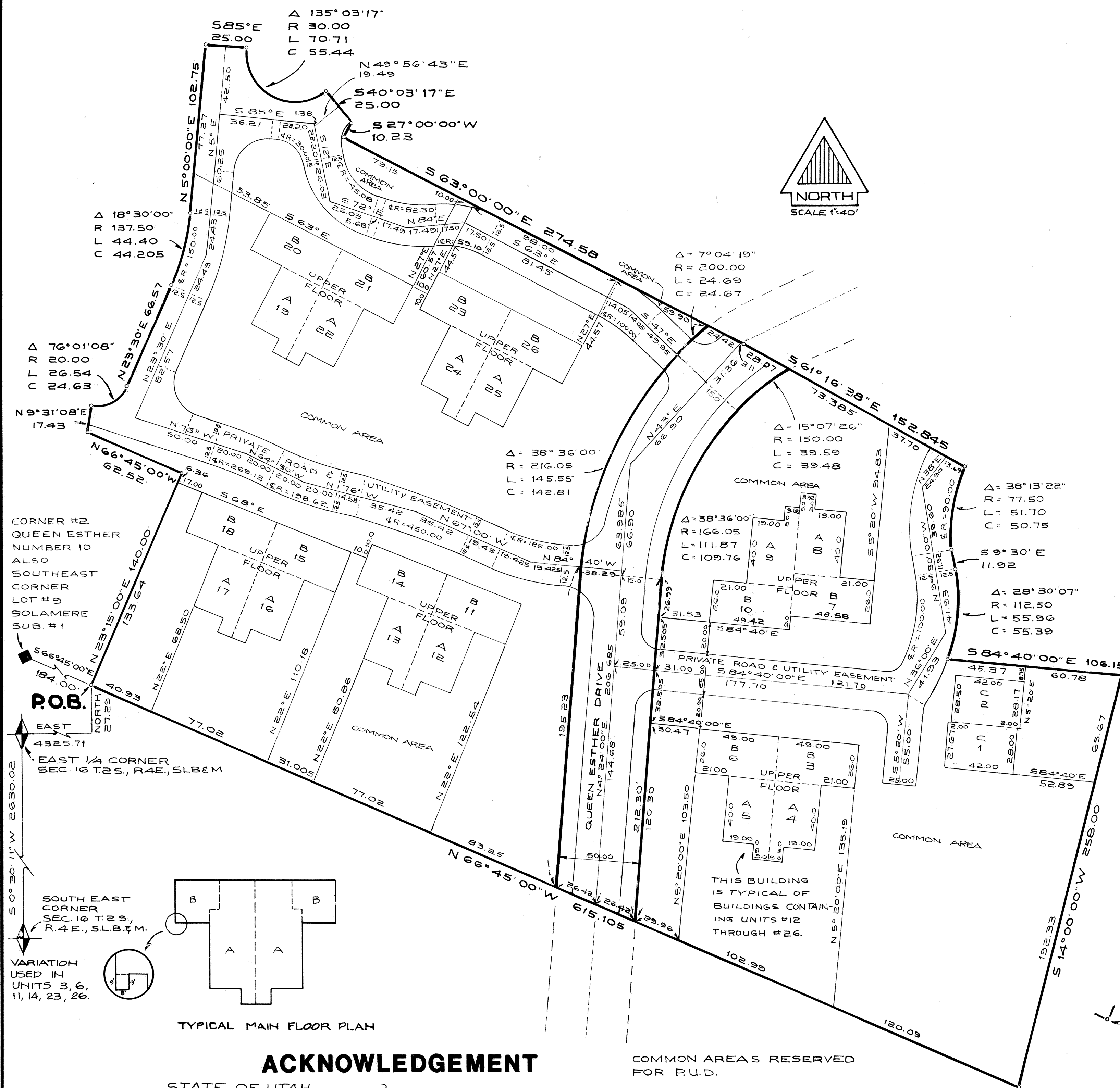
Queen Eshter Village No. 1 Unit 1 – looking Northeasterly



Queen Eshter Village No. 1 Unit 1 – looking Northerly



Queen Eshter Village No. 1 Unit 1 – looking Westerly



SURVEYOR'S CERTIFICATE

I, JAMES G. WEST, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE No. 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND SUBDIVIDED SAID TRACT OF LAND INTO BUILDINGS AND STREETS, HEREAFTER TO BE KNOWN AS QUEEN ESTHER VILLAGE NO. 1, AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

August 14, 1981
DATE

James G. West
JAMES G. WEST
REGISTERED LAND SURVEYOR
No. 3082, UTAH

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 66°45'00" EAST 184.00 FEET FROM CORNER NUMBER 2 OF THE QUEEN ESTHER NUMBER 10 MINING SURVEY 6979, SAID CORNER ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 9, SOLAMERE SUBDIVISION NUMBER 1, AND MORE SPECIFICALLY DESCRIBED AS BEING NORTH 27.29 FEET AND EAST 4325.71 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 23°15'00" EAST 140.00 FEET; THENCE NORTH 66°45'00" WEST 62.52 FEET; THENCE NORTH 9°31'08" EAST 17.43 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 9°31'08" EAST 20.00 FEET OF WHICH THE CENTRAL ANGLE IS 76°01'08"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.54 FEET TO A POINT OF TANGENCY; THENCE NORTH 23°30'00" EAST 66.57 FEET TO A POINT ON A 137.50 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°30'00" WEST 137.50 FEET OF WHICH THE CENTRAL ANGLE IS 18°30'00"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 44.40 FEET TO A POINT OF TANGENCY; THENCE NORTH 5°00'00" EAST 102.75 FEET; THENCE SOUTH 85°00'00" EAST 25.00 FEET TO A POINT ON A 30.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 85°00'00" EAST 30.00 FEET OF WHICH THE CENTRAL ANGLE IS 135°03'17"); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 70.71 FEET THENCE SOUTH 40°03'17" EAST 25.00 FEET; THENCE SOUTH 27°00'00" WEST 102.3 FEET; THENCE SOUTH 63°00'00" EAST 274.58 FEET; THENCE SOUTH 61°16'38" EAST 152.845 FEET TO A POINT ON A 77.50 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 61°16'38" EAST 77.50 FEET OF WHICH THE CENTRAL ANGLE IS 38°13'22"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 51.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 9°30'00" EAST 11.92 FEET TO A POINT ON A 112.50 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 80°30'00" WEST 112.50 FEET OF WHICH THE CENTRAL ANGLE IS 28°30'07"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 55.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84°40'00" EAST 106.15 FEET; THENCE SOUTH 14°00'00" WEST 258.00 FEET TO THE SOUTHERLY LINE OF THE QUEEN ESTHER NO. 10 MINING SURVEY NO. 6979; THENCE NORTH 66°45'00" WEST ALONG SAID SOUTHERLY LINE 615.105 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.7714 ACRES.

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENT THAT UTAH TITLE & ABSTRACT CO., A UTAH CORPORATION, BY AND THROUGH ITS VICE PRESIDENT, ALFRED J. NEWMAN, THE OWNER OF THE TRACT OF LAND DESCRIBED HEREIN AS QUEEN ESTHER VILLAGE NO. 1, A UTAH CONDOMINIUM PROJECT LOCATED ON THE ABOVE DESCRIBED LAND, DOES HEREBY MAKE THIS CERTIFICATE THAT THE OWNER HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF 3 SHEETS TO BE PREPARED. THE OWNER HEREBY CONSENTS TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT AND SUBMITS THE DESCRIBED PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT. THE OWNER ALSO DEDICATES TO THE PUBLIC FOR THEIR USE, QUEEN ESTHER DRIVE AND THE PUBLIC UTILITY EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, HE HAS SET HIS HAND THIS 11 DAY OF Aug. 1981.

BY Alfred J. Newman
ALFRED J. NEWMAN, VICE PRESIDENT
UTAH TITLE & ABSTRACT CO.

QUEEN ESTHER VILLAGE

NO. 1

LOCATED IN THE N.E. 1/4 OF SEC. 15, T.2S., R.4E., S.L.B.&M.

A UTAH CONDOMINIUM PROJECT

SHEET 1 OF 3

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF SALT LAKE } ss
ON THIS 11th DAY OF AUG. AD. 1981 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC ALFRED J. NEWMAN WHO AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT HE IS THE VICE PRESIDENT OF UTAH TITLE & ABSTRACT CO., A UTAH CORPORATION, THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES 6/5/82
RESIDING IN SALT LAKE COUNTY, UTAH
[Signature]
NOTARY PUBLIC

COMMON AREAS RESERVED FOR R.U.D.

- NOTES
1. ALL DIMENSIONS FROM BUILDINGS TO PROPERTY LINES ARE PERPENDICULAR TO PROPERTY LINES, IF NOT OTHERWISE QUALIFIED.
 2. SHEET 2 SHOWS THE OUTSIDE WALLS OF THE UNITS
 3. BUILDING LOCATIONS ARE FROM PROPERTY LINES TO OUTSIDE WALLS.
 4. ——— DENOTES BOUNDARY OF PROJECT NO. 1
 5. ——— DENOTES UNIT BOUNDARIES.
 6. DIMENSIONS TAKE PREFERENCE OVER SCALE
 7. NUMBERS 1 THROUGH 26 ARE UNIT NUMBERS
 8. PARTY WALL DIMENSIONS ARE TO THE MIDDLE OF THE WALL.
 9. THE ABOVE NOTES APPLY TO ALL SHEETS.

ALL COMMON AREAS ARE HEREBY DEDICATED AS PUBLIC UTILITY EASEMENTS.

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF CITY COUNCIL THIS 13th DAY OF August A.D. 1981, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

[Signature]
CITY CLERK
[Signature]
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 12 DAY OF August A.D. 1981.

[Signature]
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 12th DAY OF August A.D. 1981.

[Signature]
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 13 DAY OF August A.D. 1981.

[Signature]
CITY ATTORNEY

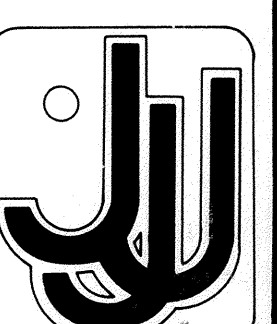
RECORDED

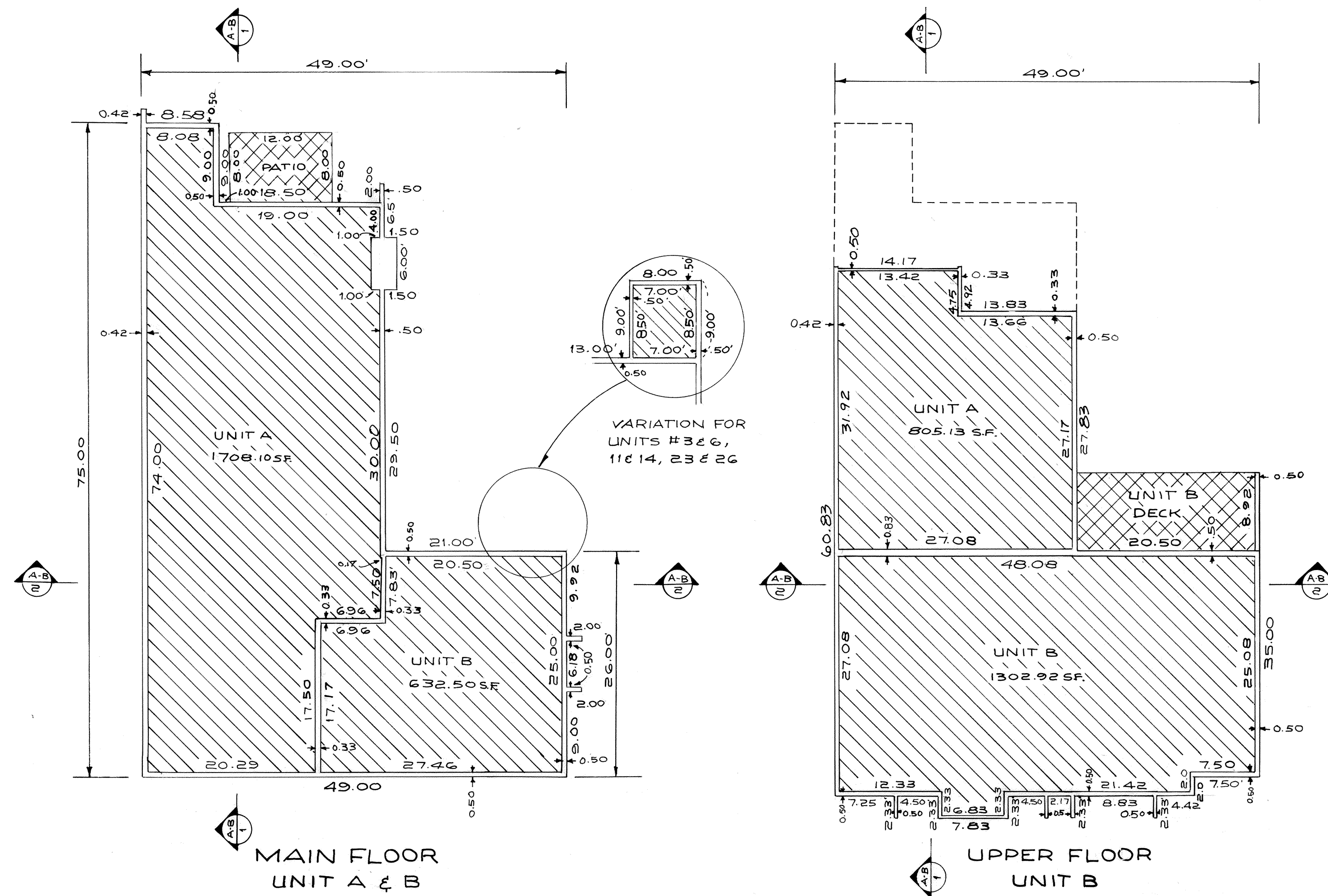
No. 182974 Date: 8-24-81 at: 1:30
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Park City Municipal Corporation
*43.00
FEES
[Signature]
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 24B
Park City, Utah 84060

(801) 649-9811

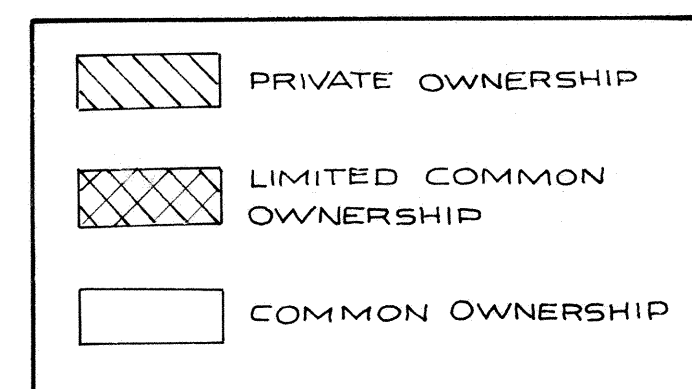
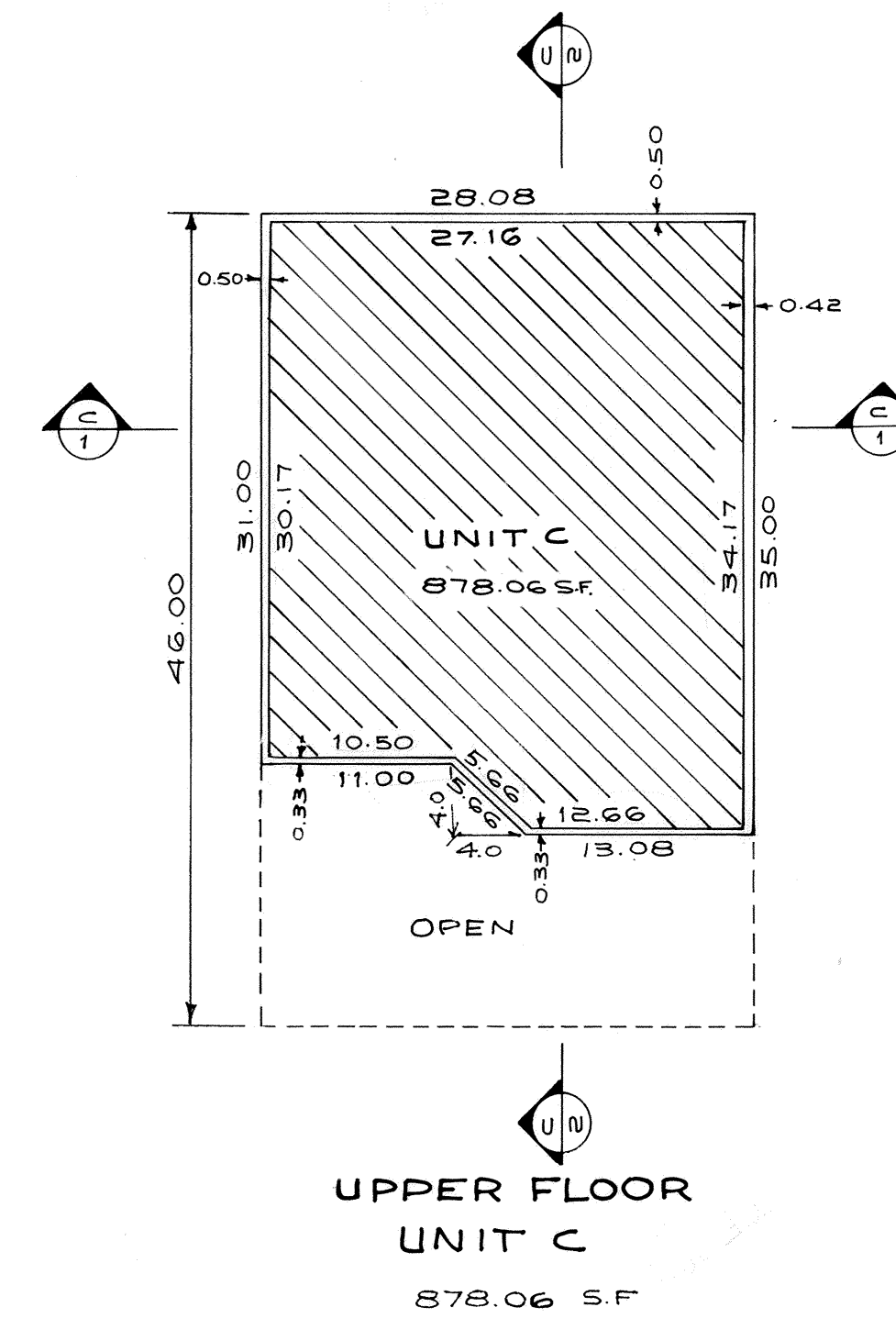
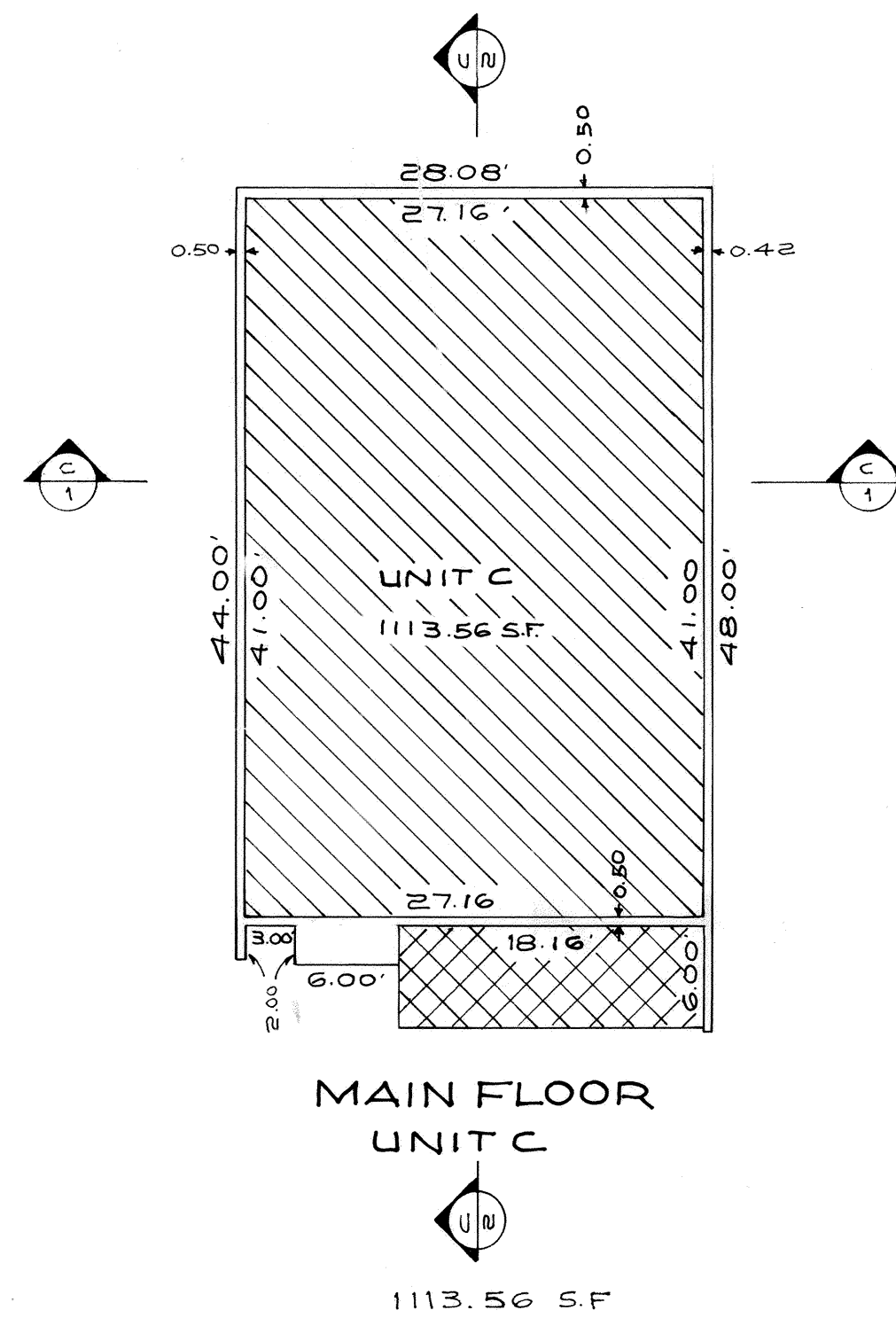
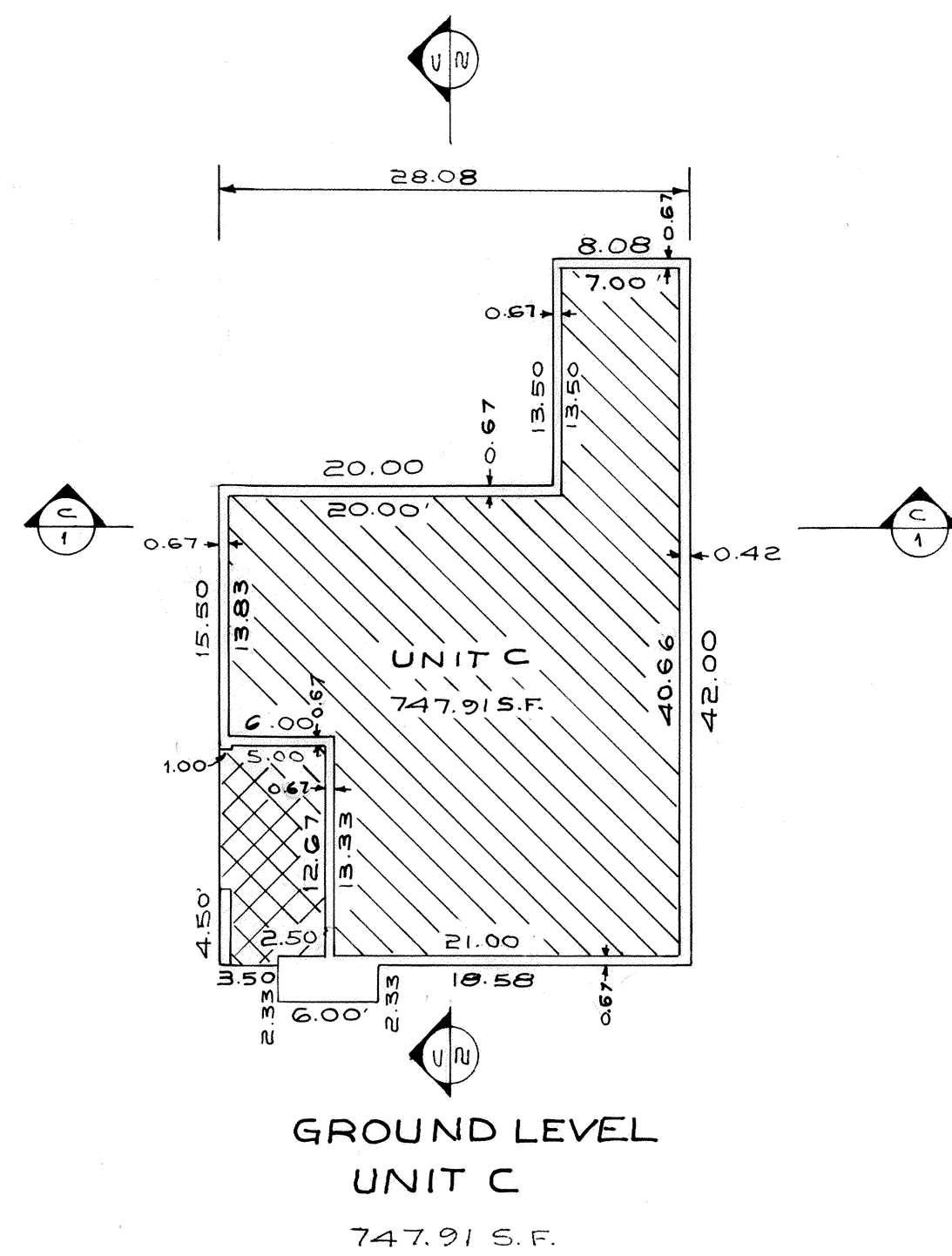




I JAMES G. WEST, DO HEREBY CERTIFY THAT THE BUILDING SPECIFICATIONS OF QUEEN ESTHER VILLAGE No. 1, A UTAH CONDOMINIUM PROJECT ARE AND WILL BE AS SHOWN ON THIS PLAT

August 10, 1981
DATE

James G. West
JAMES G. WEST
REGISTERED UTAH LAND SURVEYOR
LICENCE No. 3082



SHEET 2 OF 3

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF
CITY COUNCIL THIS 13th DAY OF
August A.D. 1981, AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED

Myrl Olson
CITY CLERK
Alan C. Bueh
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
Park City CITY ENGINEERING DEPART-
MENT ON THIS 12 DAY OF August
A.D. 1981

Wes S. Williams
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE Park City
CITY PLANNING COMMISSION ON THIS 12th
DAY OF August A.D. 1981

W. Gregory Lumsden
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 13
DAY OF August A.D. 1981

Michael P. W. W.
CITY ATTORNEY

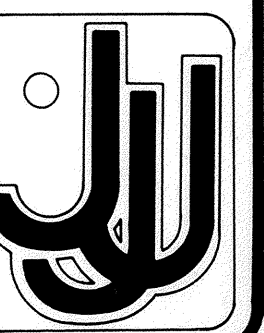
RECORDED

No 182974 Date: 8-26-81 at: 1:30
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Park City Municipal Corporation
Fees \$ 43.00 *Shanda J. Spriggs*
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811



Queen Esther Village Project I
Good Trump & Gilt Edge Districts

Queen Esther Village Project I HOA
Ptarmigan Property Services
PO Box 680820
Park City, UT 84068

RE: 2366 Good Trump Membership Approval to Expand into Common Area

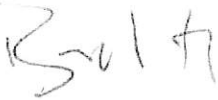
Monday October 11, 2024

To whom it may concern,

The membership of Queen Esther Village Project I Homeowners Association voted to approve 2366 Good Trump Court owners' request to expand their project into the common area. The vote has met the 66 2/3 requirement to pass.

Please contact me should you need any additional questions.

Sincerely,



Brian R Tegt
Queen Esther Village I Homeowners Board Member
773-368-4497

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15. TOWNSHIP 2 SOUTH,
RANGE 4 EAST SALT LAKE BASE & MERIDIAN

BEGINNING AT A POINT WHICH IS SOUTH 66°45'00"EAST 184.00 FEET FROM CORNER NUMBER 2 OF THE QUEEN ESTHER NUMBER 10 MINING SURVEY 6979, SAID CORNER ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 9, SOLAMERE SUBDIVISION NUMBER 1, AND MORE SPECIFICALLY DESCRIBED AS BEING NORTH 27.29 FEET AND EAST 4325.71 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 23°15'00"EAST 140.00 FEET; THENCE NORTH 66°45'00"EAST 156.52 FEET; THENCE NORTH 93°08'EAST 17.43 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 93°10'EAST 20.00 FEET OF WHICH THE CENTRAL ANGLE IS 76°01'09"), THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.54 FEET TO A POINT OF TANGENCY; THENCE NORTH 23°30'00"EAST 66.57 FEET TO A POINT ON A 137.50 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 66°30'00" WEST 137.50 FEET OF WHICH THE CENTRAL ANGLE IS 18°30'00"); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 44.40 FEET TO A POINT OF TANGENCY; THENCE NORTH 5°00'00"EAST 102.75 FEET; THENCE SOUTH 85°00'00"EAST 25.00 FEET TO A POINT ON A 30.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 85°00'00"EAST 30.00 FEET OF WHICH THE CENTRAL ANGLE IS 135°03'17"); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 70.71 FEET THENCE SOUTH 40°03'17"EAST 25.00 FEET; THENCE SOUTH 27°00'00" WEST 10.23 FEET; THENCE SOUTH 63°00'00" EAST 274.58 FEET; THENCE SOUTH 61°16'38"EAST 152.845 FEET TO A POINT ON A 77.50 FOOT RADIUS CURVE TO THE LEFT, (CENTER BEARS SOUTH 61°16'38" EAST 77.50 FEET OF WHICH THE CENTRAL ANGLE IS 381°32'22"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 51.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 93°00'00" EAST 109.00 FEET TO A 112.50 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 93°00'00" WEST 112.50 FEET OF WHICH THE CENTRAL ANGLE IS 28°30'07"); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 55.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 84°40'00"EAST 106.15 FEET; THENCE SOUTH 14°00'00" WEST 258.00 FEET TO THE SOUTHERLY LINE OF THE QUEEN ESTHER NO. 10 MINING SURVEY NO. 6979; THENCE NORTH 66°45'00" WEST ALONG SAID SOUTHERLY LINE 615.105 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING LOTS 1-5, AND 7-26 OF QUEEN ESTHER VILLAGE NO. 1 AS SHOWN ON THE OFFICIAL PLAT.

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED ABOVE, AND HAVE AMENDED SAID CONDO UNITS AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-3 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

BING CHRISTENSEN PROFESSIONAL LAND SURVEYOR

DATE 5-24-18

KNOW ALL MEN BY THESE PRESENTS THAT QUEEN ESTHER VILLAGE OWNERS ASSOCIATION (THE ASSOCIATION), THE ASSOCIATION REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION XX OF THE DECLARATION OF CONDOMINIUM OF THE QUEEN ESTHER CONDOMINIUMS, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECDORATION OF THE PLAT.

QUEEN ESTHER VILLAGE OWNERS ASSOCIATION
A UTAH NON-PROFIT CORPORATION

BY: [Signature]
ANDREW COHEN, PRESIDENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 27 DAY OF June, 2018, PERSONALLY APPEARED BEFORE ME ANDREW COHEN, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF QUEEN ESTHER VILLAGE CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF UNIT 6 AT QUEEN ESTHER VILLAGE NO. 1, A CONDOMINIUM PROJECT, CERTIFY THAT WE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: Stephen Guttenberg
STEPHEN GUTTENBERG

BY: Jami Guttenberg
JAMI GUTTENBERG

ACKNOWLEDGEMENT

STATE OF _____

COUNTY OF _____

ON THIS 11th DAY OF June, 2018, PERSONALLY APPEARED BEFORE ME STEPHEN GUTTENBERG & JAMI GUTTENBERG, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE OWNERS OF UNIT 6 AT QUEEN ESTHER VILLAGE NO. 1, A CONDOMINIUM PROJECT, AND DULY ACKNOWLEDGED TO ME THAT THEY EACH SIGNED THE FOREGOING INSTRUMENT.

Commission # 7970641
Expires: April 9, 2020
Bonded thru Aaron Notary

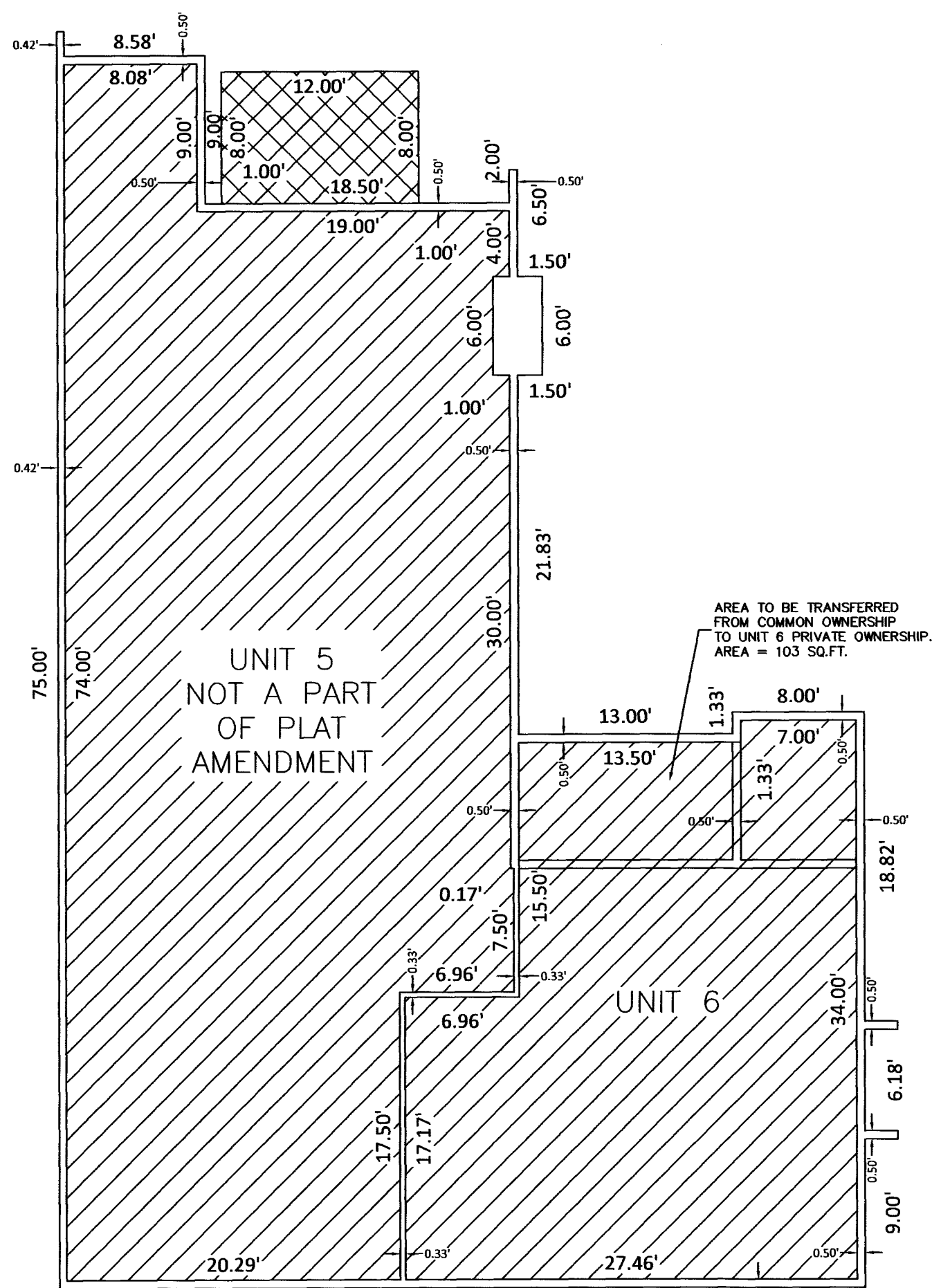
Alexis Newman
NOTARY PUBLIC

CITY APPROVAL	CERTIFICATE OF ATTEST	Time: 10:15 AM RECORDER FEE: 31.00 ENTRY NO. 1167926 BOOK _____ PAGE _____ STATE OF UTAH, COUNTY OF SUMMIT DATE: 3/22/2019 RECORDED AT THE REQUEST OF: PARK CITY TITLE C. Willoughby - deputy SUMMIT COUNTY RECORDER
 THE PARK CITY COUNCIL HAS APPROVED AND CERTIFIED THAT THIS PLAT AMENDMENT WAS APPROVED BY THE CITY COUNCIL ON THE 15th DAY OF MARCH 2019. <i>Michelle K. Ellings</i> CITY RECORDER		

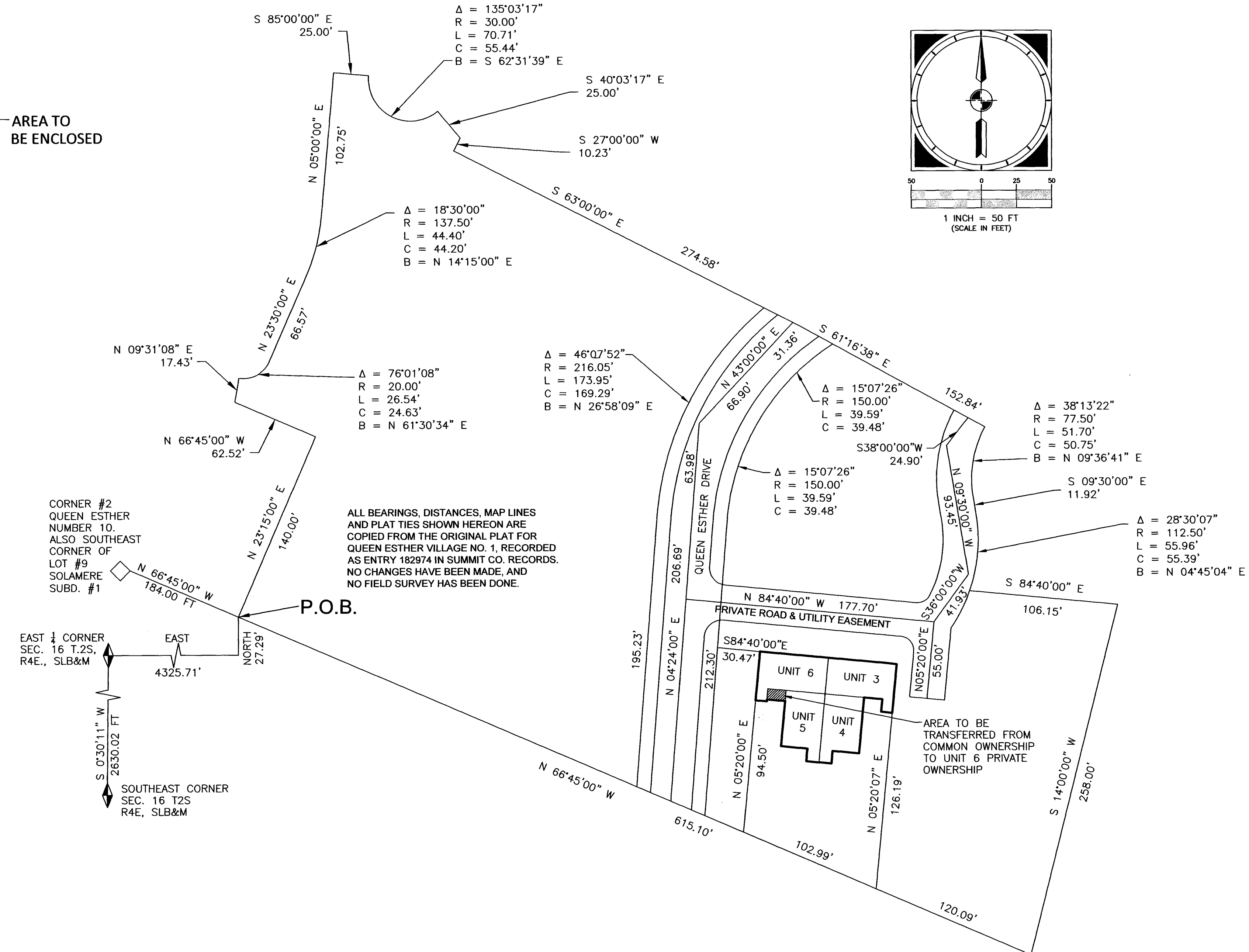


TABULATIONS

AREA OF EXISTING UNIT 6 =	1548 SQ.FT
AREA OF ADDED LIVING SPACE =	103 SQ.FT.
NEW TOTAL AREA OF UNIT 6 =	1651 SQ.FT.



MAIN FLOOR UNITS 5 & 6

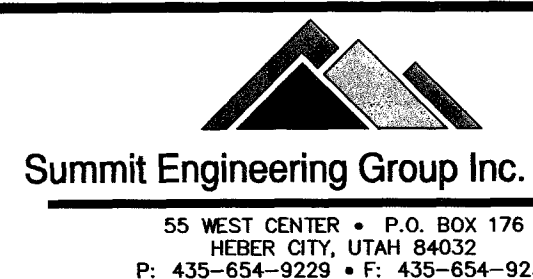


	<i>PRIVATE OWNERSHIP</i>
	<i>LIMITED COMMON OWNERSHIP</i>
	<i>COMMON OWNERSHIP</i>

1. THIS PLAT REPRESENTS AN AMENDMENT TO THE QUEEN ESTHER VILLAGE NO. 1 UNIT 6 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (RECORDATION NUMBER 182974). THIS AMENDMENT EXPANDS THE PRIVATE SPACE ON THE FIRST LEVEL OF UNIT 6.
2. ADDITIONAL UNITS ARE NOT SHOWN HEREON AND ARE NOT CHANGED WITH THIS DOCUMENT. FOR INFORMATION ON ANY UNIT OTHER THAN 6, REFER TO "QUEEN ESTHER VILLAGE NO. 1" WITH RECORDATION NO. 182974 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
3. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS. ALL CONDITIONS OF APPROVAL OF THE QUEEN ESTHER VILLAGE NO. 1 PLAT SHALL CONTINUE TO APPLY.
4. AN APPROPRIATE NFPA FIRE SUPPRESSION SYSTEM IS NEEDED AS REQUIRED BY THE BUILDING AND FIRE DEPARTMENTS.

QUEEN ESTHER VILLAGE UNIT 6 SITE MAP

--



PROJECT NO.: S17-001
DRAWN BY: MPJ
REVIEWED BY: BC
APPROVED BY: BC
DATE: MAY 21, 2018

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 14TH
DAY OF FEBRUARY 2018.



CHAIR

I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION
ON FILE IN MY OFFICE THIS 12 DAY OF July, 2006

M. J. Haller

CITY ENGINEER

**SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO THE SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS ON THIS 25th
OF June, 2018.

B. D. L.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVED AS TO FORM ON THIS 15 DAY OF 1
2019

W.D. Ho
CITY ATTORNEY

APPROVAL AND ACCEPTANCE BY THE PARK CITY COMMISSION, ON
THE 15th DAY OF MARCH, 2018.


MAYOR



IT WAS APPROVED BY THE
OF MARCH 2018.

Time- 10:15 am RECORDER FEE- 31.00
ENTRY NO. 1167926 BOOK --, PAGE --
STATE OF UTAH, COUNTY OF SUMMIT
DATE: 3/22/2019
RECORDED AT THE REQUEST OF PARK CITY TITLE
C. Willoughby - Deputy
SUMMIT COUNTY RECORDER

Planning Commission Staff Report



Subject: 201 Heber Avenue
Union Square Condominiums Plat Unit LB-1
Application: PL-24-06315
Author: Virgil Lund, Planner II
Date: January 8, 2025
Type of Item: Condominium Plat Amendment

Recommendation

(I) Review the Third Amendment to the Union Square Condominium Plat to:

- Convert 200 square feet of limited common area to common area.
- Convert 308 square feet of common area to limited common area.
- Reassign 1,555 square feet of limited common area from Unit COM-3 to Unit LB-1.

(II) conduct a public hearing, and (III) consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Union Square Owner's Association
Applicant Representative: Alliance Engineering

Location: 201 Heber Avenue
Union Square Condominiums

Zoning District: Historic Recreation Commercial

Adjacent Land Uses: Commercial, Residential

Reason for Review: The Planning Commission reviews and takes Final Action on Condominium Plat Amendments.¹

CUP Conditional Use Permit
HRC Historic Recreation Commercial
LMC Land Management Code
MPD Master Planned Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

¹ LMC [§ 15-7.1-2](#)

Summary

The Applicant proposes to convert limited common area and common area and to reassign 1,555 square feet of commercial limited common area on the first level of the Union Square Condominiums from Unit COM-3 to Unit LB-1 in the Historic Recreation Commercial (HRC) Zoning District. On October 19, 2023, 80 percent of the Property Owners Association for Union Square voted to approve this Plat Amendment (Exhibit G). The purpose of the conversion of limited common area to common area is to maintain consistency of common area across the entire plaza. The limited common area is no longer being used as originally intended.

Background

- On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/Sky Lodge at 201 Heber Avenue (Exhibit D).
- On February 9, 2006, the City Council approved Ordinance No. 06-1, a subdivision and condominium plat for Union Square/Sky Lodge (Exhibit E).
- On December 4, 2008, the City Council approved Ordinance No. 08-47, creating the First Amended Union Square Condominium Plat and retiring the original Plat (Summit County Recorder Entry No. 879382 (Exhibit B)).
- On January 24, 2024, the Planning Commission approved the Second Amended Union Square Condominium Plat. The Second Amended Plat re-assigned 4,832 square feet of limited common area from Unit LB-1 to Unit COM-3. 1,186 square feet of limited common area remained appurtenant to Unit LB-1. According to the Applicant: “the limited common area amended in the Union Square Second Amended matched the configuration of the limited common area shown in the Union Square First Amended Condominium Plat. This was a mistake, as the owner’s intent was for the limited common area to match the configuration of the licensed space and the revised commercial limited common area appurtenant to Unit LB-1 shown in the Memorandum of License” (Exhibit F, Applicant’s Narrative).

The proposed Third Amended Union Square Condominium Plat shifts 200 square feet of limited common area to common area, 308 square feet of common area to limited common area, and 1,555 square feet of commercial limited common area from Unit LB-1 to COM-3 to correct the Second Amended Union Square Condominium Plat error to accurately reflect what is shown in the Memorandum of License (Exhibit C).

LEGEND

SF - REPRESENTS SQUARE FEET.
 F.P. - REPRESENTS FIREPLACE.
 P.O.B. - REPRESENTS POINT OF BEGINNING.
 U - REPRESENTS UNIT.

COMMON AREA
 PRIVATE AREA
 LIMITED COMMON AREA
 RESIDENTIAL LIMITED COMMON AREA
 COMMERCIAL AREA
 COMMERCIAL LIMITED COMMON AREA

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
106	1,245
ADA 202	1,015
204	1,235
COM-1	3,783
COM-2	549

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
106	4,577.89	5,228.13
ADA 202	4,595.92	5,140.29
204	4,695.90	5,208.28
COM-1	4,569.01	5,267.56
COM-2	4,558.53	5,197.56

Page 431 of 1024



Figure 2: 201 Heber Ave Main and Sky



Figure 3: Historic Lumber Building

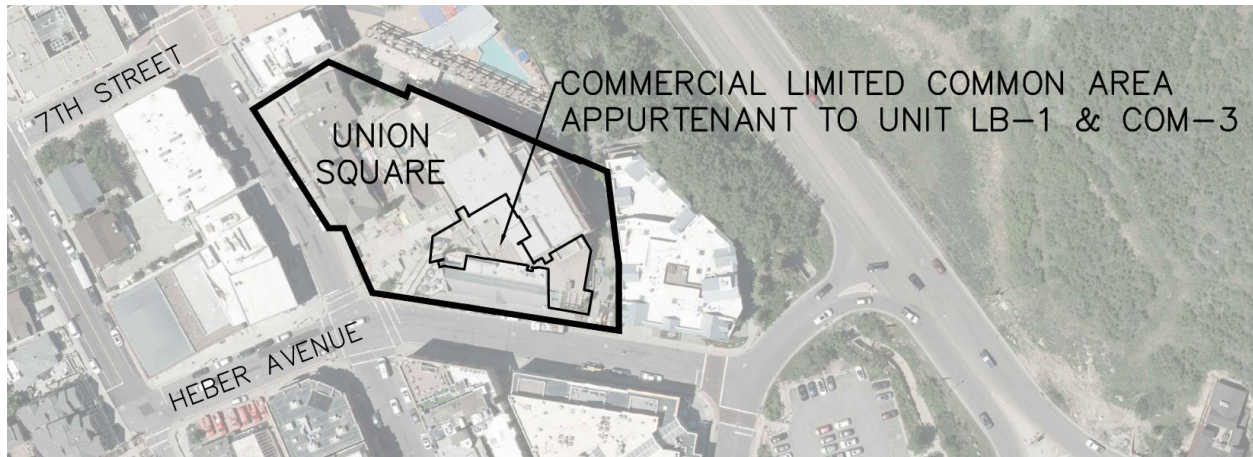


Figure 4: Aerial Image Provided by the Applicant Showing the Location of Proposed Plat Amendment

The First Amended Union Square Condominium Plat shows this commercial limited common area appurtenant to Unit LB-1. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3, a commercial kitchen and conference room and the right to use 1,555 square feet of this commercial limited common area (Exhibit C). The Third Amended Union Square Condominium Plat Amendment assigns the 1,555 square feet of commercial limited common area for Unit LB-1 to accurately reflect the Memorandum of License. See images below:

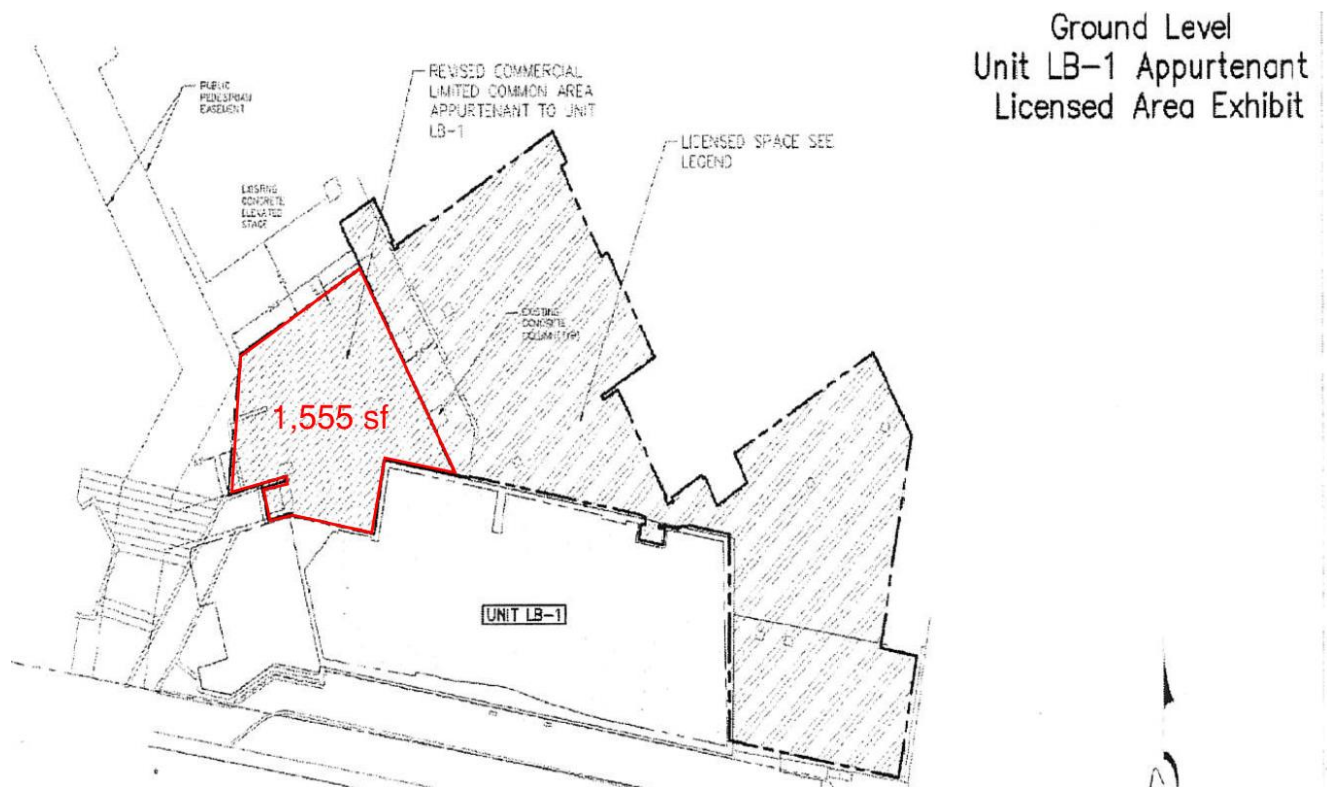


Figure 5: Recorded Memo of License Showing the Commercial Limited Common Area for Unit LB-1 with Staff Highlights

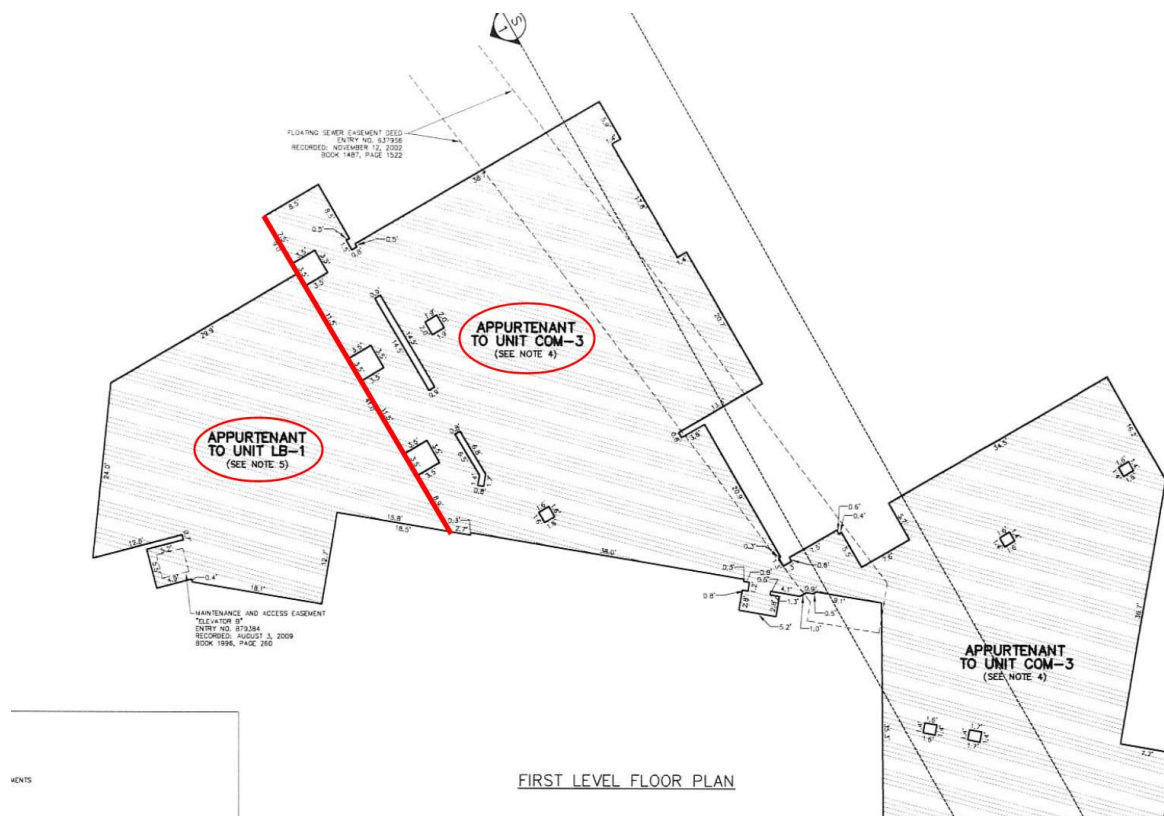


Figure 6: Proposed Third Amended Plat with Staff Highlights

Analysis

(I) The Third Amended Union Square Condominiums Plat complies with LMC Chapter 15-2.5, the *Historic Recreation Commercial Zoning District Requirements*.

201 Heber Avenue is in the HRC Zoning District and purposes include:

1. maintaining and enhancing characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches;
2. encouraging pedestrian oriented, pedestrian-scale Development;
3. minimizing visual impacts of automobiles and parking;
4. preserving and enhancing landscaping and public spaces adjacent to Streets and thoroughfares;
5. providing a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings and/or Structures in the Area;
6. providing a moderate Density bed base at the Town Lift;
7. allowing for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community;
8. encouraging preservation and rehabilitation of Historic Buildings and/or Structures and resources; and
9. maintaining and enhancing the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.²

Lots and Sites within the HRC Zoning District must meet the following requirements:³

Requirement	Analysis of Proposal
Setbacks	Not Applicable: There are no proposed expansions or additions to the Structure as part of this Plat Amendment.
Floor Area Ratio	Not Applicable: There are no proposed expansions or additions to the Structure. 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone. ⁴

² LMC [§ 15-2.5-1](#)

³ LMC [§ 15-2.5-3](#)

⁴ LMC [§ 15-2.5-6](#)

(II) The proposal complies with LMC § 15-3-6, Parking Ratio Requirements.

The Plat Amendment does not increase private area, commercial area, or living space. No change in Use is proposed with this Plat Amendment. Additional parking demand is not created from this Plat Amendment.

(III) The proposal complies with the MPD and CUP for 201 Heber Avenue/Union Square.

The Third Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD and CUP for Union Square approved by the Planning Commission on November 10, 2004 (Exhibit D). Condition of Approval 4 from the MPD Final Action Letter states the following: “any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.”

The proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, Use, density, or unit type.

(IV) The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

Changes to platted elements including conversion of common area/limited common area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC [§ 15-7-1.6](#) and approval shall require a finding of Good Cause.

LMC [§ 15-15-1](#) defines Good Cause as “[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Plat Amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, and does not create non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.

(V) The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.⁵

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 19, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 20, 2024. The *Park Record* published courtesy notice on December 21, 2024.⁶

Public Input

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

Alternatives

- The Planning Commission may approve the Union Square Third Amended Plat;
- The Planning Commission may deny the Union Square Third Amended Plat and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Attachment 1: Proposed Plat

Exhibit B: Union Square First Amended Condo Plat

Exhibit C: Memorandum of License

Exhibit D: Union Square MPD and CUP Final Action Letter

Exhibit E: Ordinance 06-01

Exhibit F: Applicant's Narrative

Exhibit G: Union Square Owner's Association Vote

Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁶ LMC [§ 15-1-21](#)



Planning Department

January 8, 2025

Alliance Engineering
201 Heber Ave

CC: Union Square Owner's Association

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 201 Heber Avenue

Zoning District: Historic Recreation Commercial

Application: Condominium Plat Amendment

Project Number: PL-24-06315

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 8, 2025

Project Summary: The Applicant proposes to convert limited common area and common area and to reassign 1,555 square feet of commercial limited common area on the first level of the Union Square Condominiums from Unit COM-3 to Unit LB-1 in the Historic Recreation Commercial (HRC) Zoning District.

Action Taken

On January 8, 2025, the Planning Commission conducted a public hearing and approved the Third Amended Union Square Condominium Plat according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposes to convert limited common area and common area and to reassign 1,555 square feet of commercial limited common area on the first level of the Union Square Condominiums from Unit COM-3 to Unit LB-1 in the Historic Recreation Commercial (HRC) Zoning District.
2. On October 19, 2023, 80 percent of the Property Owners Association for Union Square voted to approve this Plat Amendment.



Planning Department

3. The purpose of the conversion of limited common area to common area is to maintain consistency of common area across the entire plaza. The limited common area is no longer being used as originally intended.
4. On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/Sky Lodge at 201 Heber Avenue.
5. On February 9, 2006, the City Council approved Ordinance No. 06-1, a subdivision and condominium plat for Union Square/Sky Lodge.
6. On December 4, 2008, the City Council approved Ordinance No. 08-47, creating the First Amended Union Square Condominium Plat and retiring the original Plat (Summit County Recorder Entry No. 879382).
7. On January 24, 2024, the Planning Commission approved the Second Amended Union Square Condominium Plat. The Second Amended Plat re-assigned 4,832 square feet of limited common area from Unit LB-1 to Unit COM-3. 1,186 square feet of limited common area remained appurtenant to Unit LB-1. According to the Applicant: "the limited common area amended in the Union Square Second Amended matched the configuration of the limited common area shown in the Union Square First Amended Condominium Plat. This was a mistake, as the owner's intent was for the limited common area to match the configuration of the licensed space and the revised commercial limited common area appurtenant to Unit LB-1 shown in the Memorandum of License"
8. The proposed Third Amended Union Square Condominium Plat shifts 200 square feet of limited common area to common area, 308 square feet of common area to limited common area, and 1,555 square feet of commercial limited common area from Unit LB-1 to COM-3 to correct the Second Amended Union Square Condominium Plat error to accurately reflect what is shown in the Memorandum of License
9. The Units within Union Square are residential and commercial. The 1,500-square-foot interior and exterior commercial limited common area labeled "Appurtenant to Unit LB-1" on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is used for a commercial kitchen and conference rooms located in the historic lumber building (Unit LB-1) at 201 Heber Avenue. No change in Use is proposed.
10. The First Amended Union Square Condominium Plat shows this commercial limited common area appurtenant to Unit LB-1. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359)



Planning Department

that gave Unit COM-3, a commercial kitchen and conference room and the right to use 1,555 square feet of this commercial limited common area. The Third Amended Union Square Condominium Plat Amendment assigns the 1,555 square feet of commercial limited common area for Unit LB-1 to accurately reflect the Memorandum of License.

11. The Third Amended Union Square Condo Plat complies with LMC Chapter 15-2.5, the Historic Recreation Commercial Zoning District Requirements.
 - a. 201 Heber Avenue is in the HRC Zoning District and purposes include:
 - i. maintaining and enhancing characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches;
 - ii. encouraging pedestrian oriented, pedestrian-scale Development;
 - iii. minimizing visual impacts of automobiles and parking;
 - iv. preserving and enhancing landscaping and public spaces adjacent to Streets and thoroughfares;
 - v. providing a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings and/or Structures in the Area;
 - vi. providing a moderate Density bed base at the Town Lift;
 - vii. allowing for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community;
 - viii. encouraging preservation and rehabilitation of Historic Buildings and/or Structures and resources; and
 - ix. maintaining and enhancing the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions
 - b. Setbacks
 - i. Not Applicable: there are no proposed expansions or additions to the Structure as part of this Plat Amendment
 - c. Floor Area Ratio
 - i. Not Applicable: There are no proposed expansions or additions to the Structure. 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone.
12. The proposal complies with LMC § 15-3-6, Parking Ratio Requirements.



Planning Department

- a. The Plat Amendment does not increase private area, commercial area, or living space. No change in Use is proposed with this Plat Amendment. Additional parking demand is not created from this Plat Amendment.
- 13. The proposal complies with the MPD and CUP for 201 Heber Avenue/Union Square.
 - a. The Third Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD and CUP for Union Square approved by the Planning Commission on November 10, 2004. Condition of Approval 4 from the MPD Final Action Letter states the following: “any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.”
 - b. The proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, Use, density, or unit type.
- 14. The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.
 - a. Changes to platted elements including conversion of common area/limited common area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC § 15-7-1.6 and approval shall require a finding of Good Cause.
 - b. LMC § 15-15-1 defines Good Cause as “[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”
 - c. Staff finds Good Cause for this Plat Amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, and does not create non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.
- 15. The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.

Conclusions of Law



Planning Department

1. There is Good Cause for this plat amendment
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, Chapter 15-3 Off-Street Parking, and Chapter 15-2.5 Historic Recreation Commercial District.
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 below, does not adversely affect the health, safety, and welfare of the citizens of Park City

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, the Conditions of Approval, and the amended Declaration of Condominium of The Union Square Condominiums prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.

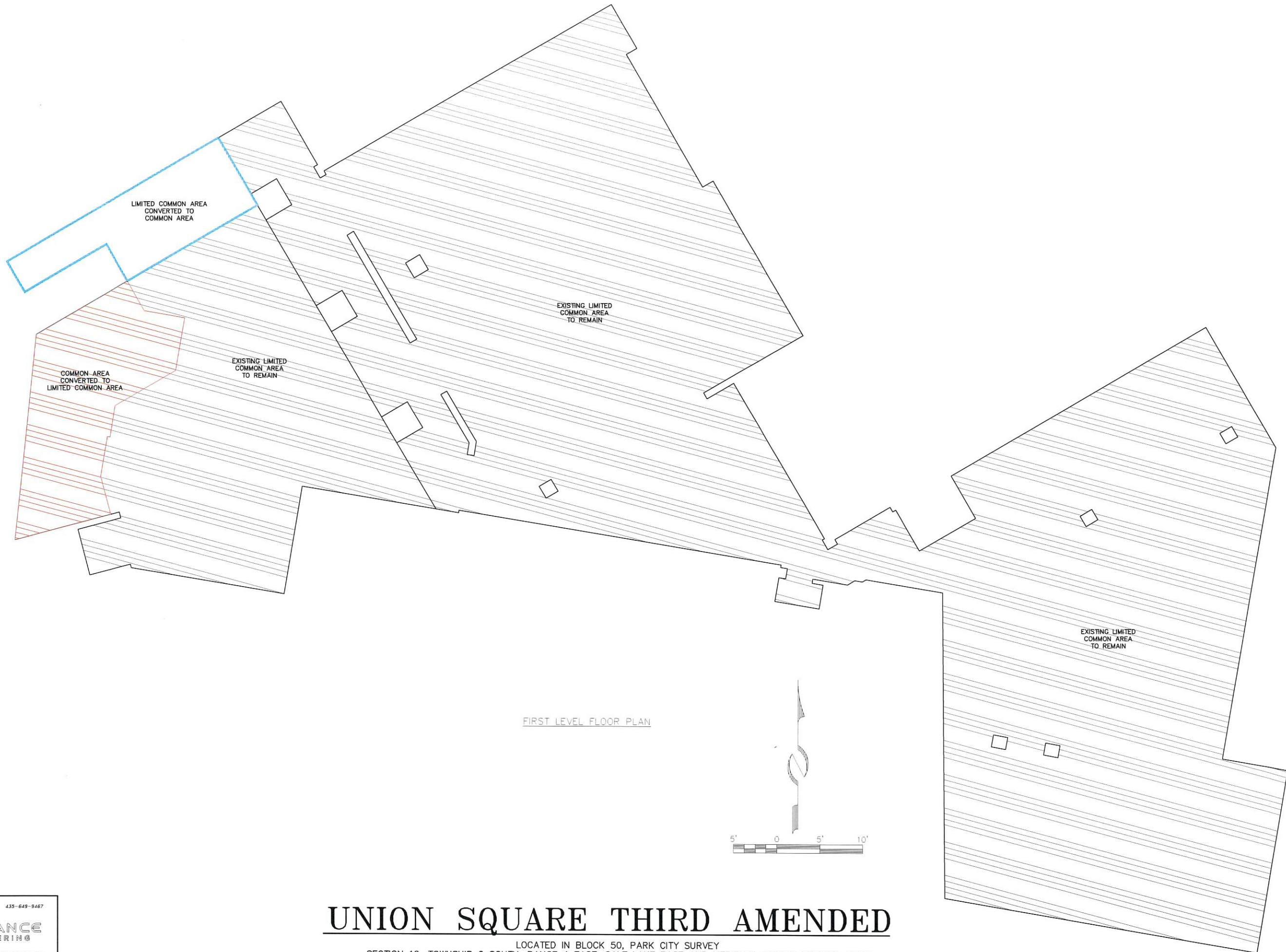
If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

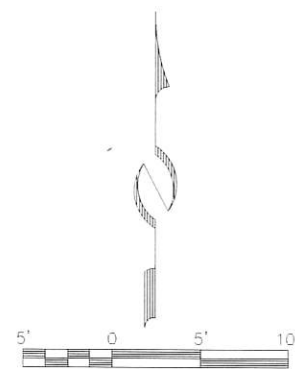
Sarah Hall
Planning Commission Chair

CC: Virgil Lund

Attachment 1: Proposed Plat

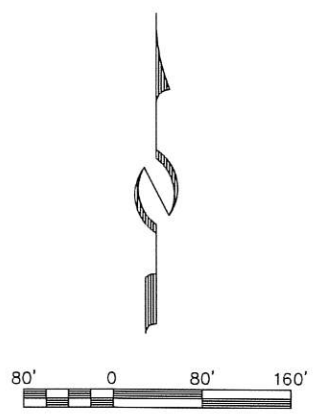
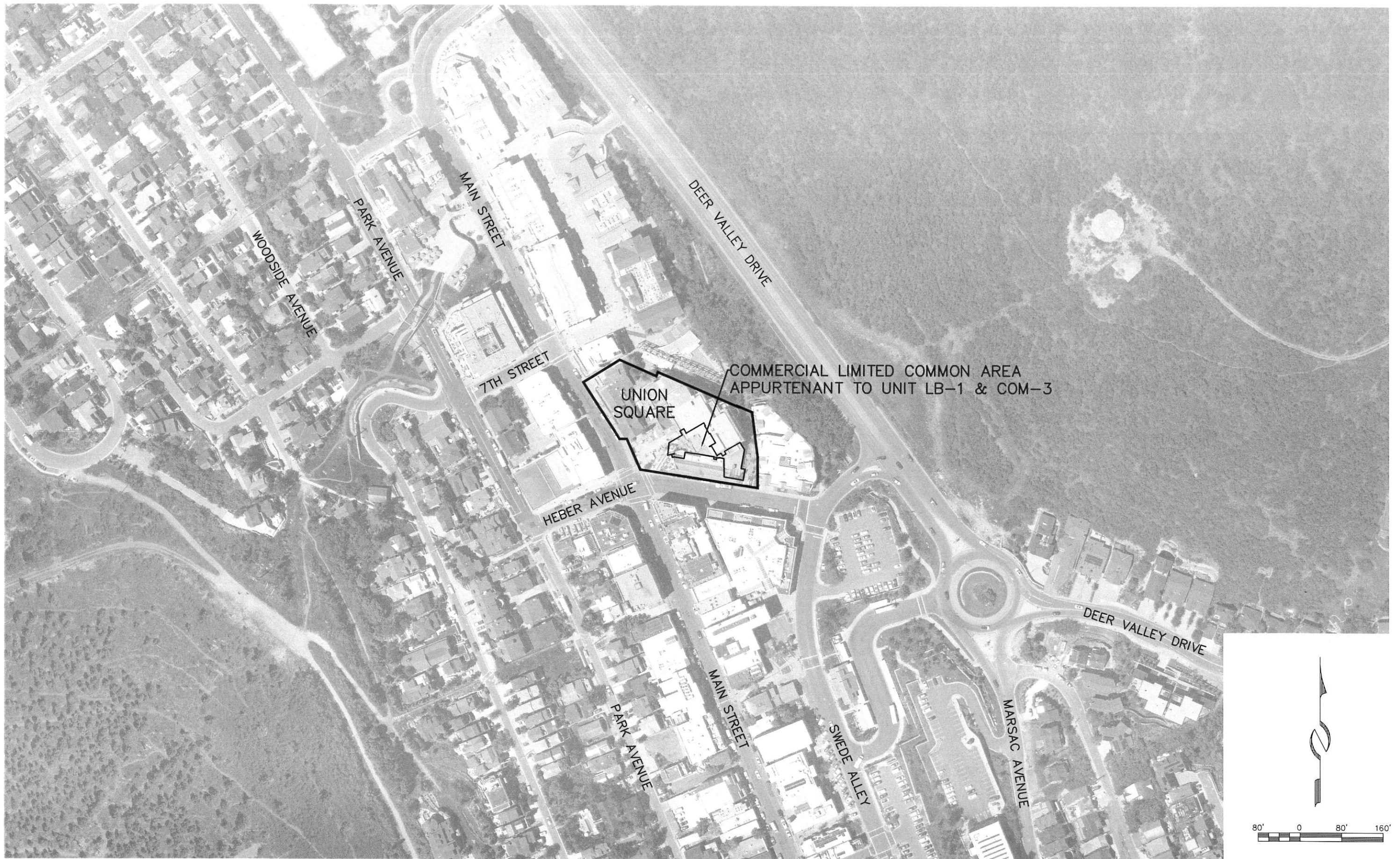


FIRST LEVEL FLOOR PLAN

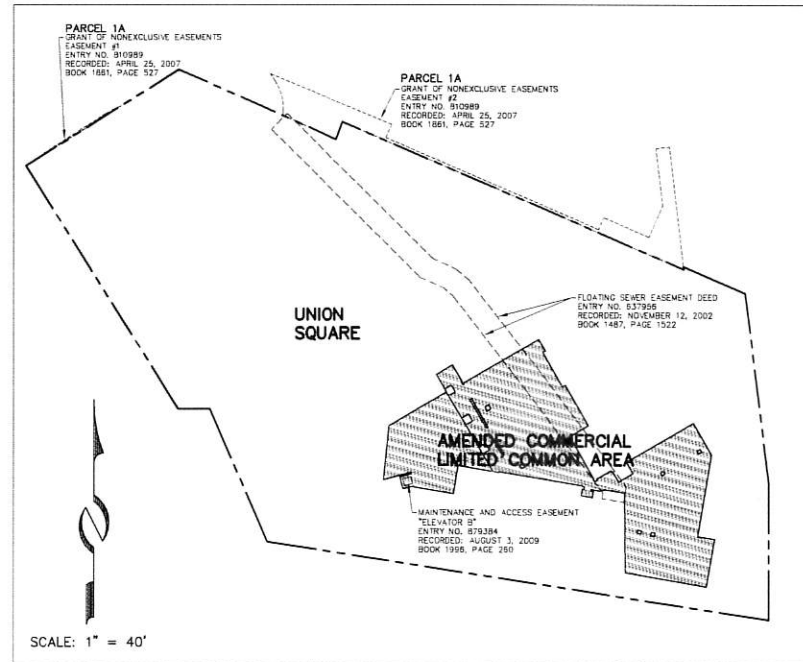
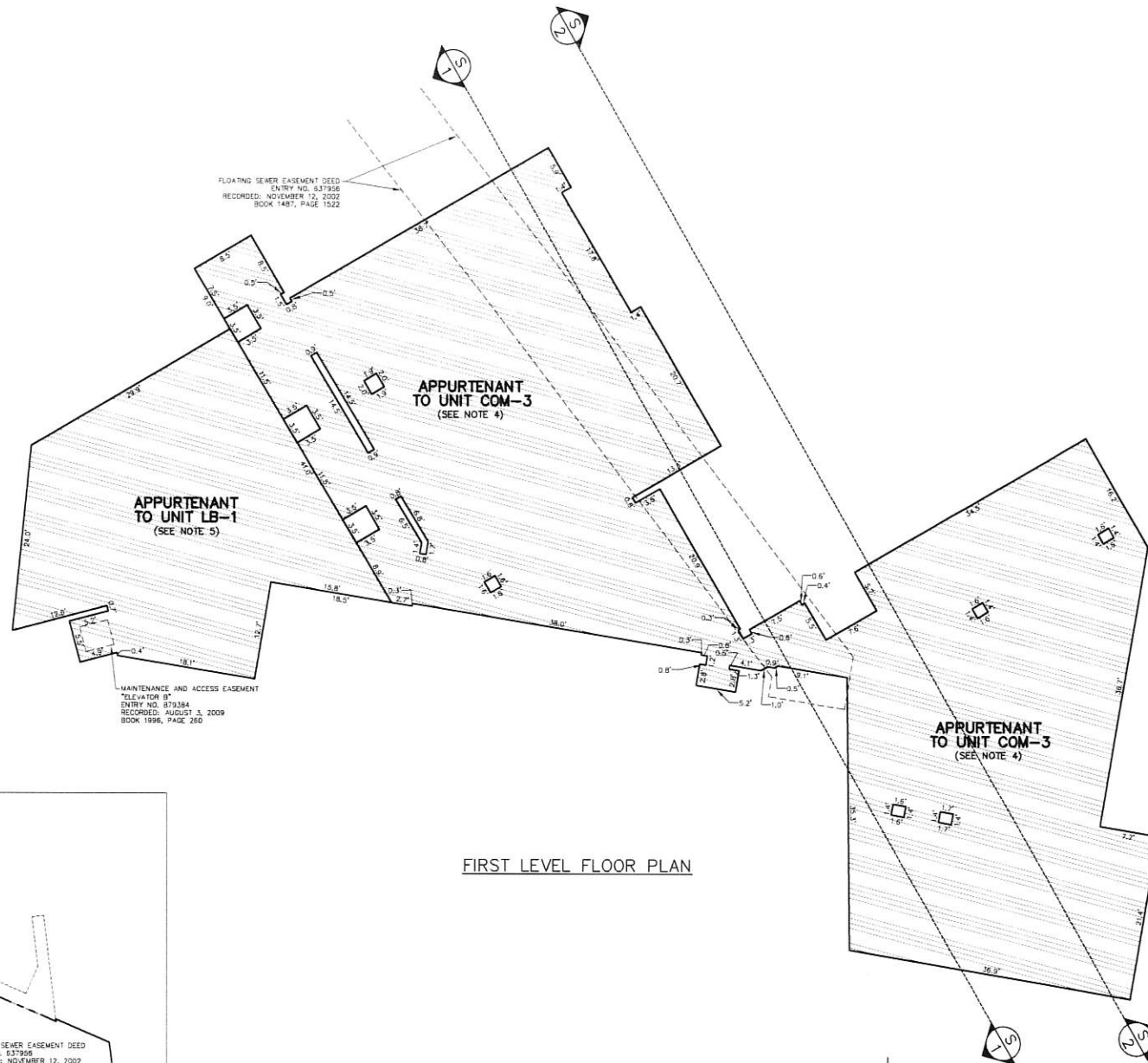
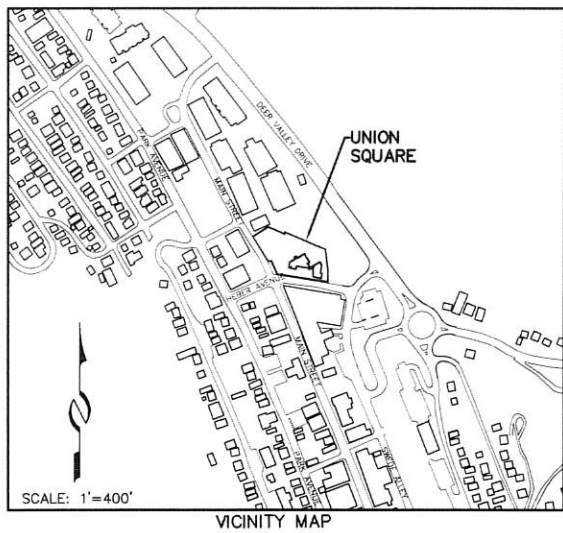


UNION SQUARE THIRD AMENDED

LOCATED IN BLOCK 50, PARK CITY SURVEY
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



 435-648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS © 2024 Alliance Engineering, Inc. All rights reserved. This document is the property of Alliance Engineering, Inc. and is not to be distributed, copied, or reproduced without the written permission of Alliance Engineering, Inc.	STAFF: MARSHALL KING THOMAS VAUGHN	AERIAL PHOTOGRAPH UNION SQUARE THIRD AMENDED	SHEET 1 OF 1	
	DATE: 10/18/23	FOR: REEF PRIVATE EQUITY JOB NO.: 5-8-23		FILE: X:\ParkCitySurvey\dwg\PlatExhibits\2023\Union Square-amd - Aerial.dwg
	Page 444 of 2024			



LEGEND

COMMERCIAL LIMITED COMMON AREA

COMMON AREA

UNION SQUARE THIRD AMENDED

LOCATED IN BLOCK 50, PARK CITY SURVEY
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I do further certify that by authority of the owners, I have prepared this condominium plat amendment of the property described hereon, containing commercial limited common area, hereafter to be known as UNION SQUARE THIRD AMENDED.

LEGAL DESCRIPTION

PARCEL 1:

The Commercial Limited Common Area appurtenant to Commercial Unit Easy Street Brasserie Building (LB-1) and the Commercial Limited Common Area appurtenant to Commercial Unit COM-3 as shown on UNION SQUARE SECOND AMENDED, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded April 12, 2006, as Entry No. 774532 and the First Amended Condominium Plat recorded August 3, 2009, as Entry No. 879382 and Amended and Restated Declaration of Condominium for Union Square, recorded May 1, 2018, as Entry No. 1090691 in Book 2460 at Page 178, (as said Declaration may have heretofore been amended or supplemented), records of Summit County, Utah.

Together with the appurtenant undivided interest in said Projects Common Areas as established in said Declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the Common Area and Facilities to which said interest relates.

PARCEL 1A:

Together with the beneficial interest created in that certain Grant of Nonexclusive Easements (Utilities) recorded April 25, 2007, as Entry No. 810989 in Book 1861 at Page 527, of Official Records.

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Union Square Owners Association, Inc., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this Condominium Plat Amendment.

Union Square Owners Association, Inc., a Utah nonprofit corporation

By: Jed Robinson, President

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2024, Jed Robinson personally appeared before me, the undersigned Notary Public, in and for said County and State, being duly sworn, acknowledged to me that he is the president of Union Square Owners Association, Inc., a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners at the Union Square Condominiums acting as a group (under the name of the Union Square Owners Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declaration of Covenants, Conditions, and Restrictions for Union Square Owners Association, Inc., a Utah nonprofit corporation.

A Notary Public Commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No.: _____

NOTES

- This Plat Amendment is subject to the Conditions of Approval in the Final Action Letter dated _____, 2024, on file with the Park City Planning Department (PL-24-_____).
- The Conditions of Approval in the Final Action Letter dated January 24, 2024, on file with the Park City Planning Department (PL-23-05984), remain in full force and effect.
- A Grant of Easement, recorded August 17, 1994, as Entry No. 412702 in the Office of the Recorder, Summit County, Utah, affects the property, but the precise location cannot be determined.
- This plat amends portions of the Commercial Limited Common Area appurtenant to Unit LB-1 on Sheet 4 of 12 & Sheet 11 of 12 of Union Square First Amended Condominium Plat, recorded August 3, 2009, as Entry No. 879382, from "Appurtenant to Unit LB-1" to "Appurtenant to Unit COM-3".
- This plat amends portions of the Commercial Limited Common Area appurtenant to Unit LB-1 on Sheet 4 of 12 & Sheet 11 of 12 of Union Square First Amended Condominium Plat, recorded August 3, 2009, as Entry No. 879382, from "Appurtenant to Unit LB-1" to "Common Area" and from "Common Area" to "Appurtenant to Unit LB-1".

THIS THIRD AMENDED PLAT SUPERSEDES UNION SQUARE SECOND AMENDED, RECORDED JULY 11, 2024, AS ENTRY NO. 1222488, WHICH WAS A SUPPLEMENT TO SHEET 4 & SHEET 11, UNION SQUARE FIRST AMENDED CONDOMINIUM PLAT, RECORDED AUGUST 3, 2009, AS ENTRY NO. 879382 IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH.



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2024

BY _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2024

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2024

BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2024

BY _____ PARK CITY ATTORNEY

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____, 2024

BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

FEE _____ RECORDER _____

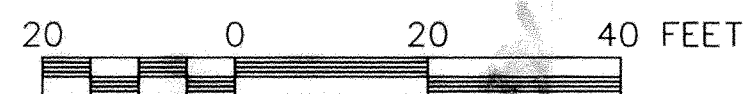
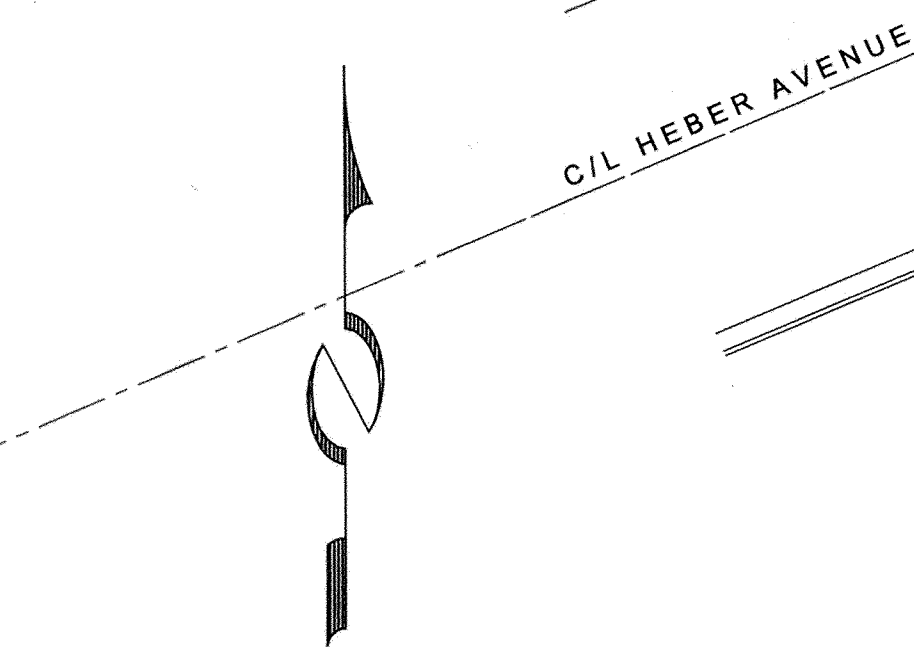
TIME _____ DATE _____ ENTRY NO. _____

SHEET 1 OF 2

10/18/24 JOB NO.: 5-B-23 FILE: X:\ParkCitySurvey\dwg\sr\plat2023\050823_amd.dwg

LINE	BEARING	LENGTH
L1	N 06°43'16" W	1.21'
L2	N 24°01'26" W	1.47'
L3	S 65°58'34" W	2.17'
L4	S 58°15'15" W	8.00'
L5	S 30°42'02" E	1.00'
L6	N 59°18'24" E	12.24'
L7	N 30°42'13" W	5.00'
L8	S 30°41'46" E	5.00'
L9	S 59°17'47" W	8.82'
L10	S 81°17'10" E	7.72'
L11	S 25°54'22" E	6.31'
L12	N 58°53'16" E	4.79'
L13	S 23°48'38" W	6.50'
L14	S 30°42'45" E	12.62'
L15	S 58°53'16" W	4.83'
L16	S 10°23'54" W	2.83'
L17	N 09°14'05" E	2.57'

KIMBALL ART CENTER



BASIS OF BEARING
N 68°54'00" E 200.01'

UTAH POWER ACCESS REQUIREMENTS

Easy Street Partners and all successors agree to maintain access, including snow removal, to accommodate a 10-wheel dump truck, electric utility vehicles, and a GROVE TMS700E Crane, or the like (capable of lifting 13,000 pounds), for normal day-to-day and emergency maintenance and repair of Utah Power Electrical Facilities. Easy Street Partners and all successors will also accept liability for any damage created along said access as may occur, whether during normal day-to-day or emergency ingress and egress operations.

THE SKY LODGE
(See sheets 2 thru 9 & 11 thru 12 for ownership)

NOTES:

12. There exists an agreement between Park City Municipal Corporation and Union Square Owners Association, recorded in the office of the Summit County Recorder, recordation number: _____, which states in part that "Owner will grant a 10 foot wide public access easement across a portion of their property for access to and from each egress from the southern elevator." This public access easement is for the purpose of pedestrian and ADA ingress and egress to and from the southern elevator back to the pedestrian easement. This access easement shall be maintained for public use and provide access for wheelchairs. Owner may have tables and chairs located in the area of the easement so long as they are placed so that there is a minimum of a 48 inch (4 foot) passageway through the area.

NOTES:

- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
- Interior dimensions shown are to finished surfaces.
- All structural elements are designated as common areas.
- The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
- Refer to declaration of condominium for complete description of ownership.
- All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
- The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- See sheet 12 of 12 for table of total unit square footage.
- Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
- All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.

LEGEND

- SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

SURVEYOR'S CERTIFICATE
I, Christopher R. Braun, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this First Amended Condominium Plat of UNION SQUARE, a Utah Condominium Project in accordance with the Utah Condominium Act. I further certify the buildings and property are shown correctly.

Christopher R. Braun
Christopher R. Braun L.S. 5152604
3/3/09
Date

BOUNDARY DESCRIPTION

A parcel of land located within the South half of the Northeast quarter and North half of the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah, more particularly described as follows:

Beginning at the Southwest corner of Lot 16, Block 50, Amended Park City Survey, on file and of record in the office of the Summit County Recorder, said point lies West, 90.71 feet and South, 58.93 feet from Southwest corner of the Southeast quarter of the Northeast quarter of said Section 16; thence along the westerly line of said Lot 16 and the easterly right-of-way of Main Street, North 23°38'00" West a distance of 64.32 feet the Northwest corner of said Lot 16; thence leaving said Block 50, West a distance of 14.14 feet along said right-of-way to a point on the boundary of the First Amended Subdivision Plat of The Town Lift Site; thence continuing along said right-of-way and said boundary North 32°25'56" West a distance of 128.50 feet; thence leaving said right-of-way, along said boundary North 58°02'07" East a distance of 81.41 feet; thence leaving said boundary South 66°11'22" East a distance of 77.33 feet; thence North 19°54'00" East a distance of 8.32 feet; thence South 66°46'30" East a distance of 166.95 feet; thence North 06°43'16" West a distance of 1.21 feet to a point on the boundary of Poison Creek Mercantile Condominium Project, on file and of record in the office of the Summit County Recorder; thence along said boundary South 66°42'46" East a distance of 30.01 feet; thence continuing along said boundary South 07°12'16" East a distance of 85.18 feet; thence continuing along said boundary South a distance of 60.64 feet to a point on the northerly right-of-way of Heber Avenue; thence leaving said Poison Creek boundary and along said right-of-way North 81°17'00" West a distance of 227.98 feet; to the point of beginning.
Contains 49,435.63 square feet, 1.13 acres

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner of the herein described tract of land, hereby certifies that it has caused this survey to be made and this First Amended Condominium Plat of UNION SQUARE to be prepared and consents to the recordation of this Condominium Plat. The undersigned hereby submits the land to the Utah Condominium Ownership Act and dedicates all utility and public easements shown on this Condominium Plat in accordance with an irrevocable offer of dedication. I certify that buildings shown on this plat, but not under construction at the time this plat is recorded, will, when completed, be substantially as shown on the plat.

EASY STREET PARTNERS, LLC

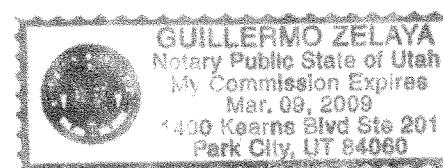
By: *William H. Shoaf*
William H. Shoaf
Its: Manager

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 3 day of March, 2009, personally appeared before me, the undersigned Notary Public, in and for said County and State, William H. Shoaf, being duly sworn, acknowledged to me that he is the manager of EASY STREET PARTNERS, LLC, and that he signed the above Owner's Dedication and Consent to Record on behalf of EASY STREET PARTNERS, LLC, the record owner of the land.

Guillermo Zelaya
Notary Public
My commission expires: March 9, 09



RESERVATION OF COMMON AREAS

In recording this First Amended Condominium Plat of Union Square, a Utah condominium project, the Declarant has designated certain areas of land as driveways and common areas, intended for the use by the owners for ingress, egress, recreation and other related activities. The designated areas are not dedicated hereby for the use by the general public, but are reserved for the owners as more fully outlined in the Declaration of Condominium for Union Square (the "Declaration"). The Declaration is hereby incorporated and made a part of this Condominium Plat and becomes effective upon the date this Condominium Plat is recorded in official records of Summit County, Utah.
This note does not apply to the public pedestrian access easement shown hereon.

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 1 OF 12

PARK CITY SURVEYING
2041 SIDEWINDER DRIVE, SUITE 1
P.O. Box 682993
PARK CITY, UTAH 84068
(435) 649-2918

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 3rd DAY OF March, 2009 A.D.

BY: *B.W.R.D.*
B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11th DAY OF November, 2009 A.D.

BY: *Chairman*
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 8th DAY OF June, 2009 A.D.

BY: *Park City Engineer*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 3rd DAY OF July, 2009 A.D.

BY: *Park City Attorney*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4th DAY OF December, 2009 A.D.

BY: *Park City Recorder*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4th DAY OF December, 2009 A.D.

BY: *Mayor*
MAYOR

879382 RECORDED

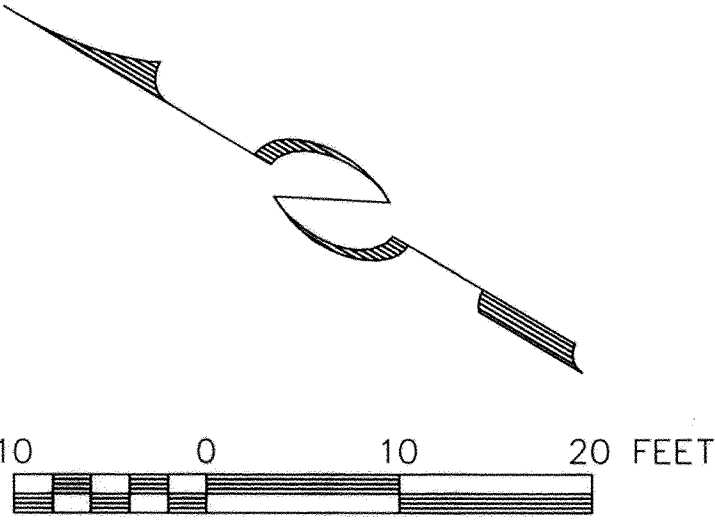
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Equity Title
DATE: 8/3/09 TIME: 2:09 BOOK: 6 PAGE: 6
P.M.

\$ 387.00 FEE
BY: *Deputy*
RECORDER

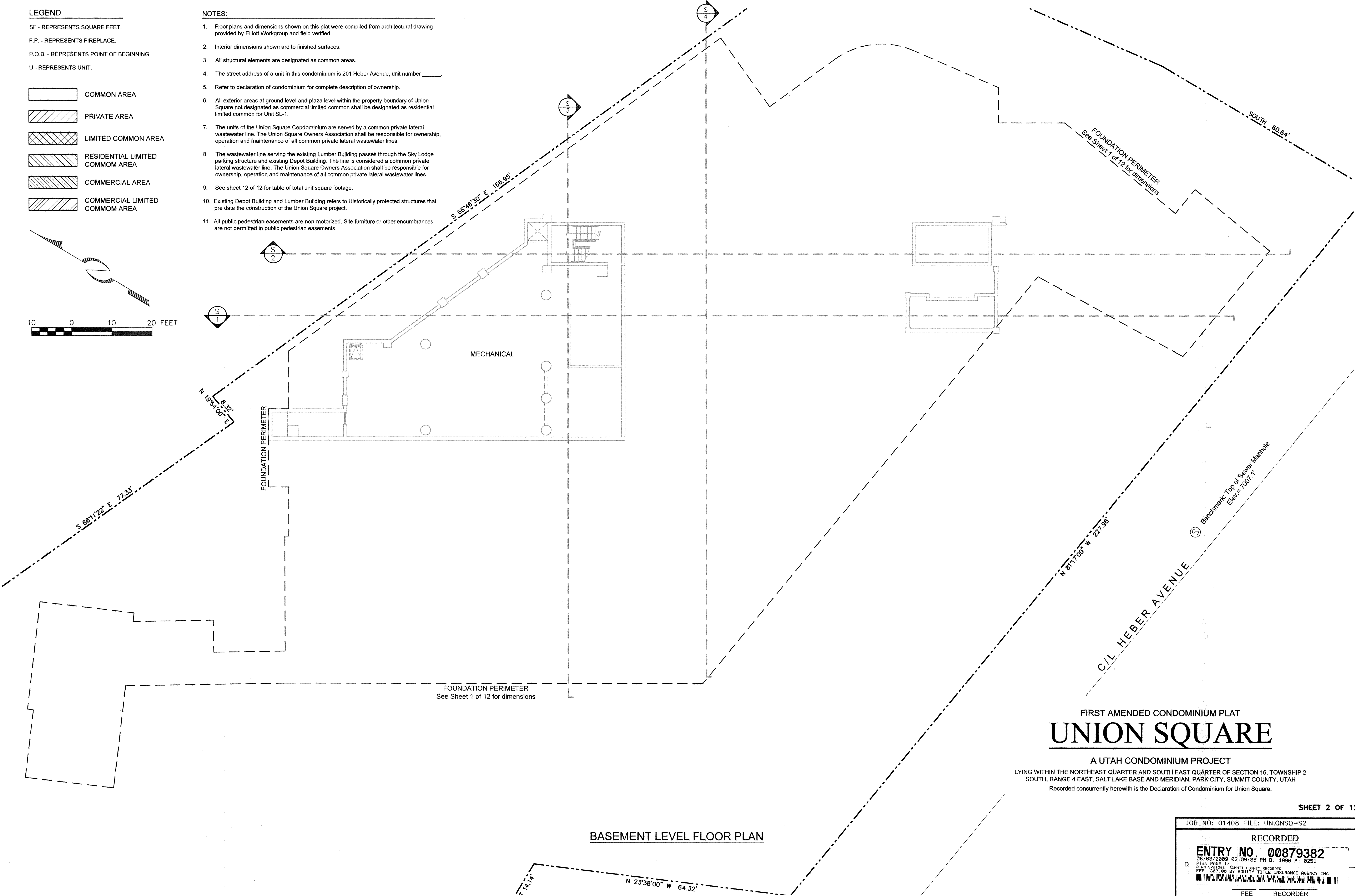
LEGEND

SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMOM AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMOM AREA



- NOTES:
- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
 - Interior dimensions shown are to finished surfaces.
 - All structural elements are designated as common areas.
 - The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
 - Refer to declaration of condominium for complete description of ownership.
 - All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
 - The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
 - The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
 - See sheet 12 of 12 for table of total unit square footage.
 - Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
 - All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.



FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 2 OF 12

JOB NO: 01408 FILE: UNIONSQ-S2

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251

PLAN PAGE 1/1

PLAN SERIES: SUMMIT COUNTY RECORDER

FEE: \$37.00 BY EQUITY TITLE INSURANCE AGENCY INC

FEE RECORDER

LEGEND

SF - REPRESENTS SQUARE FEET.

F.P. - REPRESENTS FIREPLACE.

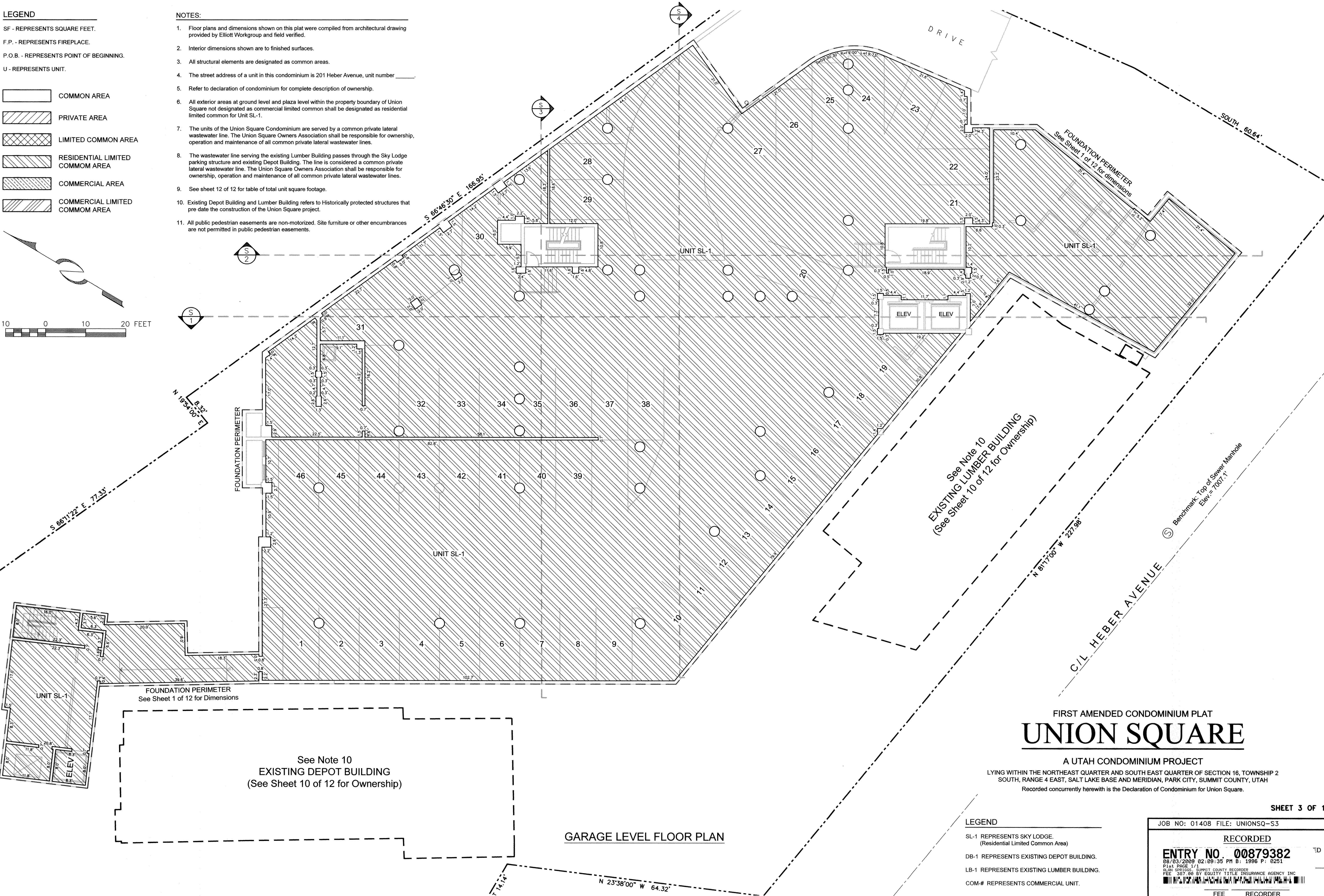
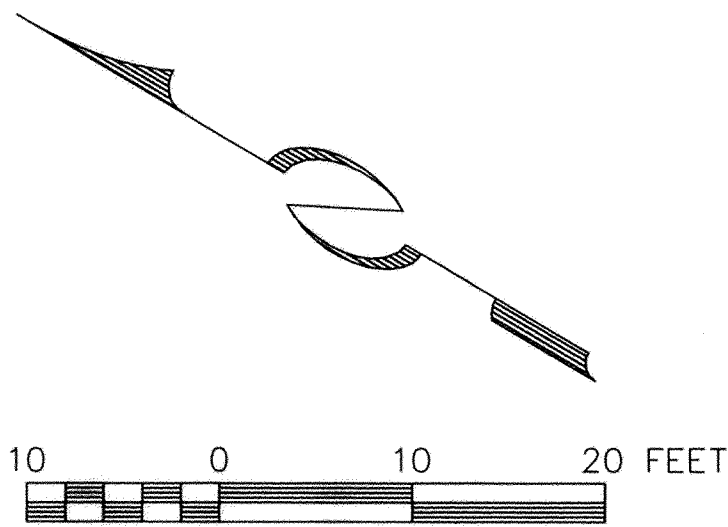
P.O.B. - REPRESENTS POINT OF BEGINNING.

U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
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FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

LEGEND

- SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
- DB-1 REPRESENTS EXISTING DEPOT BUILDING.
- LB-1 REPRESENTS EXISTING LUMBER BUILDING.
- COM-# REPRESENTS COMMERCIAL UNIT.

SHEET 3 OF 12

JOB NO: 01408 FILE: UNIONSQ-S3

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251

PLAT PAGE 1/1

FILED 08/03/2009 SUMMIT COUNTY RECORDER

FEE: \$07.00 BY EQUITY TITLE INSURANCE AGENCY INC

RECORDER

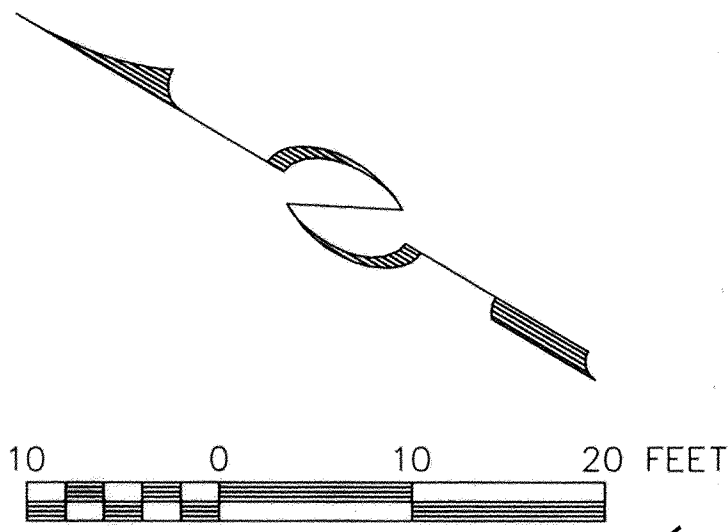
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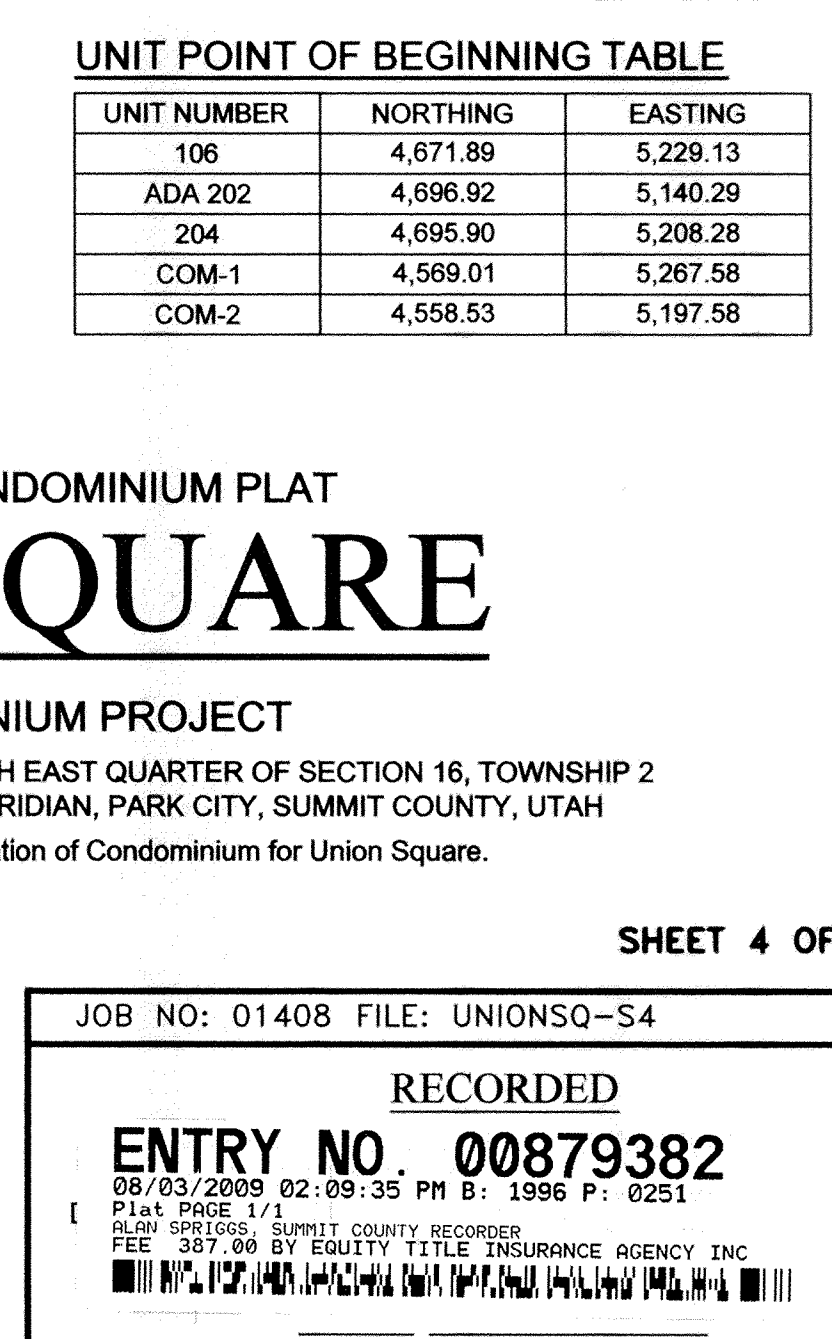
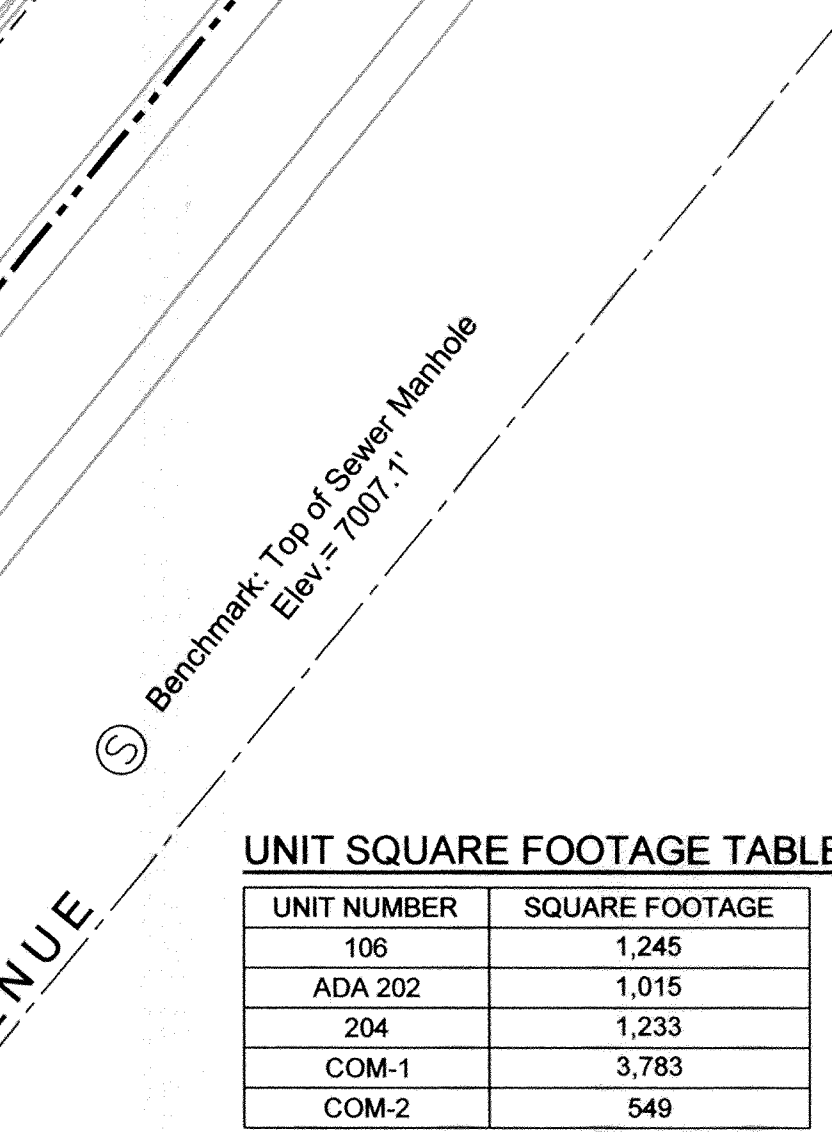
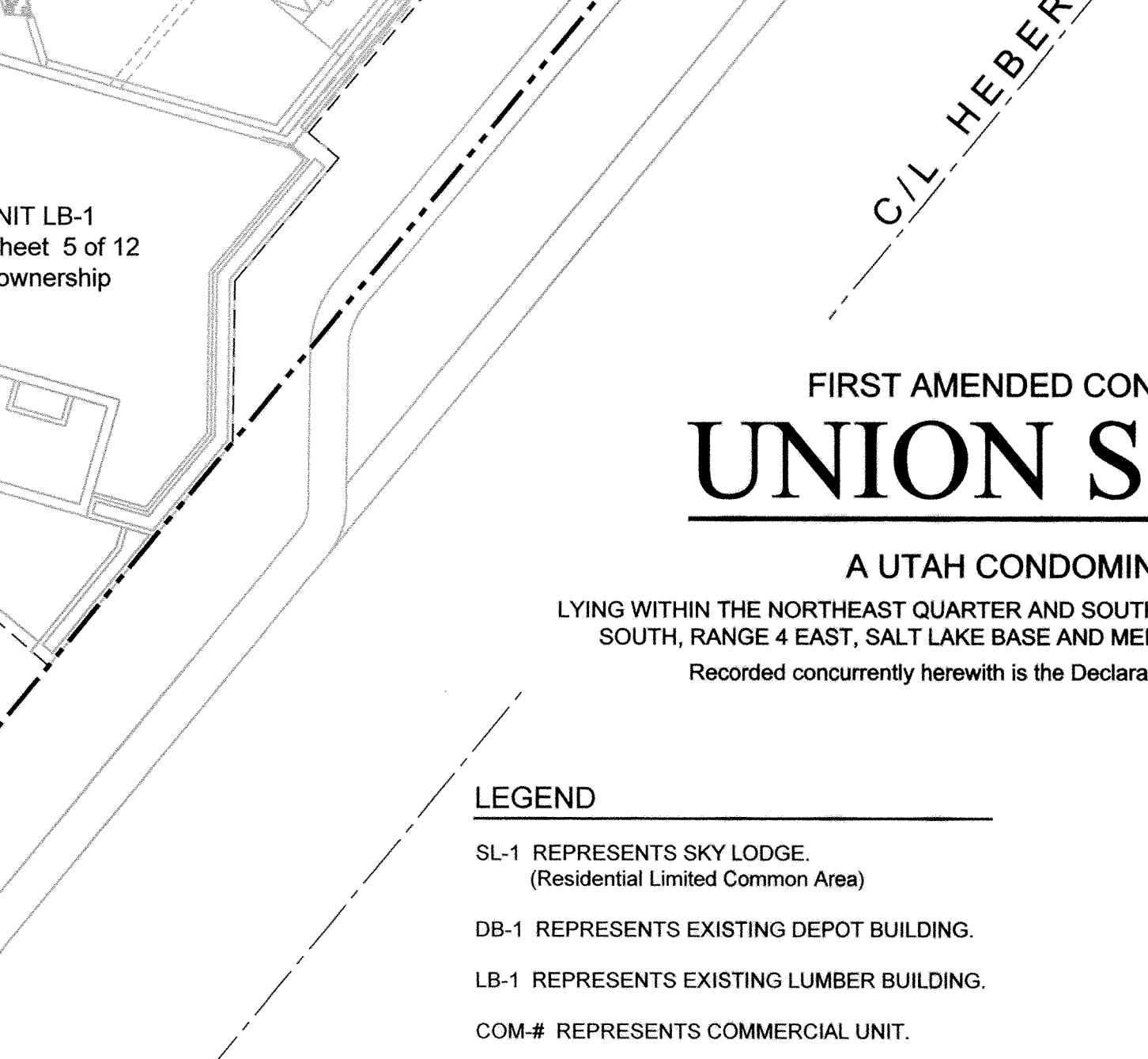
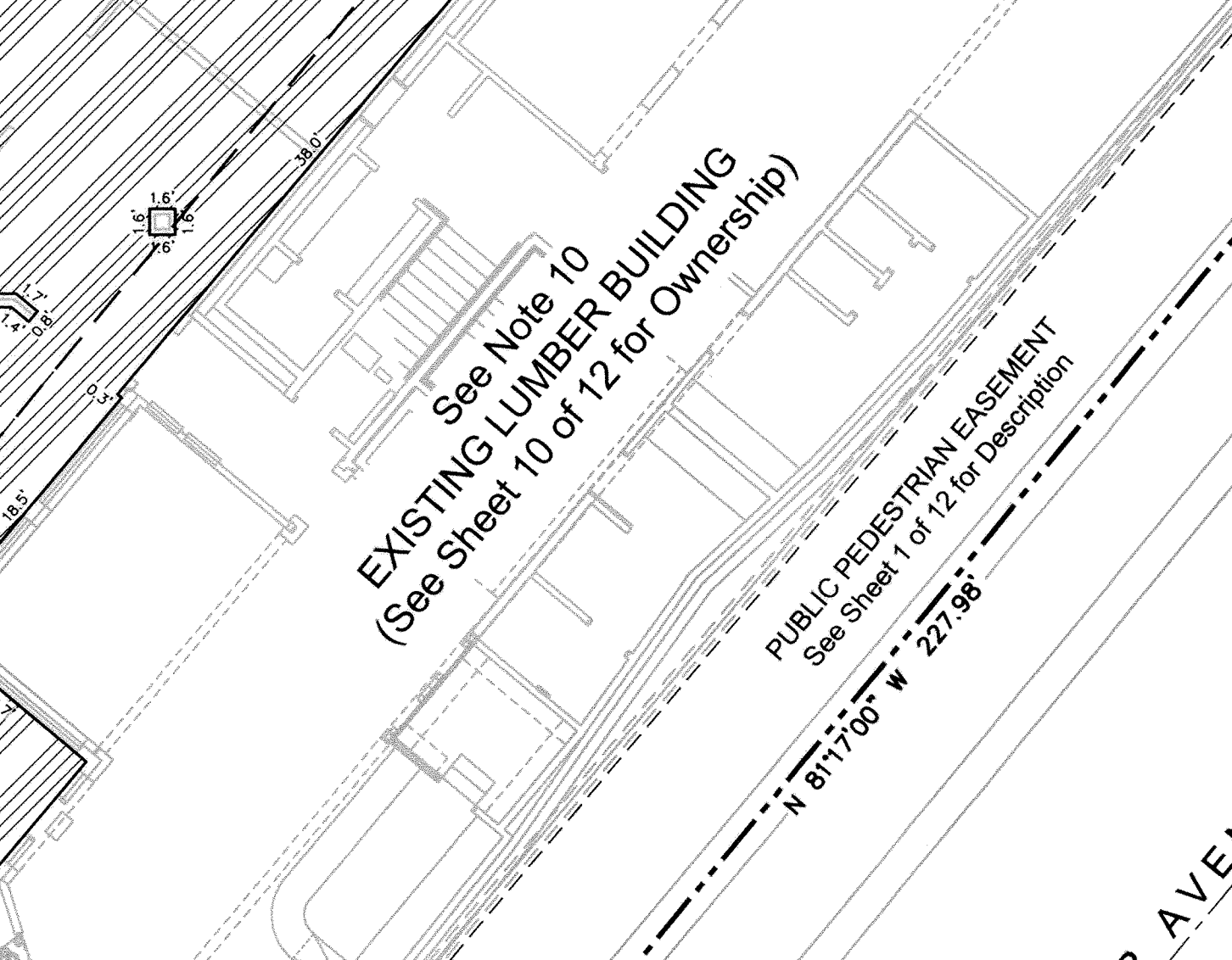
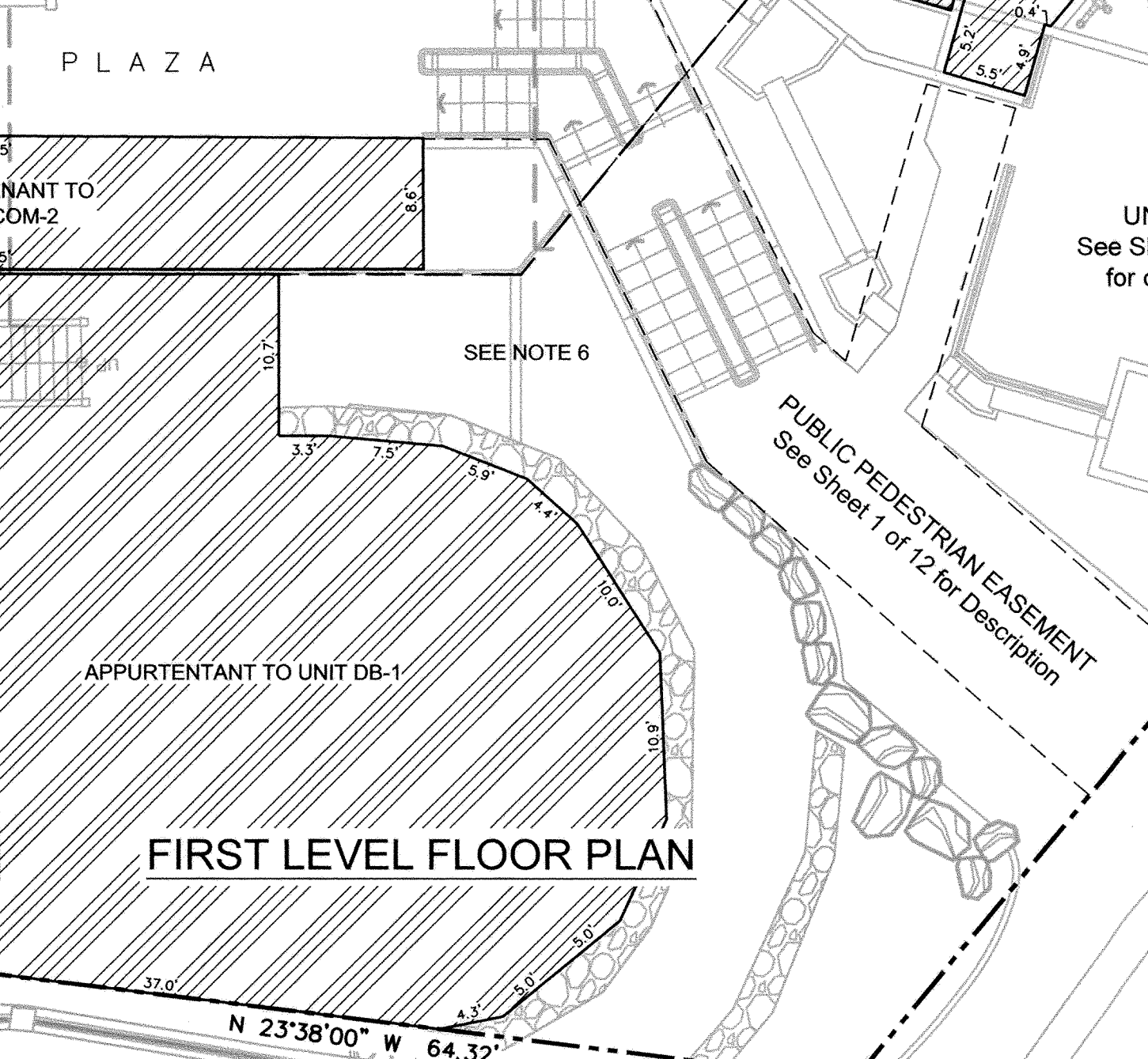
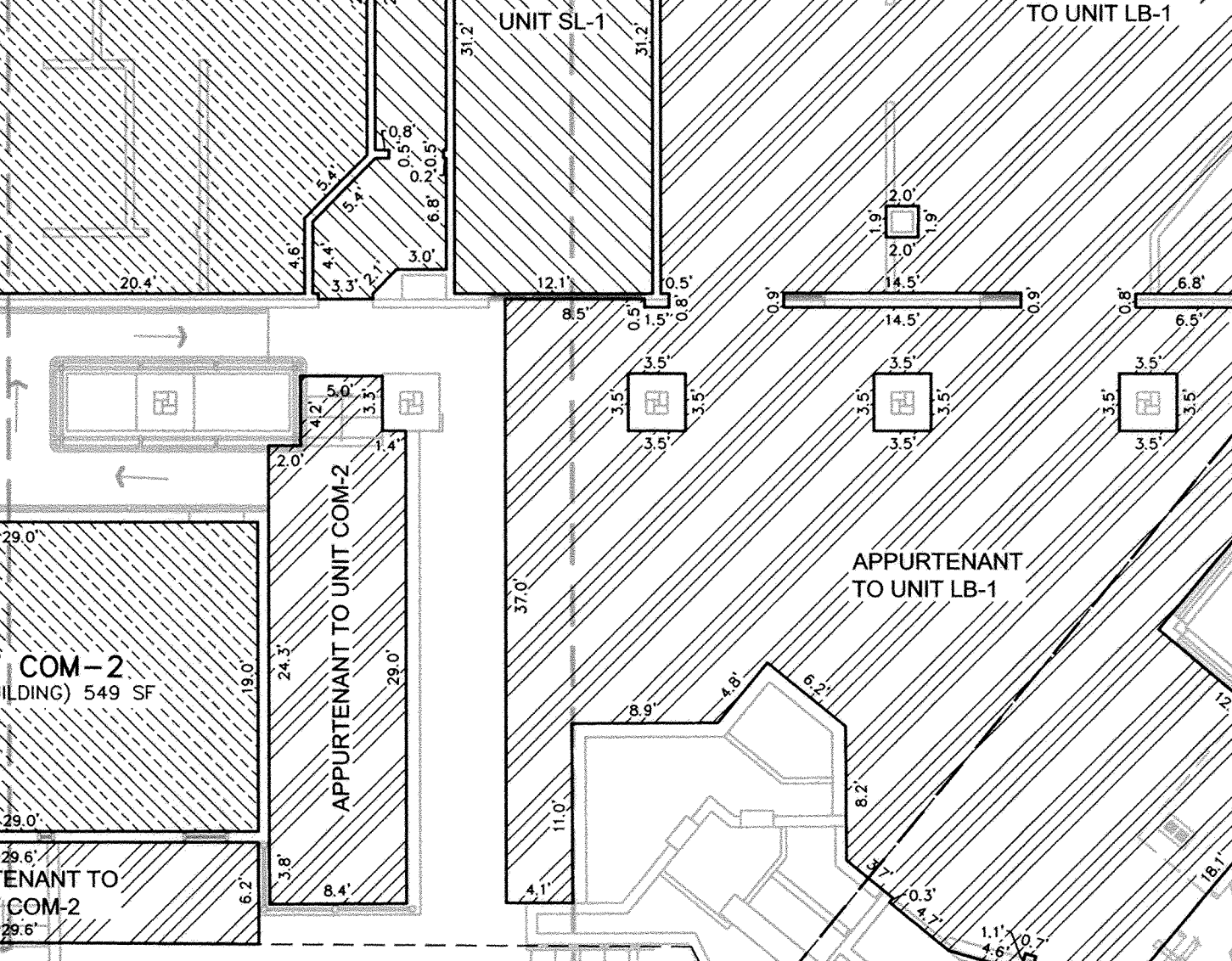
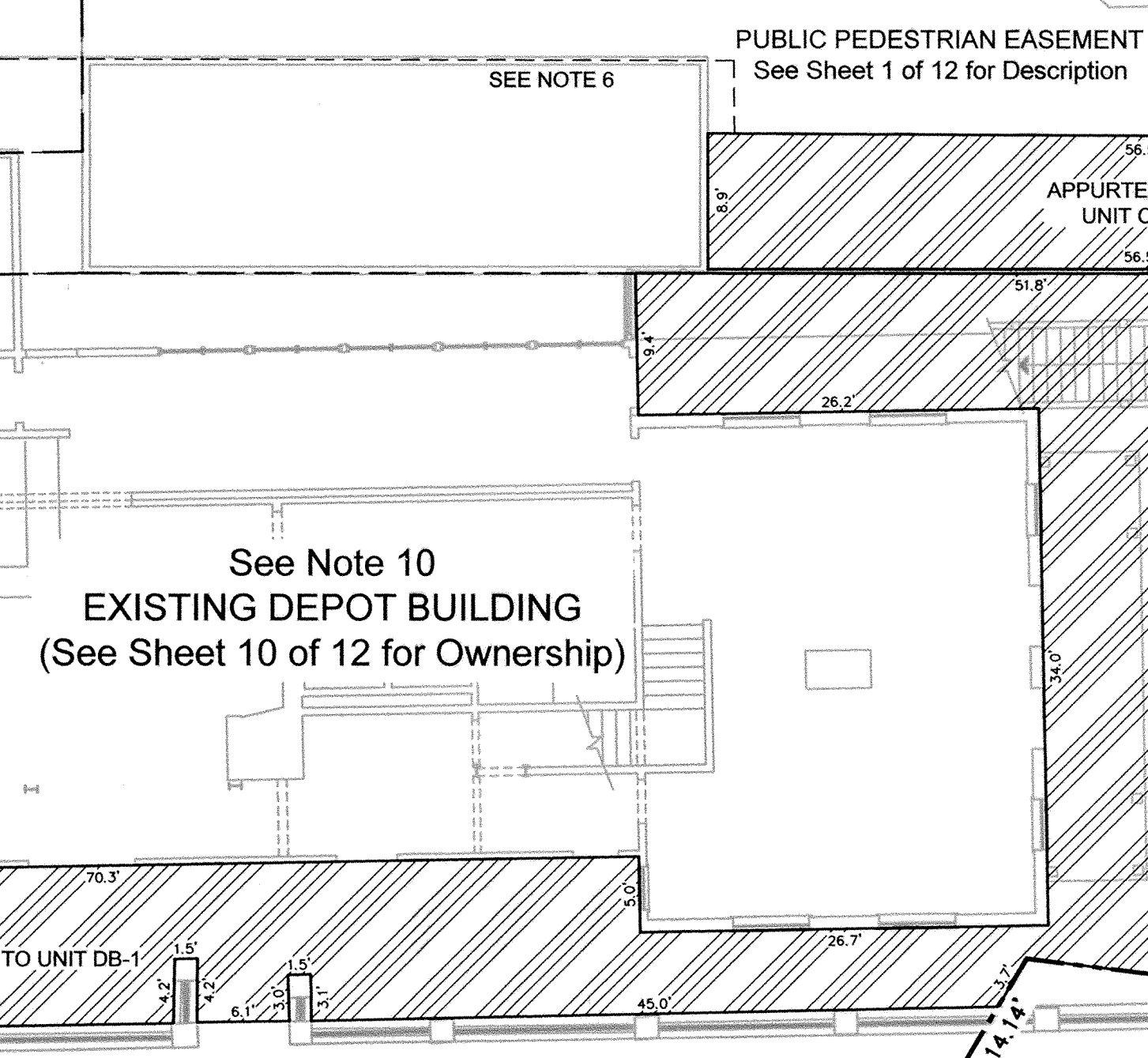
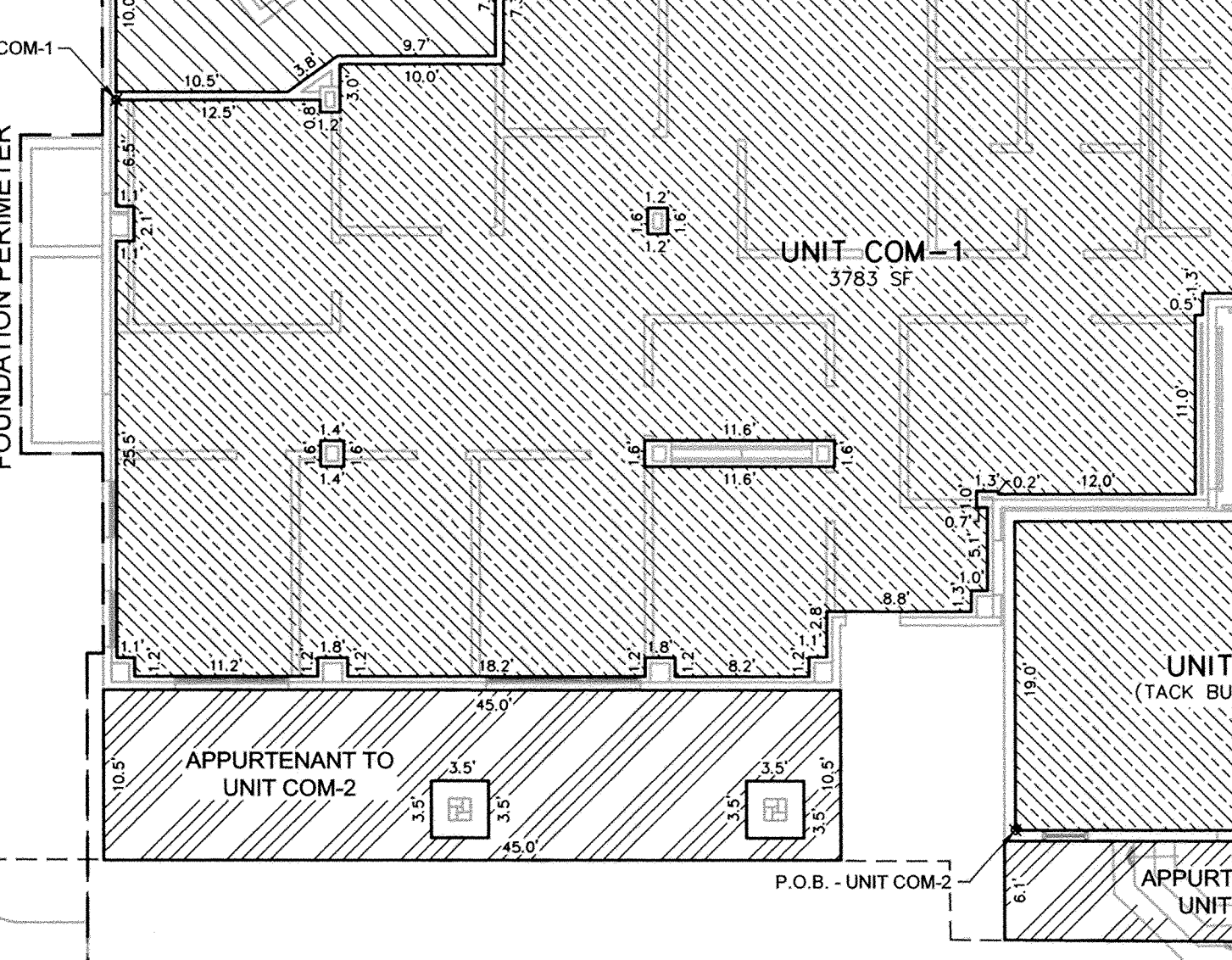
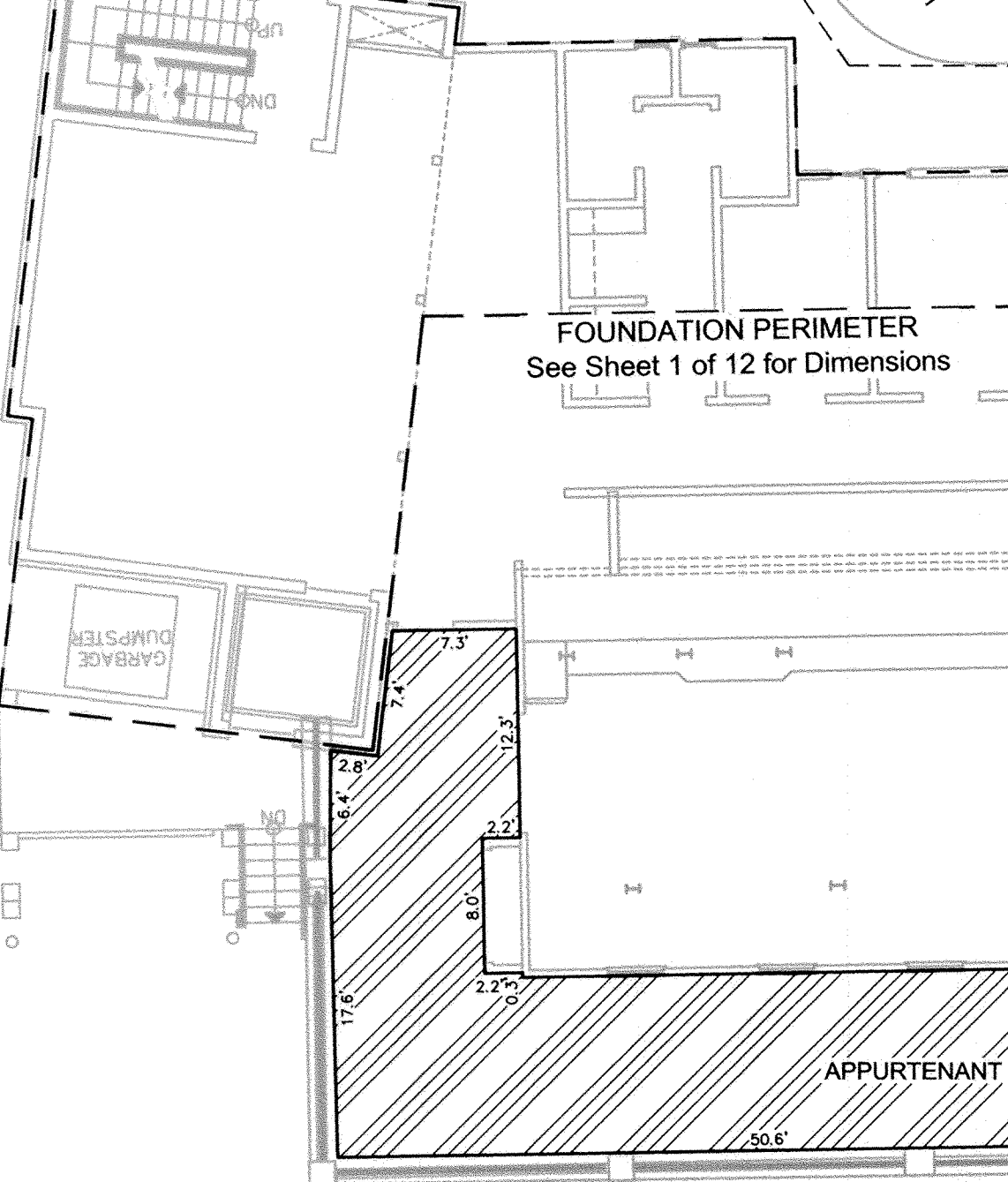
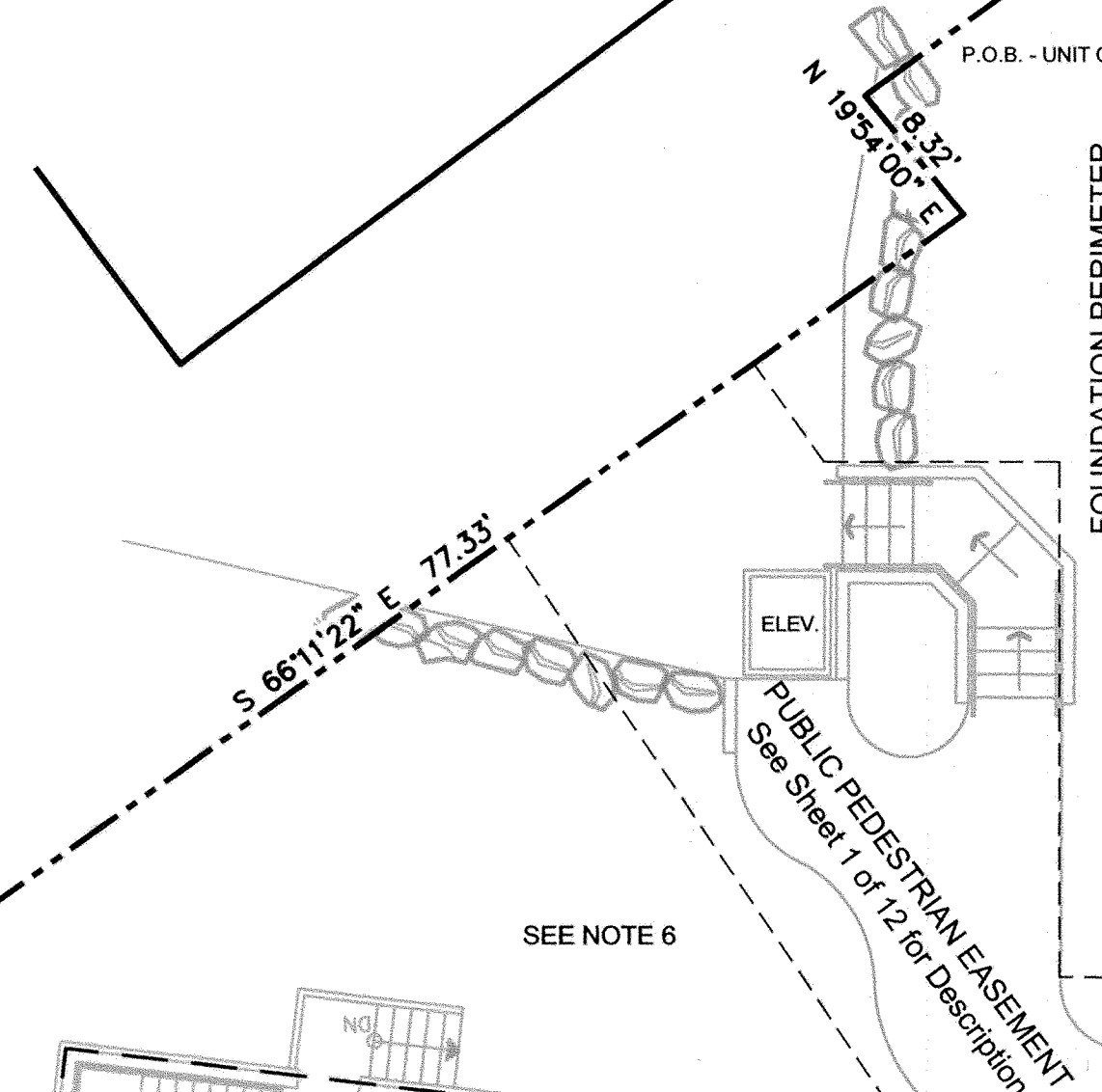
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AQUACADE



UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
106	1,245
ADA 202	1,015
204	1,233
COM-1	3,783
COM-2	549

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
106	4,671.89	5,229.13
ADA 202	4,696.92	5,140.29
204	4,695.90	5,208.28
COM-1	4,569.01	5,267.58
COM-2	4,558.53	5,197.58

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
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SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
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LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM-# REPRESENTS COMMERCIAL UNIT.

SHEET 4 OF 12

JOB NO: 01408 FILE: UNIONSQ-S4

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251

PLAN PRICE 1/1

PLAN SPRINGS, SUMMIT COUNTY, UTAH

FEE 387.00 BY EQUITY TITLE INSURANCE AGENCY, INC.

FEE RECORDER

LEGEND

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F.P. - REPRESENTS FIREPLACE.

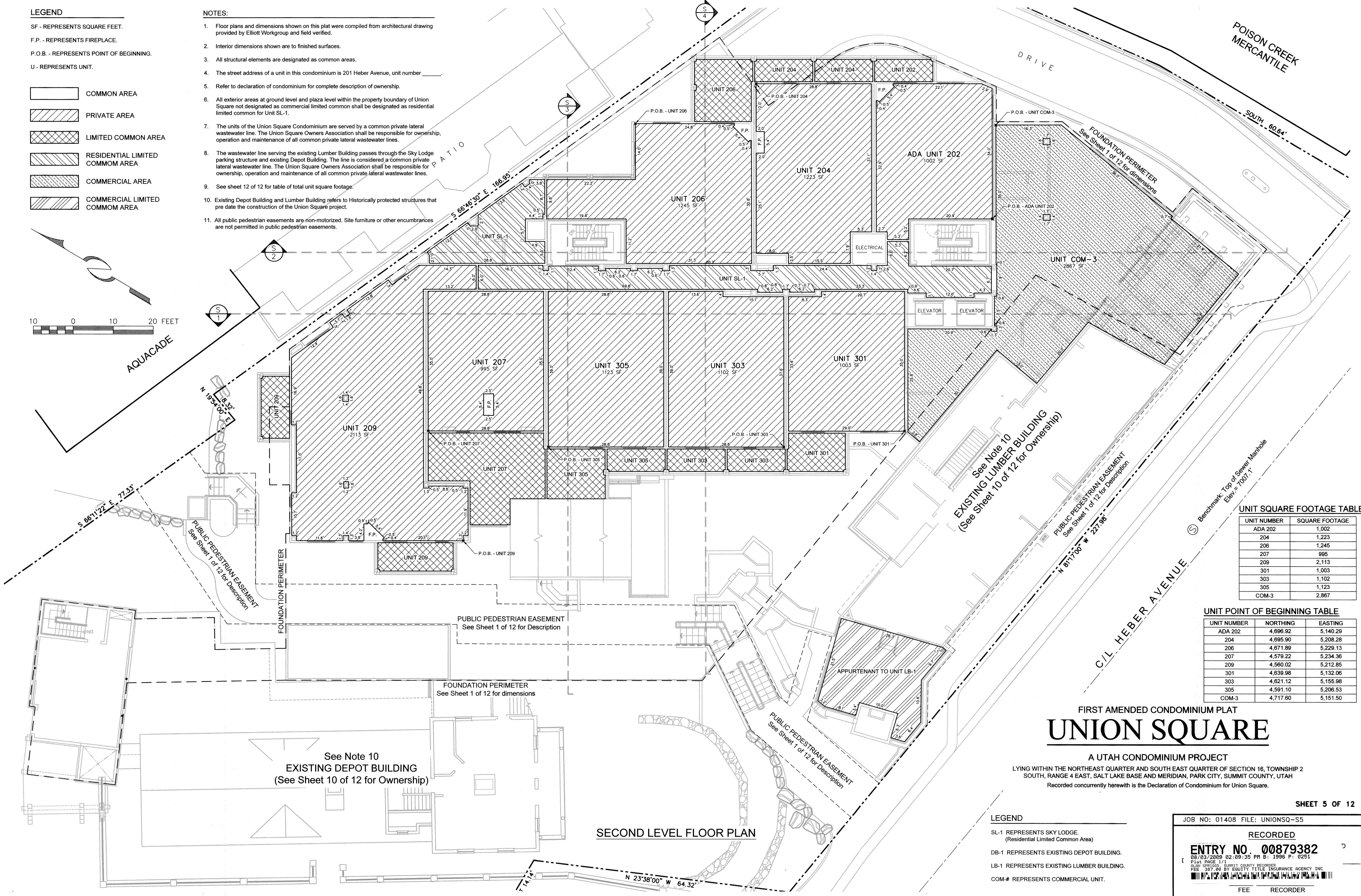
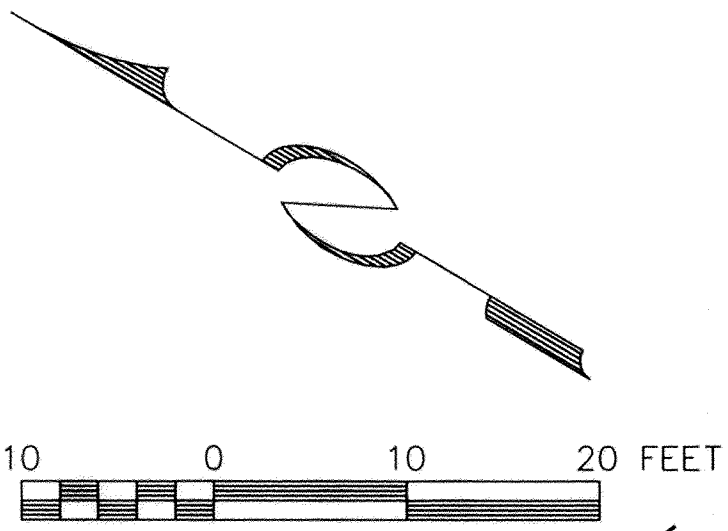
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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
ADA 202	1,002
204	1,223
206	1,245
207	995
209	2,113
301	1,003
303	1,102
305	1,123
COM-3	2,867

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
ADA 202	4,696.92	5,140.29
204	4,695.90	5,208.28
206	4,671.89	5,229.13
207	4,579.22	5,234.36
209	4,560.02	5,212.85
301	4,639.98	5,132.06
303	4,621.12	5,155.98
305	4,591.10	5,206.53
COM-3	4,717.60	5,151.50

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

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SHEET 5 OF 12

JOB NO: 01408 FILE: UNIONSQ-S5

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251
PLAT PAGE 1/1
SUBMIT COUNTY RECORDER
FEE \$397.00 BY EQUITY TITLE INSURANCE AGENCY INC.

FEE RECORDER

SECOND LEVEL FLOOR PLAN

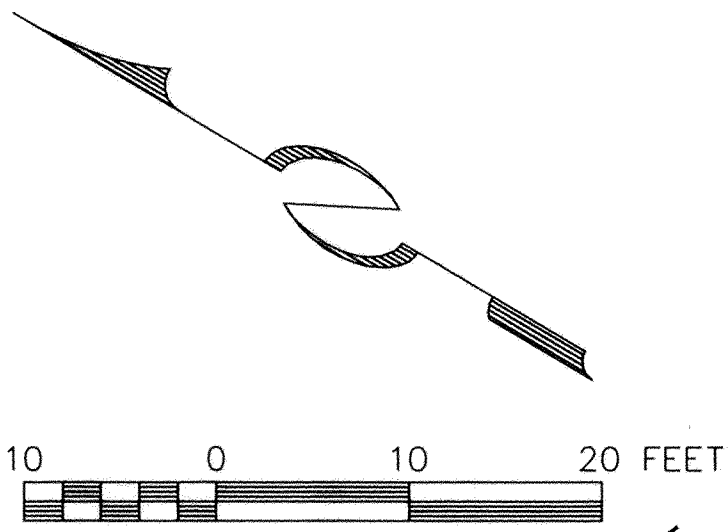
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AQUACADE

S 66°11'22" E 77.35'

N 19°00'00" E 8.32'

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

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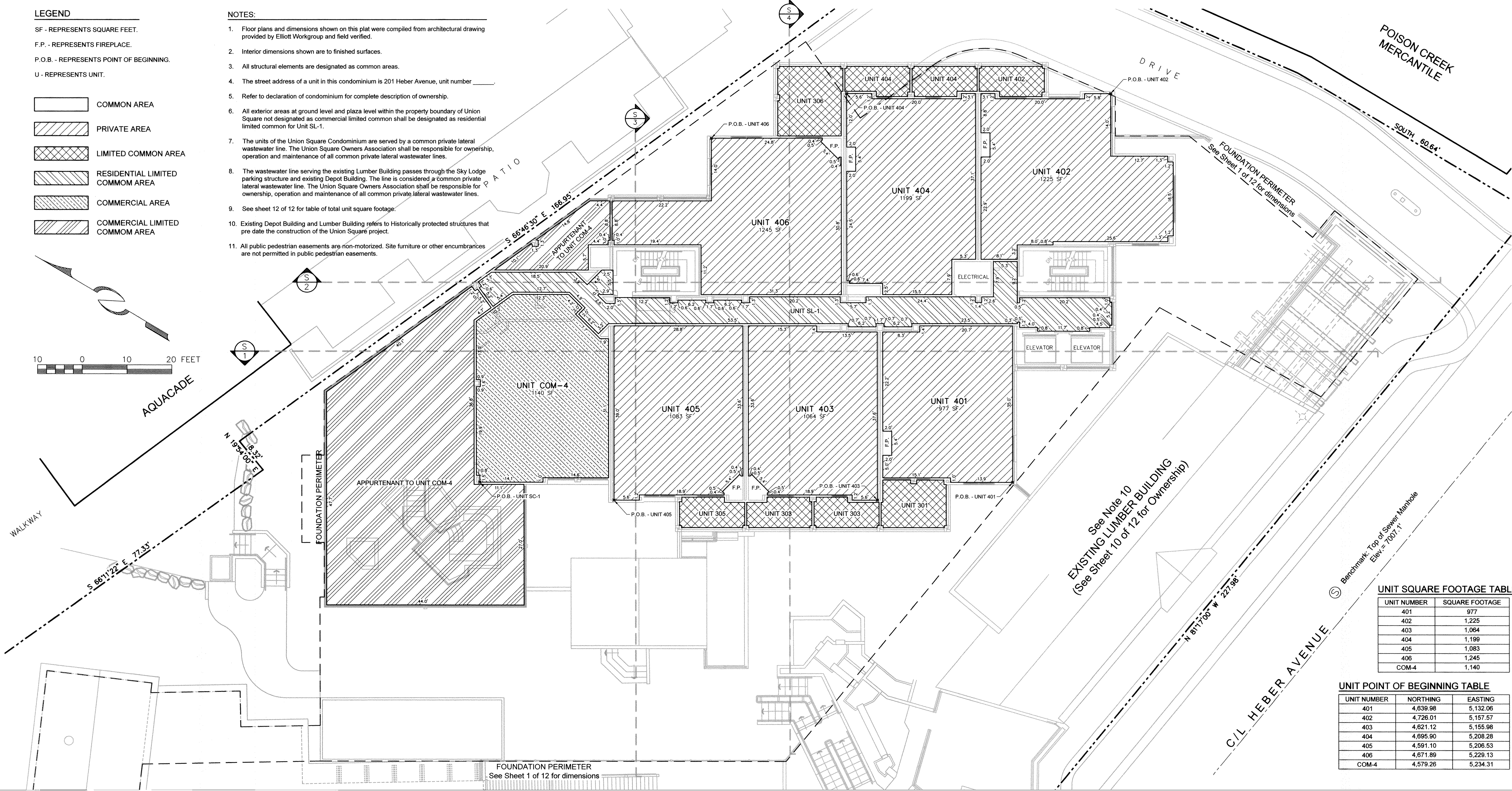
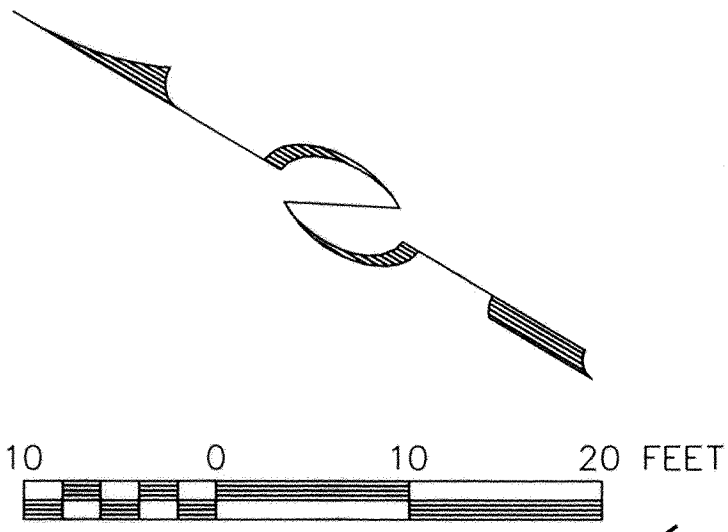
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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	977
402	1,225
403	1,064
404	1,199
405	1,083
406	1,245
COM-4	1,140

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.98	5,132.06
402	4,726.01	5,157.57
403	4,621.12	5,155.98
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405	4,591.10	5,206.53
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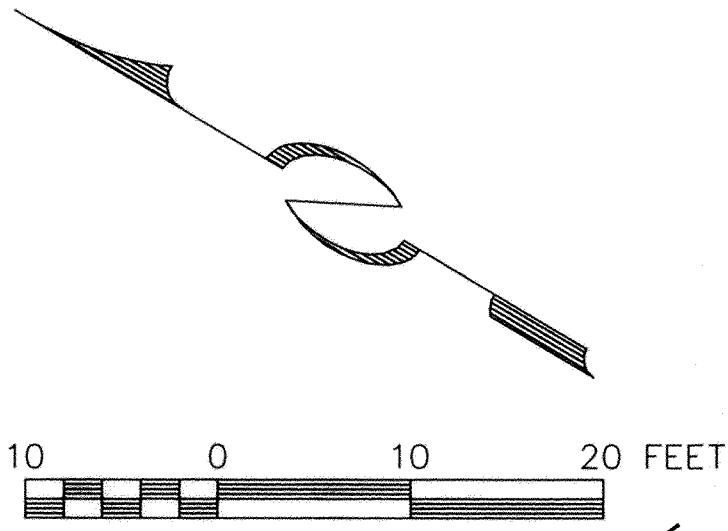
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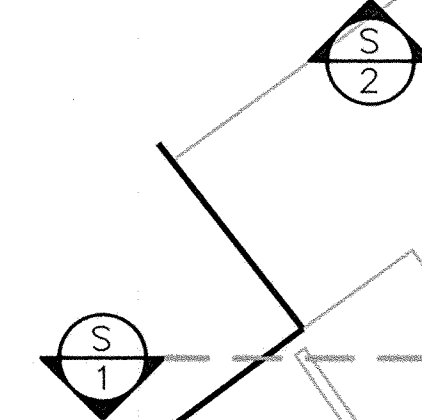
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AQUACADE



DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

See Note 10
EXISTING DEPOT BUILDING
(See Sheet 10 of 12 for Ownership)

FIFTH LEVEL FLOOR PLAN

DRIVE
P.O.B. - UNIT 502

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

See Note 10
EXISTING LUMBER BUILDING
(See Sheet 10 of 12 for Ownership)

Benchmark: Top of Sewer Manhole
Elev. = 7007.1'

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	977
403	1,080
405	1,088
502	967
504	1,199
506	1,246
507	1,258

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.98	5,132.06
403	4,621.12	5,155.98
405	4,591.10	5,206.53
502	4,726.01	5,157.57
504	4,695.90	5,208.28
506	4,671.89	5,229.13
507	4,579.73	5,233.51

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

LEGEND

SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
DB-1 REPRESENTS EXISTING DEPOT BUILDING.
LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM.# REPRESENTS COMMERCIAL UNIT.

SHEET 8 OF 12

JOB NO: 01408 FILE: UNIONSQ-S8

RECORDED

ENTRY NO. 00879382
08/03/2009 02:09:35 PM B: 1996 P: 0251
PLAT PAGE 1/1

UTAH SERVICE, SUMMIT COUNTY RECORDS
FEE: \$87.00 BY EQUITY TITLE INSURANCE AGENCY, INC.

FEE RECORDER

LEGEND

SF - REPRESENTS SQUARE FEET.

F.P. - REPRESENTS FIREPLACE.

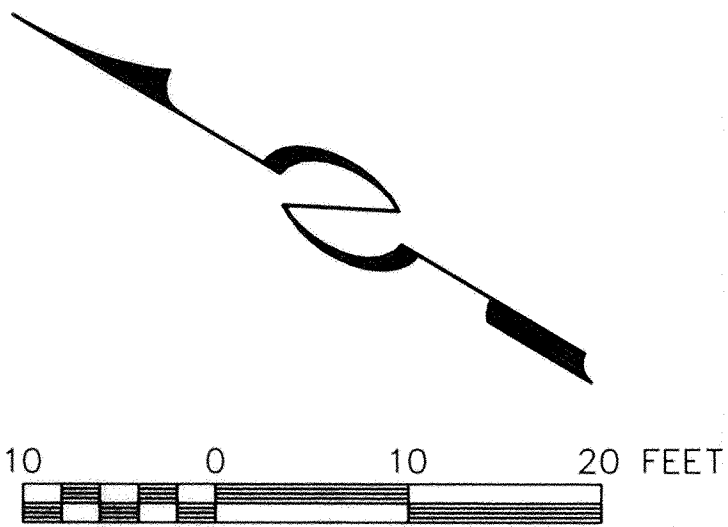
P.O.B. - REPRESENTS POINT OF BEGINNING.

U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMOM AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMOM AREA

NOTES:

- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
- Interior dimensions shown are to finished surfaces.
- All structural elements are designated as common areas.
- The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
- Refer to declaration of condominium for complete description of ownership.
- All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
- The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- See sheet 12 of 12 for table of total unit square footage.
- Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
- All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.



AQUACADE

N 19°3'00" E 8.32'

S 66°11'22" E 71.33'

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

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DECK BELOW

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DECK BELOW

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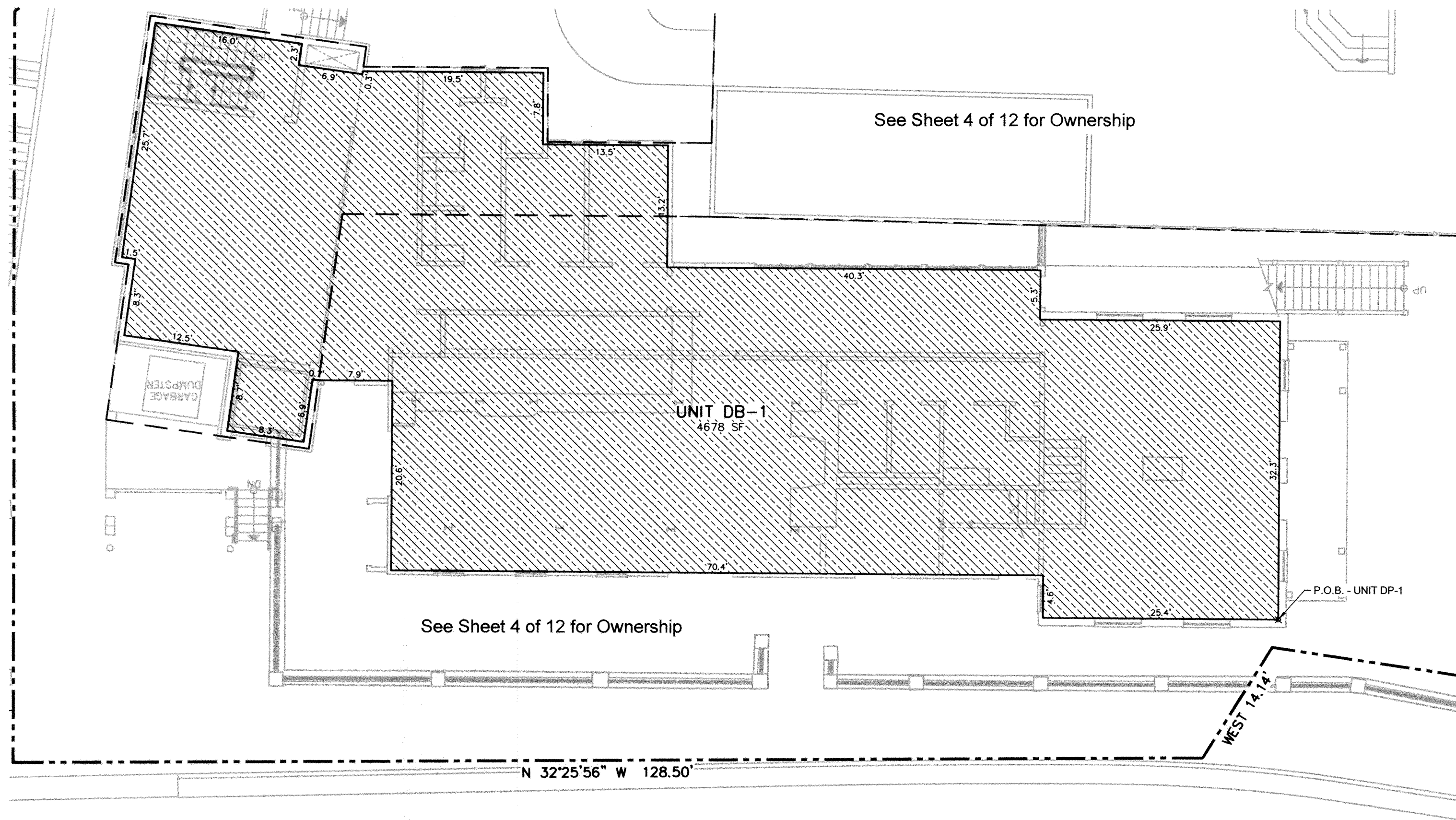
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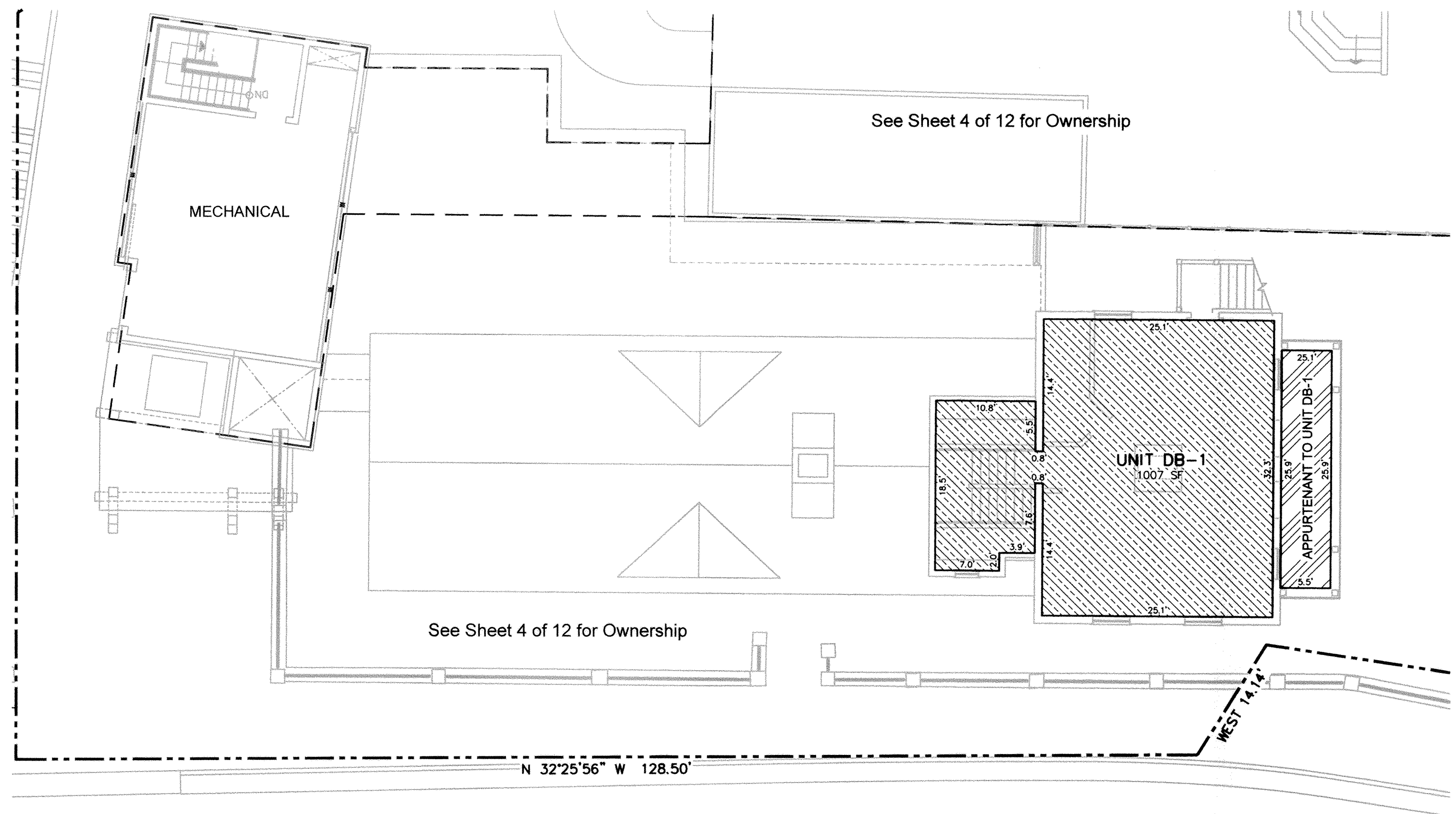
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DEPOT BUILDING GROUND LEVEL FLOOR PLAN

LEGEND

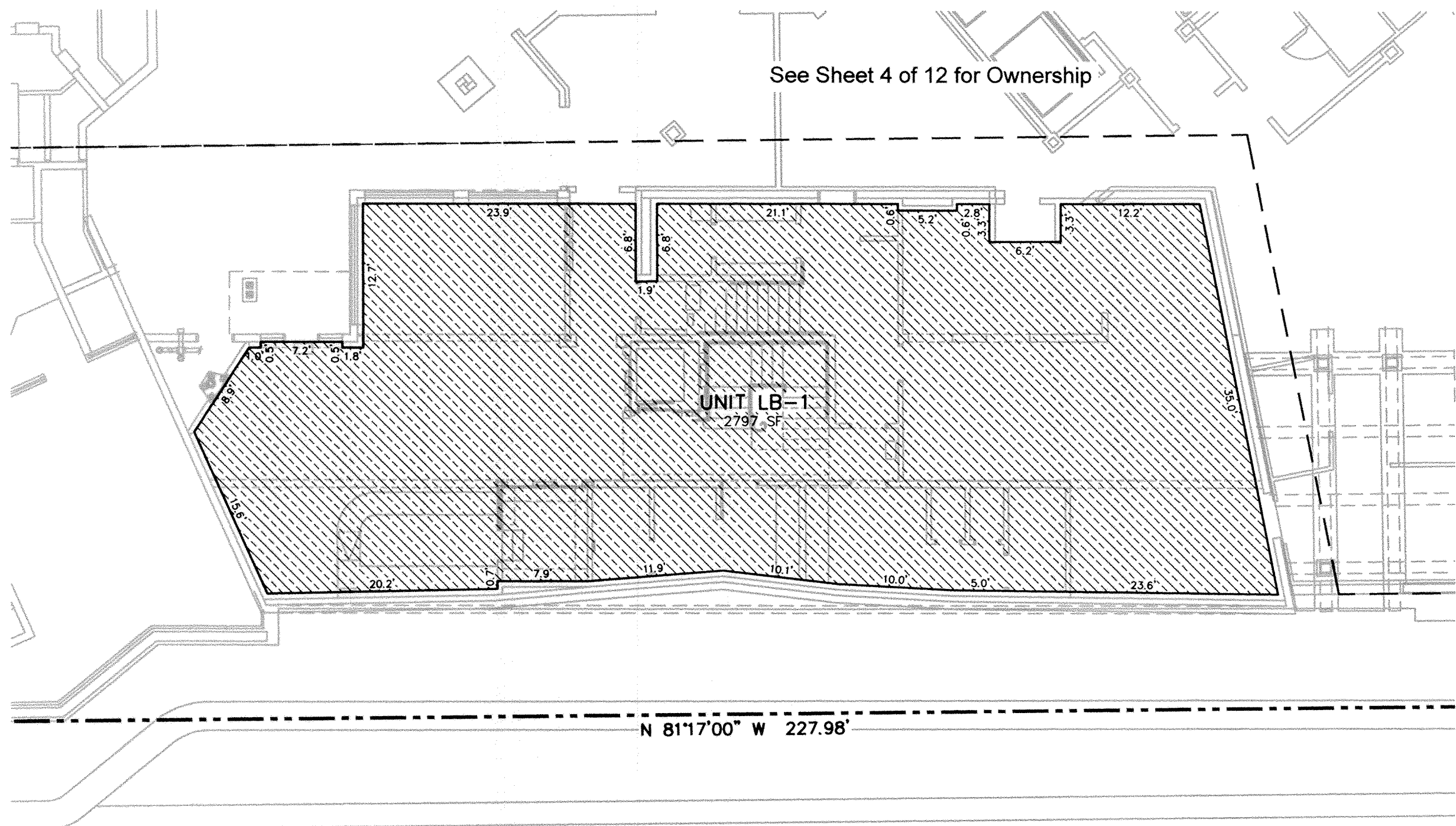
- SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.



DEPOT BUILDING UPPER LEVEL FLOOR PLAN

LEGEND

- SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
DB-1 REPRESENTS EXISTING DEPOT BUILDING.
LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM-# REPRESENTS COMMERCIAL UNIT.



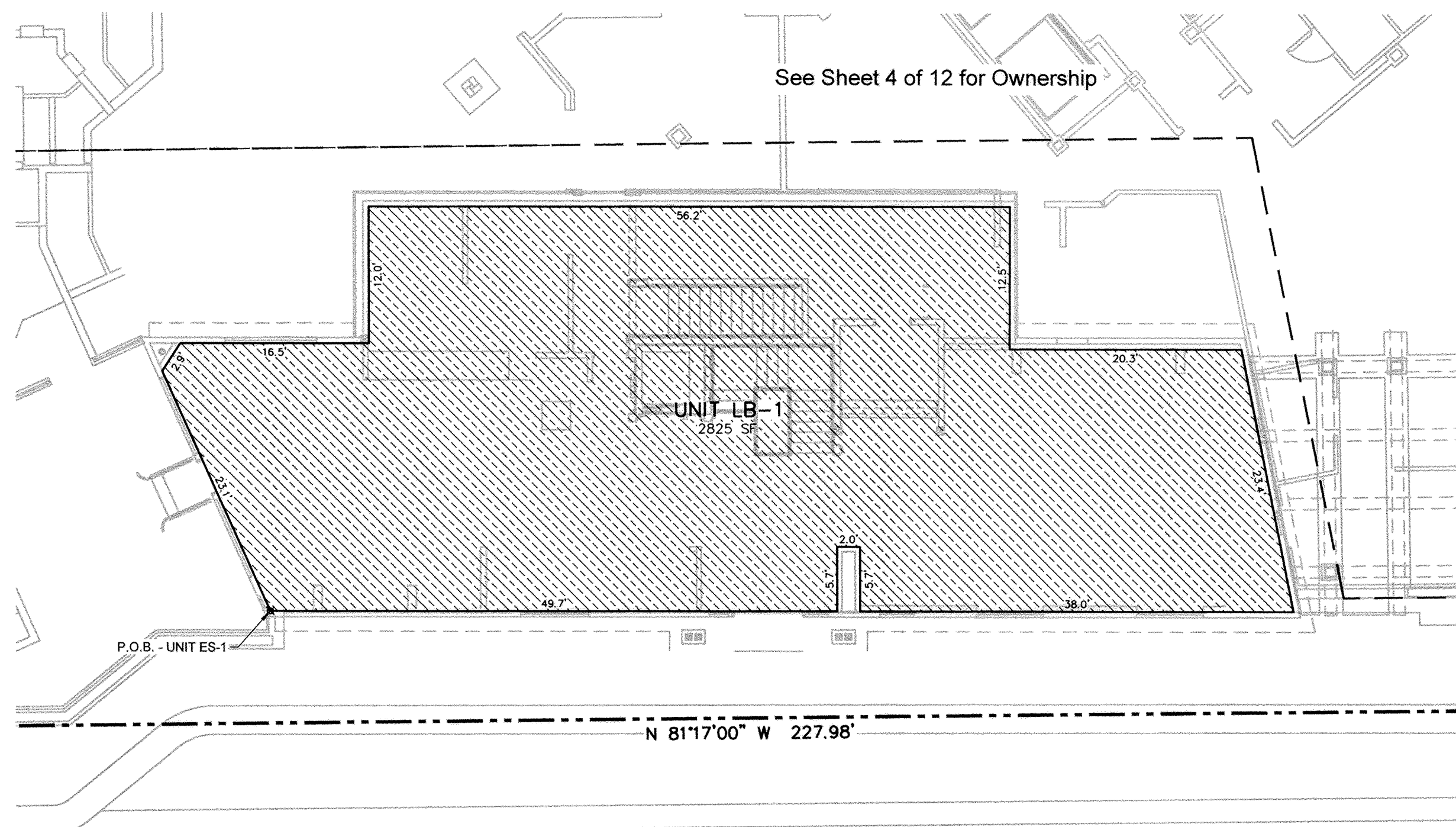
LUMBER BUILDING GROUND LEVEL FLOOR PLAN

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	GROUND LEVEL	UPPER LEVEL	TOTAL
DB-1	4,678	1,007	5,685
LB-1	2,797	2,825	5,622

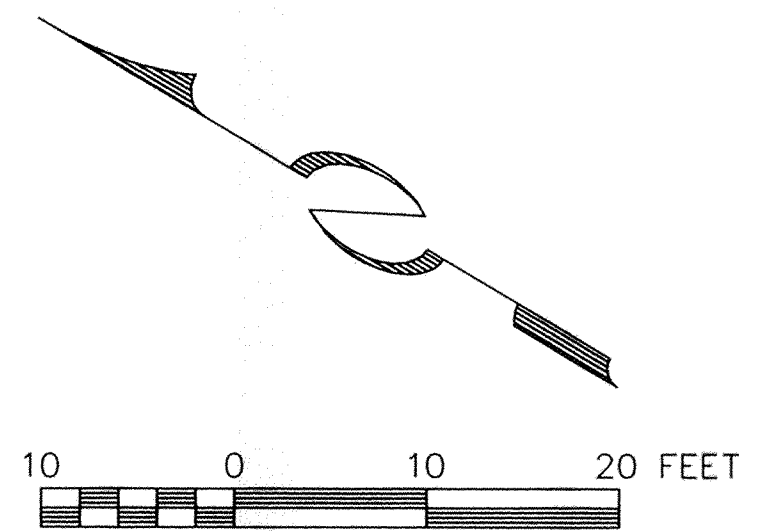
UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
DB-1	4,503.07	5,157.93
LB-1	4,598.69	5,096.79



LUMBER BUILDING UPPER LEVEL FLOOR PLAN

- COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
RESIDENTIAL LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA



FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

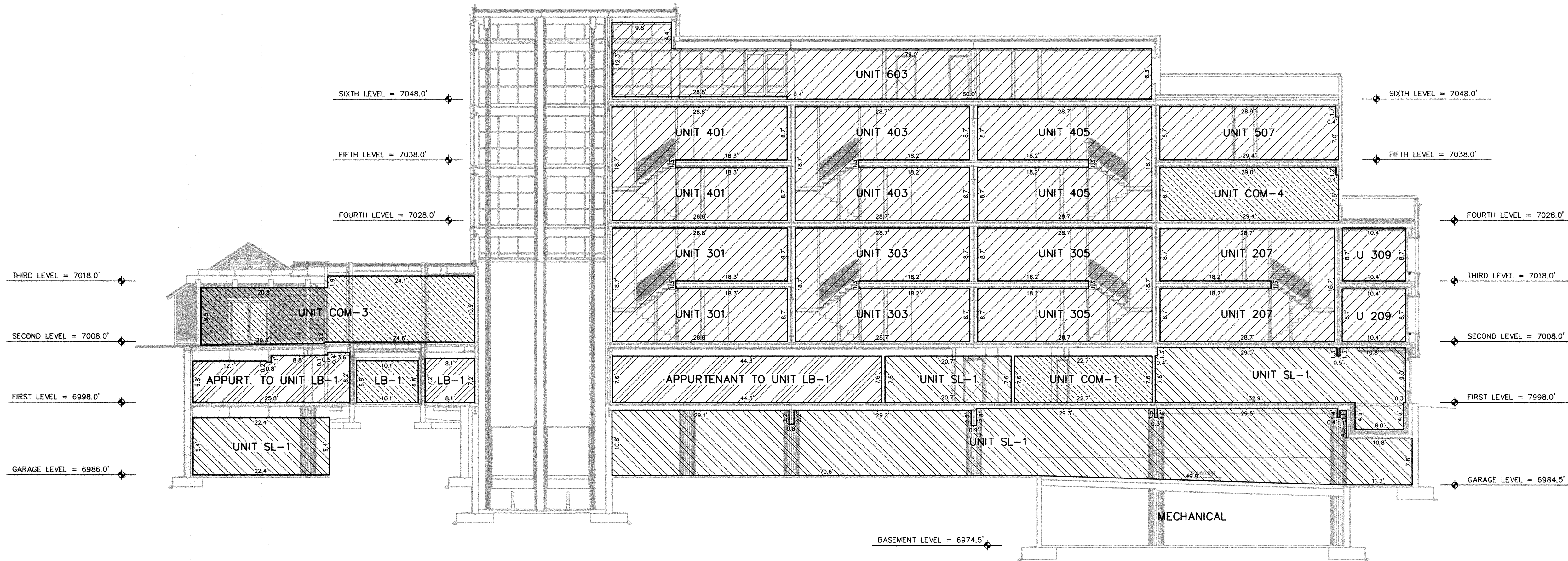
A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 10 OF 12

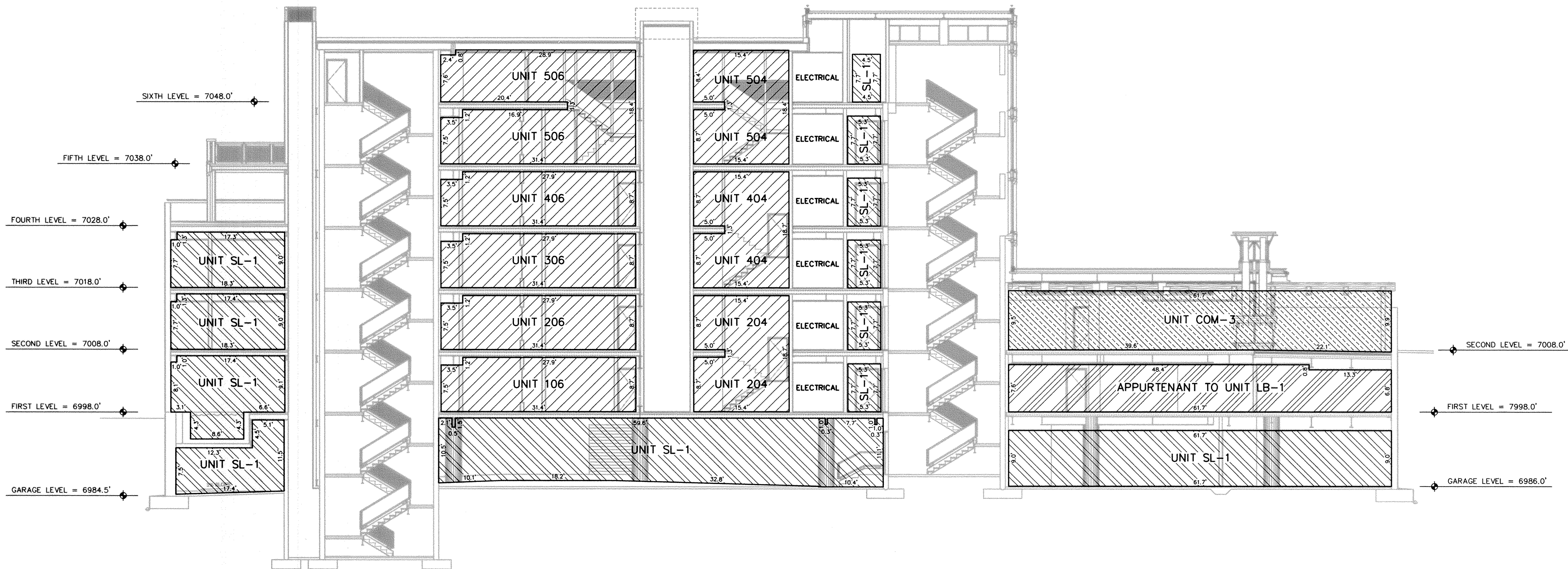
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PLAN PAGE 1/1
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FEE: \$87.00 BY EQUITY TITLE INSURANCE AGENCY, INC.

FEE RECORDER



SECTION S-1

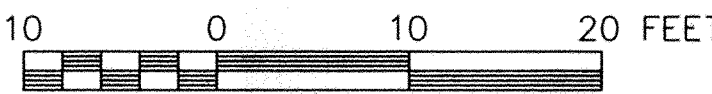


SECTION S-2

- LEGEND**
- SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
- DB-1 REPRESENTS EXISTING DEPOT BUILDING.
- LB-1 REPRESENTS EXISTING LUMBER BUILDING.
- COM-# REPRESENTS COMMERCIAL UNIT.

- LEGEND**
- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- LEGEND**
- SF - REPRESENTS SQUARE FEET.
- F.P. - REPRESENTS FIREPLACE.
- P.O.B. - REPRESENTS POINT OF BEGINNING.
- U - REPRESENTS UNIT.



- NOTES:**
- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
 - Interior dimensions shown are to finished surfaces.
 - All structural elements are designated as common areas.
 - The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
 - Refer to declaration of condominium for complete description of ownership.
 - All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
 - The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
 - The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
 - See sheet 12 of 12 for table of total unit square footage.
 - Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
 - All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.

FIRST AMENDED CONDOMINIUM PLAT UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 11 OF 12

JOB NO: 01408 FILE: UNIONSQ-S11

RECORDED

ENTRY NO. 00879382

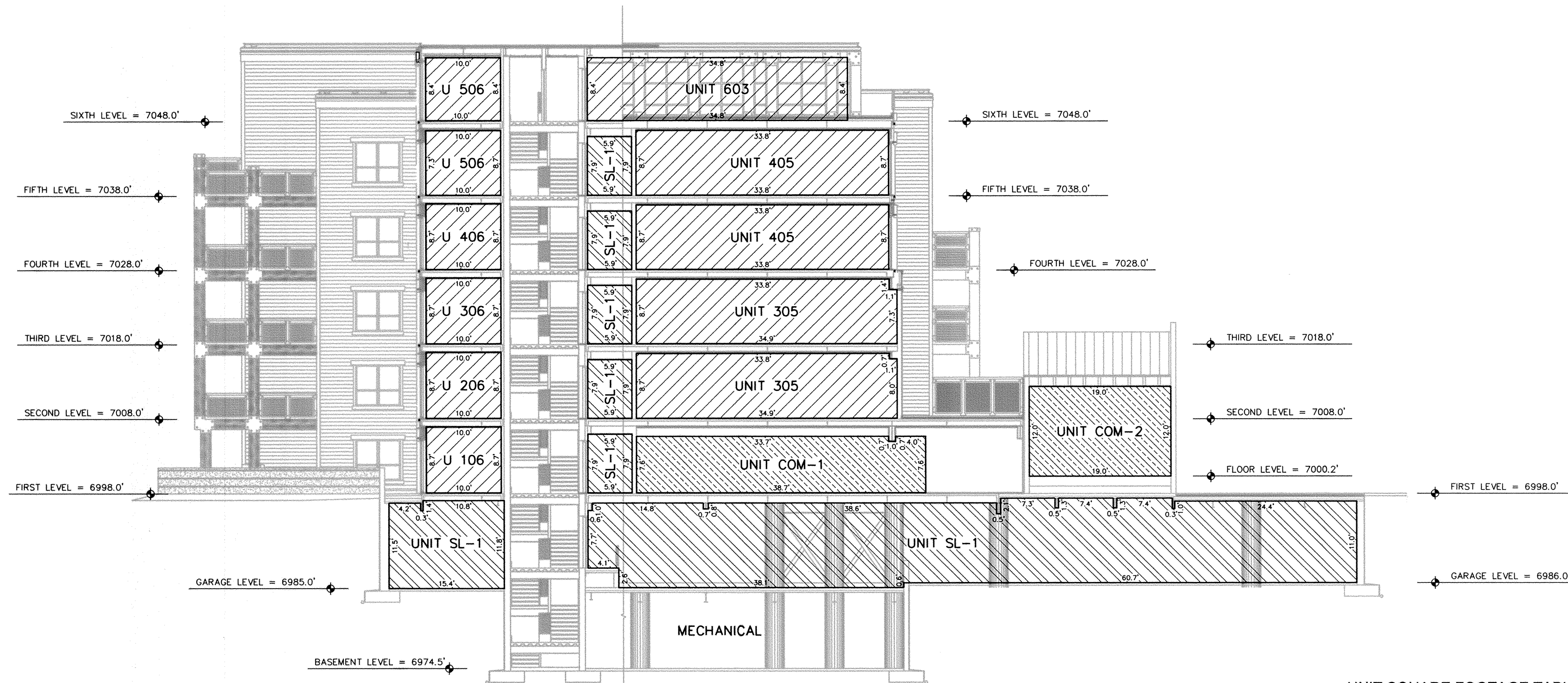
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PLAT PAGE 1/1

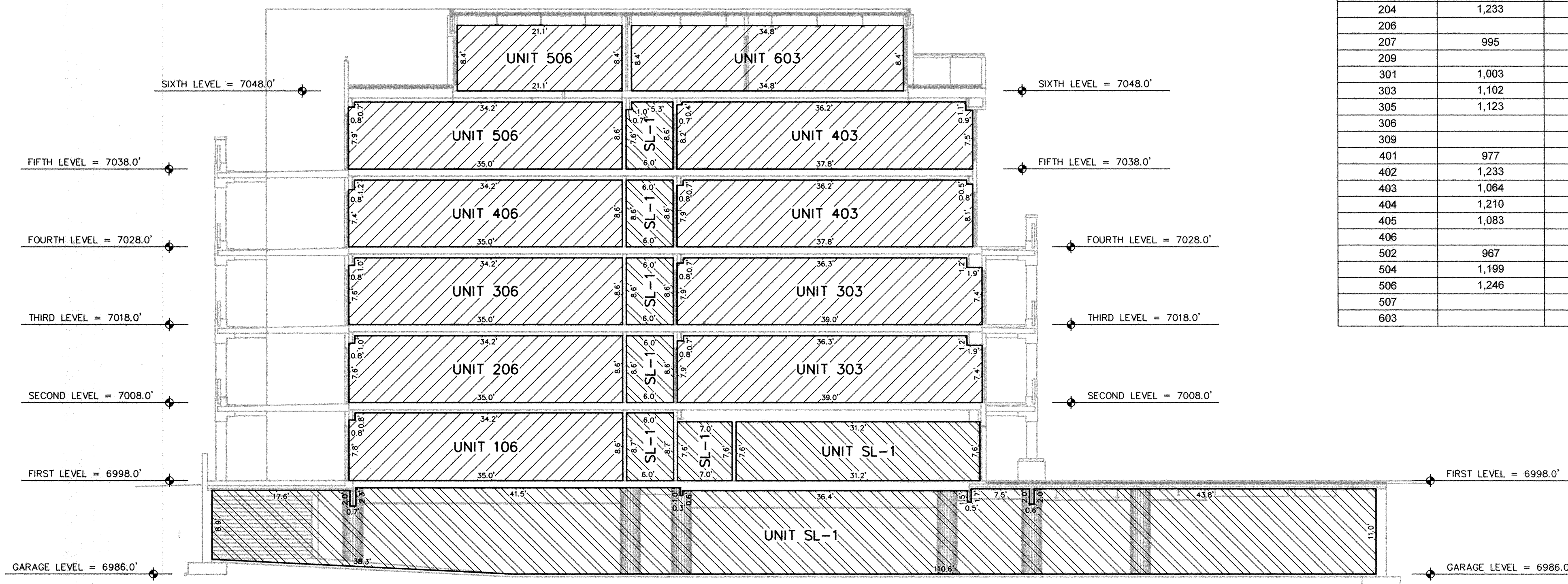
FILED 08/03/2009 SUMMIT COUNTY RECORDER

FEE: 357.00 BY EQUITY TITLE INSURANCE AGENCY INC

FEE RECORDER



SECTION S-3



SECTION S-4

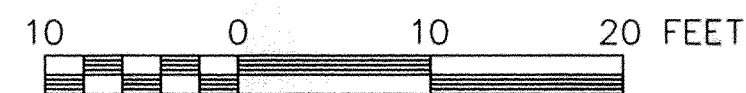
LEGEND

- SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
- DB-1 REPRESENTS EXISTING DEPOT BUILDING.
- LB-1 REPRESENTS EXISTING LUMBER BUILDING.
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- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

LEGEND

- SF - REPRESENTS SQUARE FEET.
- F.P. - REPRESENTS FIREPLACE.
- P.O.B. - REPRESENTS POINT OF BEGINNING.
- U - REPRESENTS UNIT.



UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	LOWER LEVEL	UPPER LEVEL	TOTAL
DB-1	4,678	1,007	5,685
LB-1	2,797	2,825	5,622
COM-1			3,783
COM-2			549
COM-3			2,867
COM-4			1,140
106			1,245
ADA 202	1,015	1,002	2,017
204	1,233	1,223	2,456
206			1,245
207	995	1,008	2,003
209			2,113
301	1,003	979	1,982
303	1,102	1,091	2,193
305	1,123	1,100	2,223
306			1,245
309			2,113
401	977	977	1,954
402	1,233	1,225	2,458
403	1,064	1,080	2,144
404	1,210	1,199	2,409
405	1,083	1,088	2,171
406			1,245
502	967	968	1,935
504	1,199	1,210	2,409
506	1,246	858	2,104
507			1,258
603			2,477

NOTES:

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FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 12 OF 12

JOB NO: 01408 FILE: UNIONSQ-S12

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B. 1998 P. 0251

PLAT PAGE 1/1

FILED BY EQUITY TITLE INSURANCE AGENCY INC

RECORDER

31175

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

01105359 B: 2495 P: 0157

ARGENTUM SKY, LLC
P. O. Box 684397
Park City, UT 84068

Page 1 of 6
Rhonda Francis Summit County Recorder
01/30/2019 03:39:39 PM Fee \$20.00
By Park City Title
Electronically Recorded

Assessor's Parcel No. USC-ES-1AM

MEMORANDUM OF LICENSE

THIS MEMORANDUM OF LICENSE (this "MEMORANDUM") is executed effective as of JANUARY 30 2019 (the "Effective Date"), by and between STORIED DEER VALLEY, LLC (with its successors and assigns, "Landlord") and ARGENTUM SKY LLC (with its successors, assigns and sublessees, "Tenant").

PRELIMINARY STATEMENT:

Landlord, as buyer and Tenant, as seller, entered into that certain Purchase and Sale Agreement with Escrow Instructions dated as of JANUARY 30, 2019 (the "Agreement"). The terms, provisions and conditions of the Agreement are incorporated herein by this reference to the same extent as if recited in their entirety herein. Pursuant to the terms, provisions and conditions of the Agreement, Landlord has licensed to Tenant, and Tenant has rented and licensed from Landlord, certain premises (the "Licensed Premises") described in Exhibit A attached hereto and as further depicted on Exhibit A-1 attached hereto, and each incorporated herein pursuant to that certain License Agreement dated JANUARY 30 2019 by and between Landlord and Tenant. Unless otherwise expressly provided herein, all defined terms used in this Memorandum shall have the same meanings as are ascribed to such terms in the Agreement.

NOW, THEREFORE, Landlord and Tenant hereby make specific reference to the following terms, provisions and conditions of the Agreement:

1. In consideration of the rentals and other sums to be paid by Tenant and of the other terms, covenants and conditions on Tenant's part to be kept and performed pursuant to the Agreement, Landlord licenses to Tenant, and Tenant takes and hires, the Licensed Premises. The License term commences as of the Commencement Date (as defined in the License) and expires at midnight on the last day of the Term (as defined in the License), unless terminated sooner as provided in the License. Licensee has an express option to purchase the Licensed Premises under the License.

2. Original copies of the License are in the possession of Landlord and Tenant. The License contains other terms not herein set forth but which are incorporated by reference herein for all purposes, and this Memorandum is executed for the purpose of placing parties dealing with the

Licensed Premises on notice of the existence of the License and, where appropriate, its contents, and shall ratify and confirm all other terms of the License as fully as if the same had been set forth herein.

3. Notwithstanding anything to the contrary contained herein, nothing in this Memorandum shall modify, supersede, diminish, add to or change any or all of the terms of the License or be deemed to create or grant any rights, liabilities or obligations of or to any party or third parties other than as specifically set forth in the License. In the event of any conflict between this Memorandum and the License, the terms and conditions of the License shall control.

4. This Memorandum may be executed in one or more counterparts, each of which shall be deemed an original.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum to be duly executed as of the Effective Date.

LANDLORD:

STORIED DEER VALLEY, LLC, a Delaware limited liability company

By: SDBP Utah I, LLC, a Delaware limited liability company, its sole Member

By: SDBP Manager, LLC, a Delaware limited liability company, its Manager

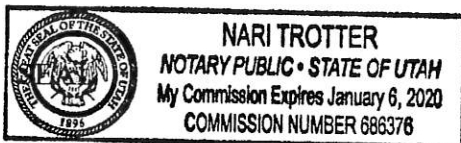
By: Storied Development LLC, a Delaware limited liability company, its sole Member

By: [Signature]
Mark Enderle, Managing Member

STATE OF Utah

COUNTY OF Summit^{SS.}

The foregoing instrument was acknowledged before me this 29th day of January, 2019, by Mark Enderle, Managing Member of Storied Development LLC, a Delaware limited liability company, the sole Member of SDBP Manager, LLC, a Delaware limited liability company, the Manager of SDBP Utah I, LLC, a Delaware limited liability company, the sole Member of Storied Deer Valley, LLC, a Delaware limited liability company, on behalf of such entities.



[Signature]
NOTARY PUBLIC
My commission expires: 1/6/2020

TENANT:

ARGENTUM SKY LLC, a Utah limited liability company

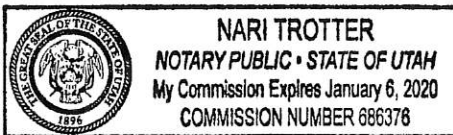
By: [Signature]
Kenneth Abdalla, Manager

STATE OF UTAH)

COUNTY OF Utah : ss.

The foregoing instrument was acknowledged before me this 20th day of January, 2019 by Kenneth Abdalla, Manager of **ARGENTUM SKY LLC**, a Utah limited liability company on behalf of such limited liability company.

SEAL



[Signature]
NOTARY PUBLIC
My commission expires: 1/6/2020

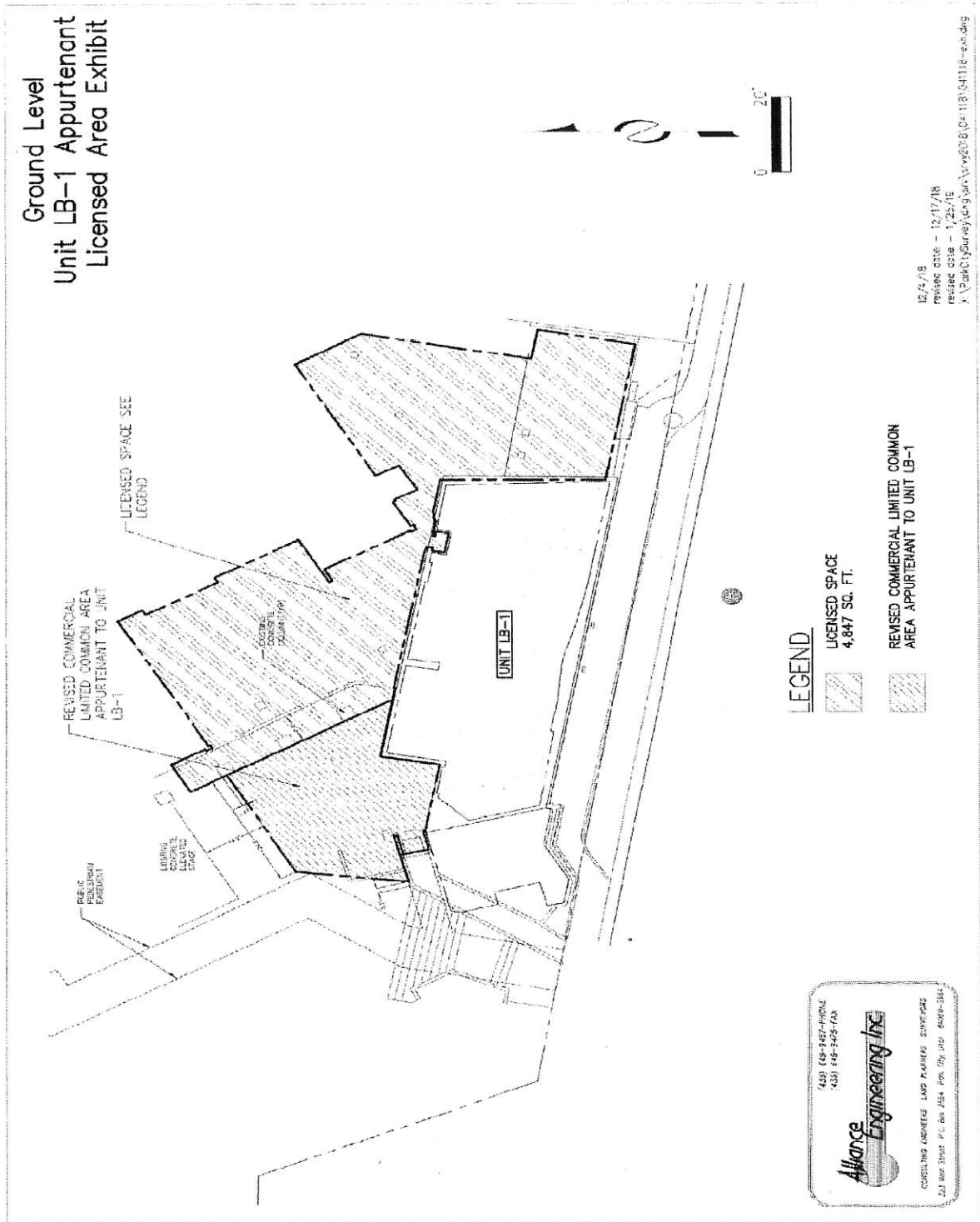
EXHIBIT A

PROPERTY DESCRIPTION

Commercial Unit Limited Common Facilities appurtenant to the Easy Street Brasserie Building (LB-1), contained within the UNION SQUARE CONDOMINIUM, FIRST AMENDED, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded April 12, 2006 as Entry No. 774532 and the First Amended Condominium Plat recorded August 3, 2009 as Entry No. 879382 and in the Declaration of Condominium for Union Square recorded April 12, 2006 as Entry No. 774533 in Book 1784 at page 195; the First Amendment to Declaration of Condominium for Union Square, recorded November 29, 2007 as Entry No. 831584 in Book 1901 at page 1612; the Second Amendment to Declaration of Condominium for Union Square recorded April 29, 2008 as Entry No. 843247 in Book 1927 at page 218; the Third Amendment to Declaration of Condominium for Union Square recorded August 3, 2009 as Entry No. 879383 in Book 1996 at page 252; Fourth Amendment to Declaration of Condominium for Union Square recorded July 22, 2011 as Entry No. 926808 in Book 2088 at page 1744; and Amended and Restated Declaration of Condominium for Union Square, recorded May 1, 2018 as Entry No. 1090691 in Book 2460 at page 178, (as said Declaration may have heretofore been amended or supplemented), records of Summit County, Utah.

EXHIBIT A-1

LICENSED PREMISES DEPICTION



process and is not consistent with the land management and planning principles on this parcel. Commissioner Erickson stated that he understood the need for height and agreed that some height is allowable, but using these two criteria to allow 62 feet on this building is overstated, and he could not support the height at this elevation.

MOTION: Commissioner O'Hara made a motion to APPROVE the master planned development and conditional use permit for the Union Square and Heber Avenue project according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report, including Condition 14 as requested by Director Putt. Commissioner Powers seconded the motion.

Commissioner O'Hara clarified that Condition 3 should include that the applicant presented a model as part of the detailed plans.

VOTE: The motion passed by a vote of 4 to 2, with Commissioners O'Hara, Powers, Thomas, and Volkman voting in favor of the motion and Commissioners Erickson and Zimney voting against the motion.

Findings of Fact - Union Square

1. The Union Square project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts.
2. The expressed purposes of the HRC and HCB Districts as set forth in the Land Management Code include:
 - encouraging pedestrian-oriented, pedestrian-scaled development.
 - minimizing the visual aspects of automobiles and parking.
 - preserving and enhancing landscaping and public spaces adjacent to streets and thoroughfares.
 - providing moderate density bed base at the town lift.
 - encouraging the preservation and rehabilitation of historic buildings.

3. The project site is an infill parcel within HRC and HCB Districts.
4. The property is located within a federally designated Flood Zone.
5. Adjacent land uses include residential, retail and restaurant commercial, office, and resort-related bed base near the Town Lift development.
6. The project site includes three (3) historic buildings - The Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the "Tack" building (Loyola Design Building).
7. The applicant has submitted a Master Planned Development application to construct a 23-unit Multi-Unit Dwelling development to be operated as a hotel known as Union Square and a new kitchen addition to the north end of the Zoom Restaurant. The size of the Union Square Building as submitted by the applicant is 71,104 square feet (not including under-building parking garage area). The overall square footage for the 1.17-acre property as submitted by the applicant is 85,524 square feet. Unit sizes range from 1,266 square feet to 2,788 square feet. Each unit is proposed to include no more than one (1) Lock-Out unit.
8. The maximum potential development square footage for the subject property based on base zone Building Height and Setbacks is approximately 162,000 square feet. The proposed project density is approximately 53% of the maximum potential density for the property.
9. The parking requirement for the project is 46 spaces. The project includes 46 spaces in an under-building/underground parking garage. No tandem spaces are proposed as part of the parking plan. The parking is intended for use by guests and patrons of the development. No fee is intended for the use of said parking.
10. Access to the parking garage is by way of a 20-foot-wide private driveway on the east side of the property via Heber Avenue.
11. The project plan includes redevelopment of the Easy Street pedestrian walkway, which includes enhanced landscaping and public gathering spaces. The project plan also includes a courtyard east of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The project plan also includes a

courtyard east of the Easy Street Restaurant along Heber Avenue. All exterior lighting shall conform to the Park City Lighting Ordinance.

12. The Land Management Code minimum open space requirement for the proposed development is 30% of the site area. A total of 20,396 square feet of the 1.17-acre property (40%) is proposed as open space. Said areas include pedestrian plazas, courtyards, and gathering spaces.
13. The zone height in the HRC zone is 32 feet from existing grade plus an additional 5 feet pitched roofs (37 feet total). The zone height in the HCB zone is 45 feet from existing grade, plus 5 feet for pitched roof (50 feet total).
14. The applicant has requested that the Planning Commission permit additional height for the project pursuant to Section 15-6-5(F) of the Land Management Code. The applicant has proposed a maximum building height of 62.5 feet. Said building height exception of 62.5 feet is specifically limited to a proposed staircase and elevator penthouse.
15. The proposed building design includes 4 primary roof planes ranging in building height above existing grade in the following approximate steps – 12-17 feet, 35-37 feet, 53-55 feet, and 59-62 feet. Roof planes which exceed base zone height for the HRC and HCB Districts have been reviewed by the Planning Commission for a height exception pursuant to Section 15-6-5(F) of the Land Management Code. Said building height exceptions are specifically limited to the proposed roof planes approved by the Planning Commission on November 10, 2004.
16. The distance between the portion of the proposed building mass which exceeds base zone height and adjacent/neighboring structures is approximately as follows: 8 feet from the Aquacade; 25 feet from Poison Creek Mercantile; 50 feet to the closest Summit Watch building; and 65 from the Gateway Building.
17. A sun/shadow study has been conducted by the applicant and reviewed by the Planning Commission. The impacts on adjacent properties (including the aquacade) were determined to be minimal during the spring, summer, and fall seasons. The sun/shadow study indicated that the proposed building will cast shadowing on the Aquacade during the December/winter period. The Planning Commission determined

that, due to the Aquacade's close proximity to the property line, it is likely that a structure limited to base zone height would result in a shadowing impact on the pool area during the winter months.

18. Historic District Guideline No. 22 states, "Buildings vary in height on Main Street, which is an especially important characteristic. The normal range is between 1-2 stories for historic structures, although buildings existed that were taller." Guideline No. 22 goes on to suggest, "Achieving variety in building heights by creating setbacks in the facade, by stepping back upper stories, and by building decks and balconies, when appropriate for the design."
19. As proposed, the largest bulk of the building has been placed to the center of the site. The applicant's plan orients the taller building mass away from the Poison Creek Mercantile and Gateway buildings. The larger portions of the building mass have also been shifted away from the Easy Street walkway. The project design includes shifts in the upper stories as well as incorporation of decks and balconies.
20. The Land Management Code, Section 15.6-6(C) requires a minimum 25-foot setback around the exterior boundary of a master planned development for property larger than (1) acre. Pursuant to the Land Management Code, the Planning Commission may decrease the 25-foot MPD perimeter setback requirement to the underlying zone setbacks if it is necessary to provide desired architectural interest and variation. The Planning Commission reviewed the proposed setbacks at the October 13, 2004, meeting and determined that a 25-foot perimeter setback in the commercial core of the historic Main Street area would result in an atypical historic Main Street area building setback/streetscape pattern.
21. The required and proposed project setbacks are as follows:

	<u>Required</u>	<u>Proposed (min).</u>
Front (Heber Avenue)	10 feet	33 feet
Front (Lower Main St.--HCB	0 feet	20 feet
Rear (Summit Watch--HCB)	0 feet	2 feet
Side (Poison Creek)	5 feet	20 feet

22. Staging construction in Old Town and within the Main Street/Heber Avenue neighborhood is difficult due to limited site area, parking, and vehicular and pedestrian traffic.
23. The affordable housing requirement for the 23-unit Multi-Dwelling Unit project is 3.45 units. An affordable housing unit equivalent is 800 square feet.
24. Planning Commission public hearings and/or work session discussions were held on May 26, June 9, June 23, July 14, August 11, October 13, and November 10, 2004.

Conclusions of Law - Union Square

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6 - Master Planned Developments, Section 15-6-5 and Section 15-1.10, review criteria for Conditional Use Permits.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
5. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties, and promotes neighborhood compatibility.
6. The MPD provides amenities to the community so that there is no net loss of community amenities.
7. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
8. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
9. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing pedestrian connections.
10. The MPD has been noticed and public hearings held in accordance with the LMC.
11. The MPD promotes historic preservation by restoring and adapting for appropriate re-use three historic buildings.

12. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.
13. The proposed uses of the Conditional Use Permit are compatible with surrounding structures in use, scale and mass, and circulation.
14. The proposed uses of the Conditional Use Permit are consistent with the Park City General Plan.
15. The proposed uses are consistent with the purpose statements of the HRC and HCB zoning districts.
16. Any effects of difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and conditions of approval.

Conditions of Approval - Union Square

1. All standard conditions of approval shall apply (Exhibit I).
2. A Historic District Design Review approval for the project is a condition precedent to the issuance of any building permits.
3. The Historic District Review application shall be in substantial compliance with all plan details approved by the Planning Commission, including the model presented by the developer as part of the detailed plans.
4. Pursuant to Land Management Code Section 15-6-3(l), any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.
5. A Development Agreement for the Master Planned Development shall be ratified by the Planning Commission, signed by the City Council, and recorded with Summit County within six (6) months of Planning Commission Final Action. Recordation of said Development Agreement is a condition precedent to the issuance of any building permits.

6. Approval of an affordable housing plan for 3.45 units (with an affordable housing unit equivalent rate of 800 square feet per unit) by the Park City Housing Authority is a condition precedent to the issuance of any building permits.
7. A final landscape and lighting plan, including improvements related to the Easy Street walkway, shall be submitted for Planning Department review and approval prior to the issuance of any building permits.
8. A final utility plan shall be submitted to the City Engineer for review and approval prior to any building permits.
9. A construction mitigation plan shall be submitted to the Planning, Building, and Engineering Departments for review and approval prior to the issuance of any building permits.
10. The building plan application for the project shall include a topographic survey prepared by a civil engineer licensed to work in the state of Utah verifying that the project complies with the Building Heights approved by the Planning Commission.
11. The approved height exceptions do not generally apply to the entire structure. The approved height exceptions are limited to the specific roof areas and roof planes as set forth on the plans approved by the Planning Commission on November 10, 2004, and officially stamped as such by the Planning Department.
12. A master sign plan for the Master Planned Development area shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits.
13. The Master Planned Development shall expire within two (2) years of the date of the execution of the Development agreement unless Construction, as defined by the International Code of Building Officials, has commenced.
14. Prior to the issuance of a building permit, a plat amendment for the property would need to be approved by the City and recorded.

The Park City Planning Commission meeting adjourned at 7:05 p.m.

Approved by Planning Commission _____

Ordinance No. 06-42

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 29th day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

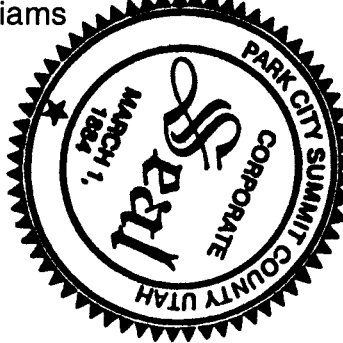
Dana Williams
Mayor Dana Williams

Attest

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



STATE OF UTAH
County of Summit

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

"ORDINANCE NO. 06-42 COMPENSATION"

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

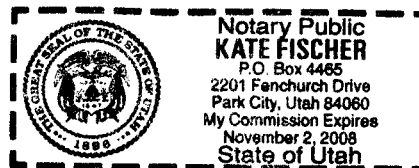
\$ 21.60 Reference Billing Number: 02575193

Subscribed and sworn to me this 11 day of July
2006

**ORDINANCE NO. 06-42
COMPENSATION**

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

Kate Fischer



Ordinance No. 06-41

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

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

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

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

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

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

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

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

PASSED AND ADOPTED this 15th day of June, 2006.

PARK CITY MUNICIPAL CORPORATION



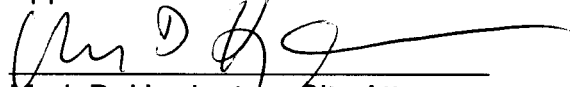
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

Budget Summary

Resources & Requirements - All Funds Combined

Description	2003 Actual	2004 Actual	2005 Actual	2006 Adjusted	2007 Budget	Change - 2006 to 2007	
						Increase (reduction)	%
RESOURCES							
Sales Tax	8,343,874	8,779,184	10,502,700	10,700,000	10,255,000	(445,000)	-4%
Planning Building & Engineering Fees	2,437,924	2,685,083	4,722,865	3,910,756	3,473,256	(437,500)	-11%
Charges for Services	3,809,242	3,980,151	4,807,943	6,547,050	6,706,050	159,000	2%
Intergovernmental Revenue	1,906,597	1,222,720	2,995,292	4,156,047	3,296,229	(859,818)	-21%
Franchise Tax	1,702,577	1,854,982	2,309,090	2,120,000	2,230,000	110,000	5%
Property Taxes	10,229,887	11,274,336	12,608,114	12,783,316	12,576,909	(206,407)	-2%
General Government	0	0	0	123,200	349,500	226,300	184%
Other	7,927,167	5,785,068	10,273,182	7,468,768	5,891,676	(1,577,092)	-21%
Total	\$36,357,268	\$35,581,524	\$48,219,186	\$47,809,137	\$44,778,620	(\$3,030,517)	-6%
REQUIREMENTS (by function)							
Executive	1,711,619	5,434,054	5,572,099	6,943,125	7,390,088	446,963	6%
Police	2,344,546	2,861,278	3,072,085	3,232,364	3,164,203	(68,161)	-2%
Public Works	6,281,828	8,786,720	9,823,068	10,914,882	11,857,744	942,862	9%
Library & Recreation	4,873,884	2,662,157	2,562,285	2,691,073	2,747,883	56,810	2%
Non-Departmental	1,553,528	1,534,620	1,620,742	2,108,136	2,095,007	(13,129)	-1%
Grants	344,385	347,555	327,519	400,000	400,000	0	0%
Contingency	298,426	22,515	0	412,114	575,000	162,886	40%
Capital Improvs. (dept. operations)	678,265	217,741	222,697	769,422	723,022	(46,400)	-6%
Community Development	2,008,129	0	0	0	0	0	0%
Administrative Services	1,731,325	0	0	0	0	0	0%
Total	\$21,825,935	\$21,866,640	\$23,200,495	\$27,471,116	\$28,952,947	\$1,481,831	5%
REQUIREMENTS (by type)							
Personnel	13,153,282	13,885,319	14,551,594	15,448,504	16,751,661	1,303,157	8%
Materials, Supplies & Services	7,695,962	7,741,065	8,426,204	10,841,076	10,903,264	62,188	1%
Contingency	298,426	22,515	0	412,114	575,000	162,886	40%
Capital Improvs. (dept. operations)	678,265	217,741	222,697	769,422	723,022	(46,400)	-6%
Total	\$21,825,935	\$21,866,640	\$23,200,495	\$27,471,116	\$28,952,947	\$1,481,831	5%
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS							
	\$14,531,333	\$13,714,884	\$25,018,691	\$20,338,021	\$15,825,673	(\$4,512,348)	-22%
OTHER FINANCING SOURCES (uses)							
Bond Proceeds	0	5,024,109	29,173,975	6,017,506	2,867,000	(3,150,506)	-52%
Debt Service	(8,490,187)	(6,613,753)	(13,943,135)	(6,538,355)	(6,216,651)	321,704	-5%
Interfund Transfers In	11,906,096	14,054,357	29,203,184	29,115,806	9,440,285	(19,675,521)	-68%
Interfund Transfers Out	(11,906,096)	(14,054,357)	(29,203,184)	(29,115,806)	(9,440,285)	19,675,521	-68%
Capital Improvement Projects	(6,549,246)	(12,013,165)	(15,738,247)	(74,691,399)	(12,527,734)	62,163,665	-83%
Total	(\$15,039,433)	(\$13,602,809)	(\$507,407)	(\$75,212,248)	\$15,877,385	\$59,334,863	-79%
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS AND OTHER SOURCES (uses)							
	(\$508,100)	\$112,075	\$24,511,284	(\$54,874,227)	(\$51,712)	\$54,822,515	100%
Beginning Balance	\$51,092,711	\$52,323,633	\$54,810,573	\$79,674,717	\$24,800,489	(\$54,874,228)	-69%
Ending Balance	\$50,584,608	\$52,435,708	\$79,321,857	\$24,800,489	\$24,748,776	(\$51,713)	0%

Budget Summary

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

Park City Municipal Corporation

Budget Summary

Expenditure Summary by Fund and Unit		
Expenditures	Budget (FY2006)	Budget (FY2007)

Park City Municipal Corp

11 General Fund	25,500,291	21,628,306
12 Quinns Recreation Complex	284,185	279,986
21 Police Special Revenue Fund	18,272	0
31 Capital Improvement Fund	61,335,070	15,161,517
38 Equipment Replacement CIP	3,243,098	847,331
51 Water Fund	16,421,399	6,931,417
54 Recreation Fund	(1)	(1)
55 Golf Course Fund	1,469,391	1,397,812
57 Transportation & Parking Fund	13,463,242	12,361,094
62 Fleet Services Fund	1,866,576	1,831,157
64 Self Insurance Fund	3,678,970	3,525,898
71 Debt Service Fund	2,902,787	2,655,638
70 Sales Tax Rev Bonds Debt Svc F/T	18,097,242	3,744,131

Park City Redevelopment Agency

33 Redevelopment Agency Lower Prk	6,861,541	5,120,756
34 Redevelopment Agency Main St	2,621,092	2,586,885
72 RDA Main Street Debt Service	1,011,652	104,152
76 RDA Lower PK Ave Debt Service	2,367,836	2,326,836

Municipal Building Authority

35 Building Authority	1,330,940	1,329,933
73 MBA Debt Service Fund	81,999	0

Housing Authority

36 Park City Housing Authority	61,583	53,545
TOTAL	\$162,617,165	\$81,886,393

Interfund Transfer	(29,115,806)	(9,440,285)
Ending Balance	(24,800,489)	(24,748,776)

Operating Total	\$108,700,870	\$47,697,332
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Park City Municipal Corporation

Vol. II Page 3

Budget Summary

Expenditure Summary by Fund and Major Object (FY 2006)

Expenditures	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Total
	Personnel	Mat. Suppls, Services						
Park City Municipal Corp								
11 General Fund	11,085,181	5,163,058	470,825	0	412,114	17,131,178	8,080,151	25,500,291
12 Quinns Recreation Complex	251,199	173,500	4,000	0	0	428,699	0	284,185
21 Police Special Revenue Fund	0	0	18,272	0	0	18,272	0	18,272
31 Capital Improvement Fund	0	0	52,197,874	0	0	52,197,874	628,302	61,335,070
38 Equipment Replacement	0	0	3,095,767	0	0	3,095,767	0	3,243,098
51 Water Fund	900,945	1,535,580	11,925,211	809,000	0	15,170,736	1,237,046	16,421,399
54 Recreation Fund	(1)	0	0	0	0	(1)	0	(1)
55 Golf Course Fund	402,286	421,112	350,604	7,000	0	1,181,002	137,585	1,469,391
57 Transportation & Parking Fund	2,237,954	586,910	3,887,839	0	0	6,712,703	2,022,367	13,463,242
62 Fleet Services Fund	570,940	1,163,397	5,000	0	0	1,739,337	0	1,866,376
63 Equipment Replacement	0	0	0	0	0	0	0	0
64 Self Insurance Fund	0	674,390	0	0	0	674,390	0	3,678,970
71 Debt Service Fund	0	0	0	2,190,000	0	2,190,000	269,058	2,902,787
70 Sales Tax Rev Bonds Debt Svc F/T	0	0	0	1,983,855	0	1,983,855	14,867,667	18,097,242
Park City Municipal Corp Total	\$15,448,504	\$9,717,947	\$71,955,392	\$4,989,855	\$412,114	\$102,523,812	\$27,242,176	\$148,280,522
Park City Redevelopment Agency								
33 Redevelopment Agency Lower Prk	0	708,129	2,562,656	0	0	3,270,785	670,000	6,861,541
34 Redevelopment Agency Main ST	0	415,000	901,728	0	0	1,316,728	1,121,631	2,621,092
72 RDA Main Street Debt Service	0	0	0	907,500	0	907,500	0	1,011,652
76 RDA Lower PK Ave Debt Service	0	0	0	641,000	0	641,000	0	2,367,836
Park City Redevelopment Agency Total	\$0	\$1,123,129	\$3,464,384	\$1,548,500	\$0	\$6,136,013	\$1,791,631	\$12,862,121
Municipal Building Authority								
35 Building Authority	0	0	33,007	0	0	33,007	0	1,330,940
73 MBA Debt Service Fund	0	0	0	0	0	0	81,999	81,999
Municipal Building Authority Total	\$0	\$0	\$33,007	\$0	\$0	\$33,007	\$81,999	\$1,412,939
Housing Authority								
36 Park City Housing Authority	0	0	8,038	0	0	8,038	0	61,583
Housing Authority Total	\$0	\$0	\$8,038	\$0	\$0	\$8,038	\$0	\$61,583
TOTAL	\$15,448,504	\$10,841,076	\$75,460,821	\$6,538,355	\$412,114	\$108,700,870	\$29,115,806	\$162,617,165

Budget Summary

Expenditure Summary by Fund and Major Object (FY 2007)

Expenditures	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Total
	Personnel	Mat, Suppls, Services						
Park City Municipal Corp								
11 General Fund	11,487,643	5,067,985	413,697	0	575,000	17,544,325	3,080,327	21,628,306
12 Quinns Recreation Complex	391,450	333,875	33,000	0	0	758,325	8,625	779,986
21 Police Special Revenue Fund	0	0	0	0	0	0	0	0
31 Capital Improvement Fund	0	0	5,520,722	0	0	5,520,722	631,607	15,161,517
38 Equip. Replacement Fund	0	0	700,000	0	0	700,000	147,331	847,331
51 Water Fund	979,877	1,676,857	2,215,508	809,000	0	5,681,242	1,237,574	6,931,417
54 Recreation Fund	(1)	0	0	0	0	(1)	0	(1)
55 Golf Course Fund	404,304	421,077	270,000	7,000	0	1,102,381	138,085	1,397,812
57 Transportation & Parking Fund	2,908,393	428,690	2,610,829	0	0	5,947,912	2,167,501	12,361,094
62 Fleet Services Fund	579,995	1,190,390	5,000	0	0	1,775,385	0	1,831,157
63 Equip. Replacement Fund	0	0	0	0	0	0	0	0
64 Self Insurance Fund	0	674,390	0	0	0	674,390	0	3,525,898
71 Debt Service Fund	0	0	0	2,189,000	0	2,189,000	0	2,655,638
70 Sales Tax Rev Bonds Debt Svc F/T	0	0	0	2,612,651	0	2,612,651	492,414	3,744,131
Park City Municipal Corp Total	\$16,751,661	\$9,793,264	\$11,768,756	\$5,617,651	\$575,000	\$44,506,332	\$7,756,133	\$70,364,286
Park City Redevelopment Agency								
33 Redevelopment Agency Lower Prk	0	695,000	400,000	0	0	1,095,000	630,000	5,120,756
34 Redevelopment Agency Main ST	0	415,000	1,050,000	0	0	1,465,000	950,000	2,586,885
72 RDA Main Street Debt Service	0	0	0	0	0	0	104,152	104,152
76 RDA Lower Pk Ave Debt Service	0	0	0	599,000	0	599,000	0	2,326,836
Park City Redevelopment Agency Total	\$0	\$1,110,000	\$1,450,000	\$599,000	\$0	\$3,159,000	\$1,684,152	\$10,138,629
Municipal Building Authority								
35 Building Authority	0	0	32,000	0	0	32,000	0	1,329,933
73 MBA Debt Service Fund	0	0	0	0	0	0	0	0
Municipal Building Authority Total	\$0	\$0	\$32,000	\$0	\$0	\$32,000	\$0	\$1,329,933
Housing Authority								
36 Park City Housing Authority	0	0	0	0	0	0	0	53,545
Housing Authority Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$53,545
TOTAL	\$16,751,661	\$10,903,264	\$13,250,756	\$6,216,651	\$575,000	\$47,697,332	\$9,440,285	\$81,886,393

Budget Summary

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

Budget Summary

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

Budget Summary

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

Ordinance No. 06-40

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

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

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

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

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

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

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

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

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

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

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

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

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

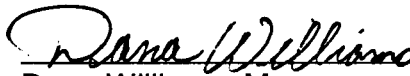
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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

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

PASSED AND ADOPTED this ____ day of _____ 2006.

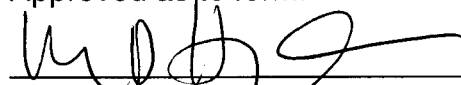
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



ENGINEER'S CERTIFICATE

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SPRINGFIELD, ILLINOIS, ON _____ DAY OF _____, 2006.

BY: _____

ENGINEER'S CERTIFICATE

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

THE ROTH FAMILY SUBDIVISION

A COMBINATION PLAT OF LOTS 34 & 35 AERIE SUBDIVISION

LOCATED IN SECTION 19
TOWNSHIP 2 SOUTH, RANGE 10 EAST, AND MERIDIAN
PARK CITY, SUMMIT COUNTY, U.S.A.

ACKNOWLEDGMENT

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SPRINGFIELD, ILLINOIS, ON _____ DAY OF _____, 2006.

BY: _____

ENGINEER'S CERTIFICATE

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

RECEIVED

FEB 17 2006

PARK CITY

PLANNING DEPT.

ACKNOWLEDGMENT

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SPRINGFIELD, ILLINOIS, ON _____ DAY OF _____, 2006.

BY: _____

ENGINEER'S CERTIFICATE

I, the undersigned, being duly licensed as a Professional Engineer in the State of Illinois, do hereby certify that the foregoing plat of subdivision is correct and true to the best of my knowledge and belief, and that the same has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Illinois.

DATE: _____

SIGNATURE: _____

RECEIVED

FEB 17 2006

PARK CITY

PLANNING DEPT.

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

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

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

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

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

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

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

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

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

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

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

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

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

11-19-2. Administrative Code Enforcement Procedures.

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- 11-19-2.2. Notice of Violation.
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- 11-19-2.9. Administrative Citations- Declaration of Purpose.
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- 11-19-2.17. Default Hearings and Administrative Code Enforcement Orders.
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- 11-19-2.23. Failure to Comply with Administrative Code Enforcement Order.
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CHAPTER 11-19-1. GENERAL PROVISIONS AND DEFINITIONS.

11-19-1.1. SHORT TITLE.

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

11-19-1.2. PURPOSE.

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

11-19-1.3. SCOPE.

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

11-19-1.4. EXISTING LAW CONTINUED.

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

11-19-1.5. CRIMINAL PROSECUTION RIGHT.

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

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

11-19-1.6. EFFECT OF HEADING.

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

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

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

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

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

11-19-1.9. GENERAL RULES OF INTERPRETATION.

For purposes of this Chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-19-1.14. GENERAL ENFORCEMENT AUTHORITY.

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

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

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

11-19-1.16. AUTHORITY TO INSPECT.

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

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

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

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

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

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

11-19-2.1. AUTHORITY.

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

11-19-2.2. NOTICE OF VIOLATION.

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

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

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

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

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

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

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

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

11-19-2.4. INSPECTIONS.

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

11-19-2.5. EMERGENCY ABATEMENT- AUTHORITY.

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

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

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

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

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

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

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

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

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

11-19-2.7. DEMOLITIONS- AUTHORITY.

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

11-19-2.8. DEMOLITIONS- PROCEDURES.

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

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

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

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

11-19-2.10. ADMINISTRATIVE CITATIONS- AUTHORITY.

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

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

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

11-19-2.11. ADMINISTRATIVE CITATIONS- PROCEDURES.

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

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

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

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

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

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

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

11-19-2.12. CONTENTS OF ADMINISTRATIVE CITATION.

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

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

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

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

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

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

11-19-2.13. CIVIL FEES ASSESSED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-19-2.22. ADMINISTRATIVE CODE ENFORCEMENT ORDER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The courts shall:

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

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

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

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

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

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

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

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

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

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

11-19-3.3. RECORDATION- PROCEDURES.

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

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

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

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

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

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

11-19-3.5. FAILURE TO REQUEST HEARING.

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

11-19-3.6. FAILURE TO CORRECT VIOLATION.

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

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

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

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

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

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

(b) All necessary permits have been issued;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-19-3.12. DETERMINATION OF CIVIL FEES.

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

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

11-19-3.13. MODIFICATION OF CIVIL FEES.

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

11-19-3.14. FAILURE TO PAY FEES.

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

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

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

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

11-19-3.16. ABATEMENT- PROCEDURES.

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

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

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

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

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

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

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

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

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

11-19-3.18. COSTS- AUTHORITY.

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

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

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

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

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

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

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

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

11-19-3.21. ADMINISTRATIVE FEES.

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

11-19-3.22. CIVIL VIOLATIONS – INJUNCTIONS.

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

11-19-3.23. CODE ENFORCEMENT PERFORMANCE BOND.

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

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

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

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

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

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

11-19-4.2. ASSESSMENT OF COST.

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

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

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

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

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

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

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

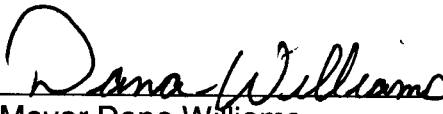
Once payment in full is received for the outstanding civil fees and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the enforcement official shall either record a Notice of Compliance of judgment, or provide the property owner or financial institution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

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

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

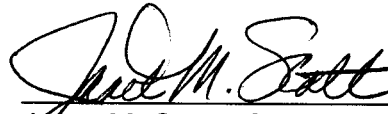
PASSED AND ADOPTED this 15th day of June 2006

PARK CITY MUNICIPAL CORPORATION



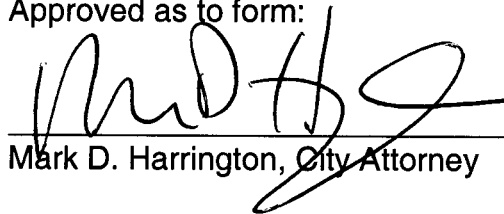
Mayor Dana Williams

Attest:

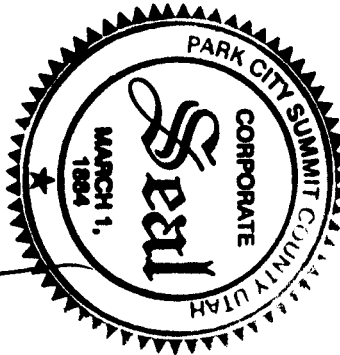


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 06-38

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

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

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

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

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

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

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

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

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

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

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

15-14-5.

PENALTIES/ENFORCEMENT.

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

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

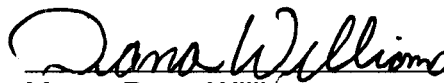
(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probably cause to believe that construction has occurred in violation of this ordinance or in violation of the Park City Municipal Code, issue a citation and swear out criminal complaints against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

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

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

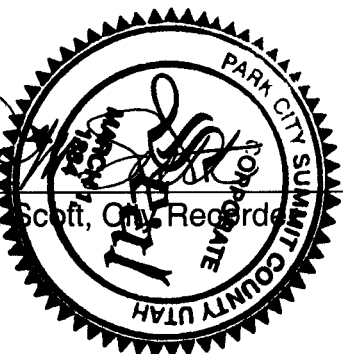
PASSED AND ADOPTED this 15th day of June 2006

PARK CITY MUNICIPAL CORPORATION

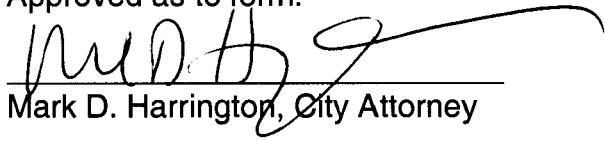

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

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

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

Chapter adopted by Ordinance No. 00-25

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

15-9-1. PURPOSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) **APPLICATION.**

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

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

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

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

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

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

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

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

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

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

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

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

15-9-6. NON-COMPLYING STRUCTURES.

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

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

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

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

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

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

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

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

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

15-9-8. APPEALS.

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

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

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

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

15-10-2. TERM OF OFFICE.

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

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

15-10-3. POWERS AND DUTIES.

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

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

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

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15-10-4. GROUNDS FOR REMOVAL.

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

15-10-5. ORGANIZATION.

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

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

15-10-6. MEETINGS.

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

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

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

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

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

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(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

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

15-10-7. APPEALS.

See also 15-1-18

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

decision or determination of the Land Management Code.

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

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

15-10-8. SPECIAL EXCEPTIONS.

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

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

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

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

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

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

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

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

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noise pollution or other types of pollution.

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

15-10-9. VARIANCE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Variances run with the land.

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

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

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

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

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

15-10-10. PERSONS ENTITLED TO APPEAR.

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

15-10-11. DECISION.

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

15-10-12. VOTE NECESSARY.

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

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

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

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

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

**CHAPTER 11 – HISTORIC
 PRESERVATION**

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

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

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

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

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

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

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

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

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

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

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

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

15-11-3. ORGANIZATION.

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

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

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

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

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

15-11-5. PURPOSES.

The purposes of the HPB are:

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

Deleted: upset

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

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

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

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

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

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

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

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

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

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

15-11-6. ADDITIONAL DUTIES.

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

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

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

purposes of preserving the City's cultural resources.

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

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

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

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

15-11-7. LIMITATIONS.

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

15-11-8. STAFF ASSISTANCE.

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

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

15-11-9. PRESERVATION POLICY.

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

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

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

15-11-11. HISTORIC DISTRICT DESIGN REVIEW.

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

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

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

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

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

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

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

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

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

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

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

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

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

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

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

of Persons significant to our past; and/or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

knowledge of economics, accounting and finance;

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

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

15-11-16. CAD HEARING.

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

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

(1) Purchase date, price and financing arrangements;

(2) Current market value;

(3) Form of ownership;

(4) Type of occupancy;

(5) Cost estimates of Demolition and post-Demolition plans;

(6) Maintenance and operating costs;

(7) Costs and engineering feasibility of rehabilitation;

(8) Property tax information; and

(9) Rental rates and gross income from the Property.

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

(B) **CONDUCT OF OWNER**

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

(1) willful or negligent acts by the Owner; or

(2) purchasing the Property for substantially more than market value at the time of purchase; or

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

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

(5) failure to provide normal tenants improvements.

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

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

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

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

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

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

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

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

Chapter adopted by Ordinance No. 01-17

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

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

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

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

resigned when they move their residences outside the City limits.

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

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

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

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

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

15-12-5. AUTHORITY.

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

Comment [p2]: Note change

15-12-6. CHAIRMAN.

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

15-12-7. STAFF.

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

15-12-8. ALLOWANCE.

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

15-12-9. PURPOSE.

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

15-12-10. HEARINGS.

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

15-12-11. MINUTES.

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

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

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

Deleted: Community Development

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

15-12-12. DECISIONS.

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

15-12-13. QUORUM REQUIREMENT.

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

15-12-14. VOTING.

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

15-12-15. REVIEW BY PLANNING COMMISSION.

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

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

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review with recommendation to City Council;

(10) Termination of inactive applications; and

(11) Sensitive Lands review

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

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

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

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

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

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

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

Deleted: Community Development

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

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

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

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

Development, and plat approvals.

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

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

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

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

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DEVELOPMENT

Deleted: DEPARTMENT
DECISIONS

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

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

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

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

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

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

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

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

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

15-14-2. OCCUPANCY PERMIT.

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

15-14-3. INSPECTION.

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

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

15-14-4. TIME LIMIT.

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

15-14-5. PENALTIES/ ENFORCEMENT.

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

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

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

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

Deleted: , and

(C) **THIRD PARTY ACTIONS.**

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

Deleted: Zoning Administrator,

15-14-6. VIOLATIONS.

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

psmkaw

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

VOTE: The motion passed unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. FINDINGS: The Council finds that:

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

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

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

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

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

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

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

PARK CITY BUSINESS LICENSE FEE SCHEDULE

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

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

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

For the period beginning July 1, 2008 and thereafter:

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

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

PASSED AND ADOPTED this 8th day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

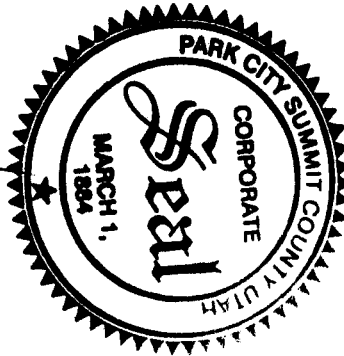
Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



MEMO

DATE: 5/22/06
TO: Gary Hill

FROM: Bob Rosenthal
RE: **DRAFT** – 2006 Escort Service Enhanced Regulation and Enforcement Fee

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

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

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

Enhanced Regulation

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

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

Enhanced Enforcement

5. Police enforcement

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

Hearings Process

6. Conduct license violation hearings

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

Figure 1

ESCORT SERVICE ENHANCED REGULATION									
Annual Cost of Service									
Number of Licensees	18								
Active business Licenses (2006)	18								
Number of Business Owner/Managers	0.5								
Assumed Average Staff per Account	27.0								
Estimated Total Licensees									
Task Description	PCMC Staff		Number of Licensees		Per Unit Resource Demand		Cost of Service		
	Employee Class	Employee Cost (\$ per hr.)			Staff (hours)	Materials	Staff	Materials	Total
Enhanced Regulation									
1 - Photo ID									
Payment Processing (Finance)	Accounting Clerk 2	\$25.25	27		0.25		\$170		\$170
Application Processing (Code Enforcement)	Planning Tech	\$28.45	27		0.25		\$192		\$192
Issue Photo ID (Customer Service)	Office Assistant 3	\$23.75	27		0.10		\$64		\$64
ID blank, photograph, & printing		\$0.00	27			\$10.00		\$270	\$270
2 - Background Check (PCMC Police)	Police Records Clerk	\$23.48	27		0.50		\$317		\$317
3 - Verify Physical Address (Code Enforcement)	Planning Tech	\$28.45	27		0.25		\$192		\$192
4 - Annual Regulatory Refresher	Chief of Police	\$60.88					\$122		\$122
Enhanced Enforcement									
5 - Police Enforcement - No added cost of service; part of regular police activities									\$0
Hearings Process									
6 - Hearings - No added cost of service; hearing cost paid by applicant									\$0
ESTIMATED TOTAL COST									\$1,327
Number of Licensee									27
Average Cost Per Licensee (annual cost of service, and as needed for new mid-year employees)									\$49.16

MEMO

DATE: 5/19/06
TO: Gary Hill

FROM: Bob Rosenthal
RE: **DRAFT** – 2007 Business License Fee Update

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

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

Business license fees as implemented in 1997 were intended to offset only a part of the cost of bus service – fee revenue then paid about 26% of operations expense. Since 1997 there have been no fee increases, and by 2007 (the upcoming renewal year) the share paid by the business community will have dropped by more than 1/4, to 18% of cost¹.

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

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

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

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

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

Figure 1

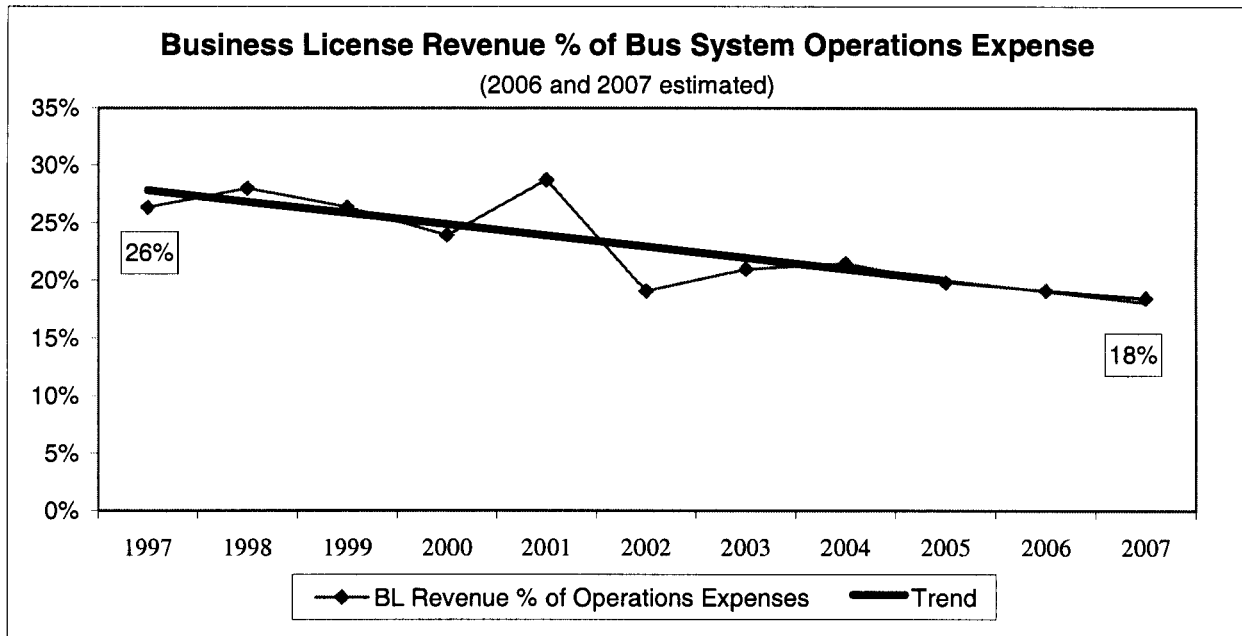
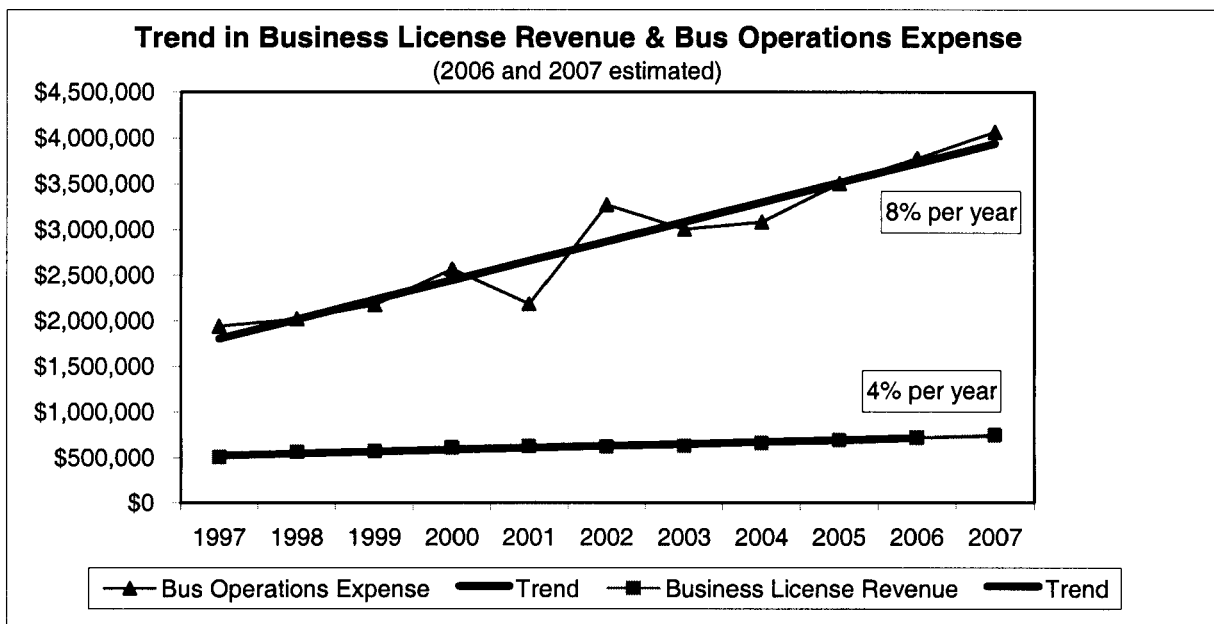


Figure 2 shows a comparison of the change between 1997 and 2007 in cost of operations for the bus system and revenue attributable to the business community.

Figure 2



MEMO

DATE: 10/10/05

TO: Gary Hill

FROM: Bob Rosenthal

RE: **DRAFT** - Festival Facilitation Cost Share Analysis

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

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

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

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

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

COST OF SERVICE

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

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

Figure 1

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

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

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

COST BY CLASS OF BENEFICIARY

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

Figure 2

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

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

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

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

Cost allocation is detailed in Figure 3.

Figure 3

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

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

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

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

BUSINESS LICENSE ENHANCED SERVICE FEE CALCULATION

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

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

Figure 4

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

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

Figure 5

PROPOSED BUSINESS LICENSE ENHANCED SERVICE FEE FOR FESTIVAL FACILITATION

Fee Calculation

Business License Category	Proposed Festival Facilitation Fee						Current Enhanced Service Fee	Cost Burden (increase)
	Estimated Benefit Share	Allocated Cost of Service (FY 2005)		Number of Units (2005)	Proposed Fee per Unit			
		% of Total	Total					
Benefit Share								
Amusement	Share of "off season" (2001 to 2003) gross taxable sales estimated to be generated by visitors	7%	\$11,992			\$205,455	6%	
Lodging		37%	\$61,465	6,478	\$9.49 (per bedroom)	\$15.40	62%	
Restaurant/Retail		53%	\$89,102	862,192	\$0.103 (per sq. ft.)	\$0.185	56%	
Office		2%	\$4,060	505,423	\$0.008 (per sq. ft.)	\$0.165	5%	
Total			\$166,619					
Enhanced Service Fee								
Skiing	A amusement Lodging Rest/Retail Office Benefit attributable to each business license category is not specifically quantifiable - enhanced service fee is assigned based on relative cost burden equal to: A amusement Office Office Office Rest/Retail Other Commercial Vehicles and Trailers Employee Based Commercial Vending, Game, Laundry Machines Liquor TOTAL		\$11,992		\$11,992	\$205,455	6%	
Lodging			\$61,465	6,478	\$9.49 (per bedroom)	\$15.40	62%	
Restaurant/Retail			\$69,328	670,852	\$0.103 (per sq. ft.)	\$0.19	56%	
Office			\$4,060	505,423	\$0.008 (per sq. ft.)	\$0.17	5%	
Warehouse			\$76	33,239	\$0.002 (per sq. ft.)	\$0.047	5%	
Taxis, Buses, Limousine			\$1,372	311	\$4.41 (per vehicle)	\$75.58	6%	
Outdoor Dining			\$913	31,439	\$0.029 (per sq. ft.)	\$0.052	56%	
Large Retail (greater than 12,000 sq. ft.)			\$11,523	159,901	\$0.072 (per sq. ft.)	\$0.129	56%	
Amusement			\$47	976	\$0.048 (per user)	\$0.828	6%	
Other Commercial Vehicles and Trailers			\$149	510	\$0.292 (per vehicle)	\$6.00	5%	
Employee Based			\$14	98	\$0.146 (per employee)	\$3.00	5%	
Commercial Vending, Game, Laundry Machines			\$123	168	\$0.73 (per machine)	\$15.00	5%	
Liquor			\$7,094	254	\$27.93 (per license)	\$50.00	56%	
TOTAL				\$168,157				

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

Amusement
Lodging
Rest/Retail
Office
Benefit attributable to each business license category is not specifically quantifiable - enhanced service fee is assigned based on relative cost burden equal to:
Amusement
Office
Office
Office
Rest/Retail

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

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

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

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

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

CHANGE TO EXISTING REVENUE & COST STRUCTURE

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

Average change by type of festival is estimated as follows:

Figure 6

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

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

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

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

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

Figure 7

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

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

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

Figure 8

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

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

TECHNICAL REFERENCE**Cost of Service**

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

Business License Fee Calculation Methodology

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

Exhibits*Figure 9*

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

PARK CITY MUNICIPAL CORPORATION

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

Figure 10

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

Figure 11

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

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

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

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

Figure 12

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

Source – PCMC Special Events Department

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

PARK CITY MUNICIPAL CORPORATION

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

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

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

Figure 13

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

Source –

PCMC Special Events Department

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

Figure 14

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

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

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

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

Figure 15

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

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

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

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

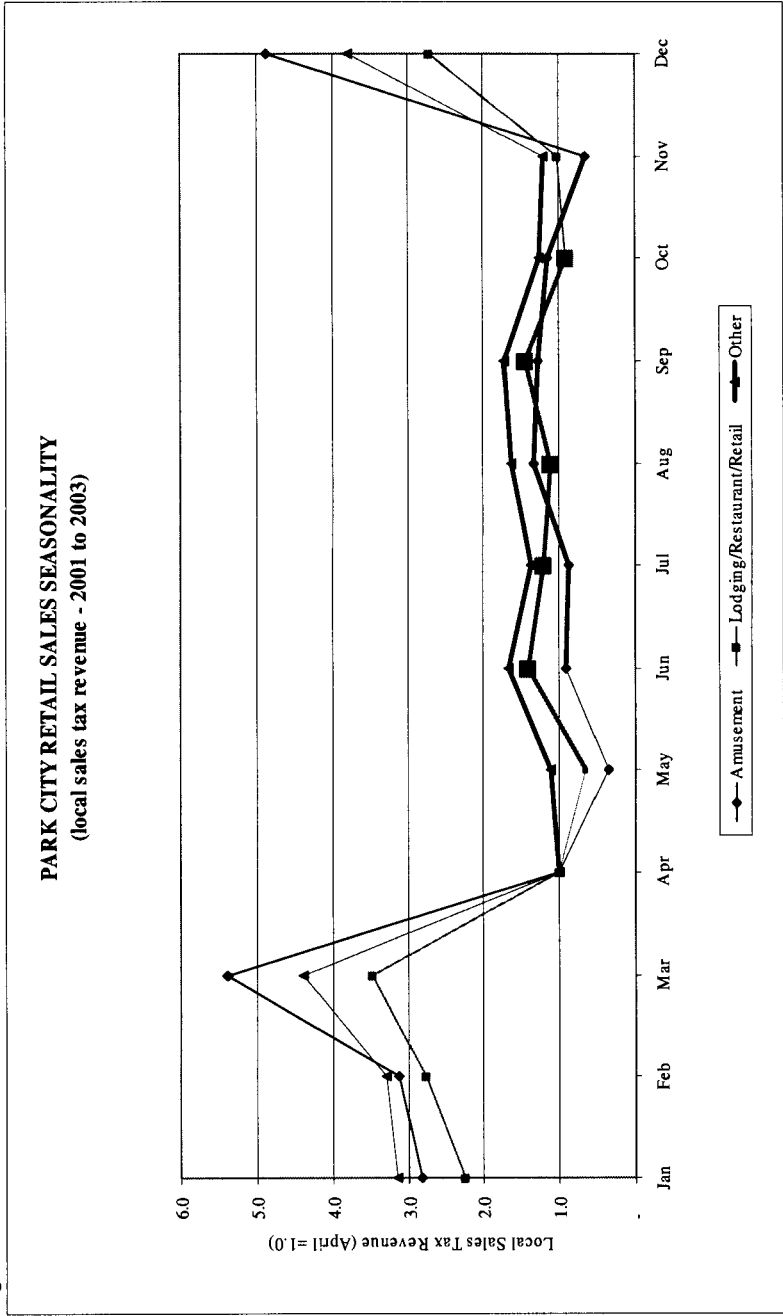
The sales “base” is estimated as the average of sales for two months, defined for each class to be those largely free of visitor impact. Base months for each class are as follows:

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

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

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

Figure 16



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

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

Figure 17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

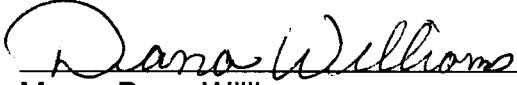
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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

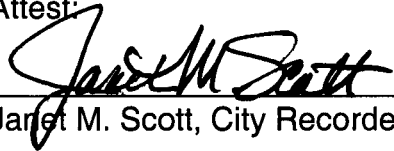
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th Day of June, 2006.

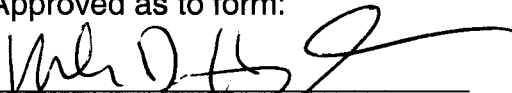
PARK CITY MUNICIPAL CORPORATION

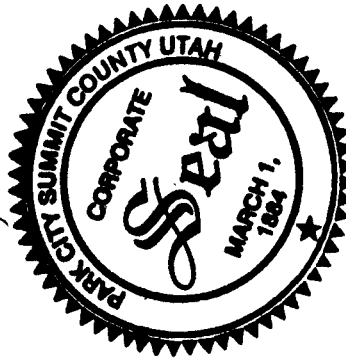

Mayor Dana Williams

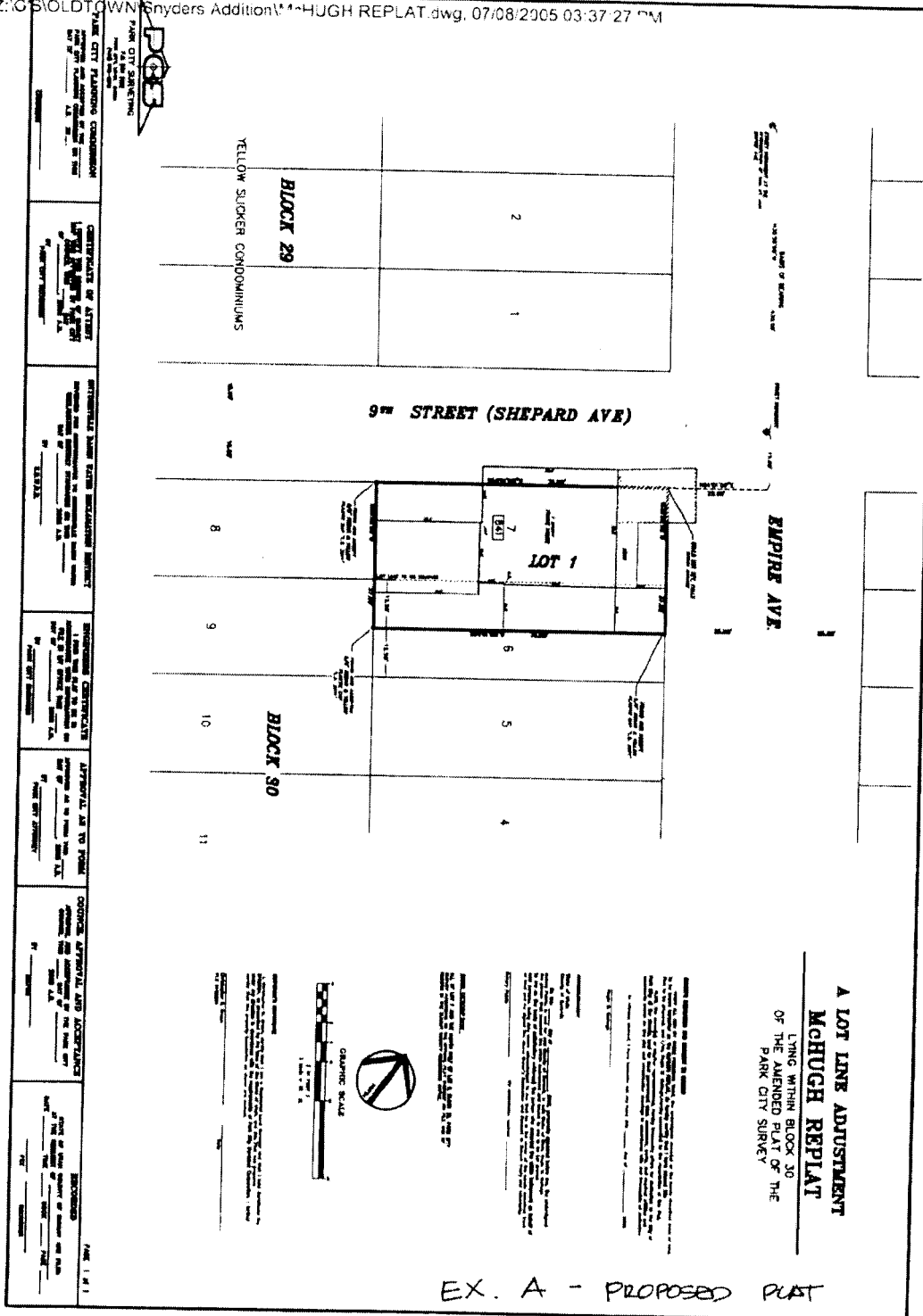
Attest:


Janet M. Scott, City Recorder

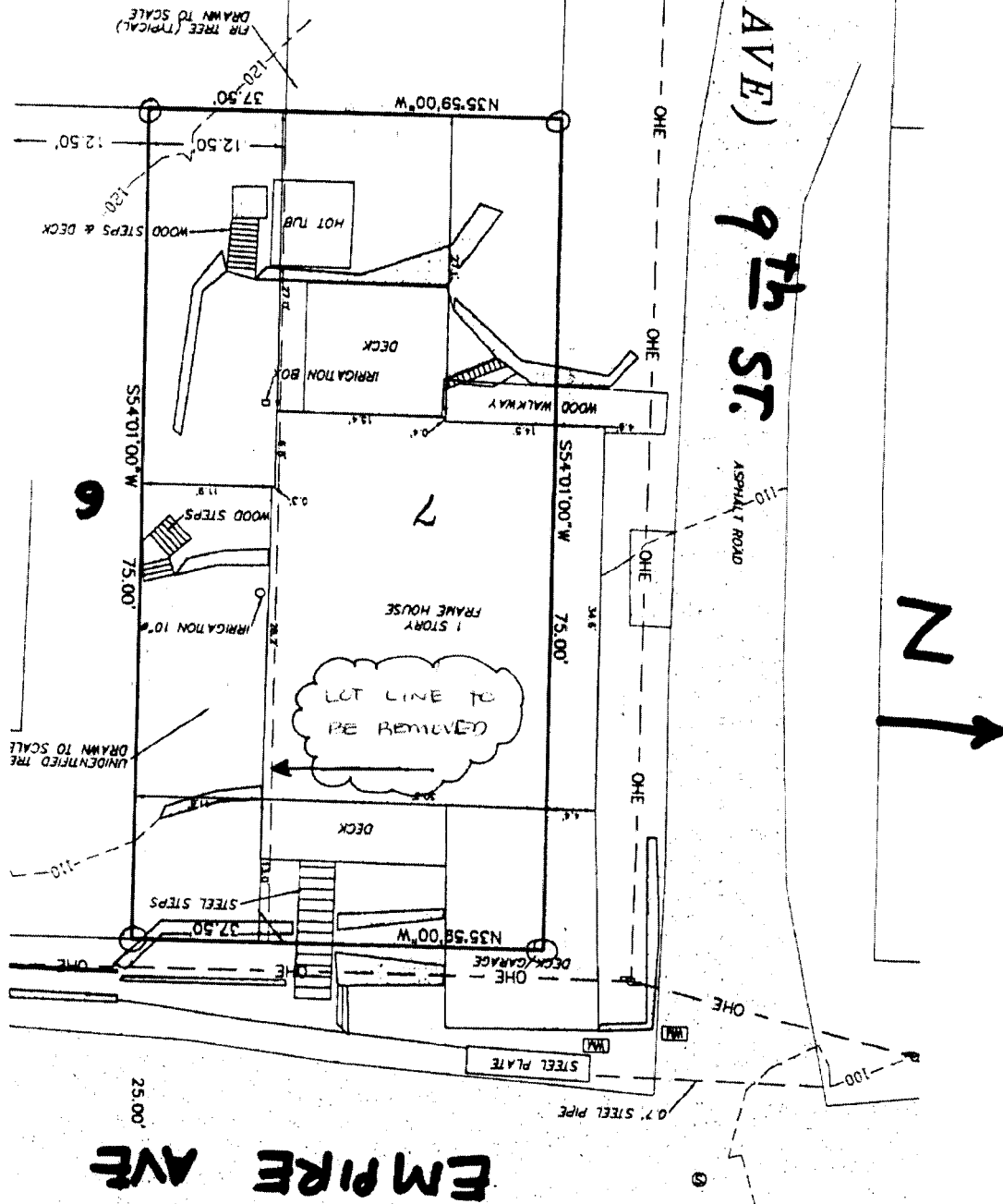
Approved as to form:


Mark D. Harrington, City Attorney



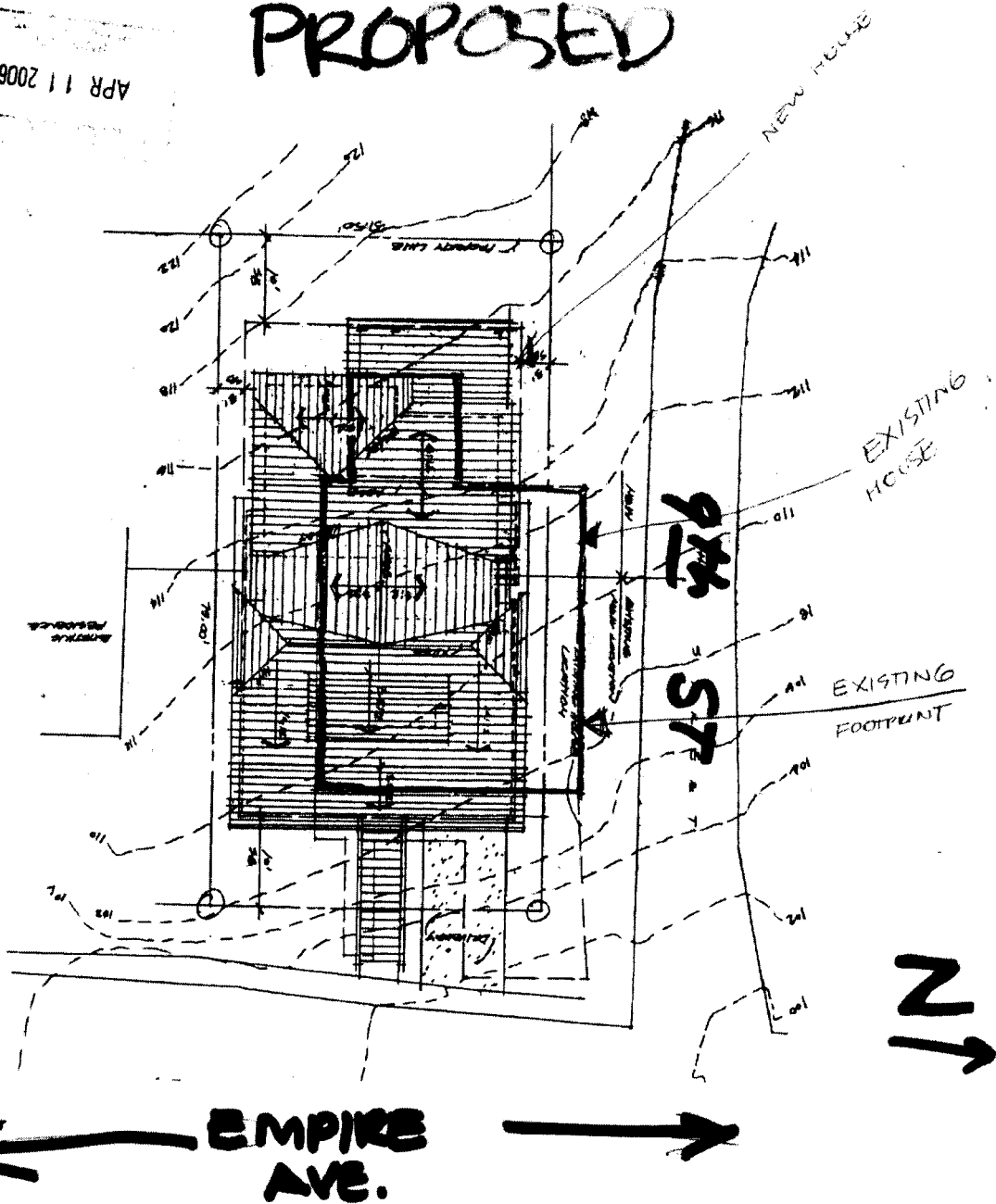


EXISTING CONDITIONS



PROPOSED

APR 11 2006



McHUGH RESIDENCE
341 EMPIRE AVENUE, PARK CITY, UTAH
HISTORIC RENOVATION AND ADDITION

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS SUBSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 9- NON-CONFORMING USES AND NON-CONFORMING STRUCTURES,
CHAPTER 10- BOARD OF ADJUSTMENT, CHAPTER 11- HISTORIC PRESERVATION
BOARD, CHAPTER 12- PLANNING COMMISSION, AND CHAPTER 14- PLANNING AND
ZONING ADMINISTRATION**

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

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity, and allow for the Mayor and Council to appoint alternative members to the Planning Commission.

WHEREAS, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on April 26, 2006 and forwarded to City Council a positive recommendation on Chapters 9, 10, 11, 12, and 14;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 8, 2006; and

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

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

SECTION 1. AMENDMENTS TO CHAPTER 9 OF THE LAND MANAGEMENT CODE. Chapter 9 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 9 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 10 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 10 shall be resolved by the Planning Director.

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

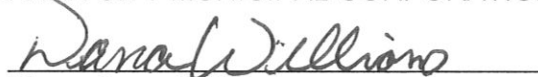
SECTION 4. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions in the LMC to Chapter 12 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross-references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 8th day of June, 2006.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



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

Chapter adopted by Ordinance No. 00-25

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

15-9-1. PURPOSE.

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

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

**(B) CONTINUATION OF NON-
COMPLYING STRUCTURE.** A Non-

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

(B) DETERMINATION OF STATUS.

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

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

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

Complying Structure that was lawfully constructed with a permit prior to a contrary

change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

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

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

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

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

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

- (1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and

the Owner did not intend to discontinue the Use; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.**

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

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(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS.**

Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1-19)

(3) **BOARD OF ADJUSTMENT HEARING.**

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

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(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-

Conforming Use if the Applicant proves the following criteria:

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

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

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

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

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition

that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Nonconforming use will be lost if the Structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the building that houses the Nonconforming use; or if a Building or Structure that contains a Non-Conforming Use, is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of Use and degree of non-conformance is neither increased nor changed. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@

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

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

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published by the International Conference of Building Officials (I.C.B.O.).

15-9-6. NON-COMPLYING STRUCTURES.

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

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

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

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

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

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Non-complying Structure will be lost if the structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the

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

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

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure

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in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

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

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

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

15-10-2. TERM OF OFFICE.

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

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

15-10-3. POWERS AND DUTIES.

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

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

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

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15-10-4. GROUNDS FOR REMOVAL.

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

15-10-5. ORGANIZATION.

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

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

15-10-6. MEETINGS.

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

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

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

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

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

15-10-7. APPEALS.

See also 15-1-18

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

The appeal must be made in writing and submitted to the Planning Department

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

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

15-10-8. SPECIAL EXCEPTIONS.

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the

Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

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

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

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

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

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

(F) The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be

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

15-10-9. VARIANCE.

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

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

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

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

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

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

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

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

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(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment

may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

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

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

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

(F) Variances run with the land.

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

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

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

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

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

15-10-10. PERSONS ENTITLED TO APPEAR.

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

15-10-11. DECISION.

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

15-10-12. VOTE NECESSARY.

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

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

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

PARK CITY MUNICIPAL CODE

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

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

**CHAPTER 11 – HISTORIC
 PRESERVATION**

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

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

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

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

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

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

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

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

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

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

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

15-11-3. ORGANIZATION.

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

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

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

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

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly

scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

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

Deleted: upset

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

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

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

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

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

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms

available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the

City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

15-11-11. HISTORIC DISTRICT DESIGN REVIEW.

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with

the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of

a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

- (1) The Building, Structure or Site is associated with events or lives of Persons significant to our past; and/or
- (2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

(4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site. All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section

15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS**. If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION**. In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building

Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness *for Demolition* (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in

accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

15-11-16. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in

Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP**

CRITERIA. In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;

(7) Costs and engineering feasibility of rehabilitation;

(8) Property tax information; and

(9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER**

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or

plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

Comment [p1]: (10-9a-301(1)(b)(i))

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

Comment [p2]: Note change

15-12-6. CHAIRMAN.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Deleted: Community Development

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Director's interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;
- (10) Termination of inactive applications; and

Deleted: Community Development

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(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.** The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City

Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

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(6) **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the

Deleted: Community Development

Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, unless a public hearing is otherwise required, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use Permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
- (d) Other items of a perfunctory nature, which the Chairman directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

(8) **REVIEW OF APPEALS OF THE PLANNING DIRECTOR'S INTERPRETATION OF THE LAND MANAGEMENT CODE,**

At any time, the Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

(9) **SUBDIVISION AND RECORD OF SURVEY PLAT**

Deleted: COMMUNITY DEVELOPMENT

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AND PLAT AMENDMENT

REVIEW. The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) **TERMINATION OF INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

(11) **SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

| [psmkaw](#)

PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 14

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official, shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this ordinance

shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a District and in accordance with the appropriate regulations. A Certificate of Occupancy shall be issued by the Building Official to the effect that the Use, Building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any Building erected, enlarged or altered structurally for the occupancy or Use of any land. Such a certificate is needed whenever Use or character of any Building or land is to be changed.

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15-14-3. INSPECTION.

The City, through its designated officials, shall have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and Structures during the course of their construction, modification, or repair: to

Deleted: , upon presentation of evidence of his authority,

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inspect land Uses to determine compliance with the provisions of this Code; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

15-14-4. TIME LIMIT.

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

15-14-5. PENALTIES/ ENFORCEMENT.

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. A suit may be brought by the City, or by affected Property Owners, in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that Construction Activity has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief, including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other

designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

(C) **THIRD PARTY ACTIONS.**

Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

15-14-6. VIOLATIONS.

Violations of this Code are Class B misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

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Deleted: Zoning Administrator,

Ordinance No. 06-34

**AN ORDINANCE APPROVING THE LOT 11 OF THE IRON CANYON SUBDIVISION
PLAT AMENDMENT, LOCATED AT 2425 IRON CANYON DRIVE, PARK CITY,
UTAH**

WHEREAS, the owner of the property known as 2425 Iron Canyon Drive, has petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 14, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

WHEREAS, the proposed Plat Amendment allows the property owner to relocate and adjust the lot building pad; and

WHEREAS, it is in the best interest of Park City Utah to approve the Plat Amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Development (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences.
3. The lot is located within the Iron Canyon Subdivision.
4. There is a platted building pad on the lot.
5. The existing home was built outside of the platted building pad.
6. The applicant seeks to make an addition onto the home.
7. The amendment will adjust the platted building pad of the residence.
8. The proposed building pad does not exceed the size of the original building pad.
9. The proposed building pad complies with the setback requirements.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code

and applicable State law.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

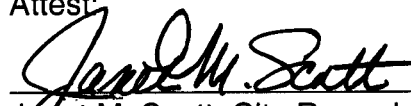
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2006.

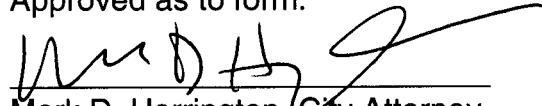
PARK CITY MUNICIPAL CORPORATION


Mayor Dan Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:

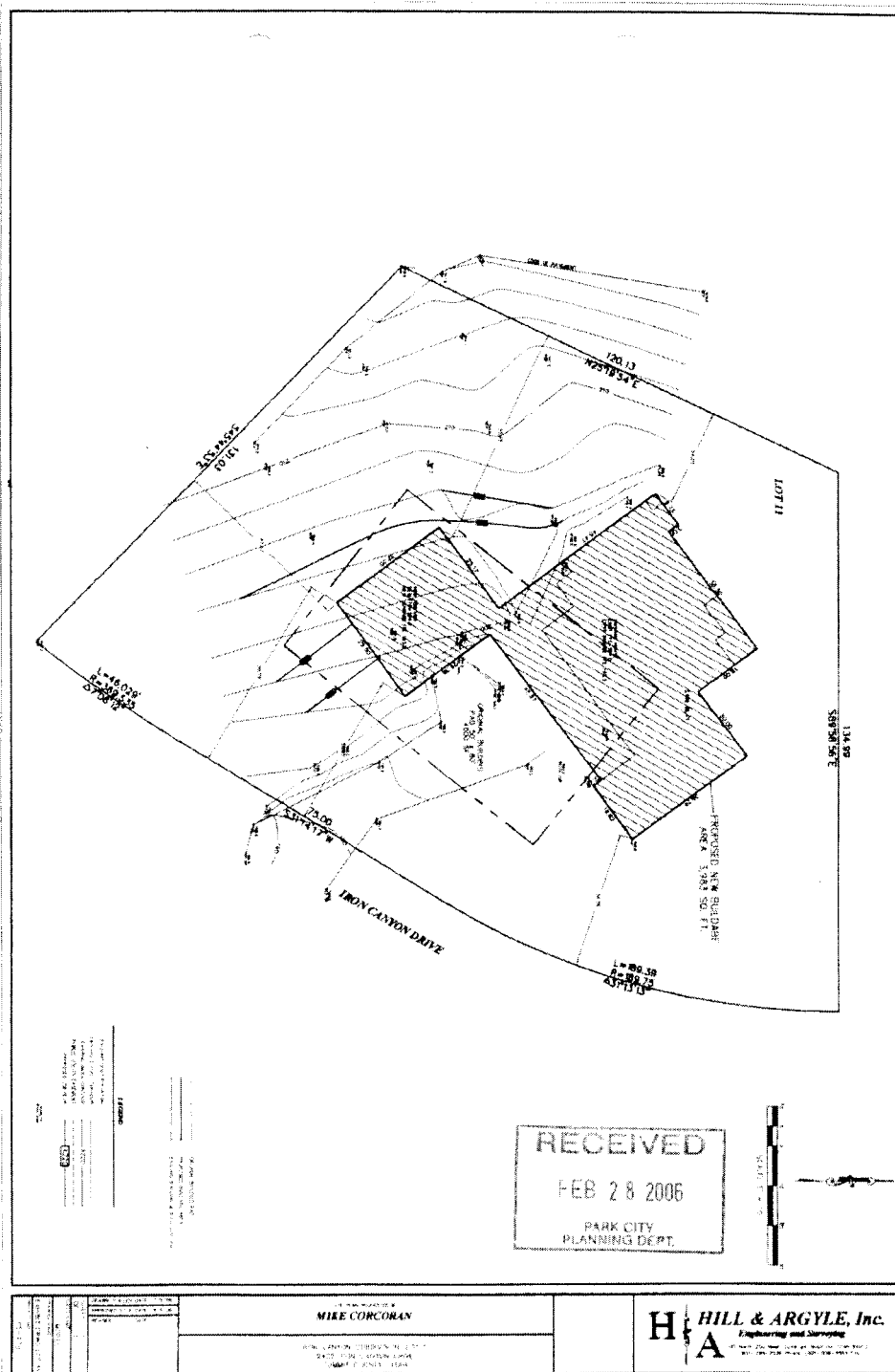

Mark D. Harrington, City Attorney



CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF PARK CITY
CITY COUNCIL THIS _____ DAY OF _____
A.D. 20____ AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED.

CLERK

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Ordinance No. 06-33

AN ORDINANCE APPROVING THE BUSH REPLAT COMBINING LOTS 8 AND 9 BLOCK 55, OF THE PARK CITY SURVEY, LOCATED AT 148 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner of the property known as 148 Main Street, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 1, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-2) zone.
2. The HR-2 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home behind the property.
5. This historic home will be moved onto the lot and incorporated into the development of the lot.
6. Access to the property is from Main Street.
7. The proposed lot measures 50' x 53' (average depth).
8. The proposed lot is 2,663 square feet in size.
9. The minimum lot size for a single family home in the HR-2 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,156.
11. The maximum height limit in the HR-2 zone is 27 feet above existing grade.
12. Setbacks for the house are 5' on the sides, and 10' in the front and rear.
13. Minimal construction staging area is available along Main Street.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A ten-foot-wide public snow storage easement shall be dedicated along the Main Street frontage of the lot.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2006.

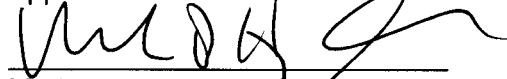
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 06-32

AN ORDINANCE APPROVING THE 402 MARSAC AVENUE REPLAT COMBINING LOTS 1 AND 2 BLOCK 55, OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 402 Marsac Avenue, has petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 1, 2006 the City Council held a public hearing on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Marsac Avenue.
6. The proposed lot measures 50' x 75'.
7. The proposed lot is 3,750 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,519 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. Minimal construction staging area is available along Marsac Avenue.
13. Historic access to the house at 413 Ontario crosses the easterly five feet of the site.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A five-foot-wide public snow storage easement shall be dedicated along the Marsac Avenue frontage of the lot.
5. A five-foot-wide access easement shall be dedicated at the eastern most edge of the property.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2006.

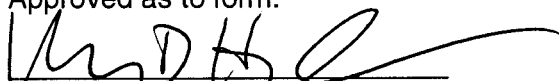
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

A LOT LINE ADJUSTMENT 402 MARSAC REPLAT

LOT 1 AND 2, BLOCK 55 OF THE AMENDED PLAT
OF PARK CITY SURVEY
LYING WITHIN THE NORTHWEST QUARTER
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
OF SALT LAKE BASE & MERIDIAN, PARK CITY,
SUMMIT COUNTY, UTAH

THESE LOTS ARE BEING REPLATED TO CORRECT THE LOT LINE ADJUSTMENT SURVEY OF 1900. THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

THE SURVEY OF 1900 WAS MADE BY J. H. HARRIS, A PROFESSIONAL SURVEYOR, AND WAS FOUND TO BE IN ERROR. THE REPLAT IS BEING MADE TO CORRECT THE ERROR AND TO RE-ESTABLISH THE TRUE LOT LINES.

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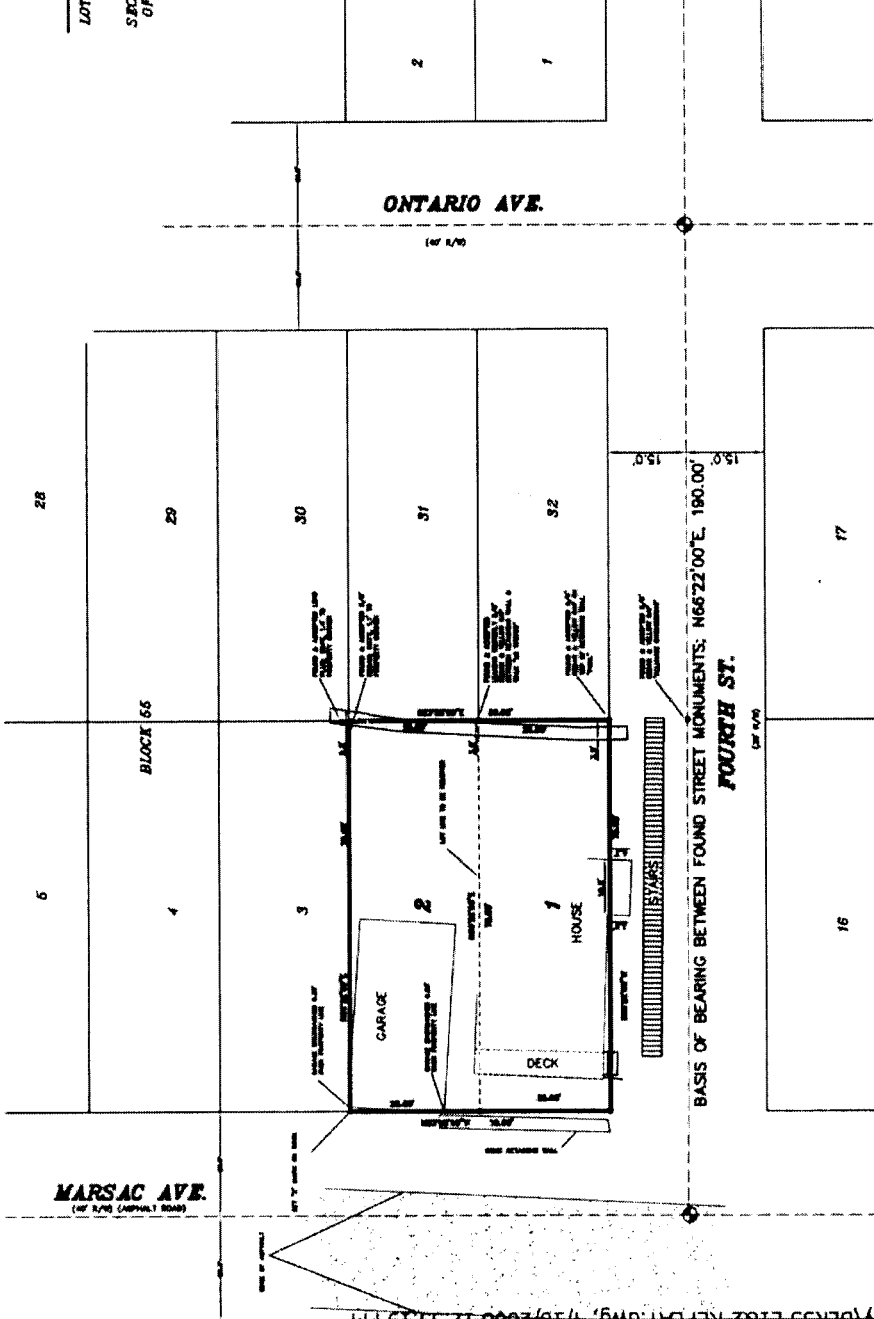
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RECEIVED
PARK CITY SURVEYING
APR 13 2006

CERTIFICATE OF ATTEST I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2006.	APPROVAL AS TO FORM I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2006.	APPROVAL AS TO CONTENT I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2006.	APPROVAL AS TO ACCURACY I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY MAP AS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY, UTAH, ON THIS _____ DAY OF _____, 2006.
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Ordinance No. 06-31

**AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY
CONDOMINIUM PLAT OF SNOW FLOWER CONDOMINIUMS**

WHEREAS, the owner of the property known as 401 Silver King Drive – Unit 72 Snow Flower Condominiums, has petitioned the City Council for an amended record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will acknowledge an interior loft area; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended record of survey to accurately reflect the existing condition of the unit.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this application at their May 24, 2006 meeting. A public hearing was held, and the Commission voted to forward to the Council a positive recommendation to approve the application.
2. The condominium project known as Snow Flower is located at 401 Silver King Drive. The property is zoned Recreation Commercial.
3. Snow Flower Condominiums is an 82-unit project.
4. The record of survey (ROS) for Unit #72 does not accurately reflect the existing building configuration. A loft area exists that is not shown on the plat.
5. The applicant has received written permission from the Owners Association to pursue this application.
6. The amendment has gone before a written vote of the rest of the owners.
7. The consent of 66.66% or more of the Unit Owners is required under the Association's CC &Rs and this has been obtained.
8. If the record of survey is amended as requested, it will not affect on the amount of open space in the Snow Flower project.
9. The amended ROS will acknowledge that unit 72 is approximately 60 square feet larger than the existing plat indicates. This area is located in the loft area, with in the existing walls of the existing unit.
10. The new overall size of the unit will be 655 square feet, and increases the parking requirement by 0.5. There is no increase in the number of units.
11. Snow Flower has 168 total spaces available, and is required to provide only 148. A surplus of 20 parking spaces exists.
12. The increase in the parking requirement resulting from this application will not exceed the existing surplus.

13. An inspection has been conducted by Park City to verify the unit is compliant with the International Building Code and the Park City Land Management Code.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the Amended Record of Survey is consistent with the Park City General Plan.
5. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, the Council approval for the plat amendment will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2006.

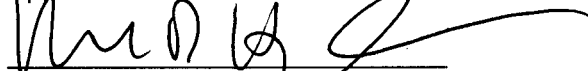
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

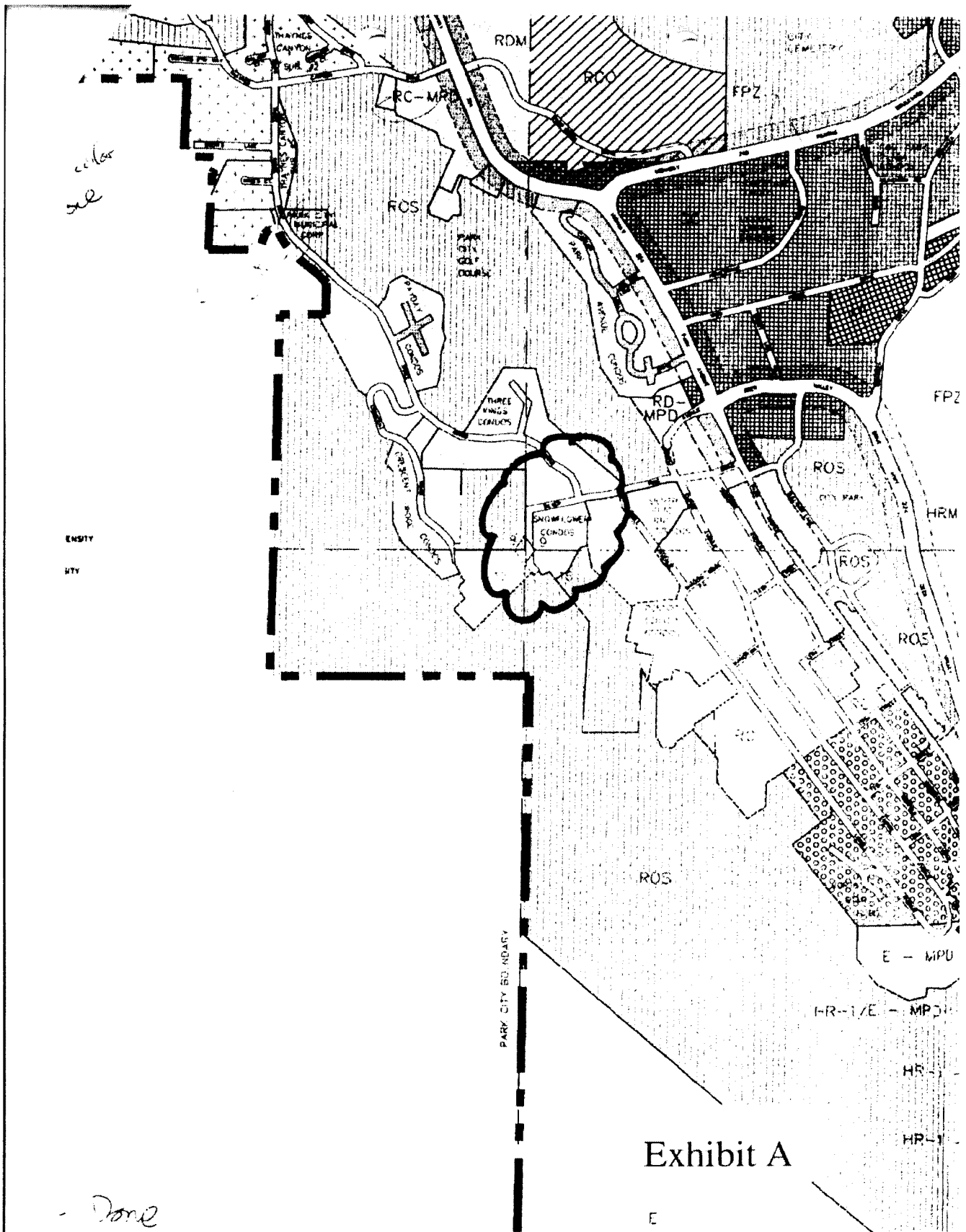
Attest


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney





X	0965	6712	Growth flower-2 pot f
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Ordinance No. 06-30

AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE JUPITER INN CONDOMINIUMS, LOCATED AT 2260 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as Jupiter Inn Condominiums, has petitioned the City Council for approval of the record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on May 10, 2006 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 25, 2006 the City Council held a public hearing on the proposed record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an 23 unit condominium project; and

WHEREAS, it is in the best interest of Park City Utah to approve the record of survey.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Density Medium (RDM) zone.
2. The purpose of the RDM zone is to allow the continuation of medium density residential and resort related housing in the newer areas of Park City.
3. The RDM zone is characterized by a mix of contemporary multi-unit condominium residences and single family homes.
4. On April 26, 2006 the Planning Commission approved a Master Planned Development application for the project.
5. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
6. The property is located within the Frontage Protection Zone (FPZ).
7. The purpose of the FPZ is to provide a significant landscaped buffer between development and highway uses.
8. The applicant is proposing 23 units totaling 21,081 square feet of residential floor area.
9. No substantive changes to the exterior of either of the two buildings are proposed.
10. No additional units are created by this record of survey amendment.
11. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 2260 Park Avenue MPD.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the 2260 Park Avenue MPD continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25th day of May 2006.

PARK CITY MUNICIPAL CORPORATION



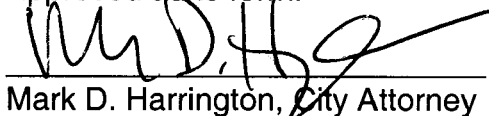
Mayor Dana Williams

Attest:

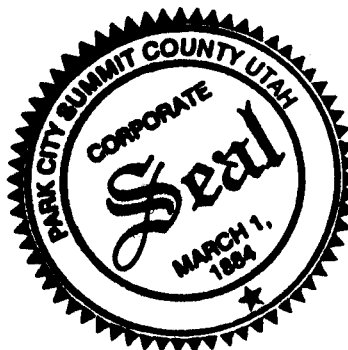


Janet M. Scott, City Recorder

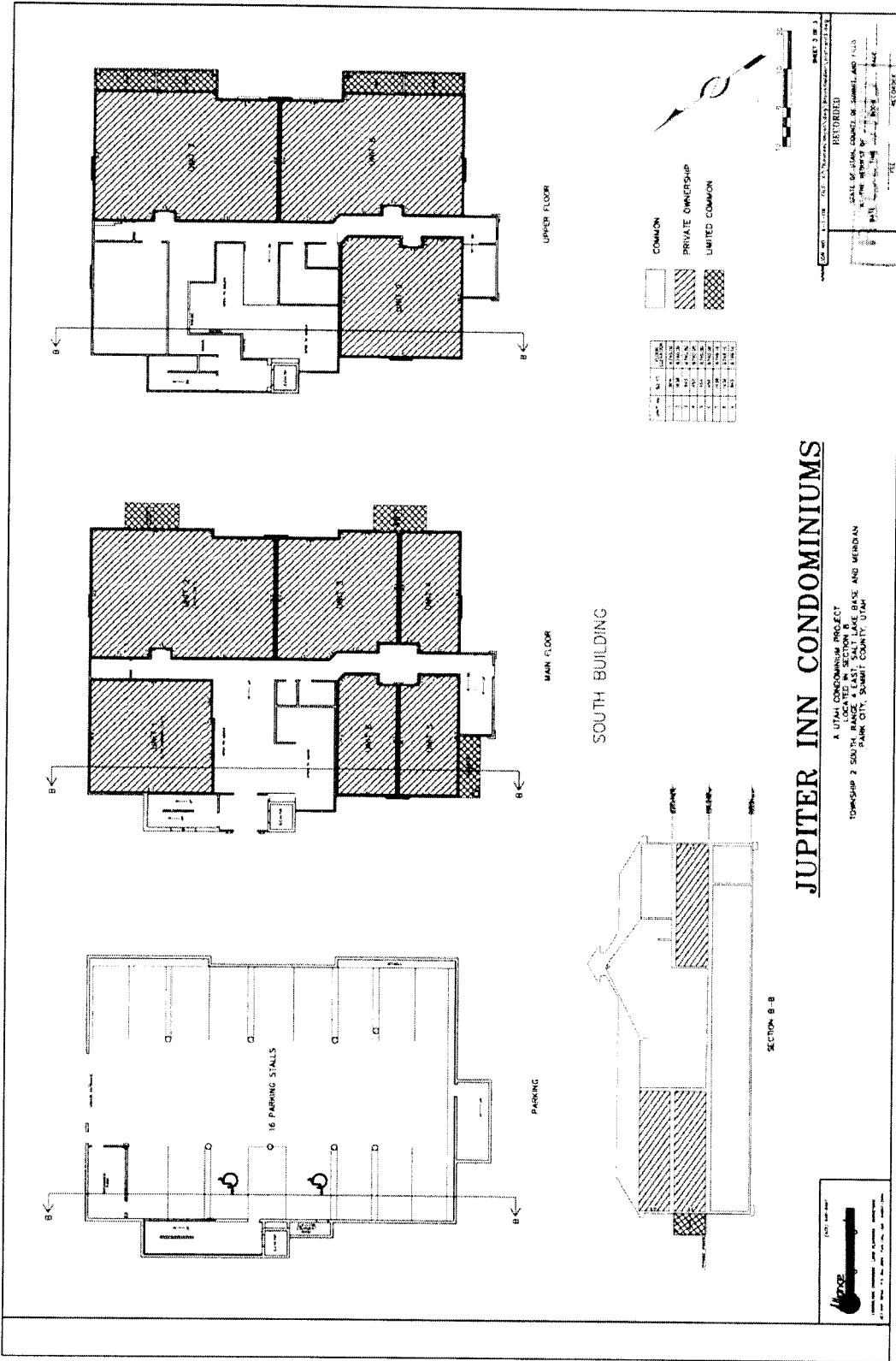
Approved as to form:



Mark D. Harrington, City Attorney



APR 16 2006



**AN ORDINANCE APPROVING THE CREEKSIDE SUBDIVISION
WHICH WILL CREATE A TWO LOT SUBDIVISION
OUT OF A 8.45 ACRE METES AND BOUNDS PARCEL**

WHEREAS, Park City Municipal Corporation, owners of the 8.45 acre parcel, have petitioned the City Council for approval of a subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create a 2 lot subdivision; and

WHEREAS, lot 1 of the subdivision will be sold to the Park City Fire District in order that they build a new fire station providing better fire protection and emergency medical services in the northern portion of Park City; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. Park City Municipal Corporation filed a subdivision application for the Creekside Subdivision on November 1, 2005. That application was deemed complete on November 1, 2005. The Creekside Subdivision creates two lots of the metes and bounds parcel known as the Old Sewer Treatment Site. Lot 1 will be approx 1.74 acres. Lot 2 will be 6.71.
2. The City has agreed to sell Lot1 to the Park City Fire District in order for them to build a fire station. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/ Essential Public Utility Use/Facility and is a Conditional Use in the zone. A concurrent application is being processed for the Conditional Use Permit.
4. Immediately to the west is Parkview condominiums, zoned RD; to the east is Holiday Ranchettes Subdivision, zoned SF; across the street to the north is Mcleod Creek Subdivision, also zoned SF.

5. Currently the City has a 2 year Conditional Use Permit for a dirt jump park at the rear of the site. The CUP expires after the 2006 summer season. Construction of a fire station on this site will not conflict with the dirt jump park.
6. Access is provided via a 50' wide road easement dedicated on the plat, located directly across from McLeod Creek Drive. This easement will include access and utility easements. The new road shall remain a private driveway for the Fire District. All maintenance of this road shall be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.
7. The City Engineer has determined that an intersection alignment opposite Creek Drive is the best alternative location for a driveway to Lots 1 and 2 of the Creekside Subdivision.
8. All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with SBWRD is necessary to complete sewer service.
9. So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that will extend utilities at the rear edge of this new driveway during construction of the Fire Station. At this time the City has not programmed any specific land use or project for Lot 2. The City's strategic plan for City-owned parcels, adopted by resolution on September 22, 2005, identifies this location as a possible site for the following land uses: Fire Station, Park, Water Treatment Plant and infrastructure, Affordable Housing, or a Public works expansion.
10. The lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
11. Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137' west of the easterly property line. Based on the State's 1920's Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240' of which is located within a culvert.
12. The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old water treatment plant has diverted this platted portion of East Canyon Creek to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff finds that this westerly split is a ditch that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed.
13. A Wetland Delineation for the site was accepted by The US Army Corps of Engineers on October 4, 2002. It identifies 1.8 acres of waters that are tributary to McCleod Creek, and .05 acres that is the result of an irrigation diversion. The

site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. Wise Earth Wetlands/Soil Consultants have prepared a Mitigation Plan for Wetland Impacts that was permitted by the Army Corps on April 18, 2006. The Mitigation Plan from that permit is attached as Exhibit D.

14. The State Division of Drinking Water identifies Well Head Source Protection Zones. Zone 1 is a 100' radius from any wellhead. Zone 2 is a 300' radius from any wellhead. State requirements prohibit construction within the wellhead protection zones without a special exception permit. Development of the road for the fire station will occur within the Zone 1 Source Protection Zone for the City's Divide and Park Meadows Wells. Development of the fire station building will occur within Zone 2. If special construction precautions are met, the State Division of Drinking water can issue a special exception permit to allow construction in the Source Protection Zones. Preliminary construction documents and utility plans have been designed to meet these standards. The City's water department has applied to the State for a Special Exception Permit.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. All maintenance of the road including upkeep, snow removal, etc. will be the Fire District's responsibility, until such time that all development and infrastructure on Lot 2 is completed and accepted by the City. The road shall be built to City specifications (30' asphalt width, 7" asphalt depth, and 21" of road base).
4. Confirmation from the State Engineer's office that this project will not alter conveyance of any water in this location shall occur prior to issuance of any building permit.
5. If recordation of this subdivision plat has not occurred within one year's time from the date of City Council approval, this approval and the plat will be void.
6. A line extension agreement with SBWRD is necessary prior to plat recordation.
7. Issuance of a special exception permit from the State Division of Drinking water is required for construction in the well head protection zones prior to issuance of any building permits.

8. A financial guarantee for public improvements in an amount approved by the City Engineer in a form approved by the City Attorney must be in place prior to recordation of the plat.
9. A plat note shall be added recognizing the wetlands and Sensitive Lands Overlay regulations

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Polly S. McLean

Polly Samuels McLean, Assistant City Attorney



PRELIMINARY PLAT

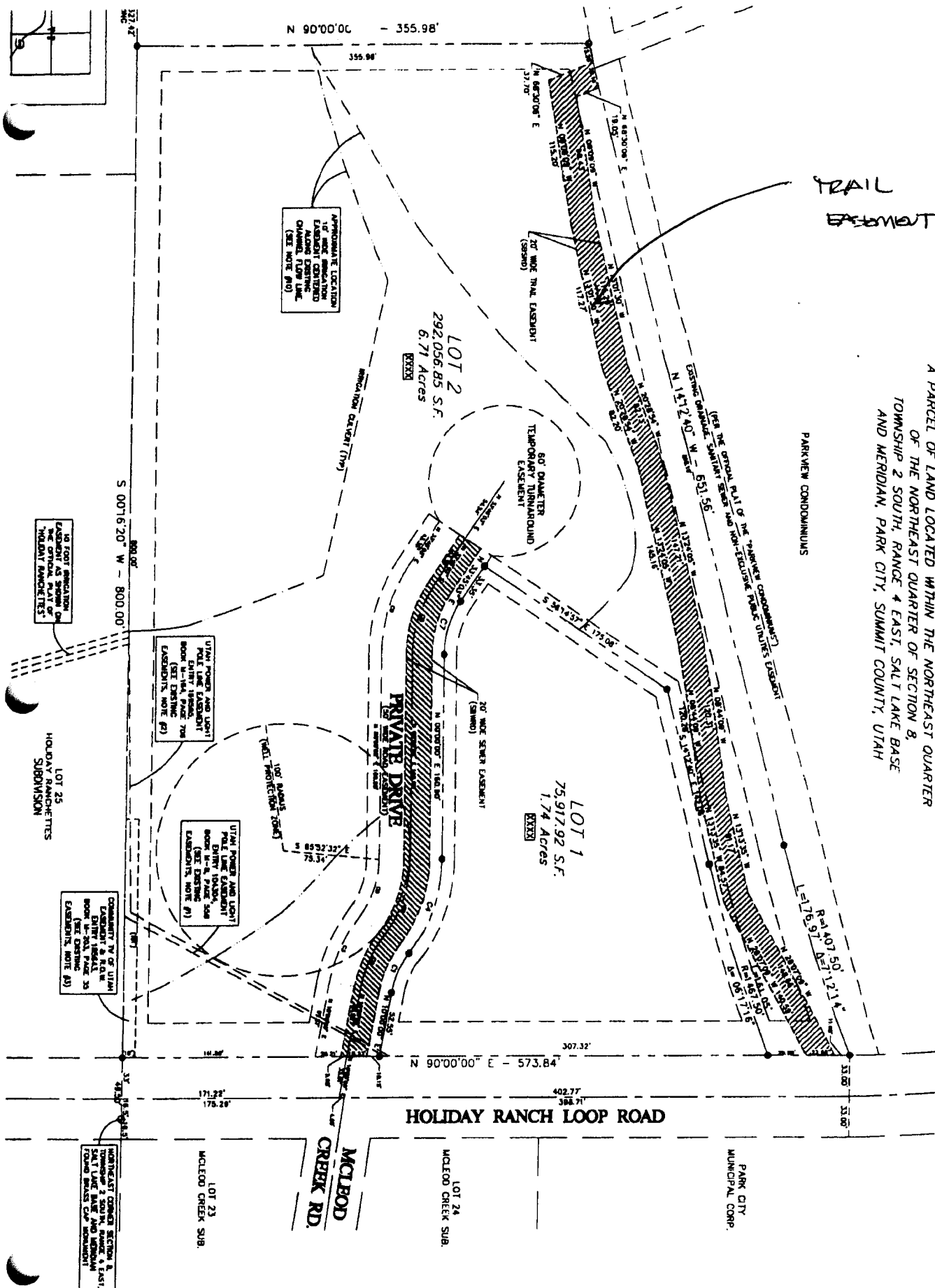
- A 2 LOT SUBDIVISION -

SUBDIVISION

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER
OF THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PARKVIEW CONDOMINIUMS

TRAIL
EASEMENT



Ex. 30 B - SUBDIVISION

Ordinance No. 06-28

AN ORDINANCE APPROVING A STREET VACATION AND PLAT AMENDMENT FOR THE CHRISTIANS REPLAT DESCRIBED AS LOTS 28-30 AND A PORTION OF LOT 27 OF BLOCK 72 OF THE PARK CITY SURVEY, ALSO KNOWN AS 130 SANDRIDGE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 130 Sandridge Avenue, has petitioned the City Council for approval of a Plat Amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 22, 2006 the Planning Commission held a public hearing on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 18, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

WHEREAS, the proposed Plat Amendment allows the property owner to combine three lots and a portion of one other into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Plat Amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The applicant is the owner of lots 28-30 and a portion of Lot 27 of Block 72 of the Park City Survey.
4. There is an existing historic single family home on the property that encroaches onto platted Chambers Street.
5. There is an existing detached garage on the property that encroaches onto the City owned Sandridge parking lot.
6. Existing Sandridge Avenue bisects the property between the single family home and the garage (outside of the platted r-o-w).
7. There is an existing City water line under existing Sandridge Avenue. The applicant is proposing that the City vacate the section of platted Chambers Street encroached upon by the existing home in exchange for a right-of-way dedication of existing Sandridge Avenue.

8. The applicant is proposing no increase in the density currently allowed on the property by the HR-1 zone regulations.
9. The plat amendment would create a lot of approximately 3,699 square feet, and a possible building footprint of 1,381 square feet at 147 Ridge Avenue.
10. Calculations for the building footprint are based on the existing platted lots not including the proposed vacation property.
11. The HR-1 zone requires a minimum lot size of 1,875 square feet.
12. This plat amendment enables an exchange of property between the City and the applicant that would compensate the City for the loss of square footage by conveying the prescriptive Sandridge Avenue r-o-w.
13. As proposed, the applicant would receive approximately 2,149 square feet of platted Chambers Street in exchange for 1,541 square feet of the platted lots between the Sandridge parking lots and the single family home. Part of the vacated area is beyond the center line, but the City is the adjacent owner.
14. The 1984 Streets Master Plan lists the platted Chambers Street r-o-w as "excess R-O-W" meaning it is not of significant value to the City.
15. The proposed Sandridge Avenue R-O-W would range from 26.55 feet in width to 16.01 feet with approximately 11 feet of pavement running through it.
16. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing r-o-w, and the continued accessibility to adjacent properties the reduced r-o-w configuration is appropriate for the property.
17. The vacation will continue to provide access to property owners farther to the north and south on Sandridge Avenue.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for the proposed plat amendment and street vacation.
2. The proposed plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The application is consistent with the Park City Streets Master Plan.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

3. A note shall be added to the plat establishing the maximum footprint for 130 Sandridge Avenue at 1,381 square feet.
4. An easement shall be dedicated allowing the owner of the property to use, and maintain the existing garage in perpetuity as long as it is in existence. If the garage is removed from the property, the easement will no longer be in effect.
5. The City shall execute a quit claim deed for the vacated area beyond the center line of the r-o-w.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of May 2006.

PARK CITY MUNICIPAL CORPORATION



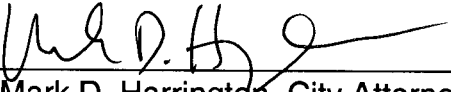
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 06-27

AN ORDINANCE APPROVING THE 1135 PARK AVENUE REPLAT COMBINING LOT 9 AND PORTIONS OF LOTS 8 AND 10 OF BLOCK 5, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1135 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 18, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine one lot and portions of two others into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine one lot and portions of two others into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Park Avenue.
6. The proposed lot measures 39.5' x 75'.
7. The proposed lot is 2,962 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,253 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. The applicant has submitted a CUP application for a reduction in the side yard setbacks from 5' to 3' pursuant to LMC Section 15-2.2-4(A).
13. Minimal construction staging area is available along Park Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

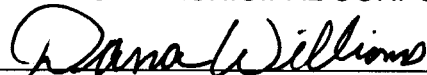
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate is required.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.
6. No remnant lots are separately developable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of May 2006.

PARK CITY MUNICIPAL CORPORATION



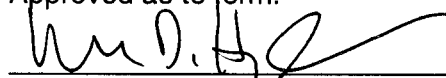
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





PLANNING DEPARTMENT
CITY OF PARK CITY, UTAH
100 WEST MAIN STREET, SUITE 200
PARK CITY, UTAH 84301
PHONE: (435) 243-2200
FAX: (435) 243-2201
WWW.PARKCITY.UTAH.GOV

PLANNING DEPARTMENT

TO: THE PLANNING DEPARTMENT, CITY OF PARK CITY, UTAH
FROM: [Name], [Address], [City, State, Zip]
SUBJECT: [Project Name]
DATE: [Date]

COMMENTS AND COMMENTS TO RECORD

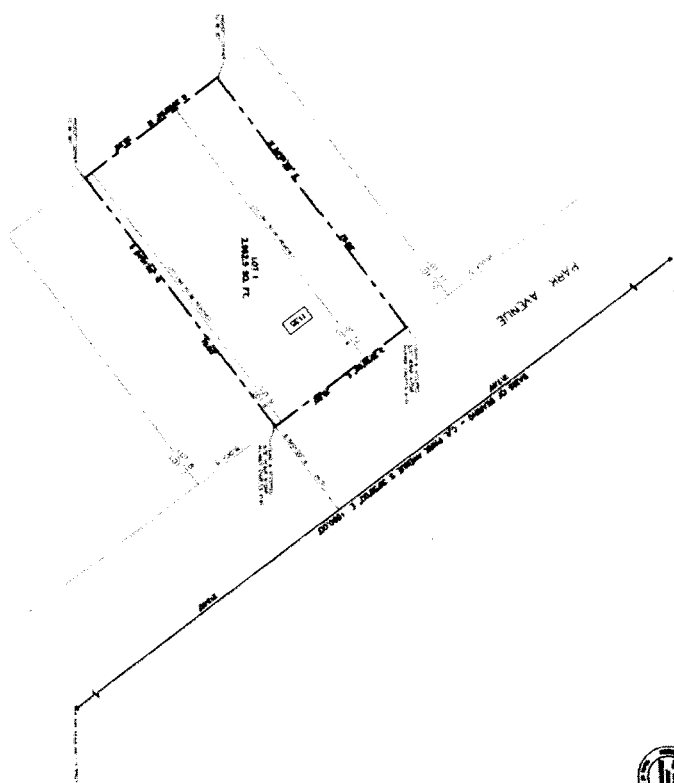
[Comments and comments to record section]

ACKNOWLEDGMENT

[Acknowledgment section]

NOTES

[Notes section]



**A LOT COMBINATION PLAT
A RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 5, PARK CITY SURVEY
1135 PARK AVENUE REPLAT**

LOCATED IN SECTION 18, TOWNSHIP 3 SOUTH, RANGE 12 EAST, COCONINO COUNTY, ARIZONA

APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]	APPROVED FOR RECORD [Signature] [Date]
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RECORDED
FEB 27 2006
PARK CITY
PLANNING DEPT

Ordinance No. 06-26

AN ORDINANCE APPROVING THE EMPIRE PARK SUBDIVISION (LOTS 1, 2, 3, 4, 5, 6, 43, and 44 OF BLOCK 18 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1201 NORFOLK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1201 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish four (4) lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

- 1) The property is within the RC zoning district.
- 2) The applicant owns Lot 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44 of Block 18 of Snyder's Addition to the Park City Survey.
- 3) This plat amendment is with regard to Lots 1 through 6 of Block 18 of the Snyder's Addition to the Park City Survey.
- 4) The applicant is proposing to remove the lot lines between Lot 1 and Lot 2, Lot 2 and Lot 3, Lot 3 and Lot 4, Lot 4 and Lot 5, and Lot 5 and 6, Lot 44 and Lot 43 of Block 18, Snyder's Addition to the Park City Survey.
- 5) The applicant is proposing to create the Empire Park Subdivision which includes Lot A, B, C and D.
- 6) Lot A measures sixty two point five (62.5) feet along Norfolk Avenue and fifty (50) feet along Empire Avenue.
- 7) Lot A has a lot depth of one hundred and fifty (150) feet and a total area of eight thousand four hundred thirty seven (8,437.5) square feet.
- 8) Lot B and C measure twenty five (25) feet by seventy five (75) feet with total areas of eighteen hundred and seventy five (1875) square feet each.
- 9) Lot D measures thirty seven and a half (37.5) feet for a total area of two thousand eight hundred and twelve (2812) square feet.
- 10) All proposed lots meet the minimum lot size standards identified in the RC zoning district.
- 11) The resulting side yard setback between the existing structures on the proposed Lot A and Lot B is approximately twelve (12) feet.

- 12) Existing structures comply with the setback requirements of the RC zoning district.
- 13) Planning Commission forwarded a positive recommendation to City Council at the April 26, 2006 Planning Commission meeting.
- 14) All discussion within the Analysis section is incorporated herein.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

- 1) There is good cause for this plat amendment.
- 2) Neither the public nor any person will be materially injured by the proposed plat amendment as there are no significant impacts associated with this proposal.
- 3) As conditioned the plat amendment is consistent with the Park City General Plan and Land Management Code, specifically as it relates to Land Use (Chapter V).

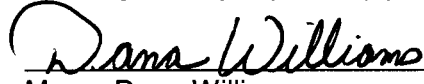
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

- 1) The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
- 2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
- 3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
- 4) A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
- 6) Fire protection deemed satisfactory by the Fire Chief is required prior to the issuance of building permits on Lots A, B, C, and D.

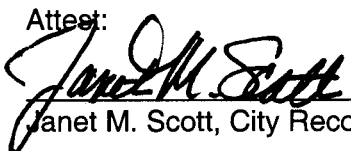
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

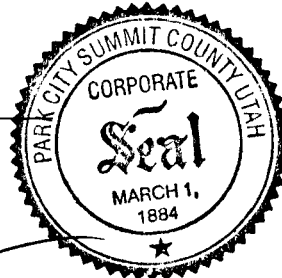
PASSED AND ADOPTED this 4th day of May, 2006.

PARK CITY MUNICIPAL CORPORATION

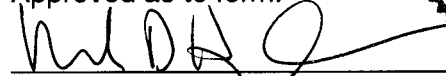

Mayor Dana Williams

Attest:

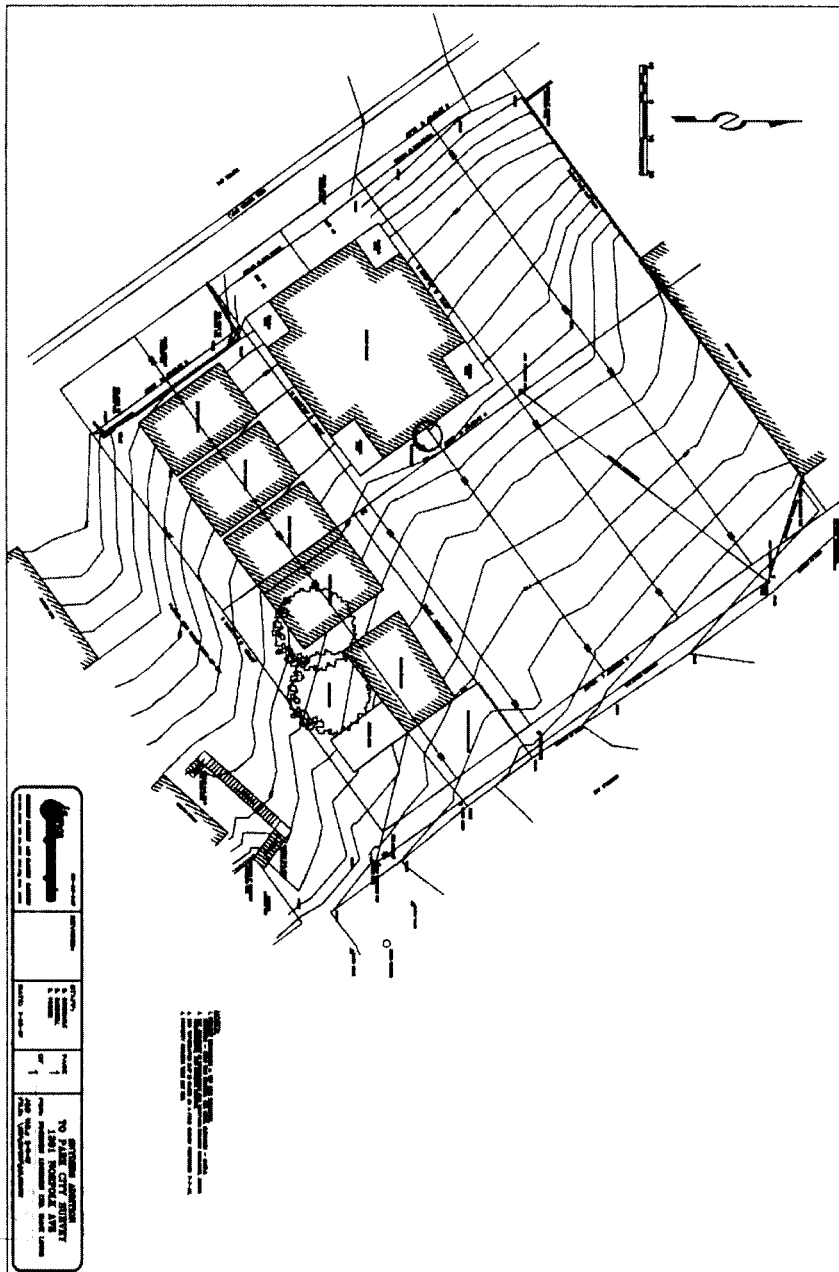

Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

A:



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MAR 23 2006
PARC CITY
PLANNING DEPT

[illegible]

for the purpose of the investigation, the following information was obtained: _____ day of _____

Henry J. Smith
General Manager, Eastern Footwear, Ltd.

STATE OF TEXAS
County of Summit.

[illegible]

ALBERTA
3000 ARLTON
NE 2N2S2B
3000 ARLTON
3000 ARLTON

Legend

✕ Found Street Monument

● Found Road & 2nd - S 359000

● Found 2nd & 3rd - S 359000

● Found 1/2' road - S 359000

● Found 1st & 2nd to be set

I, J. D. Golder, a Registered Land Surveyor as prescribed by the laws of the State of Utah, and holding license No. 10024, do hereby certify that I have undertaken a survey of the herein described property, and that this plat is a true representation of said survey.

bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

Alpine Survey, Inc.
19 Prospect Dr.
Roxbury City, Mass. 02119

ENTERTAINMENT WEEKLY

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
____ OF _____ 2008 A.D.

ENGINEER'S CERTIFICATE

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____ 2008 A.D.

CERTIFICATE OF ATTEST
I HEREBY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PLAIN CITY
COUNCIL THIS 14TH DAY
OF DECEMBER 2008 A.D.
JAMES H. HARRIS, CLERK

COUNCIL APPROVAL AND ACCEPTANCE

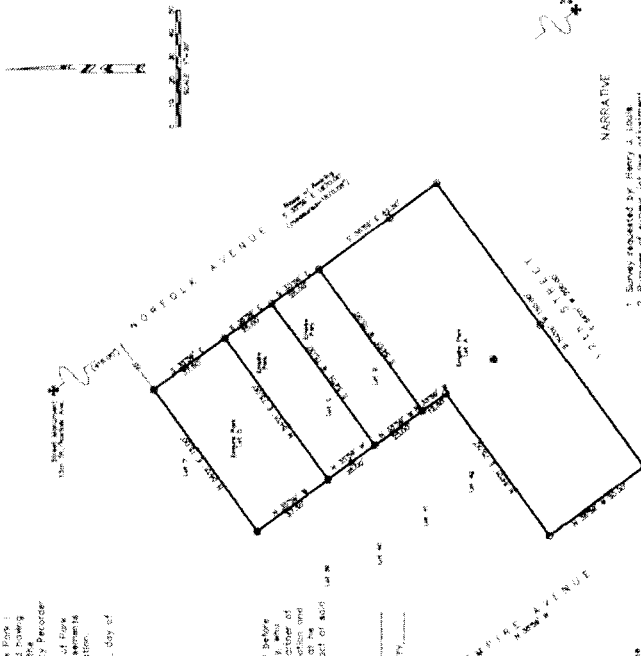
APPROVAL AND ACCEPTANCE BY THE HOME CITY
COUNCIL THIS _____ DAY OF _____, 2008 A.D.

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF

DATE _____ TIME _____ BOOK _____ PAGE _____



NARRATIVE

- 1 Survey conducted by Henry A. Louis
- 2 Purchase of survey as described.
- 3 The original owner was John C. Brown from the Park City Municipal Control paid by Buhl & O'Connell, Inc. Recorded as Entry No. 179686 in the office of the Summit County Recorder. Subdivision of Block 18 from the Map of Park City by Colburn & Richards Engineers, traced from the original made July 1927.
- 4 Date of survey November 21, 2000.
- 5 Property number 10-00000000000000000000.
- 6 Original plat recorded in Section 18, Township 2 South, Range 1 East, Salt Lake Base & Meridian.

LEGAL SERVICES

Empire Pass
 All of Lots 1, 2, 3, 4, 5, 6, 43 & 44, Block 18,
 Norway's Addition to the Port City Survey, according to the official plat
 thereof, on file and of record in the office of the Summit County Recorder

A 32

Two large populations. Beginning at a point where the stationarity of loci 1, Black 18, Snyder's station, on the Park City Survey, according to the office and present, on the road to the south end of the canyon, the following loci were found: loci 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 8

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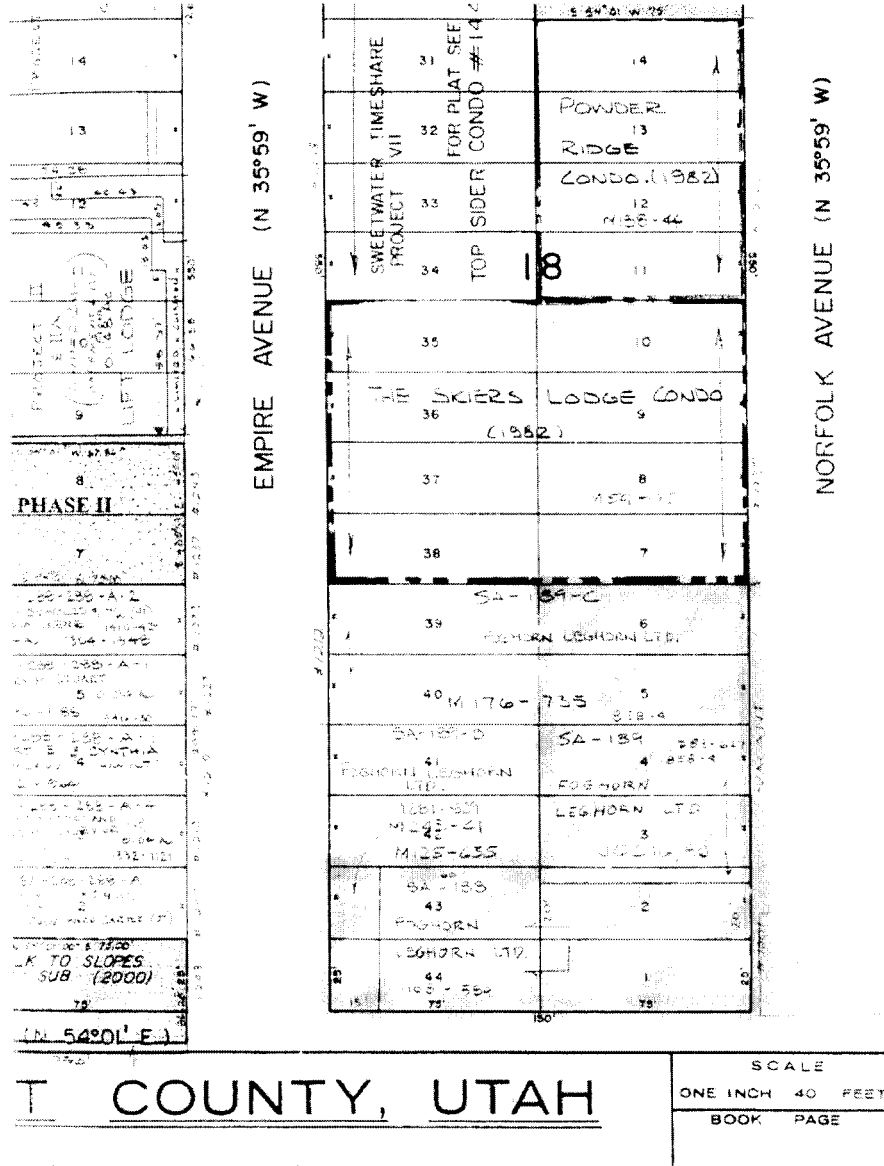
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2023

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C:



Ordinance No. 06-25

AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE PARKWOOD PLACE CONDOMINIUMS, LOCATED AT 801-817 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as the Parkwood Place Condominiums, has petitioned the City Council for approval of the record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed amended record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an 8 unit condominium project; and

WHEREAS, it is in the best interest of Park City Utah to approve the record of survey.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential Commercial (HRC) and Historic Residential (HR-1) zones.
2. The HRC zone provides a transition in use and scale between the Commercial uses in the Historic Commercial Business zone and the HR-1 zone.
3. The HR-1 zone is characterized by a mix of contemporary residences and small historic homes.
4. The applicant is proposing an 8 unit development on a parcel 175' wide and ranging from 129' to 138' deep. Four units are proposed as commercial / residential facing Park Avenue in the HRC zone and four units are proposed as residential in the HR-1 zone.
5. The entire site is approximately 23,043 square feet in size.
6. On May 11, 2005 the Planning Commission approved a Master Planned Development application for the project.
7. On December 14, 2005, the Planning Commission approved a development agreement for the property.
8. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
9. No additional units are created by this record of survey amendment.
10. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 801-817 Park Avenue MPD Development Agreement.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the 801-817 Park Avenue MPD continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of May 2006.

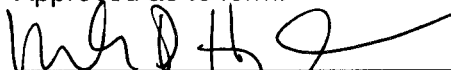
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

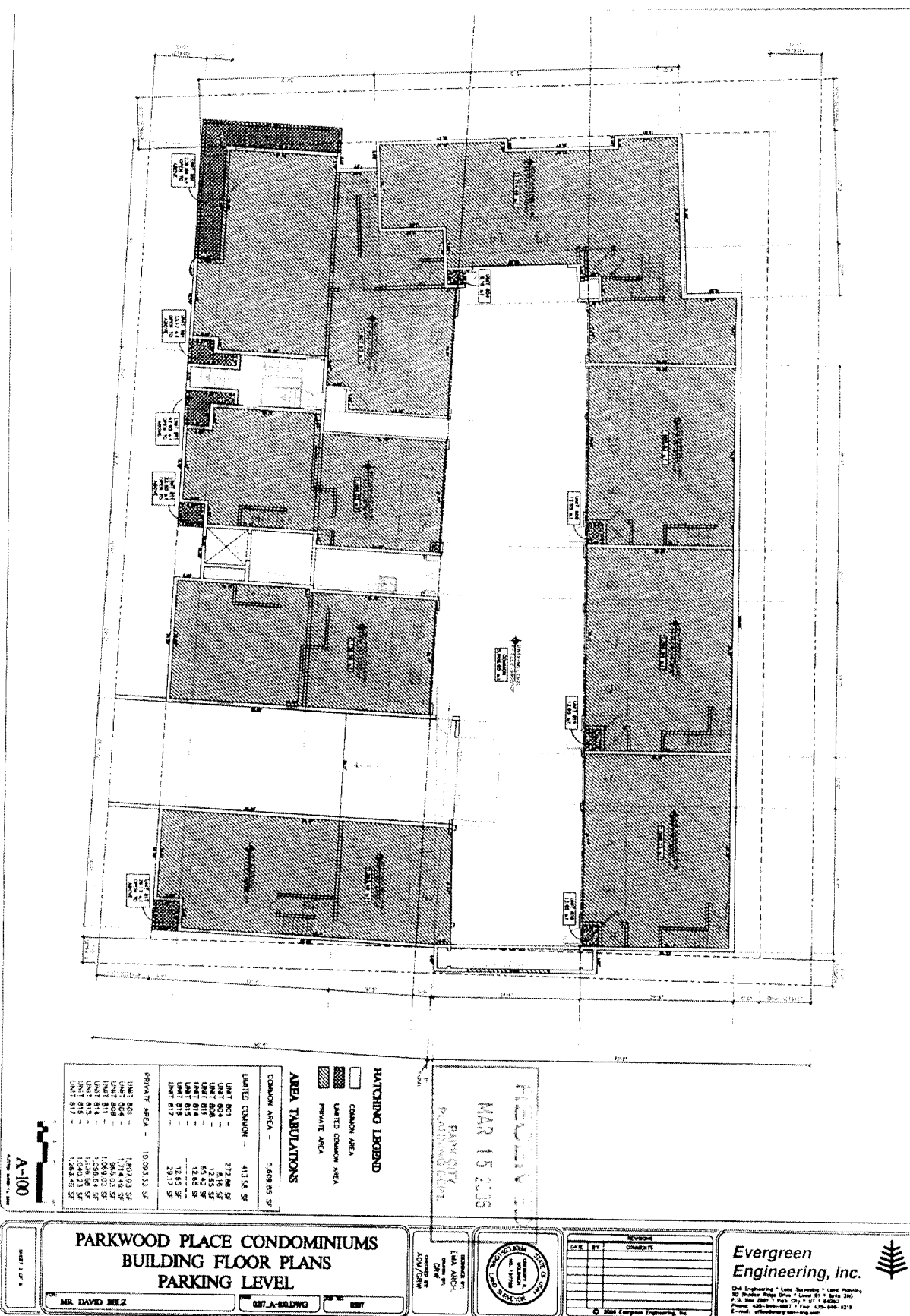
Attest:


Janet M. Scott, City Recorder

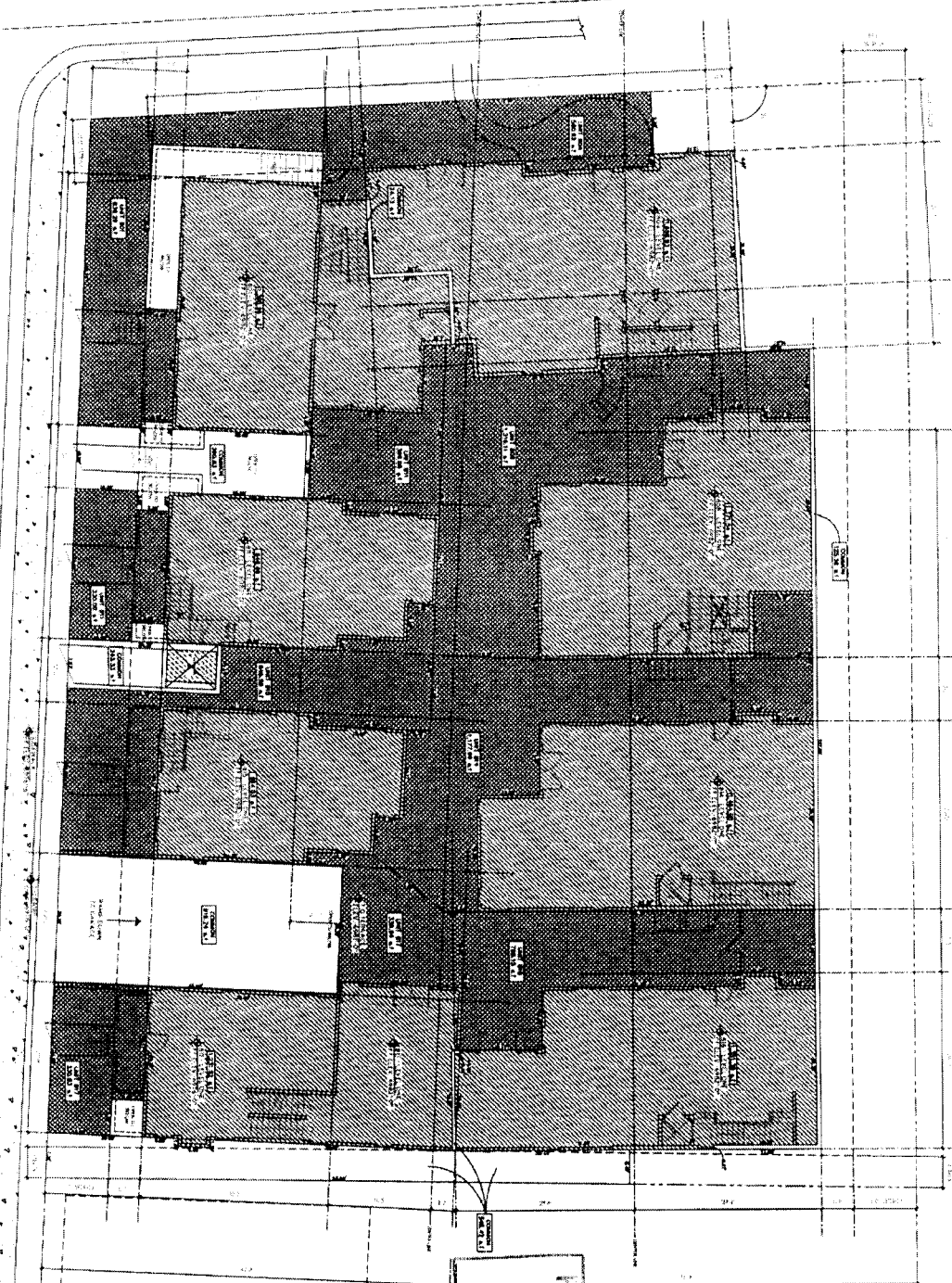
Approved as to form:


Mark D. Harrington, City Attorney





8th STREET



RECEIVED
MAR 15 2008
PARK CITY
PLANNING DEPT.

HATCHING LEGEND

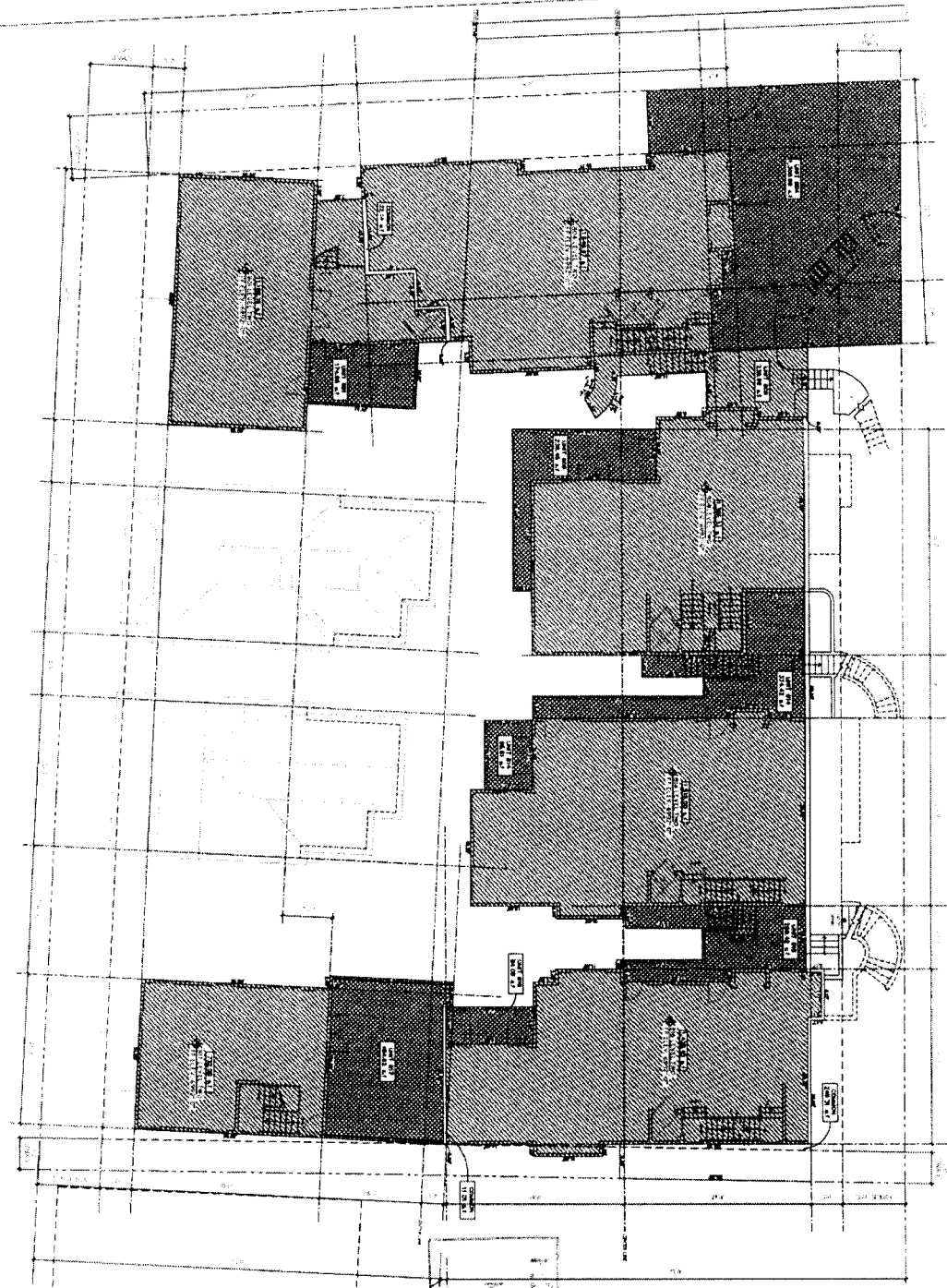
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

COMMON AREA - 2,265.51	
LIMITED COMMON - 6,834.36	
UNIT 801 -	838.36
UNIT 802 -	506.81
UNIT 803 -	1,316.11
UNIT 804 -	1,316.11
UNIT 805 -	1,316.11
UNIT 806 -	1,316.11
UNIT 807 -	1,316.11
UNIT 808 -	1,316.11
UNIT 809 -	1,316.11
UNIT 810 -	1,316.11
UNIT 811 -	1,316.11
UNIT 812 -	1,316.11
UNIT 813 -	1,316.11
UNIT 814 -	1,316.11
UNIT 815 -	1,316.11
UNIT 816 -	1,316.11
UNIT 817 -	1,316.11
UNIT 818 -	1,316.11
UNIT 819 -	1,316.11
UNIT 820 -	1,316.11
UNIT 821 -	1,316.11
UNIT 822 -	1,316.11
UNIT 823 -	1,316.11
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UNIT 833 -	1,316.11
UNIT 834 -	1,316.11
UNIT 835 -	1,316.11
UNIT 836 -	1,316.11
UNIT 837 -	1,316.11
UNIT 838 -	1,316.11
UNIT 839 -	1,316.11
UNIT 840 -	1,316.11
UNIT 841 -	1,316.11
UNIT 842 -	1,316.11
UNIT 843 -	1,316.11
UNIT 844 -	1,316.11
UNIT 845 -	1,316.11
UNIT 846 -	1,316.11
UNIT 847 -	1,316.11
UNIT 848 -	1,316.11
UNIT 849 -	1,316.11
UNIT 850 -	1,316.11
UNIT 851 -	1,316.11
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UNIT 871 -	1,316.11
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UNIT 882 -	1,316.11
UNIT 883 -	1,316.11
UNIT 884 -	1,316.11
UNIT 885 -	1,316.11
UNIT 886 -	1,316.11
UNIT 887 -	1,316.11
UNIT 888 -	1,316.11
UNIT 889 -	1,316.11
UNIT 890 -	1,316.11
UNIT 891 -	1,316.11
UNIT 892 -	1,316.11
UNIT 893 -	1,316.11
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UNIT 898 -	1,316.11
UNIT 899 -	1,316.11
UNIT 900 -	1,316.11

A-10

8th STREET



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P. 10/07
P. 10/07

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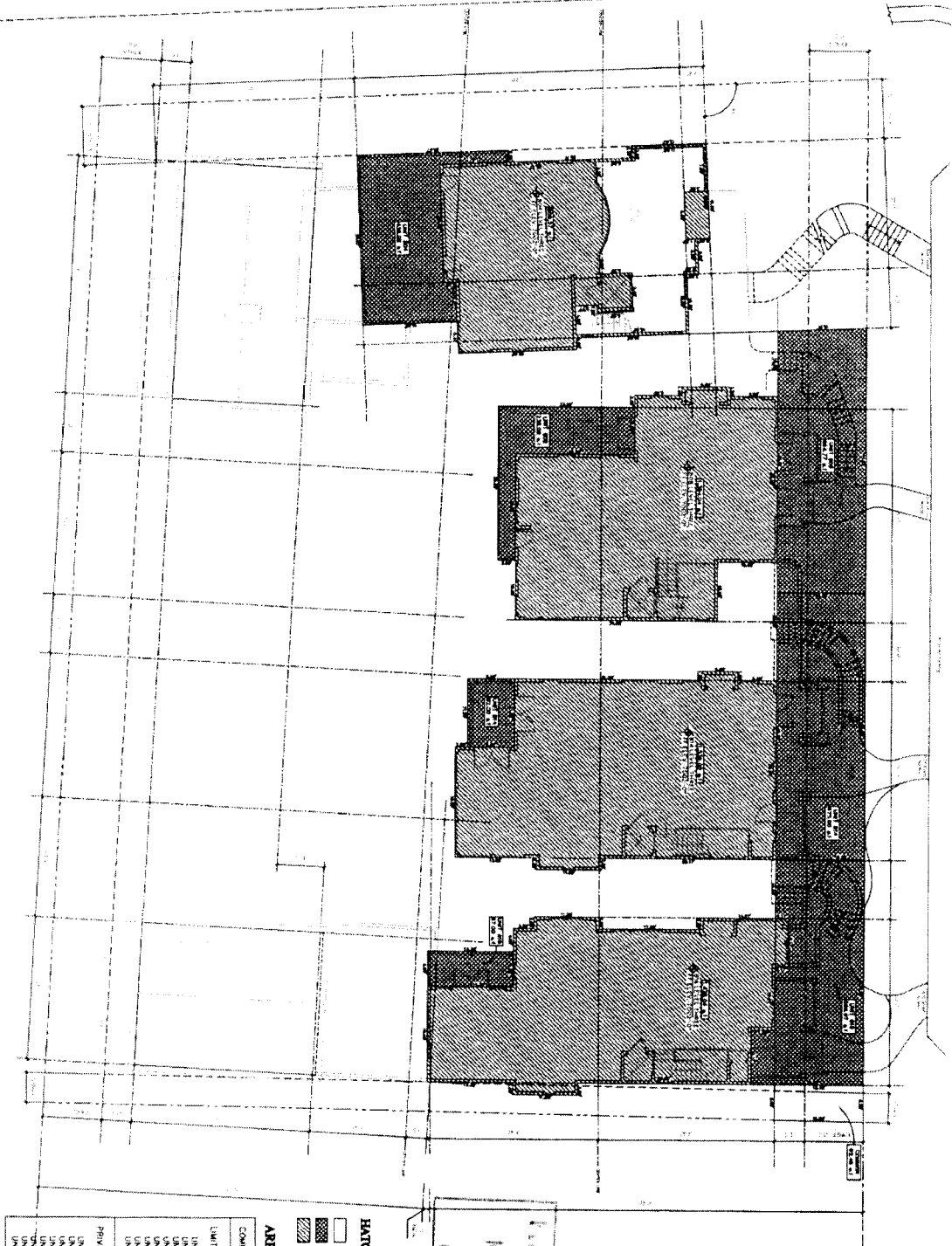
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

COMMON AREA -	282.46 SF
UNIT 801 -	1,241.74 SF
UNIT 802 -	1,746.97 SF
UNIT 803 -	1,206.00 SF
UNIT 804 -	1,206.00 SF
UNIT 805 -	1,206.00 SF
UNIT 806 -	1,206.00 SF
UNIT 807 -	1,206.00 SF
UNIT 808 -	1,206.00 SF
UNIT 809 -	1,206.00 SF
UNIT 810 -	1,206.00 SF
UNIT 811 -	1,206.00 SF
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UNIT 816 -	1,206.00 SF
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UNIT 818 -	1,206.00 SF
UNIT 819 -	1,206.00 SF
UNIT 820 -	1,206.00 SF
UNIT 821 -	1,206.00 SF
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UNIT 841 -	1,206.00 SF
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UNIT 847 -	1,206.00 SF
UNIT 848 -	1,206.00 SF
UNIT 849 -	1,206.00 SF
UNIT 850 -	1,206.00 SF
UNIT 851 -	1,206.00 SF
UNIT 852 -	1,206.00 SF
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UNIT 886 -	1,206.00 SF
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UNIT 891 -	1,206.00 SF
UNIT 892 -	1,206.00 SF
UNIT 893 -	1,206.00 SF
UNIT 894 -	1,206.00 SF
UNIT 895 -	1,206.00 SF
UNIT 896 -	1,206.00 SF
UNIT 897 -	1,206.00 SF
UNIT 898 -	1,206.00 SF
UNIT 899 -	1,206.00 SF
UNIT 900 -	1,206.00 SF

A-102

8th STREET



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

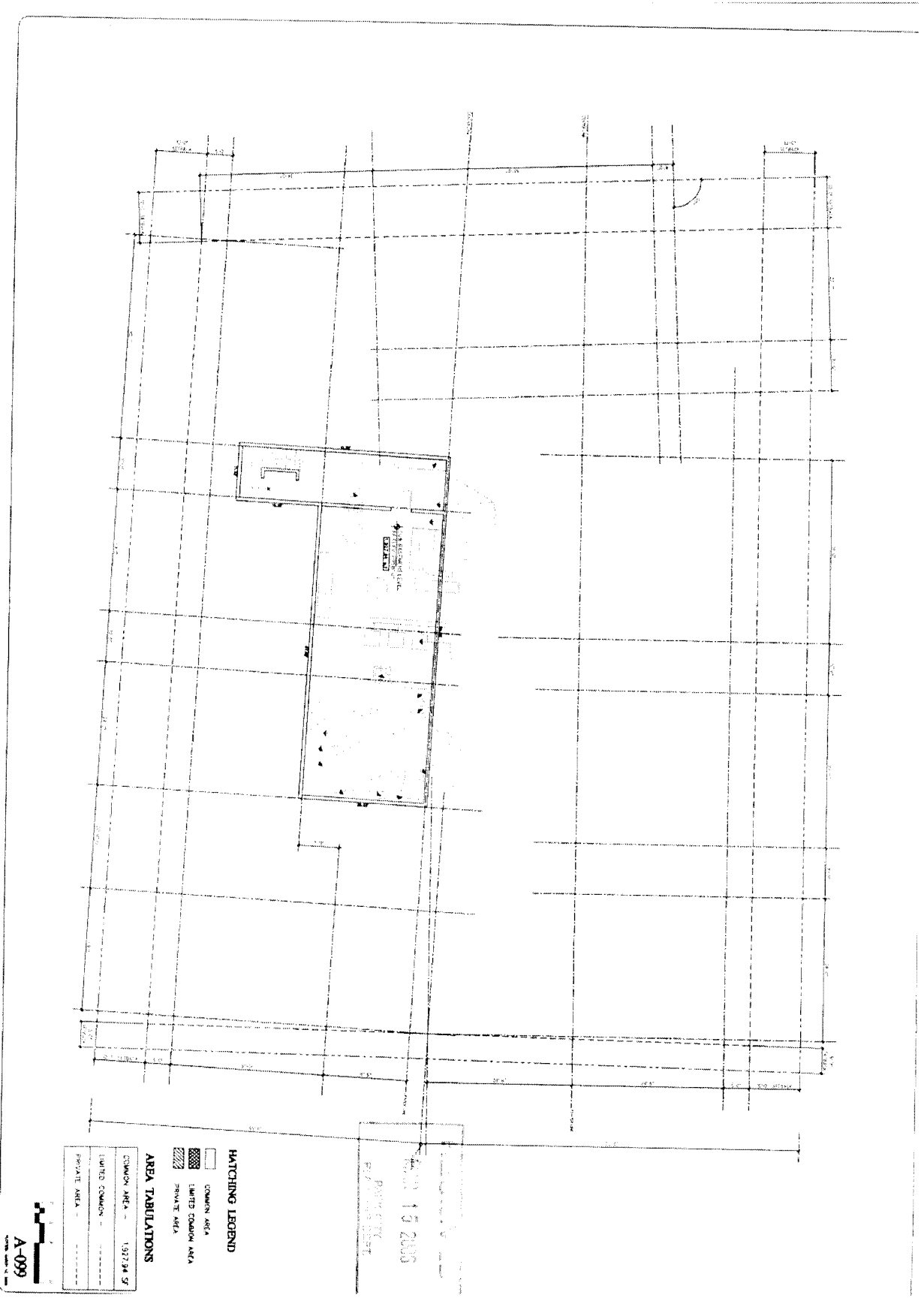
AREA TABULATIONS

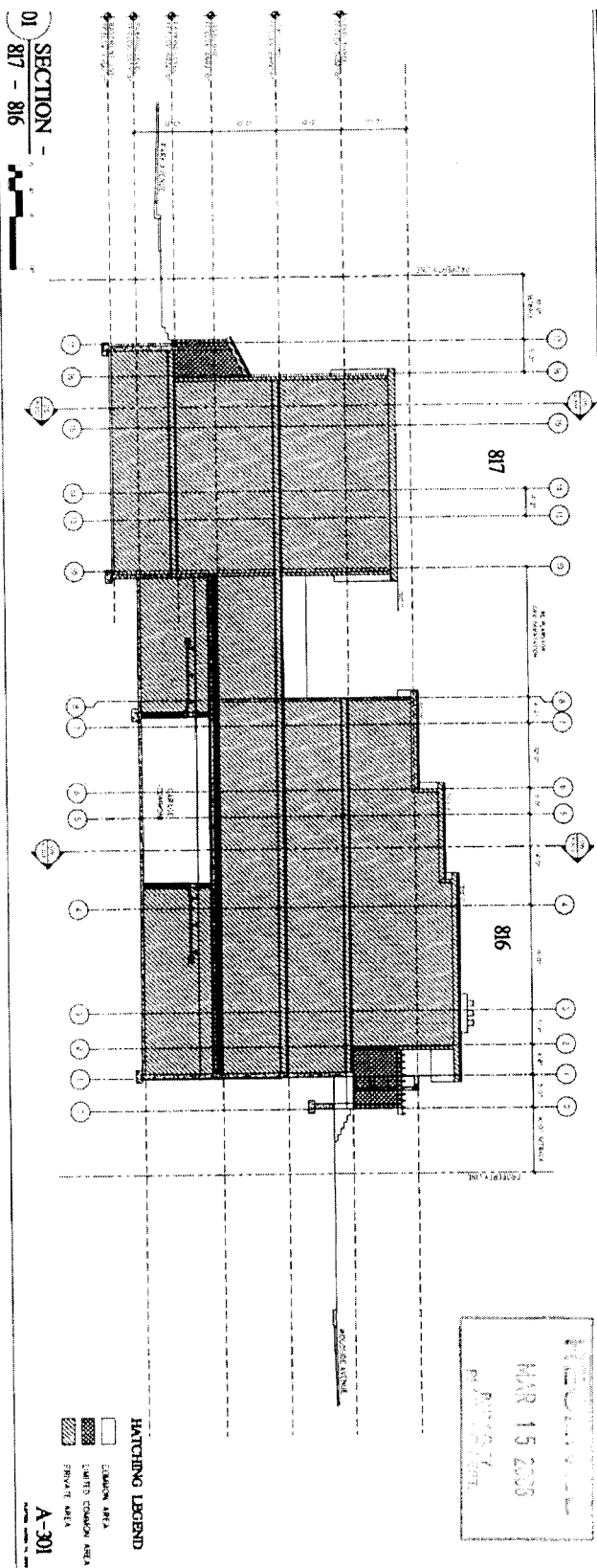
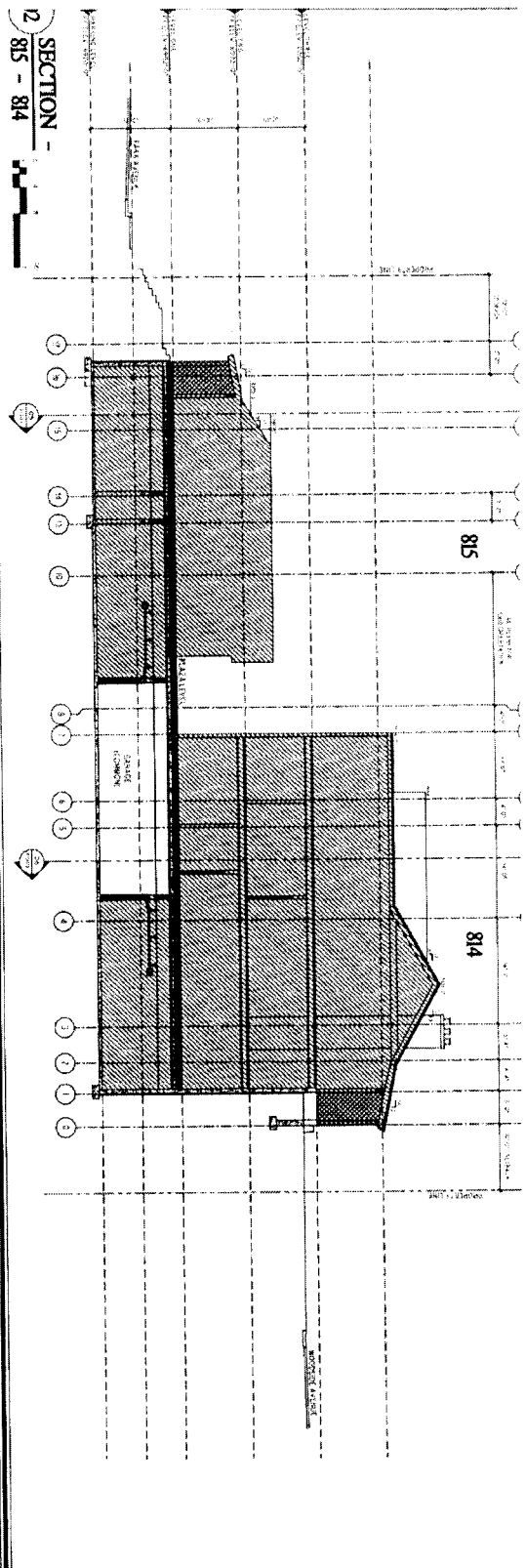
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LIMITED COMMON -	2.763
UNIT 801 -	4.38 SQ
UNIT 804 -	932.77
UNIT 808 -	787.06
UNIT 814 -	675.97
UNIT 815 -	...
UNIT 817 -	...
PRIVATE AREA -	5,152.6
UNIT 201 -	...
UNIT 202 -	...
UNIT 808 -	1,384.5
UNIT 811 -	1,528.06
UNIT 815 -	1,426.04
UNIT 817 -	...

5' 0" 10' 20' 30' 40' 50' 60' 70' 80' 90' 100' 110' 120' 130' 140' 150' 160' 170' 180' 190' 200' 210' 220' 230' 240' 250' 260' 270' 280' 290' 300' 310' 320' 330' 340' 350' 360' 370' 380' 390' 400' 410' 420' 430' 440' 450' 460' 470' 480' 490' 500' 510' 520' 530' 540' 550' 560' 570' 580' 590' 600' 610' 620' 630' 640' 650' 660' 670' 680' 690' 700' 710' 720' 730' 740' 750' 760' 770' 780' 790' 800' 810' 820' 830' 840' 850' 860' 870' 880' 890' 900' 910' 920' 930' 940' 950' 960' 970' 980' 990' 1000'

A-K

RECEIVED
MAR 15 2001
PARK CITY
PLANNING DEPT





HATCHING LEGEND

- COMMON AREA
- UNIT'S COMMON AREA
- PRIVATE AREA

A-301

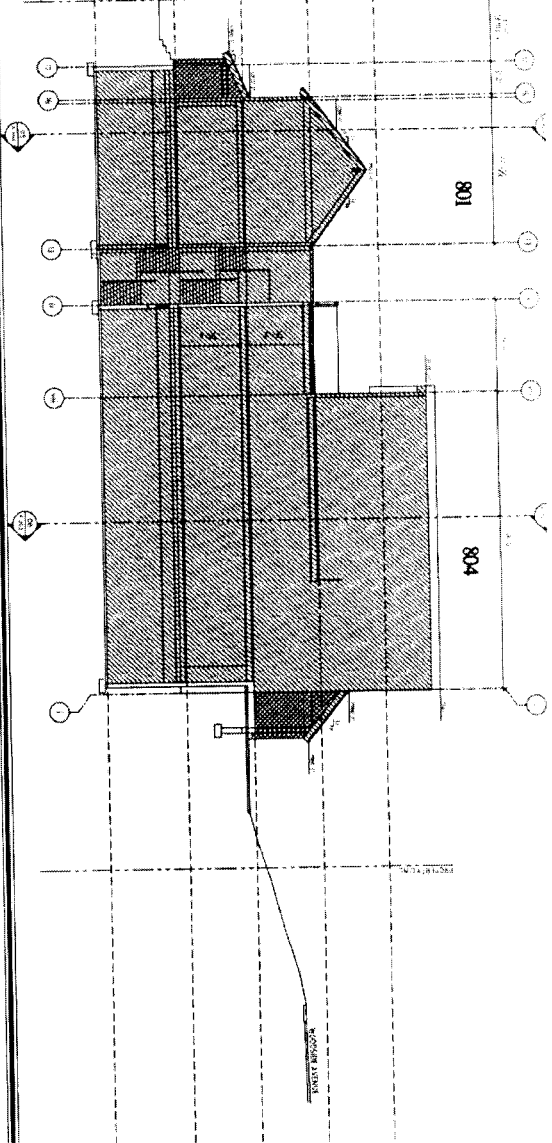
PARKWOOD PLACE CONDOMINIUMS
BUILDING SECTIONS
816-817 AND 814-815



DATE	BY	REVISIONS

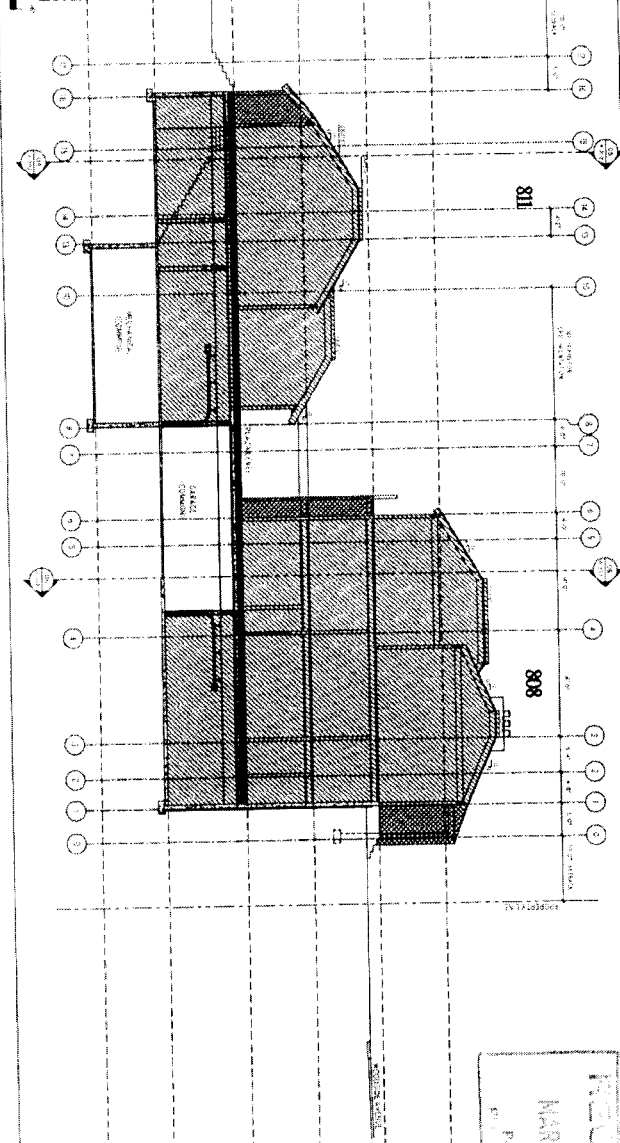
Evergreen
Engineering, Inc.

SECTION -
04 801 - 804



RECEIVED
MAR 15 2005
PROJECT
100-100000

SECTION -
03 801 - 808



HATCHING LEGEND
 [Pattern] LAMINAR AREA
 [Pattern] LAMINAR CHAMBER AREA
 [Pattern] PRIVATE AREA
 A-302

Ordinance No. 06-24

AN ORDINANCE APPROVING THE DONNELLY SUBDIVISION, COMBINING PORTIONS OF LOTS 48, 49, 50, 51 AND 52 OF BLOCK 78 OF THE MILLSITE RESERVATION TO THE PARK CITY SURVEY, LOCATED AT 41 SAMPSON AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 41 Sampson Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine portions of five lots into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine portions of lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey into one lot of record.
4. There is an existing shed on the property.
5. There is a historically significant home on the property.
6. There is a retaining wall on the property that supports Sampson Avenue and provides the front foundation for the existing historic home.
7. In June of 2005, the Council appropriated \$55,000 to the capitol improvement fund to share in the rebuild of the wall.
8. The Sampson Avenue covers approximately 8 feet of the front of the site.
9. Access to the home is from Sampson Avenue.
10. The proposed lot size is 7,422 square feet.
11. The maximum building footprint for a 7,422 square foot lot is 2,447 square feet.

12. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

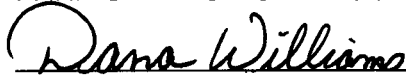
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

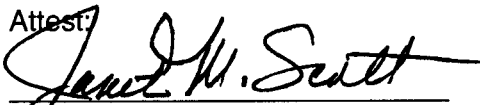
1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A non-exclusive public utility and public access easement shall be dedicated on the plat for the existing Sampson Avenue prescriptive right-of-way.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines, and resolve any existing encroachment issues.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. No remnant lots are developable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

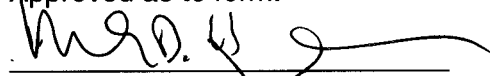
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



1. expand

4. found Street Movement

o found not a mother -LS176966

o found not a mother -LS176931

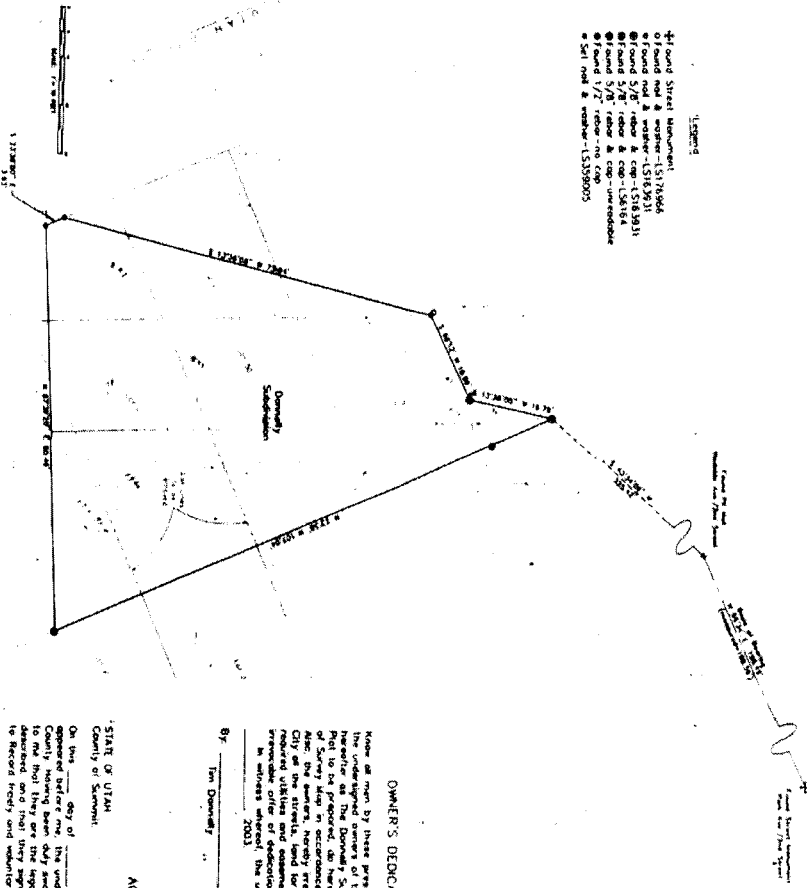
o found 5/8" rebar at cap -LS163931

o found 5/8" rebar at cap -LS16164

o found 5/8" rebar at cap -unverifiable

o found 1/2" rebar -no cap

o Set note & washer -LS359005



known at that time. This present is from me, Jim Downey & Eric B. Donnelly, neither of whom are members of the Western Brotherhood Trust of funds to be known as to be projected, as hereby consent to the reconstruction of that trust of Sunday day in accordance with Utah law.

Under the same, hereby irrevocably offers for dedication to the City of Provo, Utah, the sum of \$100,000.00, to be used for the purchase of land, the purchase of vehicles and equipment upon the part in accordance with or otherwise offer of dedication.

Witness my hand and the undersigned set their hand this _____ day of _____, 2003.

[illegible]

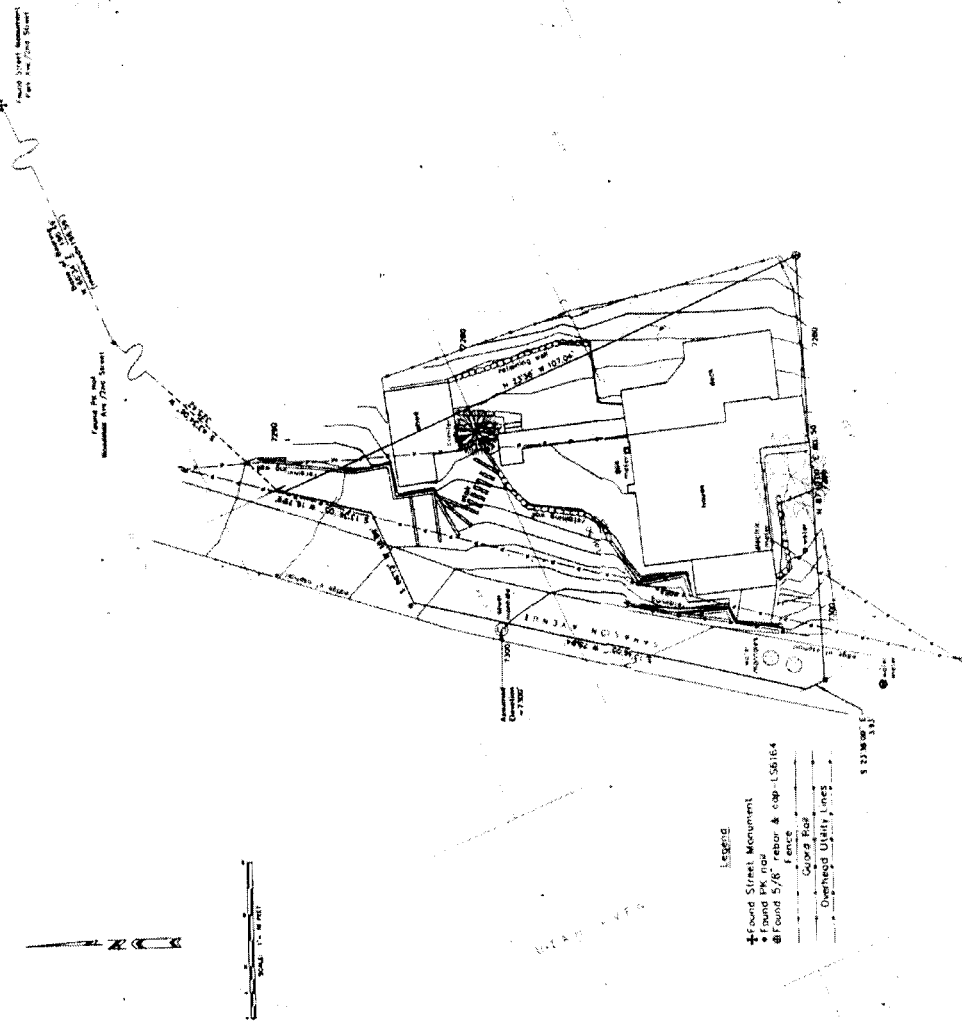
most common of lot 7, Block 7B, which extends from the Eastern City Survey, through the Western City Survey, to the Pacific City Survey, and point being on the Northeastern line of Lot 51 of said Block 7B, there is 51.25 feet left to the Eastern line of said Block 7B; and running North 8° 25' E., along the Eastern line of lots 53 through 60 of said Block 7B, 101.00 feet; thence S. 15° 30' E., to 18.75 feet to the Northern line of Lot 49 of said Block 7B; thence S. 66° 17' N., along and Northerly 49° of lot 49, 18.69 feet; thence S. 15° 30' E., 75.94 feet to a point on the Western line of Lot 51 of said Block 7B; thence S. 22° 35' E., along said Western line of Lot 51, 3.83 feet; thence N. 67° 50' E., 86.45 feet to the true point of beginning.

Containing 10.00 acres, more or less.

1. J. L. Slaty, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding license No. 559005, do hereby certify that I have supervised a survey of the herein described property and that this plot is a true representation of said survey.

[illegible]

A Portion of Lots 48 52, Block 78 Missile Reservation to The Park City Survey



- NOTES:**
1. Survey requested by Tom Donnelly.
 2. Purpose of survey, locate the monuments and the topographic relief, survey conducted with 1 foot of base corner.
 3. Basis of survey, found street monuments as shown.
 4. Date of survey, 1903.
 5. Location of the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
 6. See the official plots of the Park City Survey for other possible easements and restrictions.
 7. The owner of the property should be made aware of any items affecting the property that may appear in a title insurance report.
 8. For the present survey of the property see Record of Survey File No. S-2534 on file in the office of the Summit County Recorder.
 9. The recorded elevation of 7300.00 feet was assigned to the sewer manhole lid west of the property as shown.

LEGAL DESCRIPTION

Parcel 1
Beginning at a point N 86°02'50" W, 30.02 feet from the Eastern-most corner of Lot 7, Block 78, Missile Reservation to the Park City Survey, thence S 85°54'50" W, 51.35 feet to the corner of Lot 52, beginning at said corner, thence S 85°54'50" W, 94.16 feet to the Northeast corner of Lot 48, thence S 66°34' W, 34.02 feet along the Northwest line of Lot 48, thence S 1°36'05" W, 67.73 feet to a point on the Southern line of Lot 52, thence along said Southern line, thence S 1°36'05" W, 11 feet thence along said Southern line, thence S 1°36'05" W, 11 feet thence Less and excepting herefrom:
Beginning at a point which lies N 66°34' E, 40.88 feet from the most Southern corner of Lot 48, Block 78, of the Missile Reservation to Park City, thence S 1°36'05" W, 75.83 feet, thence N 21°38' W, 6.57 feet, thence N 13°36'05" E, 67.73 feet to the point of beginning.

Parcel 2
Beginning at the Southeast corner of Lot 48, Block 78, Missile Reservation to Park City as recorded in Summit County, and running thence S 66°34' W along the Southern line of Lot 48, a distance of 10.16 feet, thence leaving said Southern line and going N 13°36'05" E, 16.79 feet to the Eastern line of Lot 48, thence S 22°48' E along said Eastern line 13.46 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.



Witness my hand and seal this 19th day of June, 1903.
J.D. Galey
Date

Alpine Survey, Inc.
19 Prospect Drive
Park City, Utah 84060
(435) 635-8016

RECEIVED

Ordinance No. 06-23

AN ORDINANCE APPROVING THE AMENDMENT TO LOTS 1, 2, 3, AND 4 OF THE RED CLOUD SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of the property known as lots 1, 2, 3, and 4 of the Red Cloud subdivision have petitioned the City Council for approval of a plat amendment to said lots and the private road adjacent to said lots; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 26, 2006, to receive input on the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision;

WHEREAS, the Planning Commission, on April 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 4, 2006, the City Council approved the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Red Cloud Subdivision Plat is located in the Estate (E) zoning district as part of the Flagstaff Mountain Annexation and Master Planned Development (MPD).
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. On November 11, 2004, the City Council approved the Red Cloud subdivision for 30 single-family lots. Red Cloud was known as Pod D of the Flagstaff Mountain Annexation.

5. The City received on February 24, 2006, a completed application for a plat amendment affecting lots 1-4 and the private road adjacent to these lots. The developer, United Park City Mines Company, still retains ownership of all lands within the plat amendment.
6. The plat amendment revises the location of the private road, Red Cloud Trail, shifting it further north and away from the Wasatch County line (see Exhibit B). A one-foot protection strip is also platted along the property line with Wasatch County.
7. The four proposed lots range in size from 1.22 acres to 2.72 acres, which is similar to the previously approved lot sizes and the rest of the Red Cloud subdivision. The owner/developer retains two parcels (A and B) that are adjacent to Wasatch County.
8. Each building lot has a building pad that will be field located based on the requirements established in the Red Cloud subdivision. These lots are subject to the original plat notes of the Red Cloud subdivision.
9. The plat also designates the 30-foot setback from property lines as required within the Estate zone.
10. The proposed lot layout is in conformance with requisite Subdivision Code road requirements and designs inasmuch as access is by means a street designed to City standards; the proposed roads are designed to relate to the existing topography without need for excessive grading; and secondary access is provided.
11. The subject lots front Red Cloud Trail. No other streets in Summit County are named Red Cloud Trail, therefore confusion in street naming is not likely to occur.
12. The applicant stipulates to installing and maintaining all necessary street signs within the subdivision.
13. The applicant has stipulated to installing all necessary street lights within the subdivision.
14. Land Management Code Section 15-7-3-4(E) permits the creation of a protection strip adjacent to a proposed street in such a manner as to deny access from an adjacent property to such street. The 1-foot protection strip along the County line is proposed on the subdivision plant which restricts road access without the formal approval of both Park City and Wasatch County.
15. Staff finds the proposed plat amendment complies with the requirements of Land Management Code section 15-7 Subdivisions.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. All original conditions and plat notes of the Red Cloud subdivision approved November 11, 2004, continue to apply.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
3. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.

4. The proposed over-length cul de sac that is Red Cloud Trail will have a secondary emergency access from the end of Red Cloud Trail. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency access road and all connections and private road construction below SR-224 must be installed prior to building permit issuance for any of the single-family homes within the subdivision.
5. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
6. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

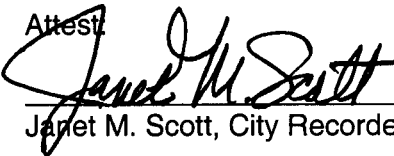
PASSED AND ADOPTED this 4th day of May, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest



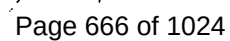
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS TECHNICAL CORRECTIONS AND SUSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES
CHAPTER 3- OFF-STREET PARKING,
CHAPTER 4- SUPPLEMENTAL REGULATIONS,
CHAPTER 6- MASTER PLANNED DEVELOPMENTS,
CHAPTER 7- SUBDIVISION GENERAL PROVISIONS AND
CHAPTER 8- ANNEXATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to Conditional Use Permits, noticing, appeals and appeal authority, parking on paved surfaces, parking below grade within setbacks, walls and fences, size limitations for Guest Houses, telecommunications and antenna locations, increase occupants allowed in elderly group homes from 4 to 8, options for unit equivalent calculations, changes to subdivision ordinance regarding review and approval authority, and requirement for a zone to be assigned to annexed territory when annexed.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at its regularly scheduled meetings, on December 14, 2005 and March 1, 2006 and forwarded to City Council a positive recommendation on amendments to Chapters 1, 3, 4, 6, 7, and 8;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 27, 2006; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-

references from other provisions of the LMC to Chapter 1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT

CODE. Chapter 3 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT

CODE. Chapter 4 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT

CODE. Chapter 6 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 6 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT

CODE. Chapter 7 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT

CODE. Chapter 8 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days prior to each hearing to each Affected Entity * and to Owners within 300 ft.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity*	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity*	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative, HPB, or Planning Commission hearing, per this Matrix, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

Administrative Conditional Use permits (Admin CUP)	14 days prior to any hearing.	14 days prior to any hearing.	14 days prior to any hearing.
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Determination of Historic Significance	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
Historic District Design Review	For a 10 day period once Staff's preliminary determination of	To Owners of adjoining Property once Staff's preliminary determination of	Only required upon appeal of the Planning Director's decision.

	compliance has been reached.	compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.		
Lot Line Adjustments: Between 2 Lots without a plat amendment.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.		
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft...	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

Subdivision Plat Amendments	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior the hearing.
Vacating or Changing a Street		14 days prior to the hearing before the City Council, to Owners within 300 ft and to Affected Entities,	Once a week for 4 consecutive weeks prior to the hearing before the City Council.

Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.

*Affected entity is a defined term. See LMC Section 15-15.

Appendix A - Official Zoning Map (Refer to the Planning Department)

**PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 1

TITLE 15 - LAND MANAGEMENT CODE

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EXHIBIT A



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES.

15-1 -1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

15-1 -2. STATEMENT OF PURPOSE.

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

(A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(B) To protect and enhance City's overall quality of life economic vitality and Historic, resort-based community, the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community;

(C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services, and

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

(H) To protect and ensure access to sunlight for solar energy devices

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(l) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

15-1 -3. CONFLICT.

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

15-1 -4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1 -5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning

Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

Comment [p2]: 10-9a-505

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC must be made in the following manner:

(A) **APPLICATION.** An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic District Commission may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION.** The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION.** Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL.** The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS.** At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING.** The City Council may, without a public hearing prior consideration of or recommendation from the planning commission, enact an ordinance establishing temporary zoning regulations for any part or all of the Area within the municipality if:

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(1) ~~The~~ City Council makes a finding of compelling, countervailing public interest; or

(2) ~~The~~ area is ~~unzoned~~ unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application at a time, per Property, will be accepted and processed.

(E) The Planning, Engineering, and Building Departments reviews all Allowed Uses, Administrative Lot Line Adjustments and Administrative Conditional Use permits.

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(F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

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(I) Variances, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other ~~fees~~ including engineering fees have been paid, and following applicable staff review.

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REVIEW (y) and FINAL DECISION (X)					
	<u>Planning Director</u>	<u>HBP</u>	<u>Board of Adjustment</u>	<u>Planning Commission</u>	<u>City Council</u>
Allowed	<u>yX</u>				
Allowed- Historic	<u>yX</u>				
<u>Allowed- Historic Appeal</u>		<u>X</u>			
Conditional	<u>y</u>			<u>X</u>	
Conditional Admin.	<u>yX</u>				
MPD	<u>y</u>			<u>X</u>	
Non- Conforming	<u>y</u>		<u>X</u>		
Plat Amendment	<u>y</u>			<u>y</u> <u>Recommend to</u> <u>CC</u>	<u>X</u>
Variance	<u>y</u>		<u>X</u>		
Subdivision	<u>y</u>			<u>y</u> <u>Recommend to</u> <u>CC</u>	<u>X</u>
Zoning Appeal	<u>y</u>		<u>X</u>		
LMC Amendments	<u>y</u>			<u>y</u> <u>Recommend to</u> <u>CC</u>	<u>X</u>

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*All Applications are filed with the Planning Department. If the Planning Department is not the reviewing body (Y), a staff member will make a recommendation to the appropriate decision making body (X).

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;

(6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

(7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors,

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or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the

conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

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(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Planning Department shall provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See Section 15-1 -12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit and shall either approve, deny, or modify and approve the permit.

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(D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

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(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

(3) the Use is consistent with the Park City General Plan, as amended; and

(4) the effects of any differences in Use or scale have been mitigated through careful planning.

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(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items;

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

(F) **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one (1) additional year when the Applicant is able to demonstrate no

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change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the Conditional Use permit, noticed and processed with a public hearing the same as a normal Conditional Use permit.

(H) **APPEALS.** ~~Appeals must be pursuant to Section 15-1 -18 herein.~~

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS.** Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES.** The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION.** Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 Notice Matrix and as follows:

(A) **POSTED NOTICES.** The Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three public locations within the municipality.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE.** As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy

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notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) APPLICANT NOTICE. For each land use application, the Planning Department must notify the applicant of the date, time and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

(D)-(E) EFFECT OF NOTICE. Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from after the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(E)-(F) OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.

- (1) **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah

State business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

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Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

- (a) the properly executed notice form, as approved by the City; or
- (b) a signed return receipt from a certified letter posted to the registered association

representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners Association consent prior to City Final Action.

(Amended by Ord. No. 02-57)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **SECURITY REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site improvements on private construction projects, it is the policy of the City to require that Developers either complete all Site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the Property to complete that work be granted to the City. It is specifically the intention of the City to require that storm drainage work, paving, curb and gutter, utility

facilities, soil retention Structure, and landscaping as needed to control erosion be completed according to standards adopted by the City, So that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for roads, storm drainage, or other utility facilities. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until adequate financial security is posted in accordance with this section.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED.** It is the intention of the City that this financial security given by the Developer is limited to a contract between the City and the Developer for the express purpose of providing for the protection of City facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Planning, Building, and Engineering Team.

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(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS.** All

construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site improvements shown on the Site plan. For purposes of this Code, the term "Site improvements," shall include all roads, sidewalks, curbs, gutters, drains, drainage works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) **SECURITY FOR COMPLETION.**

No Certificate of Occupancy will be issued; nor any plat approved when plats are required by this Code, unless the Building and all required Site improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site improvements. When the Site improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

- (1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings,

and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site improvement work remains unfinished; and,

- (2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site improvements is safe and that Access for emergency vehicles is adequate with the Site improvements unfinished; and,

- (3) The Developer posts adequate security for the benefit of the City to insure completion of the Site improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

- (D) **AMOUNT OF SECURITY.** The amount of the security to be posted by the Applicant, shall be equal to 125% of the amount reasonably estimated by the Engineering Department as being necessary to complete remaining Site improvements as shown on the approved plans. In the event that the Developer disputes the cost estimate of the City, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not

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satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF SECURITY.** The terms of any security arrangement offered to the City shall state a date certain by which the Developer agrees to have Site improvement work completed in accordance with the plans, and further provide that in the event that the Developer has not completed required Site improvement work by that date, the City may at its option and on its schedule, draw on the funds in escrow, or credit established, or such other security device by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the escrow or other security arrangements.

(F) **FORM OF SECURITY.** Security arrangements offered in lieu of simultaneous completion of Buildings and Site improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

- (1) An irrevocable letter of credit from a bank authorized to do Business in the State of Utah,

naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or,

- (2) A deposit of cash with a third party escrow, or,

- (3) An Agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 15-1-13(D), above, and will disburse those funds only with the written consent of the City, and only for the completion of Site improvements. As Site improvement work is completed, the City will consent to the disbursement of the funds set aside by the lender.

- (4) Some combination of the above as approved by the City.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site improvement work by the City. No retained amount shall be held for landscaping improvements once the installation of the required materials has been approved by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide new security instruments within thirty (30) days from the expiration of the security instruments

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provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that security to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer security for the performance of the Site improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Departments, the City shall release any cash, credit or other security held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site improvements, additional security must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** Any interest accruing on funds in escrow shall, unless expended for completion of Site improvements required, inure to the benefit of the Developer upon release and not to the City, and the City shall not be required to pay interest to the Developer on any funds in escrow for this purpose.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of security required for single family homes shall be the reasonably estimated cost to complete construction of any retained amount and drainage works on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site improvements applicable to each phase of a phased project or Development shall be completed or security for completion provided as each phase is constructed and either platted or occupied. Site improvements on other phases of the project shall be completed or security offered as those phases are completed.

(Amended by Ord. 02-07)

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15-1 -14. TERMINATION OF PROJECTS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their projects either to approval or denial in a reasonably expeditious manner. The City may formally deny Applications, which remain inactive for long periods of time due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the project denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of a project for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the

project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING OF ZONING RIGHTS.

~~(A) Upon submittal of a Complete Application, the Application shall vest pursuant to the terms of the LMC and Zoning Map in effect at the time of filing the Complete Application.~~

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(B) ~~Vesting of all Permits and approvals terminates upon the expiration or termination of the permit or approval.~~

(C) EXCEPTIONS. Applications shall not vest:

(1) ~~when revisions to the LMC are pending at the time of Application which would prohibit or further condition the approval sought; or~~

(2) ~~when there exist compelling and countervailing health, safety or welfare reasons for applying the pending standard.~~

(1) (a) An applicant is entitled to approval of a land use application if the application conforms to the requirements of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

(i) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

(ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

(i) 180 days have passed since the proceedings were initiated; and

(ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted.

(c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) STAFF. Any decision by the Planning Director regarding Application of this LMC to a Property may be appealed to the Planning Commission. Decisions regarding compliance with the Historic District Guidelines may be appealed to the Historic District Commission. The appeal must be filed with the Planning Department. There shall be no additional notice for appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for the appeal.

(B) HISTORIC PRESERVATION BOARD (HPB). Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

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(C) **PLANNING COMMISSION.**

Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to the City Council. Only those decisions in which the Planning Commission has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board, or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment must be filed with the Planning

Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The applicant shall pay the applicable fee established by resolution. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.**

The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.

(H) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact, which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City ordinances, or applicable state or federal laws or regulations.

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Comment [p8]: 10-9a701(3)

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Comment [p9]: 10-9a-705

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**(J) CITY COUNCIL ACTION ON
APPEALS.**

- (1) The City Council, with the consultation of the appellant, shall set a date for the appeal.
- (2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
- (3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) CITY COUNCIL CALL-UP.

Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Planning Director up for review by the

Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) NOTICE. Notice of all appeals to City Council or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and
- (2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action.

**(L) STAY OF APPROVAL PENDING
REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by the, Planning Commission will be suspended until the City Council has acted on the appeal.

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(M) APPEAL FROM THE CITY COUNCIL.

The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) FINALITY OF ACTION. Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

(O) RECONSIDERATION. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(P) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land use authority.

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical

taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) TAKINGS REVIEW

PROCEDURE. Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) TAKINGS GUIDELINES. The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit

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the scope of the City's liability for a constitutional taking.

(C) **APPEAL.** Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD.** There is hereby created a three (3) member Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

Exaction or exactions may be imposed on development proposed in a land use application if:

(1) an essential link exists between a legitimate governmental interest and each exaction; and

(2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Comment [p11]: 10-9a-508

15-1 -2021. NOTICE MATRIX.

(See following pages)

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NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:	
Zoning and Rezoning	<u>14</u> days prior to each hearing before the Planning Commission and City Council	<u>14</u> days to each Affected Entity,	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.	Deleted: 14 Deleted: To Owners of the Property and Owners within 300 ft. 14 days prior to each hearing before the Planning Commission and City Council, if individual Property. Deleted: 14 Deleted: 14 Deleted: 14 Deleted: Substantive
LMC Amendments	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.	Formatted Table Deleted: LMC Procedural Amendments Deleted: Once 7 days prior to the hearing before City Council. Deleted: 14 Deleted: 14
General Plan Amendments	<u>14</u> days prior to each hearing before the Planning Commission and City Council.	<u>14</u> days to each Affected Entity	Once <u>14</u> days prior to each hearing before the Planning Commission and City Council.	Deleted: T Deleted: 14 days prior to the hearing before the Planning Commission.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	<u>14</u> days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission	Deleted: from Deleted: meeting Deleted: Staff, Deleted: Historic District Commission Deleted: Historic District Commission or Deleted: meeting Deleted: meeting Deleted: City Council meeting
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.	

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-22

including City Council Call-Up				
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	<u>14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft., at least 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP	
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	<u>14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.</u>	Once 14 days prior to hearing before the Board of Adjustment.	Deleted: To Owners within 300 ft., 14 days prior to the hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the <u>City</u> , to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	<u>14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.</u>	Once 14 days prior to the hearing before the <u>Historic Preservation Board</u> .	Deleted: To Owners within 300 ft. 14 days prior to the hearing before the Historic District Commission. Deleted: Community Development Dept Deleted: Deleted: District Commission. Deleted: District Commission
Determination of Historic Significance	Once 7 days prior to hearing before the <u>Historic Preservation Board</u> .		Once 7 days prior to hearing before the <u>Historic Preservation Board</u> .	Deleted: District Commission Deleted: District Commission.
Historic District Design Review	For a 10 day period once Staff's preliminary	To Owners of adjoining Property once Staff's	Only required upon appeal of the Planning	Deleted: =s Deleted: =s

	determination of compliance has been reached.	preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.	Deleted: Staff=s Deleted: staff Deleted: =s Deleted: District Commissio Deleted: n.
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.			
Termination of Project Applications		Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.		Deleted: Developer Deleted: Community Development Deleted: =s
Lot Line Adjustments: Between 2 Lots without a plat amendment.		To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.		Deleted: CDD Deleted: If Application is turned do then Applicant will be notified of right to appeal to Planning Commission and of right to file a plat amendment Application. Deleted: To Owners within 300 ft.
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.	
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.	Deleted: To Owners within 300 ft.
Record of Survey Amendments	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.	Deleted: To Owners within 300 ft. Deleted: before the City Council Deleted:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-24

<u>Subdivision Plat Amendments</u>, <u>14 days prior to the hearing</u> <u>14 days prior to the hearing, to Owners within 300 ft.</u> <u>Once 14 days prior to the hearing.</u>	Deleted: See Notice Requirement listed in Appendix A. Deleted: To Owners within 300 ft. of the Subdivision Deleted: before the Planning Commission Deleted: (No public hearing before City Council necessary. Consent item only) Deleted: Petition with consent of all Owners in Plat to Vacate or Change a Plat
<u>Vacating or Changing a Street</u> <u>14 days prior to the hearing before the City Council, to Owners within 300 ft and to Affected Entities.</u> <u>Once a week for 4 consecutive weeks prior to the hearing before the City Council.</u>	Deleted: ¶ To Owners within 300 ft. 14 days prior to the hearing before the City Council.¶ ¶ See content Notice Requirement listed in Appendix A (below). Deleted: Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received.¶ (Plat Amendments)¶ Deleted: Once 14 days prior to the hearing before City Council.¶ Formatted: Body Text 2, Space After: 0 pt Formatted: Space After: 0 pt
	Deleted: -----Once 7 days prior to hearing. Deleted: T Formatted: Line spacing: single, Widow/Orphan control, Tabs: 0.7", Centered Deleted: within 300 ft.
<u>Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.</u>	Deleted: 14 days prior to the hearing before the City Council. Deleted: See content Notice Requirement listed in Appendix A (below).
Appendix <u>A</u>, Official Zoning Map (Refer to the Planning Department) <u>PSMkaw6</u>	Deleted: Appendix A¶ ¶ Plat Amendment, Record of Survey Amendment, And Street Change Notice (mailed and published) shall include:¶ ¶ 1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date of notice;¶ ¶ 2. A statement that if no objecti... [1]
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NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each Affected Entity	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing, 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners	Once 14 days prior to the hearing before the Planning Commission.

within 300 ft.			
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to Owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD ; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Determination of Historic Significance	Once 7 days prior to hearing before the Historic Preservation Board.		Once 7 days prior to hearing before the Historic Preservation Board.
Historic District Design Review	For a 10 day period once Staff's preliminary determination of compliance has been reached.	To Owners of adjoining Property once Staff's preliminary determination of compliance has been reached, establishing a 10 day period in which Staff's decision may be appealed.	Only required upon appeal of the Planning Director's decision. See appeals from Planning Director, Historic Preservation Board, or Planning Commission, including City Council Call-Up.

Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.		
Lot Line Adjustments: Between 2 Lots without a plat amendment.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.		
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft..	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.,	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

**Vacating or
Changing a
Street**

14 days prior to the hearing
before the City Council, to
Owners within 300 ft and to
Affected Entities,

Once a week for 4
consecutive weeks
prior to the hearing
before the City
Council.

Note: For all applications, notice will be given to the applicant of date, time, and place of the public hearing and public meeting to consider the application and of any final action on a pending application.

Appendix A - Official Zoning Map (Refer to the Planning Department)

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PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 3

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 3 - OFF-STREET PARKING

Chapter adopted by Ordinance No. 00-25

CHAPTER 3 - OFF-STREET PARKING.

15-3 -1. PURPOSE.

The purpose of this Chapter is to:

- (A) specify Parking Area and Access drive standards for all Development within the City;
- (B) specify Parking Ratio requirements for specific land Use categories to ensure adequate and not excessive parking is provided for the Use.
- (C) provide solutions to mitigate impacts of parking and vehicular oriented Development;
- (D) provide for safe and efficient parking for people with disabilities; and
- (E) provide for convenient and safe motorcycle and bicycle parking to encourage and facilitate alternative modes of transportation.

15-3 -2. REQUIREMENT.

An Applicant must provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles at the time a Building is erected or enlarged.

If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking for the new Use as is required by this Chapter. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

15-3 -3. GENERAL PARKING AREA AND DRIVEWAY STANDARDS.

Off-Street parking shall meet the following standards:

(A) GRADING AND DRAINAGE.

- (1) Parking Areas must be Graded for proper drainage with surface water diverted to keep the Parking Area free of accumulated water and ice.

(2) Adequate control curbs must be installed to control drainage and direct vehicle movement.

(3) Parking Area drainage must be detained on Site, treated if required under NPDES (National Pollution Discharge Elimination Standards), and channeled to a storm drain or gutter as approved by the City Engineer.

(4) Driveways must not exceed a fourteen percent (14%) Slope.

(5) Drives serving more than one Single-Family Dwelling shall provide a minimum twenty foot (20') transition Area at no greater than two percent (2%) Slope beginning at the back of the curb, or as otherwise approved by the City Engineer, in anticipation of future Street improvements.

(B) **SURFACING.** Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. See Required Yard Exceptions in Chapter 2 for further drive and parking requirements in specific Zoning Districts.

(C) **PARKING AREA LIGHTING.** Low-pressure or high pressure sodium light sources are the only allowed light sources for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to Buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum

light trespass off-Site by using cut-off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

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(1) **MAXIMUM LIGHT DISTRIBUTION.** For uniformity in lighting and prevention of shadows, an average horizontal Luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the maximum allowed.

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(2) **POLE HEIGHT/ WATTAGE/ DESIGN/ HEIGHT.** Luminaries mounting height must be, measured from the Parking Lot or driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Department and/or the Planning Commission. The maximum height shall only be allowed at the review and approval of the Planning Department with specific findings. The determination shall be based on:

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- (a) review of the Site plan,
- (b) proposed land Uses,
- (c) surrounding land Uses,
- (d) Parking Area size,
- (e) Building mass,

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(f) location of the Site with respect to other lighting sources,

(g) impacts on the adjacent Properties,

(h) topography of Site, and

(i) other Site features.

Light Poles higher than sixteen feet (16') are appropriate only for Parking Areas exceeding two hundred (200) stalls and not in close proximity to residential Areas.

**(3) PARKING AREA
WATTAGE/DESIGN
STANDARD.**

(a) Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.

(b) Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.

(c) Wood fixtures and fixtures mounted on wooden poles are encouraged. They must be naturally stained or painted in earth tones. If metal fixtures or poles are

used they should be black, dark brown or earth tone.

(d) The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape Areas.

**(4) UNDERGROUND
PARKING GARAGE**

ENTRYWAYS. Light sources within the first thirty feet (30') of an open garage entryway must be high-pressure sodium light sources with partially shielded fixtures.

**(5) SUBMISSION
REQUIREMENTS.** An Application for Development with Off-Street parking must contain the following:

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(a) plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;

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(b) description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required;

(c) photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the Site.

(6) **NON-CONFORMANCE.** All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The Applicant must bring such fixtures into compliance with this Code with any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

(D) **PARKING AREA LANDSCAPING.** Landscaping for Parking Areas is considered Landscaped Open Space.

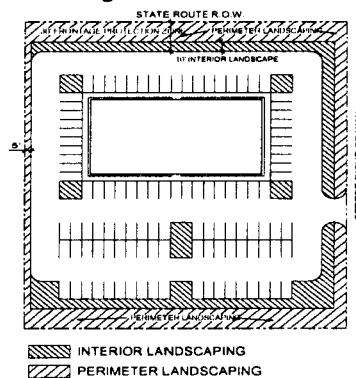
(1) **SIZE OF PARKING AREA.** For purposes of this Section, a Parking Area is defined as five spaces or more. Underground parking or Parking Structures are excluded from the provisions of this Section except Screening.

(2) **CALCULATION OF PARKING AREA.** The Parking Area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge of pavement.

(3) **INTERIOR LANDSCAPING REQUIREMENTS IN THE GENERAL COMMERCIAL (GC), REGIONAL COMMERCIAL OVERLAY (RCO) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICTS.** Each Parking Area in the GC, RCO and LI Districts must have an Interior Landscaped Area equivalent to twenty percent (20%) of the total Parking Area, including drive aisles. Parking Areas with fewer than fifty (50) spaces must have an Interior Landscaped Area equivalent to ten percent (10%) of the Parking Area. Ten feet (10') of Perimeter Landscaping may count towards the Interior Landscaped Area.

Landscaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

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Building Foundation Landscaping does not count towards Interior Landscaping Area.

NON-CONFORMANCE. All landscaping lawfully installed, that does not meet these requirements is considered non-conforming landscaping. The Applicant must bring such landscaping into compliance with this Code with any change in Use that increases the Parking Ratio requirements for the Site.

(4) INTERIOR

LANDSCAPING. Parking should generally be located to the rear of Buildings or Screened so it does not dominate the Streetscape. In the design of large Parking Areas, bays or stalls shall generally be separated by landscaping to break up the mass of Hard-Surface paving. The Parking Area must be designed to provide adequate snow storage in winter.

Landsaped Areas shall generally not be less than five feet (5') wide. A reduction in the landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

(5) PERIMETER

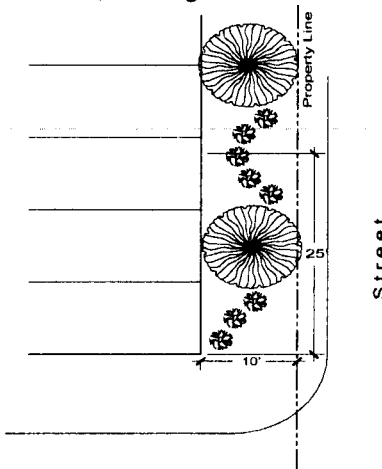
LANDSCAPING. Unless a driveway exception is used, unenclosed Parking Areas shall

generally include landscaping on all perimeter Property Lines. This provision shall not be required in zoning districts that allow zero Lot Line Development, or within the Historic District Zones, unless required as part of an approved Master Planned Development.

Landsaped Areas shall generally not be less than five feet (5') wide. A reduction in the Landscape Area width may be granted by the Planning Director if the Applicant provides acceptable mitigation to vegetate and buffer the unenclosed Parking Area.

The Applicant shall generally maintain a minimum of one (1) tree and five (5) shrubs per twenty-five linear feet (25') of Landsaped Area. Trees and shrubs may be clustered as part of good design.

The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty feet (30') in width, abutting the Street.



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(6) **SNOW STORAGE.** Snow storage Areas may be included in the Interior or Perimeter Landscaped Areas if they are landscaped to accommodate snow storage.

(7) **STORM WATER DETENTION/ POLLUTION CONTROL.** Landscaped Areas used for storm water detention and pollution control may count towards the landscaping requirements.

(8) **CLEAR VIEW OF INTERSECTION.**

(a) Corner Lots. No landscape obstruction is allowed in excess of two feet (2') in height above Street Grade within the Sight Distance Triangle. A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(b) Driveway Access. The same criteria as used on corner Lots apply to driveway Access except that the triangular Area is defined by the intersection of the road Right-of-Way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at

points twenty-five feet (25') from their intersection.

(E) **SNOW STORAGE.** Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

(F) **PARKING SPACE DIMENSIONS.**

(1) Parking Spaces must be nine feet (9') wide by eighteen feet (18') long. The City Engineer may approve minor variations in Parking Space dimensions.

(2) ADA Parking Space width requirements vary and shall be consistent with current Uniform Building Code standards.

(3) Compact spaces with dimensions of nine feet (9') wide by sixteen feet (16') long may be provided. These spaces are not Code spaces for the purpose of satisfying parking requirements.

(G) **STREET ACCESS AND CIRCULATION.** Off-Street Parking Areas

must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed.

Applicants for all Drive-up or Drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the Right-of-Way.

(H) DRIVEWAY WIDTHS AND SPACING.

(1) DRIVEWAY WIDTHS.

The following driveway width dimensions are required. Additional driveway standards for the Historic District are outlined in Section 15- 3 -8 of this Chapter. Minor variations in driveway widths may be approved by the City Engineer.

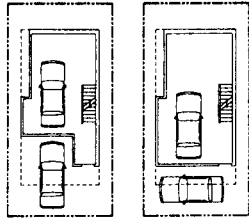
PROPOSED USE	MINIMUM WIDTH	MAXIMUM TOTAL WIDTH
RESIDENTIAL Single-Family Duplex Shared Driveways	10'	27'
RESIDENTIAL Multi-Unit, 5 or more Parking Spaces	18'	30'
COMMERCIAL Requiring 5 or more Parking Spaces	24'	30'
COMMERCIAL Requiring 4 or fewer Parking Spaces	18'	30'

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(I) TANDEM SPACES. Parking designs, which necessitate parking one vehicle directly behind another (not perpendicular to each other) are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.

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(J) **CLEAR VIEW OF INTERSECTING STREETS.** In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

15-3-4. **SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.**

(A) **SINGLE FAMILY RESIDENCES AND DUPLEXES.**

(1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

(2) **CIRCULAR DRIVEWAYS.** Circular driveways are permitted for Single Family and Duplex Dwellings provided one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15'), and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any

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vehicle.

(e) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parking completely on private Property.

(B) PARKING AREAS WITH FIVE (5) OR MORE SPACES.

(1) All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.

(2) Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a residential Use, the Applicant must Screen the Lot or drive.

(3) Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').

(4) Driveways must be at least ten feet (10') from any intersecting Right-of-Way.

The City Engineer may approve minor spacing and width deviations.

(C) PARKING GARAGES AND STRUCTURES.

(1) **STRUCTURED PARKING REQUIREMENTS.** Parking within a fully enclosed Parking Structure where the weather does not affect the availability of Spaces requires the following:

(a) Twenty-four foot (24') minimum aisle width, for 90 degree layout;

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(b) Adequate circulation to ensure that each required Space is readily accessible as well as usable. Column and wall locations must be specifically addressed in terms of automobile and pedestrian circulation and maneuvering.

(c) Light sources within the first thirty feet (30') of a Parking Structure opening must be high pressure sodium or compact fluorescent light sources with Partially Shielded fixtures.

15-3 -5. DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT CITY STREETS.

The following standards apply to driveways within platted but un-built Streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

(B) Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

(C) The driveway must be paved with asphalt or concrete.

(D) The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

(F) The driveway construction requires a Conditional Use permit, Section 15-1-10.

(G) An encroachment permit for the driveway is required.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

15-3 -6. PARKING RATIO REQUIREMENTS FOR SPECIFIC LAND USE CATEGORIES.

(A) **RESIDENTIAL USES.** Off-Street parking shall be provided for each land Use as listed in this section, in the Parking Ratio Requirements tables. When applying the tables, the parking requirements stated for each Use, or combination of Uses, applies to each Dwelling Unit within the Structure. Specific Uses, and the related parking ratio

requirements are also shown below: Also refer to 15-15 Definitions for clarification of Uses.

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE	PARKING RATIO (NUMBER SPACES)	
Accessory Apartment	1 per bedroom	
Lockout Unit in Single Family and Duplex Dwellings	1 per bedroom	
Single Family Dwelling	2 per Dwelling Unit	
Duplex Dwelling	2 per Dwelling Unit (4 total)	
Triplex Dwelling	2 per Dwelling Unit (6 total)	
Multi-Unit Dwelling	Apartment/Condominium not greater than 650 sf floor Area	1 per Dwelling Unit
	Apartment/Condominium greater than 650 sf and less than 1000 sf floor Area	1.5 per Dwelling Unit

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	Apartment/ Condominium greater than 1,000 sf and less than 2,500 sf floor Area	2 per Dwelling Unit
	Apartment/ Condominium 2,500 sf floor Area or more	3 per Dwelling Unit
Dormitory	1 per 200 sf floor Area devoted to accommodations	
Boarding House, Hostel,	1 per 2 beds; and 1 per manager's unit	
Secondary Living Quarters	1 per bedroom in addition to requirements for primary residence	
Guest House	1 per Unit	

(B) **NON-RESIDENTIAL USES.** In non-residential projects, or for non-residential space associated with primarily residential Structures, the following parking requirements shall apply: Also refer to LMC Chapter 15-15, Definitions, for clarification of Uses.

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
USES	PARKING RATIO REQUIREMENT (NUMBER SPACES)
Group Care Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Child Care Center	1 per on-duty staff per shift and 1 per 6 children

Public and Quasi- Public Institution, church and school; Public Utility Uses; and Cemetery	1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sf of floor Area, whichever is greater
Auditorium and Assembly Hall	1 space per every 5 seats
Bed and Breakfast Inn	1 space per bedroom
Hotel, Minor and Major	1 space per room or suite, and 1 space per 200 sf of separately leasable commercial space
Offices, General	3 spaces per 1,000 sf of leasable floor Area
Offices, Intensive	5 spaces per 1,000 sf of leasable floor Area
Office and Clinic, Medical	5 spaces per 1,000 sf of leasable floor Area
Hospital, Limited Care	1 space per 2 beds
Hospital, General	3 spaces per bed
Automobile Sales/ Rental	1 space per vehicle plus one space per employee
Financial Institution, with and without drive-up	3 spaces per 1,000 sf of net leasable floor Area
Retail & Service Commercial, Minor, Personal Service	3 spaces for each 1,000 sf of net leasable floor Area
Retail & Service Commercial, Major	5 space for each 1,000 sf of net leasable floor Area
Retail & Service, outdoor storage	3 spaces per 1,000 sf of inside net leasable floor Area

Retail & Service, Auto Related and Gas Stations	5 spaces per 1,000 sf of net leasable floor Area
Shopping centers or complexes of multi-tenant retail spaces	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces
Convenience Store, Support Commercial Uses	5 spaces per 1,000 sf of net leasable floor Area
Cafe/Deli	3 spaces per 1,000 sf of net leasable floor Area
Restaurant, Standard and Bar	1 space for every 100 sf of net leasable floor Area, including kitchen Areas
Restaurant, Outdoor Dining	Based on Site specific review at the time of CUP
Restaurant, With Drive-up	15 per 1,000 sf of net leasable floor Area
Light Industrial and Wholesale establishments	1 for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 sf of floor Area and light manufacturing at 2.5 per 1,000 sf of floor Area
Temporary Improvement	1 per employee plus 2 guest spaces
Tramway Station/ Ski Base Facility	See Chapter 8.20
Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity

Recreation Facility, Public	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area, or 1 per 3 persons rated capacity depending on type of facility
Indoor Entertainment, Theater	1 space per 4 seats or 5 spaces per 1,000 sf of floor Area depending on type of facility
Commercial Outdoor Recreation and Stables, Riding Academy	1 space per 3 persons maximum rated capacity
Master Planned Developments	As determined by Planning Commission based on proposed Uses
Mining Operations	2 spaces per 3 employees
Airports/Heliports	As determined by the Planning Commission. based on traffic generation study

(C) **CALCULATION OF SPACES.** If a project incorporates two Uses, the Use requiring higher number of Parking Spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

15-3-7. PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS.

(A) In Master Planned Developments and in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning

Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. The parking study must analyze whether:

- (1) parking Uses will overlap,
- (2) commercial spaces within the project will serve those residing within the project rather than the general public,
- (3) or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

(B) Master Planned Developments with a parking demand of eight (8) or fewer Parking Spaces may not reduce required parking under any circumstance.

(C) See LMC Chapter 10, Master Planned Developments, for Parking Area Landscaping Requirements for MPDs.

15-3 -8. PARKING IN THE HISTORIC DISTRICT.

(A) To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

(B) Common Parking Structures are allowed as a Conditional Use where it

facilitates:

- (1) The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and
- (2) The reduction, mitigation or elimination of garage doors at the Street edge.

(C) A Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the area above Grade is properly landscaped., subject to Conditional Use Permit or Master Planned Development.

(D) Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(E) Turning radii are subject to review by the City Engineer as to function and design.

15-3 -9. BICYCLE PARKING REQUIREMENTS.

(A) New construction of, and additions to existing commercial or industrial Structures or Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

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(B) For Developments generating a parking demand of greater than fifteen (15) bicycle Parking Spaces, the number and location of bike racks and storage shall be determined by the Planning Department, based on the land Use and Site specific criteria such as Site design, parking layout, location of entrances, and proximity to public transit.

(C) **EXCEPTION.** These standards shall not apply to existing Structures that have been built with zero Setbacks or when such facilities would negatively impact Access, circulation, or snow removal.

(D) Bicycle spaces must accommodate bicycle storage medium security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bicycle and to facilitate easy and secure storage without interference from or to adjacent bicycles. Bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers and saws.

(E) Bicycle spaces must be Compatible in design and function with the surrounding Buildings and with surrounding Street furniture.

(F) Such facilities must be located in convenient, highly-visible, active, well-lighted Areas but shall not interfere with pedestrian movements and snow storage.

15-3-10. OFF-STREET LOADING SPACES.

(A) Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.

(B) Except in the Historic District Zones, loading docks and loading Areas must be Screened from adjoining Property and public Right-of-Way.

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PARK CITY MUNICIPAL CODE
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EXHIBIT C



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS

Chapter adopted by Ordinance No. 02-07

CHAPTER 4 - SUPPLEMENTAL REGULATIONS.

15-4 -1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

15-4 -2. FENCES AND WALLS.

(A) LOCATION.

Fences and Walls may be erected or allowed within the buildable area, and as allowed in the Setback Exceptions in Chapter 2. Any Fence or Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or Wall greater than six feet (6') in height requires a building permit.

Within any required Front Yard or Street Side Yard, Fences and Walls shall not exceed four feet (4') in height, measured

from Final Grade,

Fences and Walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit or as approved with a CUP.

The height of Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit or as approved with a CUP.

(B) RESTRICTIONS ON

MATERIALS. Chain link Fences are prohibited in all zones with the following

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exceptions, which must be approved by the Planning Director.

(1) For recreational facilities such as tennis courts,

(2) As temporary limits of disturbance fencing during construction as approved by the Planning Department.

(3) Chain link Fences within the required Yard areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS**

Berms within the required Yard Area may be constructed subject to the following:

(1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

(2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.

(3) Within Front Yard areas berms may not be constructed to interfere with required Sight Distance and may not obstruct driver's line of sight from streets and roads.

15-4 - 3. HOME OCCUPATION.

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A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof. .

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Only those Persons making the home their primary residence may be employed in a Business operated from that home.

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A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural and horticultural products. Activity outside of the Buildings, related to the Home Occupation that is not normally associated with a residential Use is not permitted.

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The Use of mechanical equipment shall be limited to small tools whose Use shall not generate noise, vibration, smoke, dust, heat, glare, or odors perceptible beyond the premises of the dwelling.

The total Area used for the Home Occupation shall be limited to no more than one-half (½) of the floor Area of the first floor and shall not change the residential character of the Building. This does not require the Home Occupation to occupy only the first floor.

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Outdoor storage of equipment, materials, and supplies associated with a Home Occupation is prohibited. Storage of equipment, materials, and supplies associated with a Home Occupation, within a garage, shall not displace required Off-Street parking.

There shall be no exterior advertising of Home Occupation Businesses on the premises by window displays or signs.

No traffic may be generated by such Home Occupation in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the residential parking requirements or which is inconsistent with the normal parking usage of the district.

(A) A Home Occupation may include, but is not limited to, the following, provided that all requirements contained herein are met:

- (1) arts and crafts studio;
- (2) culinary products Kitchen or studio;
- (3) dress-making or millinery work;
- (4) professional office;
- (5) home office for insurance or real estate sales or telemarketing; or
- (6) teaching and tutoring.

(B) A Home Occupation shall not be

interpreted to include the following:

- (1) animal hospital;
- (2) long-term care facility;
- (3) restaurants, bars, cafes, shops and other general commercial retail Uses;
- (4) Bed and Breakfast Inns; or
- (5) Child Care or Group Care Facilities.

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15-4 - 4. SECONDARY LIVING QUARTERS.

Secondary living quarters are a permitted Accessory Use in all districts except the HRL, HR-1, HR-2, and ROS, unless previously approved by a Master Planned Development. Any request for secondary living quarters within residential dwellings shall be reviewed and approved by the Planning Department. The following criteria must be established prior to issuance of Building Permit or Certificate of Occupancy.

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(A) **SIZE.** The maximum size for secondary living quarters shall be 1,000 square feet. This amount shall be included in the total Building Floor Area square footage calculations for all Structures.

(B) **PARKING.** One (1) on-Site Parking Space for each Secondary Living Quarter shall be provided in addition to the underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS.**

The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living Quarters shall not contain full Kitchens, as defined by this Code.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar persons.

15-4-5. LOCKOUT UNITS.

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. GUEST HOUSES.

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the size of the Main Dwelling, in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

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Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Records Office.

15-4-7. ACCESSORY APARTMENTS.

Accessory Apartments are subject to the following criteria:

(A) **CRITERIA FOR USE.**

(1) **SIZE.** Accessory

Deleted: The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the community. While preservation of the single family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety.

Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

(a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are

undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

(i) Tandem Parking will not create an undue hardship for the neighborhood.

(ii) Other parking options are less desirable than the proposed tandem space.

(iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

(3) **APARTMENTS PER LOT.**

No more than one (1) Accessory Apartment may be located on a Lot.

(4) **REQUIREMENTS FOR REVIEW.** The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

(5) **DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.

(6) **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.

(7) **DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Accessory Apartment was issued to _____,

the current Owner of this Property on _____.

This permit does not run with the land and is automatically invalidated by the sale or

transfer of this Property.

Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner".

Prospective purchasers who intend to reside in one of the units on the Property may apply with the Planning Department for an Accessory Apartment permit. If the Apartment already exists and all of the conditions required by zoning continue to be met, a new permit will typically be granted. The Owner shall strictly adhere to the prohibition of the Use of the accessory Structure as a Nightly Rental.

(8) **NIGHTLY RENTALS.** Accessory Apartments are intended for long term rental of thirty (30) days or more and may not be used for Nightly Rentals.

(9) **HOMEOWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.** All Accessory Apartments shall be subject to the Homeowners Association and notification requirements established in LMC Chapter 15-1-12 (E).

(B) **REGULATED USE REVIEW.**

The Planning Department shall review Accessory Apartments in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments are an Allowed Use and not a Conditional Use. After

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submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 (A), established herein. The Regulated Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(C) **CONDITIONAL USE REVIEW.**

In those zones where Accessory Apartments are subject to a Conditional Use permit, the Planning Commission shall review the requested Use. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Commission shall approve a permit if the requested Accessory Apartment complies with the criteria established in Section 15-4-7 (A) herein. In addition, prior to issuance of a Conditional Use permit, the Planning Commission shall determine that parking and other impacts as outlined in LMC Chapter 15-1-10 have been mitigated. The Conditional Use permit shall be subject to the one (1) year review outlined in Section 15-4-7(D).

(1) **PERMIT REVOCATION.**

The Accessory Apartment permit may be revoked by the Planning Department for non-compliance with the criteria of this Chapter and any additional conditions of approval. The permittee may appeal the determination to the Board of Adjustment, which will evaluate the Planning Department's determination of permit non-compliance and decide if permit revocation should occur.

(D) **ONE YEAR REVIEW.** Both regulated Use permits and Conditional Use permits for Accessory Apartments shall be subject to a one (1) year review by the Planning Department. The review shall occur one (1) year after issuance of the Accessory Apartment permit. If no complaints have been filed and the Planning Department finds that the Owner and tenants are complying with the conditions of the permit, then the permit may be extended until ownership of the Property is transferred. If complaints have been filed, the Planning Department shall ensure that the Owner of the Property is complying with the requirements of the Accessory Apartment permit.

(E) **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-conforming Accessory Apartments may be approved by the Planning Department provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7 (A). If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. Permits for non-conforming Accessory Apartments shall be subject to the

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one (1) year review provisions of Section 15-4-7 (D). The Planning Commission shall approve the request only if the following findings can be made:

- (1) The Apartment contains no more than two (2) Bedrooms;
- (2) One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
- (3) One (1) unit is Owner-occupied; and
- (4) Impacts of the Use can be mitigated.

15-4-8. GROUP CARE FACILITIES.

(A) **PURPOSE.** To ensure that Group Care Facilities do not have an adverse impact on the character of adjacent neighborhoods and to ensure that issues of public safety, traffic and parking are mitigated, permitting of these facilities is governed by the following regulations. The intent of these regulations is to locate such Group Care Facilities where the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facilities; where the Site can accommodate adequate Off-Street parking; where the Structures are designed to be Compatible with the character of the adjacent neighborhood; and where the type of Use, activities, and services provided by

the Group Care Facility are substantially consistent with the activities otherwise permitted in the district.

(B) **PERMIT REQUIRED.** All Group Care Facilities require a Conditional Use permit prior to occupancy. A business license and Certificate of Occupancy for the Group Care Facility is also required. No Certificate of Occupancy will be issued by the City for a Group Care Facility until the Applicant has submitted a valid license, or other appropriate authorization, or copy thereof, from a governmental agency having proper jurisdiction.

Family foster homes are exempt from these regulations.

Child Care homes and facilities are regulated in Section 15-4-9.

Elder care homes are exempt from these regulations, provided that the maximum number of elderly Persons receiving care, protection and supervision in any such home shall not exceed eight (8) at any given time.

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Dependent on the review criteria herein, the maximum permissible number of residents, excluding supervisors, is eight (8) in the R-1, HRC and HCB Zoning Districts; twelve (12) in the RCO, GC, and LI Zoning Districts; and six (6) in all other Districts where Group Care Facilities are a Conditional Use.

The minimum separation requirement between any other Group Care Facility shall be 750 feet. The Planning Commission may permit two (2) such facilities to be

located closer than 750 feet if they are separated by a physical barrier, including without limitation an arterial Street or State Highway, a commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the separation requirement shall be allowed only after the Commission has determined that the barrier and the resulting separation are adequate to protect the City and neighborhood from any detrimental impacts resulting from an excessive concentration of Group Care facilities in any one (1) vicinity. The Planning Department maintains a map and notebook showing the location of such Group Care Facilities.

(C) **REVIEW CRITERIA.** The Planning Department shall review all Group Care Facilities Applications and forward them to the Planning Commission. The Planning Commission shall consider the following criteria, in addition to all criteria listed in LMC Chapter 15-1-10, Conditional Use permit review:

- (1) Whether the adjacent Street system is sufficient to accommodate the traffic impacts generated by the Group Care Facility.
- (2) Whether the Group Care Facility has made on-Site accommodations for all parking and circulation requirements.
- (3) Whether the architectural design of the facility is Compatible with the character of the adjacent neighborhood.

(4) Whether the types of treatment activities or the rendering of services proposed to be conducted upon the premises are substantially consistent with the activities otherwise permitted in the district. No Person shall make a Group Care Facility available to an individual whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the Property of others. This determination that an individual poses a direct threat to the health and safety of others or a risk of substantial physical damage to Property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled Persons.

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(5) Whether there are other such facilities located within 750 feet of the proposed location.

(D) **NOTICE.** A notice of any Group Care Facility Conditional Use permit granted by the City, and any conditions imposed upon such facility, shall be duly recorded by the City with the County Clerk and Recorder, showing the description of the Property upon which the Group Care Facility is permitted.

(E) **PROHIBITED.** Group Care Facilities are prohibited in the HRL, POS, and ROS Zoning Districts.

15-4-9. CHILD CARE AND

CHILD CARE FACILITIES.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage the provision of Child Care, which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) **IN-HOME BABYSITTING.** In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.

(C) **FAMILY CHILD CARE.** Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) **PERMITS REQUIRED.**

Family Child Care homes shall be permitted in all Zoning Districts subject to issuance of a Certificate of Occupancy for the home, by the Chief Building Official, and either an Administrative Permit issued by the City Planning Director or a Conditional Use Permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Planning Department. Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use Permit issued by the Planning Commission. Family Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.**

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Child Care homes are subject to the following requirements:

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(a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Two (2) drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Play Area Size and Location.** Minimum indoor and outdoor play areas are

regulated by the State, but in no case shall there be a structured play area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

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(e) **Signs.** All signs must conform to the Park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) **Primary Residence.** If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) **Multi-Unit Dwellings.** Family Child Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use Permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission.

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Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from the Home Owner's Association for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) FAMILY GROUP CHILD CARE.

Family Group Child Care is a medium scale Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

All Child Care that does not take place in the primary residence of the primary care provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the

definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

(1) PERMITS REQUIRED.

Family Group Child Care homes require a Conditional Use Permit in all residential Districts and require an Administrative Permit issued by the Planning Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also require a Conditional Use Permit. Family Group Child Care homes are subject to issuance of a Certificate of Occupancy for the home by the Chief Building Official.

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Family Group Child Care requires a Conditional Use Permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

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(2) REVIEW CRITERIA.

Prior to the issuance of either an Administrative Permit or a Conditional Use Permit, all Family Group Child Care homes are subject to the following requirements:

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- (a) **Parking.** One (1) Off-Street Parking Space is required for each non-resident or non-family member employee in addition

to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) **Drop-off/Pick-up Area.** Four (4) drop-off/pick-up spaces must be provided. For Family Group Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) **Arterial Street.** If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) **Density.** No more than one (1) Family Group Child Care home may be

permitted on any one (1) Street or within any 300 foot radius, whichever Area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius Area. Family Child Care homes and other Child Care operations, which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI, HRC, HCB shall not be subject to these Density restrictions.

(e) **Play Area Size and Location.** An outdoor play area of at least 360 square feet shall be provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) **Screening.** Screening for all play areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense shrubbery, or similar, subject to Planning Department

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approval.

(g) **Structure Inspection Required.** The Structure shall conform to JBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued.

(h) **Neighborhood Meeting.** Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Planning Department, shall be held to discuss the proposed facility with Property Owners within 300 feet of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

(i) **One Year Review.**

All Conditional Use Permits for Family Group Child Care homes may receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under new business if it is determined that there have been excessive problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

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Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi-Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common

Area, or unless the project was designed to accommodate a Child Care facility.

(E) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care provider's primary residence and for less than 24 hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care provider's primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

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A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use Permit is required. A Child Care Center may be located within a residential District with a Conditional Use Permit, pursuant to LMC Chapter 15-1-10.

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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 Permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements during the review process.

(1) **LOCATION CRITERIA.**

For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently accessed from existing arterial and Collector Roads.

(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other traditional neighborhood facility with

large landscaped Areas or playing fields.

(d) The Child Care Center is conveniently accessed by public transportation.

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(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) **SITE REQUIREMENTS.**

(a) **Parking.** At least one

(1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) **Circulation.** An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading Area must be provided.

(c) **Fencing.** An opaque Fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission

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approval, but chain link Fencing shall not be used.

(d) **Play Areas.** No structured area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) **Density.** No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than 300 feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

(f) **Lot Size and Configuration.** The minimum Lot Area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its

discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas, which are contiguous to the Structure.

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(g) **Setbacks.** Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards and twenty-five foot (25') rear yards.

(h) **Play Area within Setbacks.** No more than fifty percent (50%) of the State Code required play area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

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(i) **Signs.** One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

(j) **Exceptions.** The Planning Commission may

grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

15-4-10. TIMESHARE PROJECTS.

(A) **INFORMATION TO BE FILED WITH TIMESHARE PROJECT APPLICATIONS.** The Developer of any Timeshare Project other than a Timeshare Conversion shall file with the Planning Department the following information as part of a Building Permit Application:

- (1) The proposed duration of Timeshare Intervals.
- (2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
- (3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
- (4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants; Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club

Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance of the Timeshare Project and/or units.

(5) The name, address, and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' association in emergency situations. Any change in name, address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

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(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

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(7) Whether the Developer plans to offer resale assistance and/or exchange program affiliation to Timeshare Interval purchasers.

(8) A description of the methods to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Project.

(9) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

(B) **DENIAL OF NEW TIMESHARE PROJECTS.** The creation of new Timeshare Projects is a Conditional Use. The Planning Commission and other City departments shall review the project according to the standards of review set forth in LMC Chapter 15-1-10, as well as specific criteria stated in Section 15-4-11, Timeshare Conversion, except that the consent of the unit Owners is required only in the case of a conversion of an existing Structure.

The Applicant shall also demonstrate that there are no adverse effects on City services, or City finances through the loss of sales tax revenue, or adverse affect on the Use of convention and meeting space.

15-4 -11. TIMESHARE CONVERSION.

(A) **TIMESHARE CONVERSION.** Developers of Timeshare Conversions shall file with the Planning Department the following information as part of a Conditional Use permit Application:

(1) The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.

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(2) Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.

(3) Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.

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(4) A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.

(5) The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name,

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address or phone number of the managing Agent shall be filed with the Planning Department and the Park City Business Licensing Division.

(6) The name, address and phone number of the central contact Persons for the Developer and/or the Timeshare Project for Business license, tax and utility service payments, who will be responsible for making such payments on behalf of the Developer as provided by the Timeshare Instrument. Any change in name, address or phone number of the central contact Persons shall be filed with the Planning Department and the Park City Business Licensing Division.

(7) A list of all Owners of the Property being converted, or if the Property has previously been divided into separately owned units, Dwelling Units or Lots, a list of all Owners of such units, Dwelling Units or Lots. This list shall be prepared by a title company or licensed abstractor.

(8) A plan showing in reasonable detail the means by which the Timeshare Conversion will comply with the Park City parking requirements for Timeshare Projects, including the purchase of any necessary additional Property.

(9) Evidence of a review and approval by the appropriate sewer

district and the Park City Water Department regarding anticipated increases in sewer flows and water Use resulting from the change in Use.

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(10) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements from not less than sixty five percent (65%) of the Owners of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

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(11) Any other information that the Developer or Planning Department deems reasonably necessary to the consideration of the project.

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(B) **CONDITIONS FOR CONVERSION APPROVAL**. In determining whether, and under what conditions, to issue a Conditional Use permit for Timeshare Conversions, the City shall review the following conditions and considerations and approve the project if:

(1) Timeshare Conversion will have no serious adverse effect on present and future City services, including loss of sales tax revenue due to Timeshare Uses being exempt

from sales tax. The cumulative effect of the subject project and other Timeshare Projects may be considered.

(2) Timeshare Conversion will have no serious adverse effect on traffic circulation and parking.

(3) The Applicant's ability to guarantee the future adequacy, stability and continuity of a satisfactory level of management and maintenance of the Timeshare Conversion.

(4) Whether an office of the managing Agent or agency is located locally or within the Timeshare Conversion and the impact that may cause.

(5) Timeshare Conversion will have no serious adverse effect on meeting space, convention Business and Nightly Rentals within the City. The cumulative effect on the proposed conversion and other existing projects may be considered.

(6) Compliance with this Code, parking requirements, Park City Planning Commission policies, the City's Comprehensive Plan, and other applicable City ordinances and guidelines in force at the time of Application.

(7) Compliance with the Park City Uniform Building Code and other Park City Building Department

regulations in force at the time of Application.

(8) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the Timeshare Conversion.

(9) For the conversion of any units in any Condominium project or Dwelling Units in any Planned Unit Development project, the written statements of not less than Owners of sixty five percent (65%) of all existing units or Dwelling Units in the project indicating their unconditional approval of the Timeshare Conversion signed by such Owners not more than ninety (90) days prior to the date of the Application for a Conditional Use permit.

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(10) The Structure proposed for conversion is in substantial compliance with the Building Codes and fire Codes adopted by Park City.

(C) **DENIAL OR APPROVAL**. The City may approve or deny the request for Timeshare Conversion of a project on the basis of its findings on the above-listed matters. Any action to approve or deny by either the Planning Department, subject to ratification by the Planning Commission, or the City Council shall give written findings on the matter, and state specifically the reasons for the denial.

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(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 Planning Department may consider:

- (1) The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the Area.
- (2) The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
- (3) Whether the off-premise contacting can be confined to a completely enclosed Building.
- (4) Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.
- (5) Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed

premises of another Person with the consent of that Person. No Conditional Use Permit is required under these circumstances.

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(E) TIMESHARE CONVERSIONS.

Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to Timeshare Projects as defined in LMC Chapter 15-15-1 without first obtaining a Conditional Use Permit as required by this Chapter. A Conditional Use Permit must be obtained for the conversion of each separate project or Property being converted.

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**15-4 -12. CONDOMINIUM
CONVERSION.**

Existing Structures shall not be converted to Condominium ownership without first receiving the review and recommendation of the Planning, Engineering, and Building Departments, City Attorney, and record of survey plat approval from the City. Required Public Improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The Structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

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**15-4 -13. PLACEMENT OF
SATELLITE RECEIVING ANTENNAS.**

(A) PURPOSE. To ensure that Satellite Receiving Stations do not have an adverse impact on aesthetic values and public safety

in residential, commercial and industrial Areas, and the Historic District, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such Antenna and equipment where they are least visible from Public Streets and public Areas and, to the extent possible, provide Screening from adjacent Property Owners.

(B) **PERMIT REQUIRED.** The installation of Satellite Receiving Stations, unless otherwise provided in this ordinance, shall be deemed a permitted Use. It shall be unlawful to install any Satellite Receiving Station greater than two feet (2') in diameter without first having obtained a Building Permit from the City. Plans of such Satellite Receiving Station shall be submitted with each Application for a Building Permit, which shall include a Site plan indicating the height, color, location, Setbacks, foundation detail, landscaping, and Screening and such plan shall be subject to approval by the Planning and Building Departments.

(C) **INSTALLATION STANDARDS.** The following standards apply to the installation of a Satellite Receiving Station that is greater than two feet (2') in diameter:

(1) **HEIGHT.** Ground-mounted receiving stations shall be limited to a maximum height of ten feet (10') above Grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished Grade beneath the apparatus, with the apparatus set in its operating

position. Finished Grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

(2) **SETBACKS.** Satellite Receiving Stations installed on the ground must maintain all normal Building Setbacks applicable to the zone in which the station is located.

If Setbacks are not specified for the Development, Setbacks for the underlying zone must be met. The Planning Director may vary Setback requirements if the most effective Screening can be achieved by placing the station within one of the required Setbacks.

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(3) **LOCATION.** All ground based receiving stations shall be located behind the front facade of the Main Building on the Site. Stations may be allowed in the Front Yard Area if it can be shown that no other reasonable locations are available and that Site specific conditions including steep Grades, dense vegetation, or other natural features which serve to Screen the receiving station exist on the Site. A Satellite Receiving Station may be located in the Front Yard Area only upon written approval by the Planning Director.

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(4) **SCREENING.** Each Satellite Receiving Station mounted on the ground shall be Screened from ground view from Public Streets,

Rights-of-Way, parks and golf courses through the addition of vegetative and non-vegetative features and/or landscaping as shall be approved by the Planning Department. Screening may also be required for adjacent Property Owners. Screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the Property. When initially installed, Screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the Satellite Receiving Station, and low level Screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the Site. A security shall be required to be posted to ensure installation of required Screening. The security shall be 125% of the estimated cost of the Screening.

(5) **MATERIALS AND COLOR.** All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a neutral color and satellite dish Antennas shall be of a wire mesh material. Variations may be reviewed and approved by the Planning Director. Highly reflective materials shall not be permitted.

(6) **ROOF OR WALL-MOUNTED.** Roof or wall-mounted

Satellite Receiving Stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any Public Street, and maintain normal Setbacks.

Satellite Receiving Stations on flat roofs may be approved if they are Screened by the addition of architectural features which integrate with the characteristics of the Structure and are not located on the portion of the roof fronting on any Public Street. The receiving station and Screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for Architectural Details such as chimneys, vents, or similar Structures. Roof or wall-mounted receiving stations in the Historic District may be approved by the Planning Director providing no other feasible location exists and the receiving stations meet the criteria of this section.

The Planning Department shall review all Applications for receiving stations and shall consider Screening materials, integration into the Structure, visibility, size of the receiving station and such other factors as deemed necessary by the Planning Director to achieve Compatibility of the receiving station with the architecture and aesthetics of the Historic District.

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(7) **CABLES TO BE UNDERGROUND.** All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a Building or the Structure of the receiving station are the only exceptions.

(8) **MULTI-FAMILY DEVELOPMENT.** One (1) Satellite Receiving Station greater than two feet (2') in diameter shall be allowed per project. A second receiving station may be allowed upon written approval by the Planning Director. A letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station shall be required as part of the permit Application filed with the City.

(D) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of Satellite Receiving Stations within Condominium units and the Lots of a Subdivision. The City is not a party to those covenants, and no permit from the City shall have the effect of overriding or amending those covenants, which might be more restrictive than this ordinance. Applicants for permits for the installation of Satellite Receiving Stations are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the

proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Owner's Association or Management Committee, the Applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the Satellite Receiving Station within the Common Area has been granted as a part of the permit Application filed with the City.

(E) **PENALTY.** Violations of this ordinance are a Class "C" misdemeanor, and upon conviction, violators may be sentenced to a fine described in the current Park City Criminal Code. If the violator is a licensed contractor or vendor of Satellite Receiving Stations, the Business license of the contractor or vendor shall forfeit upon the second conviction within any one (1) calendar year, provided however, that a new license may be issued upon payment of the applicable license fee.

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15-4-14. TELECOMMUNICATION FACILITIES.

The intent of this section is to ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent

Property Owners. The installation of these devices is governed by the following regulations.

(A) **PERMIT REQUIRED.** The installation of Telecommunication Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunication Facility without first having a Conditional Use Permit and Building Permit from the City.

(B) **DEFINITIONS.** Move these to Chapter 15 Definitions.

(1) **ANTENNA.** A device that transmits and/or receives Telecommunications and/or radio signals for Telecommunications.

(2) **ANTENNA, DRIVE TEST.** A temporary Antenna used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

(3) **ANTENNA, ENCLOSED.** An Antenna or series of individual Antennas entirely enclosed inside a Structure including but not limited to a cupola or wall of a Building or chimney.

(4) **ANTENNA, FREESTANDING.** An Antenna mounted on or within a stand-alone support Structure including but not limited to a wooden pole, steel pole,

lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.

(5) **ANTENNA, ROOF MOUNTED.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(6) **ANTENNA, TEMPORARY.** An Antenna used for a time period of less than thirty (30) days.

(7) **ANTENNA, WALL MOUNTED.** An Antenna or series of individual Antennas mounted fully against the exterior face of a Building including on the face of a chimney or penthouse. A wall or face of a Building is defined as the entire Area of all exposed vertical surfaces of a Building that are above ground and facing approximately the same direction.

(8) **CO-LOCATION.** The location of Telecommunication Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(9) **EQUIPMENT SHELTER.** A cabinet or Building used to house equipment for Telecommunications Facilities.

(10) **STEALTH**

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TELECOMMUNICATIONS

FACILITY. A Telecommunications Facility, which is disguised as another object or otherwise concealed from public view.

~~(11) TELECOMMUNICA-~~

~~TIONS.~~ The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

~~(12) TELECOMMUNICA-~~
~~TIONS FACILITY.~~ A

~~Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.~~

~~(13) TECHNICAL~~

~~NECESSITY.~~ A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(C) SUBMITTAL REQUIREMENTS.

A complete Application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements.

(1) Each Applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the Applicant's existing Telecommunications Facilities and coverage Areas to demonstrate the need for the proposed Telecommunications Facility within the City.

(2) An Applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing Buildings or Structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing Buildings or Structures or co-location Sites in the radio frequency coverage Area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the Applicant and the Property Owner(s) of the existing Buildings, Structures or co-location Sites.

(3) Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the Applicant's existing Telecommunications Facilities that provide Telecommunications within the City,

as well as any changes proposed within the following twelve (12) month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the Applicant's existing Telecommunications Facilities.

(4) Each Application shall include a Site location alternative analysis describing the location of other Sites considered for the proposed Telecommunications Facility, the availability of those Sites, the extent to which other Sites do or do not meet the Applicant's Telecommunications needs and the reason why the subject Site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

(a) How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City Area;

(b) How the proposed Telecommunications Facilities relates to the location of the Applicant's existing Telecommunications

Facilities that provide Telecommunications within and near the City;

(c) How the proposed Telecommunications Facility relates to the Applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;

(d) If applicable, how the Applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

(5) A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five (5) locations around and within one (1) mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations available. Evidence of

substantial compliance must be submitted prior to the issuance of a Building Permit for a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.**

Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW**

PROCESS. A Conditional Use Permit is required for all Telecommunications Facilities. The Planning Department shall review all Telecommunications Facility Applications and forward the Applications to the Planning Commission. The Planning Commission shall review an Application pursuant to Section 15-1-10 herein.

(1) **NOTICING.** Noticing of all Applications shall comply with LMC Chapter 15-1.10(c), which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposed Telecommunications Facility. If there are no occupied Properties within three hundred feet (300'), notice shall be given to the closest, registered home Owners association.

(2) **CONSENT AGENDA REVIEW.** Applications meeting the Consent Agenda Review criteria will

be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the Applicant's discretion.

(3) **PUBLIC HEARING.**

Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.

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(G) **SITE REQUIREMENTS.**

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(1) **SETBACKS.** The placement of Telecommunications Facilities on a Lot shall comply with the Setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the Setbacks for main Structures and shall not be determined accessory Structures.

(2) **HEIGHT.** The Telecommunications Facilities shall comply with the base height requirement, as stated in LMC Chapter 15-2, for the zone in which it is placed. The height shall be measured from the Grade or roof beneath to the top of the Antenna or mounting hardware whichever is higher. The following exemptions shall apply:

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(a) Roof Mounted Antenna, placed on a flat roof, may extend up to ten feet (10') above the existing Structure, provided that the Antenna Setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.

(b) Roof mounted Antenna, placed on a pitched roof, may extend a maximum of five feet (5') above the existing Structure.

(3) **USE OF PROPERTY.** The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed. The Lot shall contain a separate principal Use.

(4) **DESIGN.**

(a) Equipment Shelters located outside of an existing Building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.

(b) Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding Area. Stealth Telecommunications

Facilities shall be designed in a manner to blend with the existing and natural environment.

(c) Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face.

(d) Freestanding Antennas and wall mounted Antennas shall be mounted a maximum of twelve inches (12") from the wall or pole.

(H) **SITE DISTURBANCE.** Any Application, temporary or permanent, which requires the removal of Significant Vegetation or proposes any new, or improvements to, driveways or roads for a length greater than twenty feet (20') and/or a width greater than ten feet (10') wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an Area of twenty square feet (20 sq. ft.) or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Planning Department shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

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(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, Applications for Antennas shall be

permitted and reviewed as follows:

(1) **FREESTANDING ANTENNA.**

(a) **Prohibited.** Any Antenna located on Historic Structures and all freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and POS zones. Freestanding Antenna on new Structures within the ROS zone are also prohibited.

(b) **Consent Agenda Review.** Freestanding Antenna located in RDM, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any freestanding Antenna located on existing poles in the ROS zone.

(2) **ROOF MOUNTED ANTENNA.**

(a) **Prohibited.** Any roof mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Roof mounted Antenna within the RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** Roof mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones shall require a public hearing.

(3) **WALL MOUNTED ANTENNA.**

(a) **Prohibited.** Any wall mounted Antenna located on a Historic or underground Structure or within the POS zone.

(b) **Consent Agenda Review.** Wall mounted Antennas located within the RD, RDM, RC, GC, PUT, and LI zones may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones shall require a public hearing with

approval granted by the Planning Commission.

(4) **ENCLOSED ANTENNA.**

(a) **Prohibited.** Any Enclosed Antenna located within a Historic Structure or within the POS zone, unless approved by the Planning Commission as a CUP, with a public hearing, and provided the antennas are enclosed within the Historic Structure, historic material is not removed, and the enclosure does not increase the building height or require any exterior wall modifications to the existing Structure.

(b) **Consent Agenda Review.** Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, PUT, and LI may be approved by the Planning Commission on its consent agenda.

(c) **Public Hearing Required.** The location of any enclosed Antenna, which requires an increase in height or exterior wall modification to the existing Structure, shall require a public hearing.

(J) **TECHNICAL NECESSITY**

EXCEPTION. If the Application does not meet the criteria as stated in Section F, G, H and I, the Applicant may apply to the Board of Adjustment for a technical necessity exception. The Board of Adjustment shall review the Application as a Variance pursuant to LMC Chapter 15-10 and shall require the Applicant to provide any additional technical information in order to approve the variance including the following:

(1) A written explanation describing the surrounding topography, Structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location is both permitted and encouraged. Co-location on a Lot may be permitted by the Planning Commission if all Setbacks, design and landscape requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area

requirements;

(3) Mechanical or electrical incompatibilities;

(4) Inability or ability to locate equipment on existing Antenna towers; and

(5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many

Subdivision and Condominium covenants may address the location of Telecommunications Facilities within Condominium units and the Lots of a Subdivision. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A temporary Antenna permit Application must be submitted to the Planning Department. The Application will be administratively reviewed by the Planning Department based on the following criteria:

(1) **TIME.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary Administrative Permit be issued for a period of greater than thirty (30) days.

(2) **HEIGHT.** The height of the temporary Antenna may not be greater than five feet (5') more than the zoning height for the specific zone where the Antenna is placed, as

Deleted: The City is not a party to those covenants, and no permit from the City shall effect the enforce ability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City.

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stated in the Land Management Code.

(3) **ZONING.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, PUT, and LI.

(4) **PERMISSION.** Temporary Antenna permit Applications shall be accompanied by written permission from the Property Owner.

If the above criteria are met, the Planning Department shall grant a temporary Administrative Permit for the facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.**

Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in Use for a drive test shall not be left standing for a period greater than one (1) day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City Property also require Planning Department approval and execution of the City's standard drive test agreement.

(Amended by Ord. No. 02-47)

15-4-15. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain public/City-owned Properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA.** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

(1) The outdoor display of works of art must comply with the height and Setback requirements of the Zoning District where it is located.

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(2) Outdoor display of works of art that are displayed in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

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(3) The outdoor display of works of art must comply with all applicable Building Codes;

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(4) In cases where the City is not the Owner of record of the work of

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art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however, the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one square foot (1 sq. ft.), may be attached to the work of art or its support base.

(6) The outdoor display of works of art shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(1) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take final action on all requests for the outdoor display or works of art on City-owned Property. The City Council may seek a recommendation on requests for the outdoor display or works of art on City-owned Property from the Planning Commission, arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking final action. The City and the Applicant shall

execute all necessary agreements prior to installing any approved public art on City-owned/public Property.

(Amended by Ord. No. 03-13)

15-4-16. TEMPORARY STRUCTURES, TENTS, AND VENDORS.

Prior to the issuance of a permit for any temporary Structure, tent, or vendor the following requirements shall be met:

(A) **APPLICATION.** An Application must be submitted to the Planning Department including the following information:

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(1) GENERAL

DESCRIPTION. An overview of the proposed activity. Include hours of operation, anticipated attendance, Use of speakers, any beer or liquor license, any sign or lighting plan, and any other applicable information.

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(2) **SITE PLAN.** The site plan shall be to scale indicating in detail how the proposal will comply with the International Building Code (IBC). It should indicate the location of the tent on the Property and distances from Property Lines and other Structures. A separate plan for the interior of any tent is required. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling etc. A snow removal plan must be included.

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(3) **STRUCTURAL INFORMATION AND CALCULATIONS.**

For all temporary Structures greater than 200 square feet in Floor Area, structural calculations, wind load information, fire rating, etc. must be submitted.

(4) All applicable fees.

(B) **REVIEW CRITERIA- PUBLIC PROPERTY (OWNED BY THE CITY).**

(1) Lease agreement with Park City required.

(2) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(3) The Use must meet all applicable International Building Code (IBC) requirements.

(4) The Applicant shall adhere to all applicable City and State licensing ordinances.

(C) **REVIEW CRITERIA-PRIVATE PROPERTY.**

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

(2) The proposed Use should not diminish existing parking. Any net

loss of parking shall be mitigated in the Applicant's plan.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

(4) The Use shall not violate the City Noise Ordinance.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

(7) The Use shall not violate the Uniform Building Code (UBC).

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

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15-4 -17. SETBACK REQUIREMENTS FOR UNUSUAL LOT CONFIGURATIONS.

All Lots shall have a front, two (2) sides and a rear Setback with the following exceptions and clarifications.

(A) Development on Corner Lots shall have two (2) front Setbacks, unless otherwise excepted by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. If it is not clear which boundary

should border the Rear Yard, the Planning Director may specify the Rear Yard.

(B) Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director.

(C) Lots with three (3) sides will have a front Setback, side Setback and rear Setback. In those cases where one (1) side is clearly opposite the front, the rear Setback must be opposite the front Setback. If it is not clear where side and rear Setbacks should be, the Planning Director may choose which is a Side Yard and which is a Rear Yard.

(D) On those Lots, which border a Street on both the back and front, both sides must have a front Setback, unless otherwise excepted by this Code.

(E) Any Lots, which are not specified in this section, shall have Setbacks determined by the Planning Director.

See the following illustrations:

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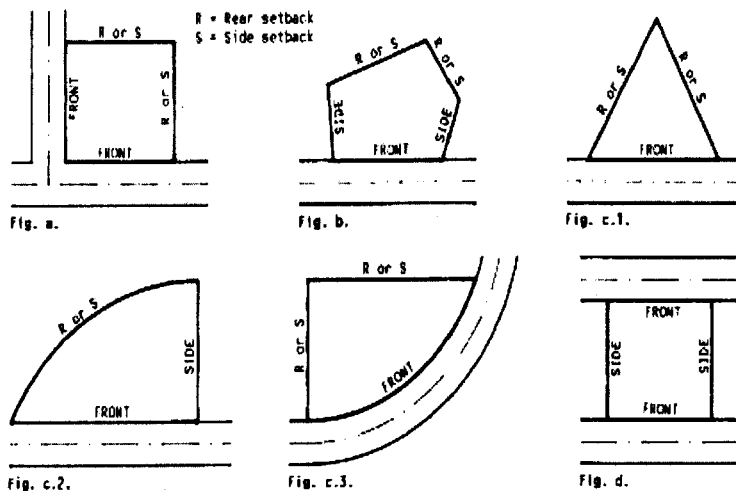
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15-4-18. PASSENGER TRAMWAYS AND SKI BASE FACILITIES.

(A) **CONDITIONAL USE.** The location and Use of a Passenger Tramway, including a ski tow or ski lift, is a Conditional Use. The location of base and terminal facilities for the Passenger Tramway is a Conditional Use in all zones where the Use may be considered.

(B) **CONDITIONAL USE REVIEW.** Conditional Use Permits under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met:

(1) **OWNERSHIP OF LIFTWAY.** The Applicant owns or

controls the Liftway necessary to construct and operate the Passenger Tramway. For the purpose of this section, ownership or control is established if the Applicant can demonstrate that he has title to the Property being crossed by the Liftway, or an easement over that Property, or options to acquire the Property or an easement or a leasehold interest in the Property, or an option to acquire a leasehold, of at least fifteen (15) years duration. Ownership or control of portions of the Liftway, which cross over Public Streets may be demonstrated by a written permit or license to cross the Street, signed by the governmental entity, which has jurisdiction over the Street crossed.

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Any combination of ownership and leasehold interests that gives the Applicant possession and control over the entire course of the Liftway, and over the land necessary for base and terminal facilities shall be sufficient to give the Applicant standing to apply for the Conditional Use.

(2) **WIDTH.** The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures. Width is computed in this manner, rather than measuring from the center line of the Passenger Tramway or the cable in order to provide a minimum clearance of ten feet (10') on each side of the Liftway regardless of the configuration of the passenger-carrying elements.

(3) **BASE OR TERMINAL FACILITIES.** The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones. Mid-loading and unloading points are allowed in the HR-1 and HRL zones.

(4) **CROSSING OF PUBLIC ROADS.** The Applicant must show that all components of the Passenger Tramway and any components of the

Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets. In addition, the Applicant must show compliance or the ability to comply with any safety or height restrictions, which might be imposed by any governmental agency having jurisdiction over public roads crossed by the Liftway.

(5) **UTILITY CLEARANCE.** The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.

(6) **PARKING AND TRAFFIC PLANS.** The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission. The plan must address at least the following considerations: auto, bus, and pedestrian traffic, which could be generated by the Passenger Tramway, the impacts of this traffic on the adjoining landowners and the neighborhood in general, parking demand created by the Passenger Tramway and how that

parking would be provided.

The traffic and parking plan may be included in the neighborhood impact analysis. The parking requirements and impacts of a Passenger Tramway will vary within the zones depending upon the location and the ability of the Applicant to make use of existing public and private parking facilities; therefore, no specific requirement has been set. The Applicant is expected to show workable means of dealing with the traffic generated by the Passenger Tramway construction and operation, including such regulations as resident parking permits, Off-Site traffic controls and facilities, or similar means for controlling traffic and minimizing Off-Site impacts on adjoining Properties.

(7) LIFTWAY SETBACK.

The minimum Setback between the outermost surface or structure of the Liftway and any existing dwelling shall be ten feet (10'). This Setback may be waived with the written consent of the Owner of the affected dwelling, which consent shall be in a form suitable for recording with the County Recorder.

(8) STATE REGULATION.

Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation. The Applicant is

expected to involve the State in the planning process to the extent necessary to inform the Commission of State requirements in order to avoid the imposition of inconsistent requirements by the State and the Planning Commission.

(9) PUBLIC PURPOSE

SERVED. The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.

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(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.

(D) **STRUCTURES WITHIN**

LIFTWAY. Structures may be constructed within the Liftway, subject to the terms of the easement agreement between the Lot Owner and the owner of the Liftway. The Owner of a Lot or other Property, which is subject to the Liftway easement may build within the confines of the easement, provided however, that all construction within the easement is a Conditional Use, which requires review by the City, and approval will not be granted for construction which is inconsistent with the terms of the easement agreement.

(E) **PRESERVATION OF HISTORIC STRUCTURES**.

It is the policy of the City to protect and preserve Historic Structures within the City. The Applicant for the Passenger Tramway must provide a study, which catalogues any Structures within the Liftway easement and identifies their Historic value, and indicates whether the Structure will be removed to accommodate the tram. The Applicant must also show what alternatives have been considered for the protection and preservation of those Structures, such as making improvements of structural or fire safety systems or relocation of the Structures.

15-4 -19. REVIEW CRITERIA FOR VEHICLE CONTROL GATES.

The Planning Commission may approve Vehicle Control Gates on private Streets, in the ROS, E-40, E, and RD zoning districts, as a Conditional Use. In order to approve a Conditional Use for a Vehicle Control Gate the Commission must find that all applicable findings and review standards as required for

a Conditional Use Permit in Section 15-1-10 are met. In addition, the Commission must find that the following review criteria for Vehicle Control Gates are met:

(A) The Applicants ~~demonstrated a need~~ for a Vehicle control Gate to effectively control an ongoing health, safety, and welfare situation or in unique circumstances, to mitigate traffic, parking congestion, or through traffic on Streets within a neighborhood.

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(B) The private Street ~~is a~~ cul-de-sac and not a through Street. The proposed Vehicle Control Gate does not impact traffic circulation through the neighborhood.

(C) The private Street serves primarily single family or duplex residences with individual or shared driveways.

(D) There is a major traffic or parking generator or Use, such as the ski area base at lower and upper Deer Valley Resort and Park City Mountain Resort, within a nine hundred foot (900') walking distance of the private Street entrance and there is evidence of spill over parking or other vehicular activity on a regular basis throughout the season.

(E) The Vehicle Control Gate is located outside of the City Right-of-Way and maintains all Setbacks of the zone.

(F) The Vehicle Control Gate does not impact existing utility easements.

(G) The Vehicle Control Gate is designed to permit unimpeded pedestrian,

bicycle and equestrian Access through the neighborhood and to existing public trails and walkways. A minimum gap of four feet (4') shall be allowed for these non-vehicular Uses.

(H) The Vehicle Control Gate is designed to be minimal in height, scale, and mass to accomplish the goal of preventing unauthorized vehicle traffic, parking, and/or other impacts on the neighborhood. There shall be a minimum bottom clearance of two feet (2') from the bottom of the gate rail to the road surface. A diagonal structural support may cross through the two foot (2') opening to provide additional structural strength for the cantilevered gate (see illustration) and keep the overall gate mass to a minimum. The gate shall be no more than thirty-six inches (36") in height from the bottom rail to the top rail, although allowance may be made for decorative elements. Design and materials shall result in a visually open gate. Any walls associated with the entry gate shall be pedestrian in scale and shall generally not exceed a height of five feet (5'). Column elements may be added for architectural interest, but these column elements shall not exceed a height of nine feet (9').

(I) The method of Access for emergency, service, and delivery vehicles shall meet all requirements of the Planning, Engineering, and Building Departments and the Fire Marshall prior to issuance of a Building Permit for the gate construction.

(J) Vehicle Control Gates on private Streets are not permitted in all zones. Gates on private Streets are allowed as a

Conditional Use in the following Zoning Districts: ROS, E-40, E, and RD.

(K) Any signs associated with the gate and/or walls are subject to the Park City Sign Code and require a separate sign permit.

(L) A Vehicle Control Gate management plan shall be submitted for Planning Commission approval to address times and situations when the gate will be closed. Applicants shall agree to leave the gate open at all times, except as specified in the approved management plan.

15-4 -20. SPECIAL EVENTS OVERCROWDING ADMINISTRATIVE CONDITIONAL USE PERMIT.

(A) **PURPOSE.** The intent of these regulations is to allow temporary overcrowding of events only if adverse impacts on the character of neighboring Property can be mitigated and issues of public safety, traffic and parking are provided for. Such Uses will be permitted where the adjacent Street system is sufficient to accommodate the traffic impacts generated by said overcrowding; where the Property can accommodate adequate Off-Street parking; where the Structures are designed to safely accommodate overcrowding; and where the type of Use, and impacts are Compatible with the Uses otherwise permitted in the zone.

(B) **DURATION.** An overcrowding permit allows the increase in occupancy for a total of fifteen (15) days per calendar year per Building. These days are not required to

be consecutive.

(C) **APPLICATION.** An Application must be submitted thirty (30) days prior to the Use, to the Planning Department including the following information:

(1) **GENERAL**

DESCRIPTION. A narrative and Site plan of the proposed Use, including hours of operation, maximum occupancy, private or public activity, number of invitations sent, if a private event, or estimate of overall attendance, crowd management plan, security, deliveries, music or sound plan, including use of speakers, any beer or liquor license, any sign or lighting plan, parking plan, and any other applicable information.

(2) **FLOOR PLAN.** To scale, indicating in detail how the proposal will comply with applicable sections of the International Building Code. This plan will indicate any chairs, tables, exits, sanitation, heating, food service/handling, etc.

(3) **ALL APPLICABLE FEES.**
Refer to Fee Resolution.

(4) Any requested additional City or governmental services or equipment.

(D) **REVIEW CRITERIA.** In addition to the criteria and standards of review from LMC Chapter 15-1-10, staff must review the following:

(1) The Applicant shall provide written notice of the Property Owner's consent to the proposed event.

(2) The proposed Use shall not preclude Public Use of public Parking Spaces.

(3) An entrance plan, including patron waiting line capacity. Any Use of exterior space for wait list or lines must be mitigated through the Use of barricades and/or security. Pedestrian International Building Code compliant Access along the public Right-of-way must be maintained, unless otherwise approved by the Chief Building Official.

(4) The Use shall not violate Municipal Code Section 6-3-9(B), the City noise ordinance.

(5) The Application and all signing shall comply with the municipal sign and lighting codes.

(6) The Use shall comply with the Summit County Health code, the Fire Code, and State regulations on mass gathering.

(7) The Use shall not violate the International Building Code (IBC).

(8) Applicant shall submit a delivery plan in compliance with the delivery ordinance.

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(9) The Applicant shall adhere to all applicable City and State licensing ordinances.

(10) The Applicant must have an approved operational permit according to the requirements of the International Fire Code prior to the issue of a permit.

(11) No existing LMC or International Building Code violations are on the Property.

The Fire Marshall may conduct a Site inspection at any time during the event to ensure compliance with the above criteria.

(Created by Ord. No. 05-57)

PSMKAW7

PARK CITY MUNICIPAL CODE
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EXHIBIT D



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

**CHAPTER 6 - MASTER PLANNED
DEVELOPMENTS (MPD)**

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any residential project larger than ten (10) Lots or units.
- (2) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.
- (3) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC) and

Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

- (1) The Property is bisected by two (2) or more zoning designations, and
- (2) The Property has significant Historic Structures that either have been restored or are proposed to be rehabilitated as part of the MPD; and
- (3) The proposed Master Planned Development includes reduced surface parking via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) zone only when:

- (1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
- (2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. No. 04-08)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is

located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15 and as stated in Section 15-6-8 herein.

15-6 -4. PROCESS.

(A) PRE-APPLICATION

CONFERENCE. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.

In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development,

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all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-20, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application.

If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may

waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

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(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION**

ACTION. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.**

Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape

plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developer's agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.**

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning

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Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS.**

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.**

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use Permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review site specific plans, including site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for

compliance with the large scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts, if that transfer results in a project that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in

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fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/Affordable Housing consistent with the City's adopted employee/Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT.

(1) The HR-1 District sets forth a Maximum Building Footprint for all Structures based on Lot Area. For

purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 District, the maximum Building Footprint shall be calculated based on the Subdivision Plan and Lots of record at the time of complete Master Planned Development Application submittal. The Area of a common underground Parking Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures approved as part of a Master Planned Development.

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(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project

Density, and meets open space criteria set forth in Section 15-6-5(D).

(D) OPEN SPACE.

(1) MINIMUM REQUIRED.

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), and Historic Commercial Business (HCB) zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages,

public art, and rehabilitation of Historic Structures.

(2) TYPE OF OPEN SPACE.

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan.

(E) OFF-STREET PARKING.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided

that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located along a public transit route and is within three (3) blocks of a municipal bus stop.

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The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. Additional height will not be granted for

Master Planned Developments within the HR-1 zone unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable, and MPD's which include:

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(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9, Architectural Guidelines or Historic District Design Guidelines if within the Historic District;

(6) Structures within the HR-1 District which meet the standards of Development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet

the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET
SCAPE**. To the extent possible, existing

Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Street-scapes will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(Amended by Ord. No. 04-08)

**15-6-6. REQUIRED FINDINGS
AND CONCLUSIONS OF LAW.**

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The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

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(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

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(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

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(F) The MPD, as conditioned, complements the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this Section shall apply to Affordable Housing MPD projects.

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(E) **DENSITY BONUS**. The reviewing agency may increase the allowable Density up to twenty (20) Dwelling Units per acre. The Unit Equivalent formula will be applied.

(F) **PARKING**. Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE**. A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Open space may be utilized for project amenities, such as tennis courts, swimming pools, recreational Buildings, pathways, plazas, etc. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and the size of the Structures built within a project. In order to allow for, and encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. One (1) Unit Equivalent equates to 2,000 square feet of residential Floor Area and 1,000 square feet of commercial Floor Area.

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Affordable housing units required as part of the MPD approval, and constructed on site do not count towards the residential unit equivalents of the Master Plan. Required ADA units count towards the residential unit equivalents.

~~For purposes of calculating residential Unit Equivalents, an Applicant may use the following table:~~

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Configuration	Unit Equivalent Value
Hotel Room or Studio Apartment not exceeding 600 square feet.	.25
Hotel Room or Suite, studio or one bedroom Apartment or Condominium not exceeding 750 square feet	.33
Condominium, Apartment or Hotel Suite not exceeding 1,000 square feet	.50
Condominium, Apartment or Hotel Suite not exceeding 1,500 square feet	.75
Condominium or Apartment not exceeding 2000 square feet	1.00
Condominium or Apartment not exceeding 2500 square feet	1.25
Condominium or Apartment not exceeding 3000 square feet	1.50
Condominium or Apartment not exceeding 3500 square feet	1.75
Condominium or Apartment in excess of 3500 square feet	2.00
Single Family Dwelling	1.00

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and

other similar areas, will not be included. Outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall

be included in the overall square footage of a unit.

(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.

Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total Gross Floor Area may be dedicated to Support Commercial Uses, which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total Gross Floor Area will be required to use commercial Unit Equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor Area can be support Commercial Uses, and no other Commercial Uses will be allowed.

(D) MEETING SPACE. Within a Hotel or Condominium project, up to five percent (5%) of the total Gross Floor Area may be dedicated for meeting room space without the Use of Unit Equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) support commercial allocation, can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial Unit Equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas,

are spaces, normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.

(E) COMMERCIAL UNIT EQUIVALENTS. Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1,000 square feet of Gross Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs not open to the public
Telephone Areas
Public restrooms

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Administrative offices
Hallways and circulation
Elevators and stairways
Back of house Uses

(G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

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PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7 - SUBDIVISION GENERAL PROVISIONS

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7 - SUBDIVISION
GENERAL PROVISIONS.**

15-7-1. ENACTMENT.

In order that land may be subdivided, or Lot lines adjusted in accordance with these purposes and policy, these Subdivision regulations are hereby adopted.

15-7-2. PURPOSE.

The purpose of the Subdivision regulations is:

(A) To protect and provide for the public health, safety, and general welfare of Park City.

(B) To guide the future growth and Development of Park City, in accordance with the General Plan.

(C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other geologic hazards, mine subsidence, mine tunnels, shafts, adits and dump Areas, and other danger, and to

prevent overcrowding of the land and undue congestion of population.

(D) To protect the character and the social and economic stability of all parts of Park City and to encourage the orderly and beneficial Development of all parts of the municipality.

(E) To protect and conserve the value of land throughout the municipality and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings.

(F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

(G) To provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building lines.

(H) To establish reasonable standards of design and procedures for Subdivisions, Re-subdivisions, and Lot Line Adjustments, in order to further the orderly layout and Use of land; and to insure proper legal descriptions and monumenting of subdivided land.

(I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed Subdivision, Re-subdivision, or Lot Line Adjustment,

(J) To prevent the pollution or degradation of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to minimize Site disturbance, removal of native vegetation, and soil erosion; and to encourage the wise Use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land,

(K) To preserve the natural beauty and topography of Park City and to insure appropriate Development with regard to these natural features, and

(L) To provide for open spaces through the most efficient design and layout of the land, including the Use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land as established in the Land Management Code of Park City.

15-7-3. POLICY.

(A) It is hereby declared to be the policy of Park City to consider the Subdivision of land and the subsequent Development or

amendment of the Subdivision plat, or the adjustment of Lot lines therein, as subject to the control of Park City pursuant to the official General Plan of Park City for the orderly, planned, efficient, and economical Development of Park City.

(B) Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted therein, shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace, and land shall not be subdivided, re-subdivided, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

(C) The existing and proposed public improvements shall conform and be properly related to the proposals shown in the General Plan, Streets Master Plan, Official Zoning Map, and the capital budget and program of Park City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the adopted Uniform Building and Housing Codes, the Land Management Code, General Plan, Official Zoning Map, and capital budget and program of Park City.

15-7-4. AUTHORITY.

(A) By authority of ordinance of the City Council of Park City, hereinafter referred to as "City Council", adopted pursuant to the

powers and jurisdictions vested through ~~Chapter 5, Title 57 and Chapter 9, Title 10~~ Title 10, Chapters 3 and 9a and Title 17, Chapter 27a of the Utah Code, Annotated (1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be ~~entirely or partially undeveloped~~ void if:

(1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or

(2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit,

on the partially or entirely undeveloped land and the zoning regulations, either bulk or Use, for the district in which the Subdivision is located, have been changed subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) INTERPRETATION. In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

(1) PUBLIC PROVISIONS.
These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) **PRIVATE PROVISIONS.**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations there-under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these

regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

15-7-6. CONDITIONS.

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section ~~10-9-808 through 10-9-810~~ 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended.

15-7-8. VARIANCES.

Refer to Section 15-10-9 herein regarding variance procedures.

15-7-9. SAVING PROVISION.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any Person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any Person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

15-7-10. ENFORCEMENT.

It shall be the duty of the Planning Director to enforce these regulations and to bring to the attention of the City Attorney any violations or lack of compliance herewith.

(A) No Owner, or Agent of the Owner, of any Parcel of land located in a proposed Subdivision, shall transfer or sell any such Parcel before a plat of such Subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed with the County Recorder.

(B) The Subdivision of any Lot or any Parcel of land, by the Use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. However, the City may approve metes and bounds descriptions for purposes of Lot Line Adjustments, resolving conflicting boundary

descriptions, and the recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys. All such described Subdivisions shall be subject to all of the requirements contained in these regulations.

(C) No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or plat subdivided or sold in violation of the provisions of these regulations.

15-7-11. VIOLATIONS AND PENALTIES.

Any Person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be guilty of a Class B misdemeanor.

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(A) **CIVIL ENFORCEMENT.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a Building, structure or premises, and these remedies shall be in addition to the penalties described above.

15-7-12. AMENDMENTS.

For the purpose of providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the Subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission and City Council in the manner

prescribed by law and outlined in the Land Management Code.

15-7-13. RESERVATIONS AND APPEALS.

Upon the effective date of these regulations according to law, any ordinances conflicting with the terms herein, including the Subdivision Ordinance of Park City, Utah, adopted September 20, 1979, as amended, are hereby repealed, except as to such sections expressly retained herein.

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**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.1 - SUBDIVISION
PROCEDURES.**

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE.

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his/her Agent submit an

Application for Subdivision to the Planning Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

~~(B)~~ (C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Community Development Director under proper authority; and

~~(C)~~ (D) The approved Subdivision Plat is filed with the County Recorder.

**15-7.1-3. CLASSIFICATION OF
SUBDIVISIONS.**

(A) **SUBDIVISION.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION.** A Subdivision containing not more

than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

- (a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

- (a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.
- (b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots.

- (1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

- (1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

- (1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION**

DATES. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.**

All residential Subdivisions with more than twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN**

REQUIREMENTS. A phasing plan shall include:

- (a) The number of units or Parcels to be developed in

each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations

and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.1-5. PRELIMINARY PLAT.

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS.** Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an

Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(C) **REVIEW OF PRELIMINARY PLAT.** The Staff shall consider and render a report to the next available regular meeting of the Planning Commission concerning the Preliminary Plat. The Planning Department

staff shall transmit the Preliminary Plat for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Preliminary Plat and shall submit a report for proposed action to the Planning Commission for the next available regular meetings. Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. It is reasonable to expect that an Application will appear before the Planning Commission with a recommendation within ninety (90) days of receipt of a complete Application. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT.** The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration the requirements of the Subdivision Ordinance and the best Use of the land being subdivided. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion,

location of mine or geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council.

(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.

(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all

public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval by submitting a request in writing to the Planning Department. The Planning Commission shall review all requests for time extensions of approvals.

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

- (1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.
- (2) Include all contiguous holdings of the Owner, unless

specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

- (3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

(B) PLANNING COMMISSION AND CITY COUNCIL REVIEW.

- (1) The Planning Commission shall give notice pursuant to Section 15-1-20 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation on the final Subdivision Plat ordinance.
- (2) After considering the final Subdivision Plat, the Planning Commission shall recommend approval or disapproval of the

Subdivision Application and proposed ordinance and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final resolution the City Council shall stipulate the period of time when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(C) **SUBMISSION AND REVIEW.**

Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(D) **VESTED RIGHTS.** Vesting for purposes of zoning occurs upon the filing of a complete Application provided, however,

that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(E) **LOT LINE ADJUSTMENTS.** The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public

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Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

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15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(1) SIGNING OF PLAT.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public

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lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority and the sanitary sewer authority.

(5) The City may withhold an otherwise valid plat approval until the owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) A subdivision plat recorded without the required signatures is void.

(2) **RECORDING OF PLAT.**

(1) It shall be the responsibility of the Developer's licensed title company to file the original mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

C) **SECTIONALIZING MAJOR SUBDIVISION PLATS.** Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND
MAINTENANCE OF IMPROVEMENTS

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.2 - ASSURANCE FOR
COMPLETION AND MAINTENANCE
OF IMPROVEMENTS.**

15-7.2-1. IMPROVEMENTS.

(A) COSTS OF IMPROVEMENTS.

All required improvements shall be made by the Applicant, at his expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

**(B) ESCROW DEPOSITS OR
LETTERS OF CREDIT FOR LOT
IMPROVEMENTS.**

**(1) ACCEPTANCE OF
ESCROW FUNDS.** Whenever, by reason of the season of the year any Lot improvements required by the Subdivision regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a

cash escrow deposit or letter of credit in an amount to be determined by the City Engineer for the cost of said improvements. The performance Guarantee covering such Lot improvements shall remain in full force and effect.

**(2) PROCEDURES ON
ESCROW FUND.** All required improvements for which escrow monies or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy shall be installed by the Developer within a period of nine (9) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the Developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Building Official, the Building Official may request the City Council to authorize the City to proceed to contract out

the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit. At the time of the issuance of the certificate of occupancy for which escrow monies/letters of credit are being deposited with the Building Official, the Applicant shall obtain and file with the Building Official prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Official to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the Developer.

(C) TEMPORARY

IMPROVEMENTS. The Applicant shall build and pay for all costs of Temporary Improvements required by the Planning Commission or City Engineer and shall maintain same for the period specified. Prior to construction of any temporary facility or improvement, the Developer shall file with the City a separate suitable Guarantee, in accordance with the Land Management Code, for temporary facilities, which Guarantee shall insure that the temporary facilities will be properly constructed, maintained, and removed.

**(D) DEFERRAL OR WAIVER OF
REQUIRED IMPROVEMENTS.**

(1) The Planning Commission may recommend that the City Council defer or waive at the time of

final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

(2) Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible Grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the Applicant shall pay his share of the costs of the future improvements to the City government prior to the signing of the final Subdivision Plat, or the Applicant may post a Guarantee insuring completion of said improvements upon demand of the municipality.

**(E) INSPECTION OF
IMPROVEMENTS.**

(1) **GENERAL PROCEDURE AND FEES.** The Planning Commission in consultation with or upon the advice of the City Engineer or Planning Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion. The Applicant shall, in accordance with the City's fee resolution, pay to the

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City an inspection fee and the Subdivision Plat shall not be signed by the Chairman of the Planning Commission or Mayor unless such fee has been paid. These fees shall be due and payable upon demand of the City and no Building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantee, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Planning Director or his designee.

(F) MAINTENANCE OF IMPROVEMENTS.

(1) The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council.

If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

(2) The Applicant shall be required to file a maintenance Guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all Lot improvements on the individual subdivided Lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the local municipality.

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(G) COMPLETION OF IMPROVEMENTS. Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc., including Lot improvements on

the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to dedicate same to the local government, free and clear of all liens and encumbrances on the Property and public improvements thus dedicated.

(H) **CERTIFICATE OF SATISFACTORY COMPLETION.**

Subject to maintenance provisions contained in Section 15-7.2-1(F), the City will not accept dedication of required improvements, or release or reduce a performance Guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" survey plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all public improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

(I) **FAILURE TO COMPLETE**

IMPROVEMENT. For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Planning Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed regardless of the extent of the Building Development at the time the Guarantee is declared to be in default.

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15-7.2-2. PERFORMANCE GUARANTEE.

The City Council in its discretion may waive the requirement that the Applicant complete and dedicate all Public Improvements prior to the signing of the Subdivision Plat, and that, as an alternative, the Applicant may post an acceptable Guarantee, in accordance with Section 15-7.2-1(B) of the Land Management Code, at the time of application for final Subdivision approval in an amount estimated by the City Engineer and City Council as sufficient to secure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The posting of Guarantees are in lieu of actual construction and are therefore established for the benefit of and inure to the public at large and as such are not to be used for satisfying contractor or

mechanics liens or other unrelated obligations. The performance Guarantee shall also secure all Lot improvements on the individual Lots of the Subdivision as may be required. Such performance Guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in the Land Management Code. The period within which required improvements must be completed shall be specified by the Planning Commission and the City Council in the ordinance approving the final Subdivision Plat and shall be incorporated in the Guarantee and shall not in any event exceed two (2) years from date of final approval.

Such Guarantee shall be approved by the City Council with surety and conditions satisfactory to them. The Planning Director may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such Guarantee for a maximum period of one (1) additional year. The City Council may at any time during the period of such Guarantee accept a substitution of principal or sureties.

(A) PERFORMANCE GUARANTEE TO INCLUDE LOT IMPROVEMENTS.

The performance Guarantee shall include an amount to Guarantee completion of all requirements contained in Section 15-7.2-2 of these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other Lot improvements required by the Planning Commission.

Whether or not a certificate of occupancy has been issued, at the expiration of the performance Guarantee, the City may enforce the provisions of the Guarantee where the provisions of this section or any other applicable law, ordinance, or regulation have not been complied with.

(B) REDUCTION OF PERFORMANCE GUARANTEE. A performance Guarantee may be reduced upon actual completion and/or acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance Guarantee be reduced below twenty-five percent (25%) of the principal amount until completion.

(C) GOVERNMENTAL UNITS.

Governmental units to which these Guarantees and contract provisions apply may file in lieu of said contract or Guarantees a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

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(D) RECORDATION OF PLAT REQUIRED PRIOR TO GUARANTEE.

In the event the Applicant's ability to post an acceptable Guarantee is dependent upon prior recordation of the plat due to requirements of the Interstate Land Sales Act or other federal law or regulations, the City Council may authorize plat approval and recordation upon receipt from the Applicant of an executed and acknowledged agreement signed by all Owners of fee, leasehold, contract and security interests in

the subject Property, in the form of a restrictive covenant that the Applicant will not sell, lease or otherwise convey any Lot, Parcel or portion of a Lot of the subject Property unless he shall first as a condition precedent thereto, satisfy the foregoing requirements of Section 15-7.2-1(B)(1) or 15-7.2-2. The agreement shall be in recordable form, shall specifically provide that the encumbrance created shall be deemed to be a covenant running with the land, binding on Applicant's successors and assigns, to install or Guarantee installation of all required improvements, and to pay all costs, including attorney's fees, which the City may incur in enforcing the terms and provisions of the agreement, and shall contain the express irrevocable consent of all signers to vacation of the recorded plat if the Guarantee requirements of Section 15-7.2-2 have not been complied with within one hundred twenty (120) days of the date of recordation of the plat. The encumbrance posed by the agreement shall only be released upon compliance by the Applicant or his successors with the provisions of Section 15-7.2-1(G) or 15-7.2-2 hereof.

15-7.2-3. ACCEPTANCE OF DEDICATION OFFERS.

Acceptance of formal offers of dedication of Streets, public Areas, easements, and parks shall be by ordinance of the City Council. The approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by the City Council of any Street, easement, or park shown on said plat. The Planning Commission may require said plat to be

endorsed with appropriate notes to this effect.

15-7.2-4. ISSUANCE OF BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY.

(A) PERFORMANCE GUARANTEE.

Where a performance Guarantee has been required for a Subdivision, no certificate of occupancy for any Building in the Subdivision shall be issued prior to the completion of the improvements and dedication of same to the City, as required in the Planning Commission's and City Council's final approval of the Subdivision Plat.

(B) IMPROVEMENTS.

(1) The extent of utilities and Street improvements shall be adequate for emergency response and vehicular Access by the prospective occupant and by police and fire equipment, prior to the issuance of any Building permit. The Developer shall at the time of the dedication submit monies in escrow or an acceptable letter of credit to the City in a sum determined by the City Engineer for the necessary final improvement of the Street.

(2) No Building permits shall be issued for the final ten percent (10%) of Lots in a Subdivision, or if ten percent (10%) be less than two (2) for the final two (2) Lots of a Subdivision, until all public improvements required by the

Planning Commission for the plat have been fully completed and dedicated to the local government.

(C) **CONSUMER PROTECTION
LEGISLATION AND CONFLICTS OF
INTEREST STATUTES.**

(1) No Building permit or certificate of occupancy shall be granted or issued if a Developer or his authorized Agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the Lot or Parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

(2) With respect to said Lot or Parcel of land, in the event a Building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

(3) Any violation of a federal, state, or local consumer protection law, including but not limited to: Postal Reorganization Act of 1970;

the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; state "Blue Sky" law; state Subdivision disclosure act or conflict of interest statute, law, or ordinance, shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Section 15-1-14 hereof.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.3 - REQUIREMENTS FOR IMPROVEMENTS,
RESERVATIONS, AND DESIGN

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.3 - REQUIREMENTS FOR
IMPROVEMENTS, RESERVATIONS,
AND DESIGN.**

**15-7.3-1. CONFORMANCE TO
APPLICABLE RULES AND
REGULATIONS.**

**(A) LAWS, RULES AND ADOPTED
POLICY STATEMENTS.** In addition to
the requirements established herein, all
Subdivision Plats shall comply with the
following law, rules, adopted policy
statements and regulations, unless otherwise
approved by City Council:

- (1) All applicable statutory provisions.
- (2) The Land Management Code, Sensitive Area Overlay Zone regulations, International Building and related Codes, and all other applicable laws of the appropriate jurisdictions.

(3) The Official Streets Master Plan, General Plan, Official Zone Map, Trails Master Plan, public utilities plans, and Capital Improvements Program of the local government, including all Streets, trails, drainage systems, and parks shown on the Official Map or Master Plan as adopted or amended for the Subdivision.

(4) The special requirements of these regulations and any rules of the Health Department, Park City Fire Service District, Snyderville Basin Sewer Improvement District (SBSID), and/or appropriate state agencies.

(5) The rules of the Utah Department of Transportation if the Subdivision or any Lot contained therein abuts a state highway or connection Street.

(6) The Park City Design Standards, Construction Specifications, and Standard Drawings and any other standards

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and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

(7) All pertinent standards contained within the planning guides published by the Mountainlands Association of Governments.

(B) **PLATS STRADDLING MUNICIPAL BOUNDARIES.** Whenever a Subdivision is proposed across land under county jurisdiction, the Planning Commission shall require the annexation of the Property involved. In general, neither Lot Lines nor roads shall be laid out so as to cross municipal boundary lines.

(C) **SELF-IMPOSED RESTRICTIONS.** If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by the Land Management Code or these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or the Planning Commission may require that restrictive covenants be recorded with the County Recorder in form to be approved by the City Attorney.

(D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND.** Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other

features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

(E) **PLAT APPROVAL WITHHELD.** Plat approval may be withheld if a Subdivision is not in conformity with the above guides or policy and purposes of these regulations established in Section 15-7 of this Code.

15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.

(A) **SUBDIVISION NAME.** The proposed name of the Subdivision and all roadways contained therein shall not duplicate, or too closely approximate, the name of any other Subdivision or Street in the Area covered by these regulations or in Summit County, Utah. The City Council shall have final authority to designate the name of the Subdivision and to select Street names.

(B) **MONUMENTS.** The Applicant shall place permanent reference monuments in the Subdivision as required herein or as otherwise approved by the City Engineer.

(1) Monuments shall be constructed in accordance with the Park City Design Standards, Construction Specifications, and Standard Drawings.

(2) All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance Guarantee is established in accordance with the provisions of this Code.

(C) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A separate plan, which addresses Limits of Disturbance and vegetation protection during construction and re-vegetation of disturbed Areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

(D) **RIDGE LINE DEVELOPMENT.** Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

(E) **OPEN SPACE.** Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state.

Open space Areas will be the maintenance responsibility of the homeowners.

(F) **ROADS AND UTILITY LINES.** Roads and utility lines should be designed to work with the Existing Grade and cut and fill Slopes should be minimized. Roads and utilities should be placed so that disturbance of Significant Vegetation is minimized.

(G) **DRAINAGE WAYS.** Existing natural drainage ways should be maintained, enhanced and designed around Structures

(H) **SOIL CONDITIONS.** Consideration must be given to soil conditions and ground water existence and may include appropriate Setbacks or restrictions.

(I) **TRAILS AND SIDEWALKS.** Trails and sidewalks should be provided to allow efficient internal circulation as well as links to adjacent trail systems on other Properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation. Construction of new trails will be required concurrently with the installation of other public improvements.

Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall master plan. In most cases, the homeowners are required to maintain the trails.

(J) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** Limits of Disturbance or Building Pad lines shall be

shown on the Preliminary and Final Plats if the staff determines that there is Significant Vegetation on the Site or if it is important to clearly designate future Building locations. "Significant Vegetation" includes large trees of six inch (6") caliper or greater, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip lines. Limits of Disturbance or Building Pad lines with definitions as approved by the Staff must be reflected on the Final Plat. Because Limits of Disturbance or Building Pad lines are sometimes varied by the Planning Director, the plat will not reflect the final location of the limits.

(K) **TOP SOIL PRESERVATION AND FINAL GRADING.** No certificate of occupancy shall be issued until Final Grading has been completed in accordance with the approved final Subdivision Plat and the Lots recovered with top soil with an average depth of at least six inches (6") which shall contain no particles over two inches (2") in diameter over the entire Area of the Lot, except that portion covered by Buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged. Topsoil shall not be removed from residential Lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the Lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting. Also see Section 15-7.2. Slope stabilization and erosion control, as determined necessary by the City Engineer, will also be required to be installed according to the approved specification.

(L) **ARCHITECTURAL STANDARDS.** Architectural standards will be required to be developed which will address Building design and finish materials. Guidelines should include consistency of roof pitch, roofing materials, siding materials, colors, porch details, window types and similar provisions.

(M) **WATER-BODIES AND WATER-COURSES.** If a tract being subdivided contains a water body, or portion thereof, Lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent Lots. The Planning Commission upon the recommendation of the Planning Director may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent (25%) of the minimum Area of a Lot required under the Land Management Code may be satisfied by land, which is under water. Where a watercourse separates the buildable Area of a Lot from the Street by which it has Access, provisions shall be made for installations of a culvert or other Structure, of a design approved by the City Engineer.

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(N) **FIRE SPRINKLING.** Interior and exterior fire sprinkler systems may be required of all projects, whether single family or multi-family. This determination is based upon an analysis of the size of Structures, vegetation surrounding the Structures and location of the project as it relates to Fire District response time.

15-7.3-3. GENERAL LOT DESIGN REQUIREMENTS.

(A) **LOT ARRANGEMENT.** The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing Building Permits to build on all Lots in compliance with the International Building Code, the Land Management Code, and in providing reasonable driveway Access to Buildings on such Lots from an approved Street.

(B) **BUILDING SITES.** Building Sites or envelopes shall be designed which minimize disturbance of existing vegetation. In designating Building envelopes, consideration should be given to minimum separations between Structures.

(C) **SQUARE FOOTAGE.** Maximum dwelling or unit square footage may be required. Limited Building Heights may also be required for visually sensitive Areas.

(D) **LOT DIMENSIONS.** In general, Side Lot Lines shall be at right angles to Street lines, or radial to curving Street lines, unless a variation from this rule will give a better Street or Lot plan. Dimensions of Corner Lots shall be large enough to allow for erection of Buildings, observing the minimum Front Yard Setback from both Streets. Depth and width of Properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the Off-Street parking and loading facilities required for the type of Use and Development

contemplated, as established in the Land Management Code.

(E) **DOUBLE FRONTAGE LOTS AND ACCESS TO LOTS.**

(1) **DOUBLE FRONTAGE LOTS.** Lots fronting two (2) Streets, except a Corner Lot, shall be avoided.

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(2) **ACCESS FROM MAJOR AND SECONDARY ARTERIAL STREETS.** Lots shall not, in general, derive Access exclusively from an arterial or collector Street as defined in the Streets Master Plan. Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads.

(F) **LOT DRAINAGE.** Lots shall be laid out so as to provide positive drainage away from all Buildings in accordance with the International Building Code and individual Lot drainage shall be coordinated with the general storm drainage pattern for the Area. Drainage shall be designed so as to avoid concentration of storm drainage water from any Lot to adjacent Lots.

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(G) **LANDSCAPING.** The amount of Area available for formal landscaping will be restricted. Outside irrigation creates a significant water demand and irrigated Areas may be limited.

(H) **LIMITS OF DISTURBANCE/VEGETATION PROTECTION.** A plan for vegetation protection during construction and revegetation after construction will also be required. A security will be required to be posted to ensure compliance with the Limits of Disturbance plan.

(1) All construction activity must be contained within the Limits of Disturbance line, with the balance of the Parcel remaining undisturbed. Access to the Limits of Disturbance Area should be along the planned driveway.

(2) Building Pad lines may be specified on some plats instead of Limits of Disturbance. If Building Pad lines are designated, no part of the new construction may lie outside of the Building Pad line; however, construction disturbance may extend as far as ten feet (10') beyond the Building Pad line. Access to the Building Pad should be along the planned driveway or utility corridors.

(3) The Planning Director has the authority to vary the platted Limits of Disturbance or Building Pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in

the Limits of Disturbance boundary result in an increase in the amount of buildable Area. Applications for a variation in the Limits of Disturbance or Building Pad line are available in the Planning Office.

(4) Limits of Disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Building Department.

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(I) **RE-VEGETATION, SEED AND SOD.** All disturbed Areas on Lots shall be covered with topsoil and re-vegetated in accordance with Section 15-7.3-2 of the Land Management Code. At a minimum, seed shall be sown at not less than four pounds (4 lbs.) to each one-thousand square feet (1000 sq. ft.) of land Area. In the spring, the seed shall be sown between March 15 and May 15; and in the fall, the seed shall be sown between August 15 and September 30. The seed shall be a native grass seed mix approved by the City. All seed shall have been tested for germination within one (1) year of the date of seeding, and the date of testing shall be on the label containing the seed analysis. All Lots shall be seeded from the roadside edge of the unpaved Right-of-Way back to a distance of twenty-five feet (25') behind the principal residence on the Lot. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between October 15 and April 15, the Applicant shall submit an agreement in writing signed by the Developer and/or the Property Owner, with

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a copy to the Building Official, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section and leave a cash escrow or letter of credit for performance in such amount as shall be determined by the Building Official in accordance with the Land Management Code. Sod may be used to comply with any requirement of seeding set forth herein.

(J) **DEBRIS AND WASTE.** Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any Lot or Street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any Certificate of Occupancy on a Subdivision, nor shall any be left or deposited in any Area of the Subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(K) **FENCING.** Each Applicant and/or Developer shall be required to furnish and install Fences wherever the Planning Commission determines upon the recommendation of the Chief Building Official that a hazardous condition may exist. The Fences shall be constructed according to standards to be established by the City Engineer and shall be noted as to height and material on the Final Plat. No Certificate of Occupancy shall be issued until said Fence improvements have been duly installed.

15-7.3-4. ROAD REQUIREMENTS AND DESIGN.

(A) LAYOUT REQUIREMENTS.

(1) GENERAL LAYOUT REQUIREMENTS.

(a) Roads shall be graded and improved and conform to the Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to Final Plat approval. Prior to Final Plat approval the Public Works Director and the City Engineer shall make the determination as to whether each Street is to be public or private. Such status shall be shown on the plat.

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(b) The rigid rectangular gridiron Street pattern need not necessarily be adhered to, and the Use of curvilinear Streets, Cul-de-sacs, or U-shaped Streets shall be encouraged where such Use will result in a more desirable layout.

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(c) In Business and industrial Developments, the Streets and other Access

ways shall be planned in connection with the grouping of Buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering Areas, and walks and parking Areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(d) Proposed Streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such an extension is not necessary for the coordination of the layout of the Subdivision with the existing layout or the most advantageous future Development of adjacent tracts.

**(2) FRONTAGE ON AND
ARRANGEMENT TO
IMPROVED ROADS.**

(a) No Subdivision shall be approved unless the Area to be subdivided has Frontage on and Access from an existing Street on the Streets Master Plan unless such Street is an existing state or county highway; or a Street shown upon a plat approved

by the Planning Commission and recorded in the County Recorder's office. Such Street or highway must be suitably improved as required by the highway rules, regulations, specifications, or orders, or be secured by a performance Guarantee required under these Subdivision regulations, with the width and Right-of-Way required by these Subdivision regulations or the Streets Master Plan.

Wherever the Area to be subdivided is to utilize existing road Frontage, such road shall be suitably improved as provided hereinabove.

(b) All Streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated Rights-of-Way as established in the Streets Master Plan.

(c) All thoroughfares shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land Uses.

(3) ROAD ARRANGEMENT
IN RELATION TO
TOPOGRAPHY.

(a) Roads shall be related appropriately to the topography. Local roads may be curved to avoid conformity of Lot appearance and to discourage through traffic. All Streets shall be arranged so as to obtain as many as possible of the Building Sites at, or above, the Grades of the Streets. Grades of Streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and re-vegetated. A combination of steep Grades and curves shall be avoided. Specific standards are contained in the Design Standards, Construction Specifications, and Standard Drawings.

(b) Minor or local Streets shall be laid out to conform as much as possible to the natural topography, to discourage Use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of Streets necessary to provide convenient and safe Access to Property.

(4) ROAD DESIGN
CONSIDERING BLOCKS.

(a) Blocks shall have sufficient width to provide for two (2) tiers of Lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major Streets, railroads, or waterways.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of Development contemplated, but block lengths in residential Areas should not exceed one thousand two hundred feet (1,200') or twelve (12) times the minimum Lot Width required in the Zoning District, nor be less than four hundred feet (400') in length. Wherever practicable, blocks along major arterial and collector Streets shall be not less than one thousand feet (1,000') in length.

(c) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, and/or pedestrian traffic. Pedestrian ways or crosswalks, not less

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than ten feet (10') wide, may be required by the Planning Commission through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulation or Access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial Uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective Use.

(5) ACCESS TO ARTERIAL OR COLLECTOR STREETS.

Where a Subdivision borders on or contains an existing or proposed arterial or collector, the Planning Commission may require that Access to such Streets be limited by one of the following means:

(a) The Subdivision of Lots so as to back onto the arterial or collector and front onto a parallel local Street; no direct Access shall be provided from the primary arterial or collector, and Screening shall be provided in a strip of land along the rear Property Line of such Lots.

(b) A series of Cul-de-sacs, U-shaped Streets, or

short loops entered from and designed generally at right angles to such a parallel Street, with the rear lines of their terminal Lots backing onto the arterial or Collector Road.

(6) CONSTRUCTION OF DEAD-END ROADS.

The arrangement of Streets shall provide for the continuation of principal Streets between adjacent Properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent Property is undeveloped and the Street must be a dead-end Street temporarily, the Right-of-Way shall be extended to the Property Line. A temporary turnabout shall be provided on all temporary dead-end Streets, with the notation on the Subdivision Plat that land outside the normal Street Right-of-Way shall revert to abutting property owners whenever the Street is continued. The Planning Commission may limit the length of temporary dead-end Streets in accordance with the design standards of these regulations.

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(a) **Dead-End Roads, Permanent.** Where a road does not extend to the boundary of the Subdivision and its continuation is not required by the Planning

Commission for Access to adjoining Property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A Cul-de-sac turnaround shall be provided at the end of a permanent dead-end Street in accordance with the Design Standards, Construction Specifications, and Standard Drawings. For greater convenience to traffic and more effective police and fire protection, permanent dead-end Streets shall, in general, be limited in length to six hundred and fifty feet (650').

(B) **ROAD NAMES**. The Developer, upon consent of the Planning Commission and City Council, shall name all roads at the time of preliminary or final approval. The local postmaster shall be consulted prior to Planning Commission approval. Names shall be sufficiently different in sound and in spelling from other road names in Summit County, Utah so as not to cause confusion. A road, which is or is planned as a continuation of an existing road shall bear the same name.

(C) **ROAD REGULATORY SIGNS**. The Applicant shall erect or post acceptable Guarantees ensuring each road sign required

by the City Engineer at all road intersections. All road signs shall be installed before issuance of Certificates of Occupancy for any residence on the Streets approved.

Street name signs are to be placed at all intersections within or abutting the Subdivision, the type and location of which to be approved by the City Engineer. Street signs shall be designed according to Park City Design Standards, Construction Specifications, and Standard Drawings.

(D) **STREET LIGHTS**. Installation of Street lights shall be required and shall be placed by the Developer in accordance with Park City Design Standards, Construction Specifications, and Standard Drawings and shall be approved by the City Engineer.

(E) **RESERVE OR PROTECTION STRIPS**. The creation of reserve or protection strips may be permitted adjacent to a proposed Street in such a manner as to deny Access from adjacent Property to such Street, provided such a strip is clearly shown on both the preliminary and final Subdivision Plat and dedicated to the City.

(F) **ROAD DESIGN STANDARDS**.

(1) **GENERAL**. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory Access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient

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system and avoid undue hardships to adjoining Properties, the design standards for roads are hereby required to be in compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings, the Streets Master Plan, or as may otherwise be determined by the Planning Commission.

(2) **ROAD SURFACING AND IMPROVEMENTS.** After sewer and water utilities have been installed by the Developer, the Applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in the pertinent regulations. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.

All road pavement, shoulders, drainage improvements and Structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or City Council, and shall be incorporated into the construction plans required to be submitted by the Developer for plat approval.

(3) **EXCESS RIGHT-OF-WAY.** Right-of-Way widths in

excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth Slopes. Such Slopes shall not be in excess of three (3) to one (1), unless specifically approved by the City Engineer.

(G) **INTERSECTION DESIGN STANDARDS.**

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees (10B) of perpendicular is required. An oblique Street should be curved approaching an intersection and should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) Streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) Proposed new intersections along one side of an existing Street shall, wherever practicable, coincide with any existing intersections on the opposite side of such Street. Street jogs with center line offsets of less than one hundred and fifty feet (150') shall not be permitted, except where the intersected Street has separated dual drives without median breaks at either intersection. Where Streets intersect major Streets, i.e: arterial or collectors, their alignment shall be

continuous. Intersections of major Streets shall be at least eight-hundred feet (800') apart.

(3) Minimum curb radius at the intersection of two (2) local Streets shall be at least twenty feet (20'), and minimum curb radius at an intersection involving a collector Street shall be at least twenty-five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(4) Intersections shall be designed with a flat Grade wherever practical. In hilly or rolling Areas, at the approach to an intersection, a leveling Area shall be provided having not greater than a two percent (2%) Slope for a distance of sixty feet (60'), measured from the nearest Right-of-Way line of the intersecting Street.

(5) Where any Street intersection will involve earth banks or existing vegetation inside any Corner Lot, creating a traffic hazard by limiting visibility, the Developer shall cut such ground and/or vegetation, including trees, in connection with the Grading of the public Right-of-Way to the extent deemed necessary to provide an adequate sight distance.

(6) The cross Slopes on all Streets, including intersections, shall be three percent (3%) or less.

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(H) **BRIDGES.** Bridges of primary benefit to the Applicant, as determined by the Planning Commission, shall be constructed at the full expense of the Applicant without reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the Applicant as determined by the Planning Commission will be fixed by special agreement between the City Council and the Applicant.

(I) **ROAD DEDICATIONS AND RESERVATIONS.**

(1) **NEW PERIMETER STREETS.** Street systems in new Subdivisions shall be laid out so as to eliminate or avoid new perimeter half-Streets. The Planning Commission may authorize a new perimeter Street where the Applicant or Developer improves and dedicates the entire required Street Right-of-Way width.

(2) **WIDENING AND REALIGNMENT OF EXISTING ROADS.** Where a Subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require Use of some of the land in the Subdivision, the Applicant shall be required to improve and dedicate at his expense such Areas for widening

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or realignment of such roads. Such Frontage roads and Streets shall be improved and dedicated by the Applicant at his own expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.

15-7.3-5. DRAINAGE AND STORM SEWERS.

(A) GENERAL REQUIREMENTS.

The Planning Commission shall not recommend for approval any plat of Subdivision, which does not make adequate provision for storm or flood water runoff channels or catch basins. Plans shall be reviewed for compliance with the Park City Design Standards, Construction Specifications, and Standard Drawings. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method or other methods as approved by the City Engineer, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every Lot and block. On-Site storm runoff detention is generally required.

(B) NATURE OF STORM WATER FACILITIES.

(1) **LOCATION.** The Applicant may be required by the Planning Commission, upon the recommendation of the City Engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

(2) ACCESSIBILITY TO PUBLIC STORM SEWERS.

(a) Underground Storm Sewer systems shall be constructed throughout the Subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

(b) If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Developer shall make arrangements for future storm water disposal

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by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance Guarantee required for the Subdivision Plat.

(3) **ACCOMMODATION OF UPSTREAM DRAINAGE AREAS.** A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage Area, whether inside or outside the Subdivision. The Developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed Development permitted by the Land Management Code. The City Engineer must review and approve the design.

(4) **EFFECT ON DOWNSTREAM DRAINAGE AREAS.** The City Engineer shall also require the Developer's qualified engineer to study the effect of each Subdivision on existing downstream drainage facilities outside the Area of the Subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff

incident to the Development of the Subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the Subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission and City Engineer shall determine. No Subdivision shall be approved unless adequate drainage will be provided to an approved drainage watercourse or facility.

(5) **AREAS OF POOR DRAINAGE.** Whenever a plat is submitted for an Area which is subject to flooding, the Planning Commission upon recommendation of the City Engineer, may approve such Subdivision provided that the Applicant fills the affected Area of said Subdivision to an elevation sufficient to place the elevation of Streets and Lots at a minimum of twelve inches (12") above the elevation of the maximum probable flood, as determined by the City Engineer. The plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width, which shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any Structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the City Engineer.

Development in Areas of extremely poor drainage is discouraged.

(6) FLOOD PLAIN AREAS.

The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the Area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the Property which lies within the flood plain of any stream or drainage course. These flood plain Areas should be preserved from any and all destruction or damage resulting from clearing, Grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(C) DEDICATION OF DRAINAGE EASEMENTS.

(1) GENERAL

REQUIREMENTS. Where a Subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. The existing drainage will be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) DRAINAGE EASEMENTS.

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road Rights-of-Way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across Property outside the road lines and with satisfactory Access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured and indicated on the plat.

(c) The Applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Planning Commission and City Engineer.

(d) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in Areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of Lots to be utilized for average density procedure nor for computing the Area requirement of any Lot.

5-7.3-6. WATER FACILITIES.

(1) GENERAL REQUIREMENTS.

(1) Necessary action shall be taken by the Applicant to extend or ~~create~~ a water-supply system for the purpose of providing water-supply capable of providing domestic water Use and fire protection.

(2) Where a public water main is accessible, the Applicant and/or Developer shall install adequate water facilities, including fire hydrants, subject to the specifications of the State and City. All water mains shall be at least eight inches (8") in diameter.

(3) Water main extensions shall be approved by the City Engineer and the Public Works Director.

(4) To facilitate the above, the location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance Guarantee to be furnished by the Developer.

(5) Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the Public Works Director and City Engineer as to the location and extent of facilities to be maintained by Park City. Private facilities may be required to be so noted on the plat.

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(B) **FIRE HYDRANTS.** Fire hydrants shall be required for all Subdivisions. Fire hydrants shall be located no more than one thousand feet (1,000') apart and within one hundred and fifty feet (150') of any Structure and shall be approved by the City Fire Marshall and City Engineer in accordance with Uniform Fire Code. In some instances, the City and Fire District may determine that due to wild-land fire potential, hydrants will be required to be located no more than three hundred feet (300') apart. To eliminate future Street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a Street shown on the Subdivision Plat.

15.7.3-7. SEWER FACILITIES.

(A) **GENERAL REQUIREMENTS.**

The Applicant shall install sanitary sewer facilities in manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD) construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards. Necessary action shall be taken by the Applicant to extend sanitary sewer service for the purpose of providing sanitary sewer facilities to the Subdivision.

(B) **RESIDENTIAL AND NONRESIDENTIAL SUBDIVISIONS.**

Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the Water Reclamation District. No individual disposal system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the SBWRD's specifications, rules, regulations, and guidelines.

15-7.3-8. SIDEWALKS, HIKING TRAILS, BIKE PATHS, AND HORSE TRAILS.

(A) **REQUIRED IMPROVEMENTS.**

(1) Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many

Cases, pedestrian paths separate from the road Right-of-Way may be preferable due to snow removal concerns.

(2) Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.

(3) Sidewalks shall be improved as required in Section 15-7.3-4(F)(2) of these regulations.

(4) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.

(5) Hiking trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 15-7.2 of this Code.

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15-7.3-9. UTILITIES.

(A) **LOCATION.** Utility facilities including but not limited to gas, electric power, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility and where such underground location does not impose any potential additional maintenance burden on Park City's Streets and water personnel in the opinion of the Public Works Director, City Engineer, and Planning Director. Underground service connections for water and sewer shall be installed to the Street Property Line of each platted Lot at the expense of the Applicant and/or Developer, as shall casings or conduits for all other underground utilities as determined by the City Engineer.

(B) **EASEMENTS.**

(1) Easements centered on Rear Lot Lines shall be provided for private and municipal utilities; such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the Applicant and/or Developer between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.

(2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the Rear Lot Lines, perpetual unobstructed easements at least ten

feet (10') in width shall be provided along Side Lot Lines with satisfactory Access to the road or Rear Lot Lines. All easements shall be indicated on the plat.

(3) Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer. Easements for water lines shall be a minimum of thirty feet (30') wide.

15-7.3-10. PUBLIC USES.

(A) **PARKS, PLAYGROUNDS, AND RECREATION AREAS.**

(1) **RECREATION STANDARDS.** The Planning Commission, in its review of each Major or Minor Subdivision, shall require that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated on the Master Plans or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate Access for the particular purposes envisioned by the Planning Commission. The Area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes." The Developer will also be required to install improvements to the recreation Areas. These

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improvements will be built to City specifications.

When recreation Areas are required, the Planning Commission shall determine the number of acres to be reserved from the following formula which has been prepared: providing one (1) acre of recreation Area for every one hundred (100) Single Family Dwelling units or commercial Lots and one (1) acre per two hundred (200) Multi-Unit Dwellings. This calculation equates to four hundred thirty seven square feet (437 sq. ft.) per Single Family Dwelling unit or commercial Lot and two hundred eighteen square feet (218 sq. ft.) per Multi-Unit Dwelling. The Planning Commission shall also determine the level of improvements required. All required improvements shall be built to City specifications. The Planning Commission may refer such proposed reservations to the City official or department in charge of parks and recreation for recommendation. The Developer shall dedicate all such recreation Areas and facilities to the City as a condition of final Subdivision Plat approval.

(2) MINIMUM SIZE OF PARK AND PLAYGROUND RESERVATIONS. In general, land reserved for recreation purposes shall have an Area of at least one (1) acre. When the percentages from the above formula would create less than one (1) acre, the Planning

Commission may require that the recreation Area be located at a suitable place on the edge of the Subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an Area of less than one-third (1/3) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its Area. This smaller amount will be accepted only when it is on the edge of the Subdivision or when the staff feels that the reduced size will result in a usable recreation Site. Where recreation land in any Subdivision is not reserved, or the land reserved is less than required in Section 15-7.3-10(A)(1) the provisions of Section 15-7.3-10(A)(4) shall be applicable.

(3) RECREATION SITES. Land reserved for recreation purposes shall be of a character and location suitable for Use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the Developer to the City standards required by the Planning Commission, which improvements shall be included in the performance Guarantee. The Planning Commission may refer any Subdivision proposed to contain a dedicated park to the City official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication

to the City for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Reserved for Park and/or Recreation Purposes."

(4) **ALTERNATIVE PROCEDURE FOR SUBDIVISIONS OF FEWER THAN 30 LOTS.** Subdivisions, including commercial Subdivisions, with fewer than thirty (30) Lots would result in a land Area of less than one-third (1/3) acre to be reserved for recreation facilities. In this case the Developer shall pay an "in lieu of" fee in those cases where the "in-lieu" fee is specifically approved by or required by the Planning Commission. Fees shall be paid on a per unit rate and be based upon fair market value as indicated in the Park City adopted Fee Schedule.

(5) **APPLICABILITY TO LAND UTILIZING AVERAGE DENSITY.** Any Subdivision Plat in which the principle of average density or flexible zoning has been utilized shall not be exempt from the provisions of this section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes. If no further Area, other than the Area to be reserved through averaging, is required by the Planning Commission, the full fee shall be paid as required in Section 15-7.3-10(A)(4). If further land is required

for reservation, apart from that reserved by averaging, credit shall be given as provided by Section 15-7.3-10(A)(4).

(6) **OTHER RECREATION RESERVATIONS.** The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a Developer from reserving other land for recreation purposes in addition to the requirements of this section.

(B) **OTHER PUBLIC USES.**

(1) **PLAT TO PROVIDE FOR PUBLIC USES.** Except when an Applicant utilizes a Master Planned Development concept in which land is set aside by the Developer as required by the provision of the Land Management Code, whenever a tract to be subdivided includes a school, recreation Uses, or other public Use as indicated on the Master Plan or any portion thereof, such space shall be suitably incorporated by the Applicant into his Preliminary Plat. After proper determination of its necessity by the Planning Commission and the appropriate City official or other public agency involved in the acquisition and Use of each such Site and a determination has been made to acquire the Site by the public agency, the Site shall be suitably incorporated by the Applicant into the preliminary and Final Plats.

(2) **REFERRAL TO PUBLIC BODY.** The Planning Commission shall refer the Preliminary Plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate Areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and Area of the Parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) **NOTICE OF PROPERTY OWNER.** Upon receipt of an affirmative report, the Planning Commission shall notify the Property Owner and shall designate on both the Preliminary and Final Plats that Area proposed to be acquired by the public body.

15-7.3-11. PRESERVATION OF NATURAL FEATURES AND AMENITIES.

(A) **GENERAL.** Existing features, which add value to the community, shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from Development, which would be visible on the sky line from prominent Areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that

disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the Subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of Grade. The preliminary plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the Street side of each Lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.3-12. NONRESIDENTIAL SUBDIVISIONS.

(A) **GENERAL.** If a proposed Subdivision includes land that is zoned for commercial or industrial purposes, the layout of the Subdivision with respect to such land shall make such provision as the Planning Commission may require.

A nonresidential Subdivision shall also be subject to all the requirements of Site plan approval set forth in the Land Management Code. Site plan approval and nonresidential Subdivision Plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential Subdivision shall be subject to all the requirements of these regulations, as well as such additional standards as are required by

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the Planning Commission, and shall conform to the proposed land Use and standards established in the General Plan, Streets Master Plan, Land Management Code, and Park City Design Standards, Construction Specifications, and Standard Drawings.

(B) **STANDARDS**. In addition to the principles and standards in these regulations, which are appropriate to the planning of all Subdivisions, the Applicant shall demonstrate to the satisfaction of the Planning Commission that the Street, Parcel, and block pattern proposed is specifically adapted to the Uses anticipated and takes into account other Uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial Parcels shall be suitable in Area and dimensions to the types of industrial Development anticipated.
- (2) Street Rights-of-Way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be placed thereupon.
- (3) Special requirements may be imposed by the City with respect to Street, curb, gutter, and sidewalk design and construction.
- (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

- (5) Every effort shall be made to protect adjacent residential Areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in Parcels backing up on existing or potential residential Development and provisions for a permanently landscaped buffer strip when necessary.

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PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.4 - SPECIFICATIONS FOR DOCUMENTS
TO BE COMPLETED

Chapter adopted by Ordinance No. 01-17

**CHAPTER 7.4 - SPECIFICATIONS
FOR DOCUMENTS TO BE
COMPLETED.**

15-7.4-1. PRELIMINARY PLAT.

The Preliminary Plat shall show the following:

(A) **GENERAL.** The Preliminary Plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch (1") equals one hundred feet (100'), may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four inches by twenty-six inches (24" x 26"). It should be noted that the map prepared for the Preliminary Plat may also be used during the preparation of the final Subdivision Plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(B) **NAME.**

(1) Name of Subdivision if Property is within an existing Subdivision.

(2) Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Summit County, Utah.

(3) Name of Property if no Subdivision name has been chosen. This is commonly the name by which the Property is locally known.

(4) Name, address, including telephone number, or the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.

(5) Names of new Streets, subject to the approval by the Planning Commission.

(C) **OWNERSHIP**. Name and address, including telephone number, of legal Owner or Agent of Property, a Property report, and citation of last instrument conveying title to each Parcel of Property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.

(1) Citation of any existing legal Rights-of-Way or easements affecting the Property.

(2) Existing covenants on the Property, if any.

(3) Name and address, including telephone number, of the professional Person(s) responsible for Subdivision design, for the design of public improvements, and for surveys.

(D) **DESCRIPTION**. Location of Property by government Lot, section, township, range and county, graphic scale, north arrow, and acres.

(1) Location of Property Lines, existing easements, burial grounds, mine or known geologic hazards, railroad Rights-of-Way, water courses, and existing wooded Areas or trees six inches (6") or more in diameter, measured four feet (4') above ground level, groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line; location, width, and names of all existing or platted Streets or other public ways within or

immediately adjacent to the tract; names of adjoining Property Owners from the latest assessment rolls within three hundred feet (300') of any perimeter boundary of the Subdivision.

(2) Location, sizes, elevations, and Slopes of existing sewers, water mains, culverts, and other underground Structures within the tract and immediately adjacent thereto; existing permanent Building and utility poles on or immediately adjacent to the Site and utility Rights-of-Way.

(3) Approximate topography, at the same scale as the Preliminary Plat with at least five foot (5') contour intervals.

(4) The approximate location and widths of proposed Streets.

(5) Preliminary proposals for connection with existing municipal water supply and District sanitary sewer systems; preliminary provisions for collecting and discharging surface water drainage.

(6) The approximate location, dimensions, and Areas of all proposed or existing Lots.

(7) The approximate location, dimensions, and Areas of all Parcels of land proposed to be set aside for park or playground Use or other

public Use, or for the use of Property Owners in the proposed Subdivision.

(8) The location of temporary stakes to enable the Planning Commission to find and appraise features of the Preliminary Plat in the field.

(9) Whenever the Preliminary Plat covers only a part of an Applicant's contiguous holdings, the Applicant shall submit, at the scale of no more than two hundred feet (200') to the inch, a sketch in pen or pencil of the proposed Subdivision Area, together with its proposed Street and trail system, and an indication of the probable future Street and drainage system of the remaining portion of the tract.

(10) A vicinity map showing Streets and other general Development of the surrounding Area. The Preliminary Plat shall show all school and improvement district lines with the zones properly designated.

(11) A plan designating Limits of Disturbance for each Parcel and for Subdivision improvements, such as utilities and roads.

(E) FEATURES.

(1) The location of Property with respect to surrounding Property and Streets, the names of all adjoining Property Owners of record or the

names of adjoining Developments, the names of adjoining Streets.

(2) Citation of any existing legal Rights-of-Way or easements affect the Property.

(3) Existing covenants on the Property, if any.

(4) The location and dimensions of all boundary lines of the Property to be expressed in feet and decimals of a foot.

(5) The location of existing Streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, Buildings, parks, cemeteries, drainage ditches, or bridges.

(6) The location and width of all existing and proposed Streets and easements, alleys, trails, and other public ways, and easement and proposed Street Rights-of-Ways and Building Setback lines.

(7) The location, dimensions, and Areas of all proposed or existing Lots.

(8) The location and dimensions of all Property proposed to be set aside for park or playground Use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

(9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.

(10) The date of the map, approximate true north point, scale, and title of the Subdivision.

(11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.

(12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.

(13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.

(14) The following notation shall also be shown:

- (a) Explanation of drainage easements, if any.
- (b) Explanation of Site easements, if any.
- (c) Explanation of reservations, if any.

(d) Owners dedication, if any and consent to record as required by State law.

(15) Any restrictions or requirements necessary to ensure solar Access shall be defined.

(16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.

(17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

(Amended by Ord. No. 04-11)

15-7.4-2. CONSTRUCTION PLANS.

(A) **GENERAL.** Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than inch equals fifty feet (50'), and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:

- (1) Profiles showing existing and proposed elevations along left and right edge of road, and center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the

intersection shall be shown.

Approximate radii of all curves, lengths of tangents, and central angles on all Streets.

(2) The Planning Commission may require, upon recommendation by the City Engineer, where Steep Slopes exist, that typical cross-sections of all proposed Streets be shown.

(3) Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lights, and Street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or Structures.

(4) Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, railroads, Buildings, features noted on the Official Zoning Map or Master Plans, at the point of connection to proposed facilities and utilities within the Subdivision, and

each tree with a diameter of six inches (6") or more, measured four feet (4') above ground level; groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 sq. ft.) to the drip line. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the Park City Engineer's or U.S.G.S. datum plane. If the Subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such water ways.

(5) Topography at the same scale as the Preliminary Plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.

(6) All other specifications, details, and references required by the Park City Design Standards, Construction Specifications, and Standard Drawings, including a Site-Grading plan for the entire Subdivision.

(7) Notation of approval as follows:

Owner _____ Date _____

Public Works Director _____ Date _____

City Engineer _____ Date _____

(8) Title, name, address, signature, and seal of professional engineer, and date, including revision dates.

(9) A Limits of Disturbance and re-vegetation plan.

15-7.4-3. FINAL SUBDIVISION PLAT.

(A) **GENERAL.** The final Subdivision Plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by resolution of the Planning Commission, as shown on the Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's resolution. All revision dates must be shown as well as the following:

(1) Notation of any self-imposed restrictions, and locations of any Building lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.

(2) All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

(3) Form for endorsements by the Planning Commission chair, Mayor, City Recorder, City Engineer, and City Attorney.

(B) **PREPARATION.** The final Subdivision Plat shall be prepared by a land surveyor licensed by the State of Utah. The surveyor shall certify that the survey of the property described on the plat is in accordance with Title 17, Chapter 23, Section 17 of the Utah Code, Annotated (1953, as amended) and has verified all measurements and has placed monuments as represented on the plat.

Deleted: i

PSM2andkaw



**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES**

Chapter adopted by Ordinance No. 00-25

**CHAPTER 1 - GENERAL PROVISIONS
AND PROCEDURES**

15-1-1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

15-1-2. STATEMENT OF PURPOSE.

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- (A) to promote the general health, safety and welfare of the present and future inhabitants, businesses, and visitors of the City,
- (B) to protect and enhance ~~the City's overall quality of life economic vitality and historic resort-based economy~~ the vitality of the City's resort-based economy, the overall quality of life, the historic character, and unique mountain town community.

- (C) to protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) to protect the tax base and to secure economy in governmental expenditures,
- (E) to allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) to provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services, and
- (G) to prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.
- (H) To protect and ensure access to sunlight for solar energy devices~~all~~
- (I) To protect or promote moderate income housing.

Summary of Comments on
Microsoft Word -
Imcamendments3-1-2006report.
doc

Page: 1

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:02:28 PM
Note for Polly.

There are all kinds of solar devices which require substantial space to generate electricity and heat water. The LMC does not specifically address this issue, size of solar arrays, types (such as tracking, flat panels, for heating water and generating electricity) locations such as on roofs, in yards, setbacks, number of allowable sq ft, etc., visibility. Given the current City Council sentiment about "clutter", they should know exactly what is allowed. What zones will solar energy devices be allowed in? Is the City Council going to allow them on Main Street Buildings? This could certainly become an eye sore and lower property values -- for a non economical energy source. Given many of PC's developable lands are in canyons between the hills and potential buildings certain properties could not be developed the way this reads. What are neighbors rights that are not interested in having solar in their neighborhoods because how solar panels look?

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:16:24 PM -07'00'

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 8:50:10 PM -07'00'

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:03:35 PM

Comments from page 1 continued on next page

Note for Policy.

"Moderate income housing" is not a defined term in the LMC, this might be changed to "Affordable Housing" which is defined in the LMC.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 1 - GENERAL PROVISIONS
AND PROCEDURES

15-1-1. SHORT TITLE.

This Title shall be known as the Park City
Land Management Code (LMC).

15-1-2. STATEMENT OF
PURPOSE.

The LMC is designed, enacted, restated and
reorganized to implement the goals and
policies of the Park City General Plan, and
for the following purposes:

(A) to promote the general health, safety
and welfare of the present and future
inhabitants, Businesses, and visitors of the
City,

(B) to protect and enhance ~~the City's~~
~~overall quality of life, economic vitality and~~
~~historic-resort-based environment; the~~
~~vitality of the City's resort-based economy;~~
the overall quality of life, the historic
character, and unique mountain town
community.

(C) to protect and preserve peace and
good order, comfort, convenience, and
aesthetics of the City,

(D) to protect the tax base and to secure
economy in governmental expenditures,

(E) to allow Development in a manner
that encourages the preservation of scenic
vistas, environmentally sensitive lands,
Historic Structures, the integrity of Historic
Districts, and the unique urban scale of
original Park City,

(F) to provide for well-planned
commercial and residential centers, safe and
efficient traffic and pedestrian circulation,
preservation of night skies and efficient
delivery of municipal services, and

(G) to prevent Development that adds to
existing Geologic Hazard, erosion,
flooding, degradation of air quality, wildfire
danger or other conditions that create
potential dangers to life and safety in the
community or that detracts from the quality
of life in the community.

(H) To protect and ensure access to
sunlight for solar energy ~~development~~

(I) To protect or promote moderate
income housing.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-2

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act, Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

15-1-3. CONFLICT.

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

15-1-4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1-5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1-6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum area or diversity of ownership requirement for a zone designation. Neither the size of a zoning district nor the number of landowners with the district may be used as evidence of the illegality of a zoning district or the invalidity of a municipal decision.

15-1-7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC must be made in the following manner:

Page: 2

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 8:51:35 PM -0700

T

Author: Mike Sweeney
Subject: Note
Date: 4/10/2006 6:27:29 AM
Note for Polly.

I do not understand this language. Why is this being included in the LMC?

Underlined words have been added for clarity.

Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or the invalidity of a municipal decisions.

For APDs located in the Historic District and for APDs that include an Historic Structure:

15-1-9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Community-Development-Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Community-Development-Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

(7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Community-Development-Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department, and the plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Community-Development-Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

(E) **EXACTIONS.** Exaction or exactions may be imposed on development proposed in a land use application if:

- (1) an essential link exists between a legitimate governmental interest and each exaction; and
- (2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Page: 3

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:38:12 PM -0700

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:38:06 PM -0700

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:37:59 PM -0700
Note for Polly.

Why is this now being included? Please give an example - what is an essential link?

EXCEPTION

(1) That An applicant is entitled to approval of a land use application if the application conforms to the requirements of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

- (i) the land use authority, on the record, finds that a compelling, countervailing public interest would be recognized by approving the application; or
- (ii) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted;
- (b) The municipality shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - (i) 180 days have passed since the proceedings were initiated; and
 - (ii) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted;
- (c) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid;
- (d) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding with approval to implement the approval with reasonable diligence.

(2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

15-1-10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The ~~Government Development~~ Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:04 PM
Note for Polly.

This reads like a taking. It seems this gives the government officials (elected and not elected) too much authority to stop or delay a project without compensation.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:23:32 PM -0700

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:47:24 PM -0700
Note for Polly.

Who gets to make this subjective decision? There are no standards. This again sounds like a taking.

Please give me an example of how does this applies? Is this applicable to a Conditional Use subject to Master Plan Developments such as Treasure Hill?

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 1:48:46 PM -0700
Note for Polly.

Please provide an example of "reasonable diligence."

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-8

- (A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-application conference with the Community Development Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.
- (B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Community Development Planning Department for Conditional Uses.
- (C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Community Development Planning Department shall provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See Section 15-1-12. NOTICE.) The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit and shall either approve, deny, or modify and approve the permit.

- (D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:
- (1) the Application complies with all requirements of this LMC;
 - (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

- (3) the Use is consistent with the Park City General Plan, as amended; and
 - (4) the effects of any differences in Use or scale have been mitigated through careful planning.
- (E) **REVIEW.** The Community Development Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items of a Conditional Use permit:
- (1) size and location of the Site;
 - (2) traffic considerations including capacity of the existing Streets in the Area;
 - (3) utility capacity;
 - (4) emergency vehicle Access;
 - (5) location and amount of off-street parking;
 - (6) internal vehicular and pedestrian circulation system;
 - (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
 - (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
 - (9) usable Open Space;

Page: 5

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:07:03 PM -0700
Note to Kirsten.

Does this mean only one published notice and one courtesy notice per CUP or does this mean a public notice and courtesy notice needs to be published for each meeting that is help for the CUP?

It is a real burdened on the applicant if the applicant is required to give a courtesy notice for each meeting.

Author: Mike Sweeney
Subject: Underline
Date: 3/22/2006 2:01:45 PM -0700

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:50:24 PM -0700

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:11:00 PM -0700
Note to Kirsten.

How does this work when a Master Plan Development is in place with findings of facts and conclusions of law and is not necessarily driven by the LMC?

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:50:21 PM -0700

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:00:09 AM
Note for Kirsten. This should not apply for an approved Master Plan which has findings of facts and conclusion of law.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-10

shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) PLAT AMENDMENTS/ SUBDIVISION. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7(a). No Building Permit may be issued prior to such an approval.

15-1-12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or modification to the Park City General Plan, and the time, place and date set for public hearing on the matter. Notice shall be given according to 15-1-20 Notice Matrix and as follows:

(A) POSTED NOTICES. The Community Development Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three public locations within the municipality.

(B) PUBLISHED NOTICE. Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) COURTESY NOTICE. As a courtesy to adjacent Property Owners, the Applicant must provide the Community Development Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located

entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) APPLICANT NOTICE. For each land use application, the Planning Department must notify the applicant of the date, time and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

(E) EFFECT OF NOTICE. Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from after the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(F) OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION

(1) REGISTRATION. Owners associations desiring notice of requests for Building Permits within

Page: 6

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:41:26 PM -0700

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:28:44 PM -0700
Note to Kirsten.

How many times does a applicant have to provide a Courtesy Notice?

(C) **PLANNING COMMISSION.** Final Actions by the Planning Commission on staff appeals may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use permits and MPDs may be appealed to the City Council. Only those decisions in which the Planning Commission has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.

(D) **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Community Development/Planning Department, Historic District Commission/Preservation Board, or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission or Board of Adjustment must be filed with the Community Development/Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.

(G) **WRITTEN FINDINGS REQUIRED.** The appellate body shall direct staff to prepare detailed written:

- (1) Findings of Fact, which explain and support the Staff decision;
- (2) Conclusions as to how a contrary decision would violate the provisions of this LMC, other City

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 7:56:18 PM -0700'

T

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:01:52 AM
Note to Polly.

Please give an example of how this works. If I am an "Owner of Property", a "Person" who submitted written comment or testified on a proposal.

Author: Mike Sweeney
Subject: Highlight
Date: 3/22/2006 2:16:42 PM -0700'

T

Author: Mike Sweeney
Subject: Highlight
Date: 3/22/2006 2:21:16 PM -0700'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 2:30:23 PM -0700'

Note to Polly.

How does this work? Why was this included? Please give an example of how this applies?

ordinances, or applicable state or
federal laws or regulations.

(H) CITY COUNCIL ACTION ON
APPEALS

- (1) The City Council, with the consultation of the appellant, shall set a date for the appeal.
- (2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Community Development Planning Department and shall transmit them to the Council.
- (3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
- (4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(I) CITY COUNCIL CALL-UP
Within fifteen (15) calendar days of Final

Action on any project, the City Council, on its own motion, may call any Final Action taken by the Planning Commission or Historic District Commission or Community Development Planning Department Director up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Planning Commission and/or Community Development Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1-12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(J) NOTICE. Notice of all appeals to City Council or call-ups shall be given by:

- (1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and
- (2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action.

(K) STAY OF APPROVAL PENDING REVIEW OF APPEAL. Upon the filing of an appeal, any approval granted by the

What are the standards for City Council to call-up a CUP if the CUP is subject to an approved MPD and the CUP is in conformance with MPD and the MPD is in compliance with the General Plan and zoning?

~~Historic District Commission or the~~
Planning Commission will be suspended until the City Council has acted on the appeal.

~~(E-M) APPEAL FROM THE CITY COUNCIL.~~ The Applicant or any Person aggrieved by City action on the project may appeal from the Final Action by the City Council affecting the project to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.¹⁶¹⁰

~~(M-N) FINALITY OF ACTION.~~ Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law.

~~(N-O) RECONSIDERATION.~~ The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

~~(OP)~~ No participating member of the appeal panel may entertain an appeal in which he or she acted ~~as~~ the land use authority.¹⁷¹

15-1-19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE.** Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of any action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES.** The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action

Page: 9

Author: Mike Sweeney
Subject: Note
Date: 3/22/2008 3:54:15 PM -0700
Note to Polly.

Please give an example.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2008 8:10:32 PM -0700

T

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-23

Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. 14 days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Appeals from-of Planning Director, Staff, Historic District Commission, Historic Preservation Board, or Planning Commission decisions, and including City Council Call-Up	7 days prior to the date set for the appeal or call-up meeting <u>hearing</u> .	To all parties who received mailed notice for the original <u>Historic District Commission</u> or <u>Administrative or Planning Commission</u> hearing meeting. 7 days prior to the City Council meeting <u>hearing</u> .	Once 7 days before the date set for the appeal or call-up meeting <u>hearing</u> .
Conditional Use Approval (CUP)	14 days prior to the hearing before the Planning Commission.	To Owners within 300 ft. <u>14</u> days prior to the hearing before the Planning Commission.	Once 14 days prior to the hearing before the Planning Commission.
Timeshare Conversions	Same as CUP	Same as CUP	Same as CUP
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	To Owners within 300 ft. 14 days prior to the hearing before the Board of Adjustment.	Once 14 days prior to the hearing before the Board of Adjustment.
Certificate of Appropriateness	45 days on the Property upon refusal of the	To Owners within 300 ft. 14 days prior to the hearing	Once 14 days prior to the hearing before the

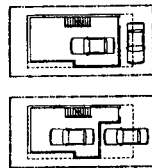
Page: 10

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:03:02 AM
Note to Kirsten.

How often does the Courtesy Notice need to be done? This is a burden to the Applicant -- suggest it should not be more than once a year.

Author: Treasure Hill PC
Subject: Highlight
Date: 3/6/2006 9:11:12 PM -07'00'

Author: Treasure Hill PC
Subject: Highlight
Date: 3/13/2006 10:22:01 PM -07'00'



(J) CLEAR VIEW OF INTERSECTING STREETS.

In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) SIGNS Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

15-3-4. SPECIFIC PARKING AREA AND DRIVEWAY STANDARDS FOR SINGLE FAMILY RESIDENCES AND DUPLEXES, PARKING AREAS WITH 5 OR MORE SPACES, AND PARKING STRUCTURES.

(A) SINGLE FAMILY RESIDENCES AND DUPLEXES

- (1) **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet

(11') wide by twenty feet (20') deep. Double car garages must be at least twenty feet (20') wide by twenty feet (20') deep.

All vehicles, boats, RVs, trailers, and similar wheeled vehicles must be parked on an approved paved surface. At no time shall a vehicle be parked on lawn or other landscaped areas.

(2) CIRCULAR DRIVEWAYS

Circular driveways are permitted for Single Family and Duplex Dwellings provided they one leg leads directly to and from a legally located garage or carport, subject to the following conditions:

- (a) Such drives shall be hard-surfaced.
- (b) Such drives shall be a minimum of fifteen feet (15') and a maximum of twenty-four feet (24') in width.
- (c) There shall be a Landscaped Area at least fifteen feet (15') in depth from the Front Property Line to the inside of the drive.
- (d) Driveway Areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the Area to be used for permanent parking of any vehicle.

Page: 11

Author: Treasure Hill PC
Subject: Highlight
Date: 3/1/2006 8:08:12 PM -0700

T

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:07:46 PM
Note to Kirsten.

This is too restrictive - what if you want to wash your boat and water the lawn at the same time. What if you have a motor bike, scooter and live in a wooded or more rural area of the city? This will be very hard to enforce. If it isn't in the CC&R's of a development why should the City want to take on this responsibility?



**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 4 - SUPPLEMENTAL REGULATIONS**

Chapter adopted by Ordinance No. 02-07

**CHAPTER 4 - SUPPLEMENTAL
REGULATIONS**

15-4-1. PURPOSE.

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

**15-4-2. FENCES, AND WALLS,
BERMS, AND HEDGES.**

(A) LOCATION.

Fences and Walls, berms and hedges may be erected or allowed within the buildable Area. Any Fence or retaining Wall greater than six feet (6') in height requires an administrative Conditional Use permit approved by the Planning, Building and Engineering Departments and a Building Permit, unless the Fence or Wall is approved as part of a Master Planned Development or Conditional Use Permit. Any Fence or retaining Wall greater than six feet (6') in height requires a building permit. 

Within any required Front Yard or Street Side Yard, Fences and Walls, berms, and

hedges shall not exceed four feet (4') in height, measured from Final Grade, within any required Front Yard.

Fences and Walls, Street Side Yard, and shall not exceed six feet (6') in height measured from Final Grade within any required Rear Yard or interior Side Yard. Where a Fence or Wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

The height of retaining Walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an administrative Conditional Use permit.

The height of retaining Walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an administrative Conditional Use permit.

(B) RESTRICTIONS ON

Page: 12

Author: Treasure Hill PC
Subject: Highlight
Date: 3/16/2006 9:39:03 AM -0700'

T

Author: Treasure Hill PC
Subject: Highlight
Date: 3/16/2006 9:38:56 AM -0700'

T

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 4:03:10 PM -0700'
 Note to Kirsten.

Can Treasure Hill put up fences to ensure the stopping of prescriptive easements?

underlying parking requirement. Tandem Parking is allowed.

(C) **SINGLE UTILITY METERS**

The main dwelling and the Secondary Living Quarters shall be on the same utility meters.

(D) **KITCHENS.** Secondary Living

Quarters shall not contain full Kitchens as defined by this Code.

(E) **ACCESS.** The secondary quarters shall be designed to have direct Access into the main dwelling.

(F) **NO SEPARATE LEASES.** The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly Rentals and other seasonal rentals are prohibited. Secondary living quarters are for the Use of the Owner of the main dwelling for guests, household help, relatives, and other similar persons.

15-4-5. **LOCKOUT UNITS.**

Lockout Units are a Conditional Use in the HRL District and are an Allowed Use in all other Zoning Districts, except in the ROS, POS, SF, and LI Districts where they are not permitted. A Lockout Unit is an Area of a dwelling with a separate exterior Access and toilet facilities but does not contain a Kitchen. Lockout Units are limited to a maximum Floor Area of 1,000 square feet.

Nightly Rental of Lockout Units is a Conditional Use in all Districts where Lockout Units are an Allowed or Conditional Use.

15-4-6. **GUEST HOUSES.**

Guest Houses are a Conditional Use in Zoning Districts where they are permitted and must be reviewed against the Conditional Use permit regulations in LMC Chapter 15-1-10. Guest Houses are only permitted on Lots of one (1) acre or greater. Guest Houses are not allowed in the HRL, HR-2, HCB, ROS, POS, RCO, GC, or LI Zoning Districts.

Guest Houses may be no larger than one third (1/3) of the dwelling size in terms of Floor Area and shall be limited to a maximum Floor Area of 1,500 square feet, unless additional Floor Area is approved by the Planning Commission during a Master Planned Development approval. A Guest House may not increase the Floor Area or Building Foot Print as specified in the Land Management Code or any specific Subdivision approval.

Guest Houses may be attached or detached from the main house and may not be sold or leased separate from the main house. Prior to Building Permit or Certificate of Occupancy issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the main house, shall be recorded at the County Records Office.

15-4-7. **ACCESSORY APARTMENTS.**

The intent and purpose of this section is to encourage Accessory Apartments as an Affordable Housing opportunity while protecting the existing quality of life found in single family zones throughout the

Page: 13

Author: Mike Sweeney
Subject: Note
Date: 3/22/2006 4:12:40 PM -0700
Note to Kirsten.

Why was this change made? The 1/3 floor area ratio for the Guest House should not be capped. I think you might want to focus on foot print, so that the main house and guest house are in an acceptable proportion, i.e. the Guest House is not too small or too big.

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 12:09:08 PM
Note to Kirsten.

Why was this deleted? I think you might want this left in.

community. While preservation of the single-family zone is of paramount importance, increasing Affordable Housing opportunities will benefit the community in its entirety. Accessory Apartments are subject to the following criteria:

(A) **CRITERIA FOR USE**

(1) **SIZE.** Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum Floor Area of 1,000 square feet, and shall be no less than 400 square feet with no more than two (2) Bedrooms. An Accessory Apartment may not increase the Floor Area of a Structure over the maximum Floor Area as specified in the Land Management Code or Subdivision approval.

(2) **PARKING.** One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem subject to one of the following criteria:

- (a) One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on

paved driveways.

(b) One (1) Parking Space for an Accessory Apartment may be provided in tandem in an effort to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

(c) **Historic District Zones.** One (1) tandem Parking Space (parking one vehicle behind another) for an Accessory Apartment proposed in any residential Historic District Zone may be provided when the Applicant has secured a Conditional Use permit and the Planning Commission has made the following findings:

- (i) ~~Tandem~~ Parking will not create an undue hardship for the neighborhood.
- (ii) Other parking options are less desirable than the proposed tandem space.
- (iii) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage

Page: 14

Author: Treasure Hill PC

Subject: Note

Date: 3/22/2006 4:17:14 PM -07'00'

Note to Kirsten.

Need to change numbering or do not delete (i).

requirements are met for each Telecommunications Facility. The Application shall include any existing or approved, but un-built, Telecommunications Facility within the Telecommunications Area that may meet the needs of the Applicant. The supplied documentation shall evaluate the following factors:

- (1) Structural capacity of the Antenna towers;
- (2) Geographic Telecommunications Area requirements;
- (3) Mechanical or electrical incompatibilities;
- (4) Inability or ability to locate equipment on existing Antenna towers; and
- (5) Any restriction or limitation of the Federal Communication Commission that would preclude the shared Use of the Antenna tower.

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility Application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The Applicant, or the Applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of Use. If such tower is not removed by the Property Owner, then the

City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject Property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS.** Many Subdivision and Condominium covenants may address the location of

Telecommunications Facilities within Condominium units and the Lots of a Subdivision. The City is not a party to these covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of Telecommunications Facilities are advised to determine what private land Use restrictions apply to their Site before applying for the permit from the City. If the proposed installation is within the Common Area of a Condominium or Planned Unit Development, and the Application submitted is not in the name of the Home Owner's Association or management committee, the Applicant shall provide a letter from the home Owner's association or management committee indicating consent to the location of the Telecommunications Facilities within the Common Area has been granted as a part of the permit Application filed with the City.

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for temporary Antennas only in conjunction with a special event licensed under Municipal Code Title 4, Chapter 8. A

Page: 15

Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:12:50 AM
Note to Kirsten.

Why Delete?

which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

15-6-5. SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a condition of the Conditional Use Permit, if so required by the Planning Commission at the time of the MPD approval.

At this time, The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review site specific plans, including site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

15-6-5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum

requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts, if that transfer results in a project which that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Community Development Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

- (a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a

How much time does the Planning Commission have to hear an approval? This should state what a timely review period is.

(1953, as amended) and other applicable laws, statutes, ordinances, and regulations of the State of Utah, the City Council hereby exercise the power and authority to review, approve, and disapprove plats for subdividing land within the corporate limits of Park City which show Lots, blocks, or Sites with or without new Streets or highways.

(B) By the same authority, the City Council does hereby exercise the power and authority to pass and approve Development in Subdivisions, Re-subdivisions, or Lot Line Adjustments of land already recorded in the office of the County Recorder if such are entirely or partially undeveloped.

(C) The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered to be [entirely or partially undeveloped] void, if:

- (1) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been recorded with the County Recorder's office without a prior approval by the City Council, or in the case of a Lot Line Adjustment, its designated responsible official, or
- (2) the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been approved by the City Council where the approval has been granted more than three (3) years prior to granting a Building permit, on the partially or entirely undeveloped land and the zoning regulations, either Bulk or Use, for the district in which the Subdivision is located, have been changed

subsequent to the original final plat, Subdivision, Re-subdivision, or Lot Line Adjustment approval.

(D) A transfer of land pursuant to a void plat is voidable.

15-7-5. INTERPRETATION, CONFLICT, AND SEVERABILITY.

(A) **INTERPRETATION.** In their interpretation and Application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

(1) **PUBLIC PROVISIONS.**
These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(2) **PRIVATE PROVISIONS.**
These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher

Page: 17

Author: Mike Sweeney
Subject: Highlight
Date: 4/3/2006 11:27:19 AM

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Author: Mike Sweeney
Subject: Note
Date: 4/3/2006 11:27:45 AM
Note to Polly.

What does this mean? Why was this added?

standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the conditions of the Planning Commission, City Council, or the municipality in approving a Subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City does not enforce private covenants.

(C) **SEVERABILITY.** If any part or provision of these regulations or Application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or Application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the Application thereof to other Persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or Application.

15-7-4. CONDITIONS

Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large.

15-7-7. VACATION, ALTERATION, OR AMENDMENT OF PLATS.

The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9-908 through 10-9-910, 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended

(Note: See attached copy of 10-9a-608.)

~~Section 57. Section 10-9a-608, which is renumbered from Section 10-9-908, is renumbered and amended to read:~~
~~10-9-908. 1. 10-9a-608. Vacating or changing a subdivision plat. (1) For subject to subsection (2), the legislative body of a municipality or any other officer that the legislative body determines by ordinance of Section 10-9a-611 and provided that notice has been given~~

Ordinance No. 06-21

**AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 5, UNITS 27-32,
CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Larkspur Townhomes 5, Units 27-32, located on Lot 17 of the Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Larkspur Townhomes 5, Units 27-32, condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 12, 2006, to receive input on the Larkspur Townhomes 5, Units 27-32, condominium record of survey;

WHEREAS, the Planning Commission, on April 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 27, 2006 the City Council approved the Larkspur Townhomes 5, Units 27-32, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 5, Units 27-32, condominium record of survey.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Larkspur Townhomes 5, Units 27-32, condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Larkspur Townhomes 5, Units 27-32, is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.
4. On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. Larkspur 5, Units 27-32 is located on lot 17.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass.
6. The 6 condominium units range in size from 3430 square feet to 3616 square feet with garages under 600 square feet (516 sf).

7. These six units consume **20,957 square feet** and **10.5 Unit Equivalents**.
8. Two parking spaces are provided for each unit.
9. The building conforms to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, and the Village at Empire Pass, West Side, subdivision plat shall continue to apply.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of April, 2006.

PARK CITY MUNICIPAL CORPORATION



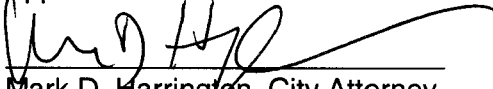
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





BUREAU'S CERTIFICATE

THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, HAS REVIEWED THE PLANNING COMMISSION'S CERTIFICATE OF FINDINGS AND RECOMMENDATIONS FOR THE LARKSPUR TOWNHOMES 5 PROJECT, AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE BUREAU'S POLICY AND THE NATIONAL SYSTEM OF PUBLIC LANDS.

BOUNDARY DESCRIPTIONS

THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, HAS REVIEWED THE PLANNING COMMISSION'S CERTIFICATE OF FINDINGS AND RECOMMENDATIONS FOR THE LARKSPUR TOWNHOMES 5 PROJECT, AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE BUREAU'S POLICY AND THE NATIONAL SYSTEM OF PUBLIC LANDS.

APPROVAL

THE BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, HAS REVIEWED THE PLANNING COMMISSION'S CERTIFICATE OF FINDINGS AND RECOMMENDATIONS FOR THE LARKSPUR TOWNHOMES 5 PROJECT, AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE BUREAU'S POLICY AND THE NATIONAL SYSTEM OF PUBLIC LANDS.

CONSERVATION EASEMENT

LINE	THICK	THIN
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CONSERVATION EASEMENT

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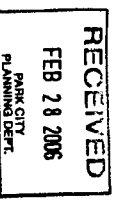
NOTES

1. The description of the project area, and the location of the project area, are shown on the map. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.
2. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.
3. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.
4. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.
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9. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.
10. The project area is located in the northwest quarter of section 28, township 2 south, range 4 east, salt lake base and meridian, park city, summit county, utah.



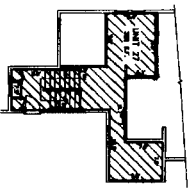
LARKSPUR TOWNHOMES 5

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

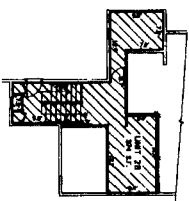


STANDARD BAYON WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO STANDARD BAYON WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF 2006 A.D. BY S.W.R.O.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF 2006 A.D. BY CHAIRMAN	I FIND THIS PLAN TO BE IN ACCORDANCE WITH THE PLANNING COMMISSION'S STANDARDS ON THIS DAY OF 2006 A.D. BY PARK CITY ENGINEER	APPROVED AS TO FORM THIS DAY OF 2006 A.D. BY PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF PLANNING COMMISSION'S STANDARDS ON THIS DAY OF 2006 A.D. BY PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF 2006 A.D. BY MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE RECORDER OF DEEDS BOOK PAGE

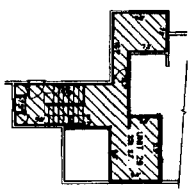
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SCALE 1/8"=1'-0"



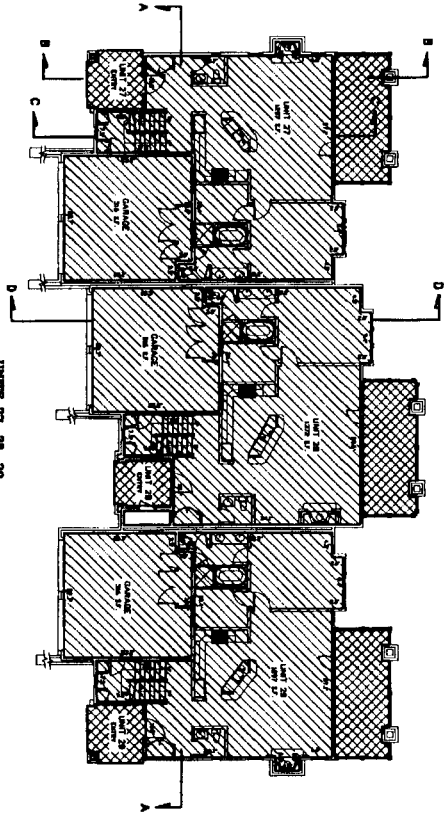
UNIT 28
LOFT FLOOR
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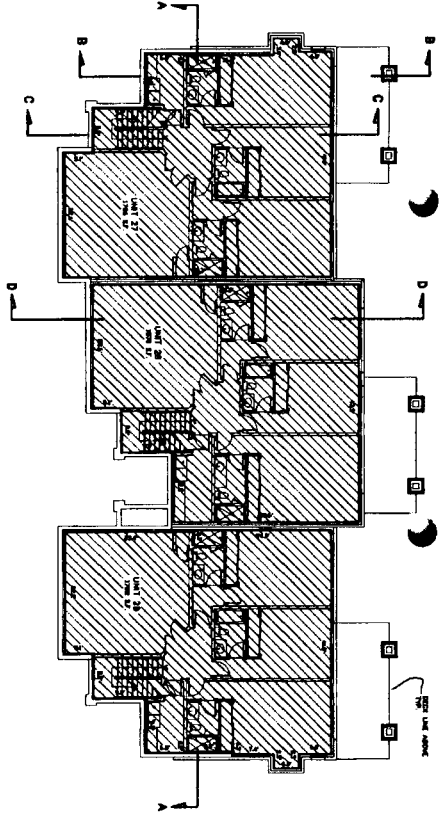
UNIT 29
LOFT FLOOR
SCALE 1/8"=1'-0"



UNITS 27, 28, 29
MAIN FLOOR
SCALE 1/8"=1'-0"

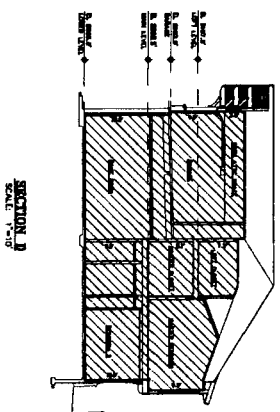


UNITS 27, 28, 29
LOFT FLOOR
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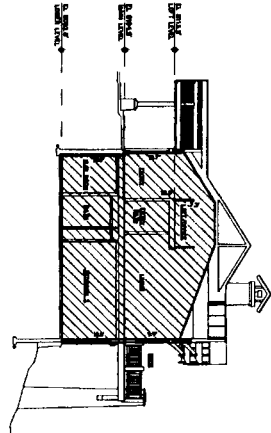
LARKSPUR TOWNHOMES 5

CONDOMINIUM PLAT
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

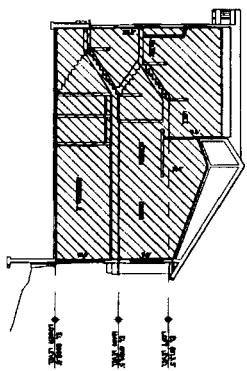


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PARK CITY
PLANNING DEPT.

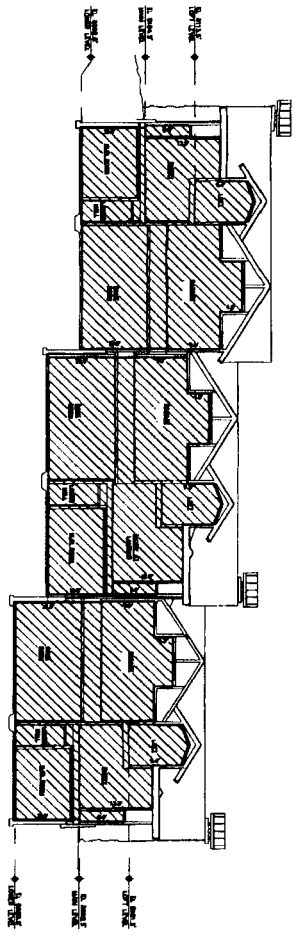
SECTION B
SCALE 1/8"=1'-0"



SECTION C
SCALE 1/8"=1'-0"



SECTION D
SCALE 1/8"=1'-0"



UNIT	STAIR	FOOTING	AREA	PERIMETER
27	1	10' x 10'	100	40
28	1	10' x 10'	100	40
29	1	10' x 10'	100	40

UNIT	FOUNDATION	AREA	PERIMETER
27	10' x 10'	100	40
28	10' x 10'	100	40
29	10' x 10'	100	40



DATE: 1-13-06 FILE: 2006-0013-27-28-29-30-31-32
 STATE OF UTAH COUNTY OF SUMMIT, AND FILE
 DATE: 1-13-06 TIME: 1:00 PM BOOK: PAGE:
 REC'D: REC'D:

Ordinance No. 06-20

**AN ORDINANCE APPROVING THE LARKSPUR TOWNHOMES 4, UNITS 21-26,
CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Larkspur Townhomes 4, Units 21-26, located on Lot 18 of the Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Larkspur 4, Units 21-26, condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on April 12, 2006, to receive input on the Larkspur Townhomes 4, Units 21-26, condominium record of survey;

WHEREAS, the Planning Commission, on April 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 27, 2006 the City Council approved the Larkspur Townhomes 4, Units 21-26, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Larkspur Townhomes 4, Units 21-26, condominium record of survey.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Larkspur Townhomes 4, Units 21-26, condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Larkspur Townhomes 4, Units 21-26, is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.

4. On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. Larkspur 4, Units 21-26 is located on lot 18.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass.
6. The 6 condominium units range in size from 2870 square feet to 3603 square feet with garages under 600 square feet (516 sf).
7. These six units consume **20,316 square feet** and **10.2 Unit Equivalents**.
8. Two parking spaces are provided for each unit.
9. The building conforms to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, and the Village at Empire Pass, West Side, subdivision plat shall continue to apply.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION



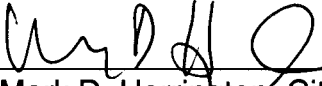
Mayor Dana Williams

Attest:



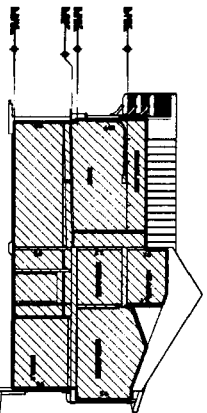
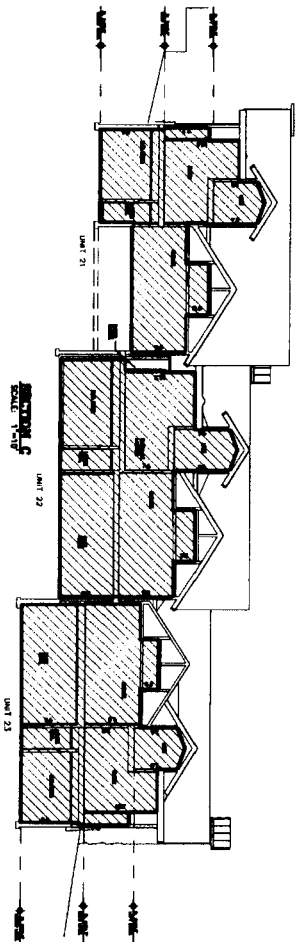
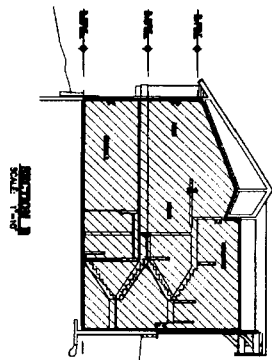
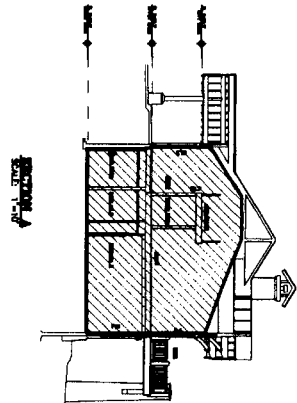
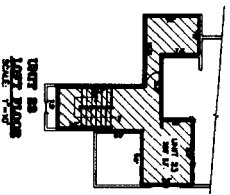
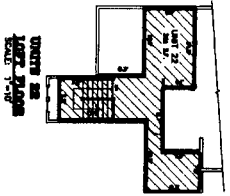
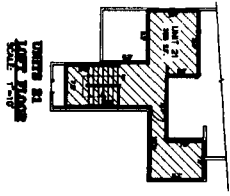
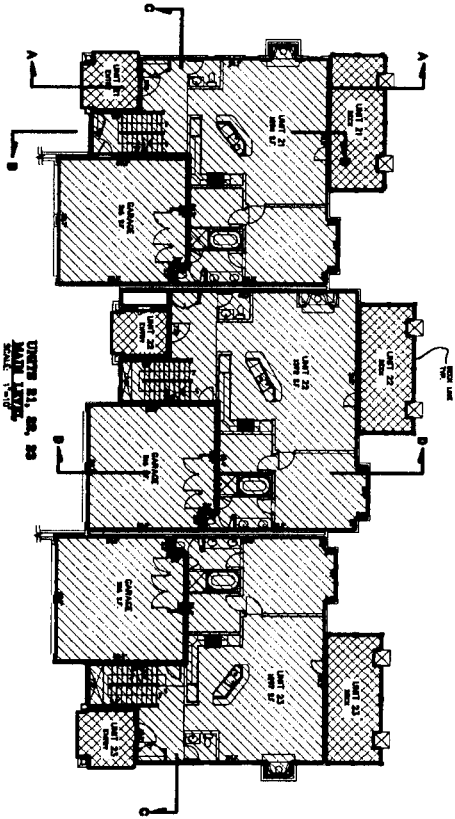
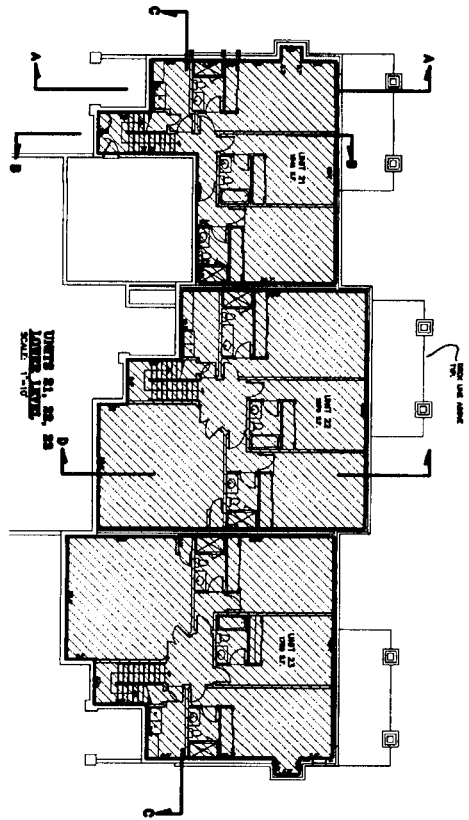
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





LARKSPUR TOWNHOMES 4 A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 28 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

CONDOMINIUM PLAT

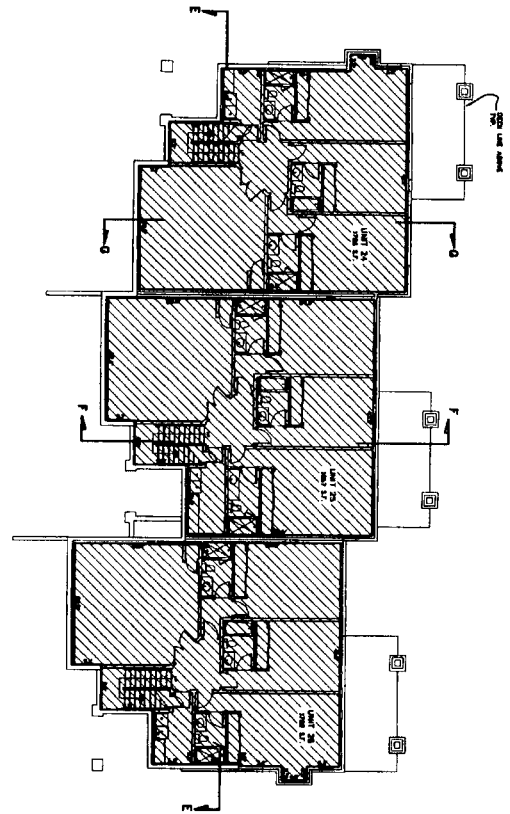
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 PARK CITY
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SHADING SYMBOLS

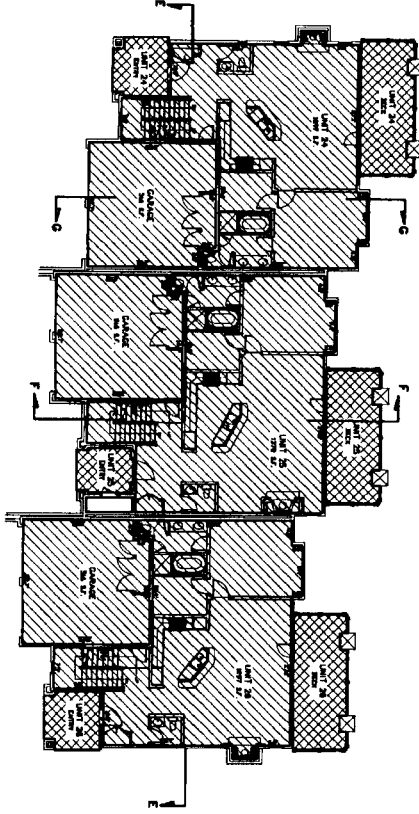
Symbol	Description
[Hatched Box]	Common Areas
[Cross-hatched Box]	Common Areas
[Dotted Box]	Common Areas



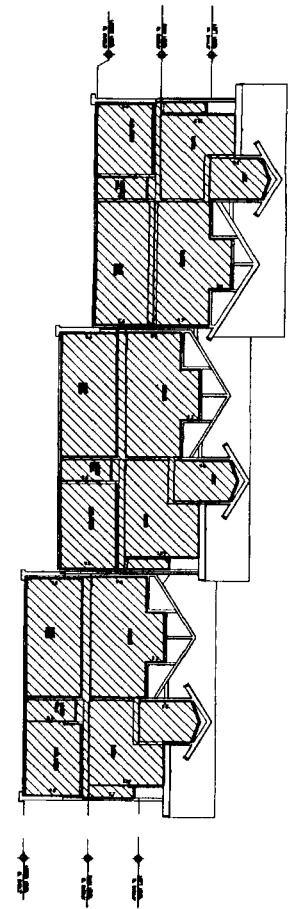
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT
 FOR THE COUNTY OF SUMMIT, UTAH
 THIS 28th DAY OF FEBRUARY, 2006
 BY _____



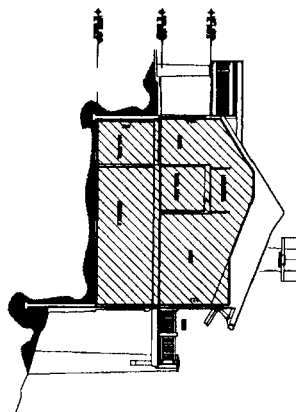
UNITS 24, 25, 26
MAIN FLOOR
SCALE 1"=10'



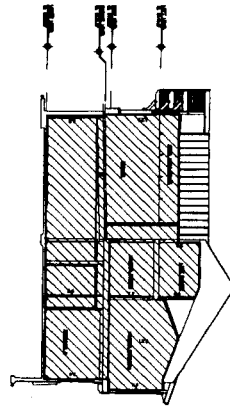
UNITS 24, 25, 26
LOWER FLOOR
SCALE 1"=10'



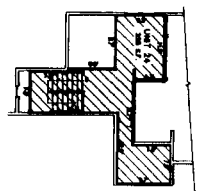
SECTION A - UNITS 24, 25, 26
SCALE 1"=10'



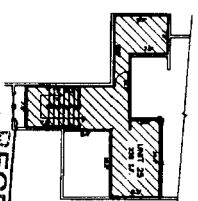
SECTION B - UNIT 24
SCALE 1"=10'



SECTION C - UNIT 24
SCALE 1"=10'



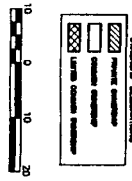
UNITS 24, 25
LOWER FLOOR
SCALE 1"=10'



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UNIT 26
LOWER FLOOR
JUL 28 2006
PARK CITY
PLANNING DEPT.

SECTION TABLE

SECTION	UNIT	SCALE	DATE
SECTION A	UNITS 24, 25, 26	1"=10'	7/28/06
SECTION B	UNIT 24	1"=10'	7/28/06
SECTION C	UNIT 24	1"=10'	7/28/06
SECTION D	UNIT 24	1"=10'	7/28/06
SECTION E	UNIT 26	1"=10'	7/28/06



LARKSPUR TOWNHOMES 4 A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
DATE _____ THE REGISTAR OF DEEDS
FILE _____ RECORDER _____

**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE,
AND TO ADDRESS SUBSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 9- NON-CONFORMING USES AND NON-CONFORMING STRUCTURES,
CHAPTER 10- BOARD OF ADJUSTMENT, CHAPTER 11- HISTORIC PRESERVATION
BOARD, CHAPTER 12- PLANNING COMMISSION, AND CHAPTER 14- PLANNING AND
ZONING ADMINISTRATION**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity, and allow for the Mayor and Council to appoint alternative members to the Planning Commission.

WHEREAS, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on April 26, 2006 and forwarded to City Council a positive recommendation on Chapters 9, 10, 11, 12, and 14;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 8, 2006; and

WHEREAS there is good cause and it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. AMENDMENTS TO CHAPTER 9 OF THE LAND MANAGEMENT CODE. Chapter 9 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 9 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 10 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 10 shall be resolved by the Planning Director.

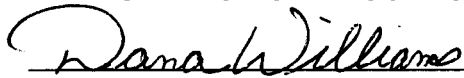
SECTION 3. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 12 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

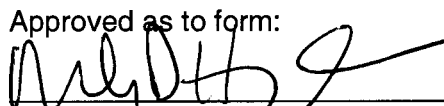
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



**PARK CITY MUNICIPAL CODE
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TITLE 15 LAND MANAGEMENT CODE - CHAPTER 9

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING
STRUCTURES

Chapter adopted by Ordinance No. 00-25

**CHAPTER 9 - NON-CONFORMING
USES AND NON-COMPLYING
STRUCTURES.**

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

**15-9-2. DETERMINATION OF
NON-CONFORMING STATUS.**

(A) **BURDEN ON OWNER TO
ESTABLISH LEGALITY.** The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) **DETERMINATION OF STATUS.** The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

**15-9-3. AUTHORITY TO
CONTINUE.**

(A) **CONTINUATION OF NON-
CONFORMING USE.** A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

Deleted: Community Development

Deleted: Community Development

(B) **CONTINUATION OF NON-COMPLYING STRUCTURE.** A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.

(A) **ABANDONMENT OF NON-CONFORMING USE.** A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use; or the primary structure associated with the nonconforming use remains vacant for a period of one year.

Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform with the regulations for the Zoning District in which it is located

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT.** The presumption of abandonment may be rebutted upon a showing that during such period:

(1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or

(2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

(3) the Owner can demonstrate no abandonment of the Use.

The property owner shall have the burden of establishing that any claimed abandonment has not in fact occurred

Comment [p3]: 10-9a-511(4)(d)

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

Comment [p1]: 10-9a-511(4)(c)

(A) **ENLARGEMENT.** A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

Comment [p2]: 10-9a-511(4)(b)

(B) **EXTERIOR OR INTERIOR
REMODELING OR IMPROVEMENTS
TO BUILDING OR STRUCTURE.**

Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

(C) **RELOCATION OF BUILDING
OR STRUCTURE.** A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

(D) **CHANGE OF NON-
CONFORMING USE TO ANOTHER
NON-CONFORMING USE OR A
CONFORMING USE.** Except as provided in Section 15-9-5.(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

(E) **HISTORICALLY SIGNIFICANT
BUILDINGS EXCEPTION: CHANGE
OF NON-CONFORMING USE TO
ANOTHER NON-CONFORMING USE
OF SIMILAR OR LESS-INTENSIVE
LAND USE TYPE.** Subject to the criteria below, a Non-Conforming Use located within a Building or Structure designated as historically significant pursuant to LMC Section 4.13 may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming

Use, which satisfies the criteria provided in Section 16-9-5(E)(4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION.**

Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

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(2) **NOTIFICATION OF
ABUTTING PROPERTY
OWNERS.** Notice shall be provided pursuant to the Notice Matrix in Chapter 1. (See Section 15-1-19)

(3) **BOARD OF
ADJUSTMENT HEARING.** Within thirty (30) working days of the Planning Department's receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's decision shall be made pursuant to criteria provided in Section 15-9-5(E)(4) below.

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(4) **CRITERIA.** The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Applicant proves the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE.** If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the Structure is uninhabitable and that the Nonconforming use will be lost if the Structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the building that houses the Nonconforming use; or if a Building or Structure that contains a Non-Conforming Use, is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned. damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of Use and degree of non-conformance is neither increased nor changed. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or

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Comment [p4]: 10-9a-511(3)(b)

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Comment [p5]: 10-9a-511(3)(a)

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destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT.

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

(B) MOVING. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.

(C) DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE.

If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six months after written

notice to the property owner that the Structure is uninhabitable and that the Non-complying Structure will be lost if the structure is not repaired or restored within six months; or the property owner has voluntarily demolished a majority of the Non-complying Structure or the building that houses a Non-complying structure is destroyed fifty percent (50%) or greater by fire or natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of A Building Standards@ published by the International Conference of Building Officials (I.C.B.O.).

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

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The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council. Any person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that

the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

- (1) Appeals from zoning decisions applying Title 15, Land Management Code;
- (2) Special exceptions to the terms of the Land Management Code; and
- (3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

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15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

15-10-5. ORGANIZATION.

(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

(A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply

with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

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The minutes are public records and shall be available within a reasonable time after the meeting.

15-10-7. APPEALS.

See also 15-1-18

The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement,

decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment only on the record made before the Historic Preservation Board or Planning Commission.

15-10-8. SPECIAL EXCEPTIONS.

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special

exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or

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noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

15-10-9. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file

concerning the matter shall be forwarded to the Board for review as a part of the request.

The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same ~~[district]~~ zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same ~~[district]~~ zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

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(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same ~~[district]~~ zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a use [~~variances~~] variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

15-10-10. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.

15-10-11. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-12. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-13. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment's decision is filed with the City Recorder.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)

CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 – HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of five (5) members.

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIRMAN.** The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by three (3) of the appointed members, including the Chairman.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman may vote at the meetings.

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complimentary, contemporary design and construction through the creation of comprehensive Historic District Design Guidelines, and update as necessary;

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(B) To protect and enhance the City's Historic appeal to tourists and visitors;

(C) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(D) To provide input to City Council towards safeguarding the heritage of the City in protecting Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(E) To promote the private and public Use of Buildings of Significance and Contributing Buildings, Structures, Sites/Areas or Objects;

(F) To make recommendations to the City Council on policies and ordinances that may encourage Historic preservation;

(G) To communicate and promote the benefits of Historic preservation for the education, prosperity, and general welfare of the people;

(H) To provide input to staff, Planning Commission, and City Council on matters concerning the overall Development of the City's Historic preservation program;

(I) To make recommendations to the City Council on the Development of, and to administer, all City-sponsored preservation incentive programs;

(J) To review all appeals on action taken by the Planning Department regarding compliance with the Historic District Design Guidelines; and

(K) To review and take action on all determination of Historic preservation Applications submitted to the City.

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for

purposes of preserving the City's cultural resources.

(C) Investigate and report to the City Council on the Use of Federal, State, local, or private funding sources and mechanisms available to promote the preservation of the City's cultural resources.

(D) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(E) Recommend to the Planning Commission and the City Council changes to the Park City Land Management Code to reinforce the purpose of Historic preservation.

(F) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects
- (AIA)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of the remaining Buildings, Structures and Site of Historic or community Significance is required based on the level of Significance. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

15-11-10. HISTORIC DISTRICT DESIGN GUIDELINES.

The HPB shall promulgate and update as necessary Historic District Design Guidelines for Use in the Historic District zones. These guidelines shall, upon adoption by resolution or ordinance by the City Council, be used by the Planning Department staff in reviewing Historic District design review Applications. The Historic District Design Guidelines shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. From time to time, the HPB may recommend changes in the Historic District Design Guidelines to the Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

15-11-11. HISTORIC DISTRICT DESIGN REVIEW.

(A) The Planning Department shall review and approve or deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

- (1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE.

The HPB is the official body to review matters concerning the historical designation of Buildings, Structures and Sites within Park City, and to make this information

available to all interested citizens. It is hereby declared that all Buildings, Structures and Sites within Park City, which substantially comply with the standards of review found in Section 15-11-13(A), are determined to be Significant for the purposes of this Chapter.

The Planning Department shall maintain a list of Significant Properties. Any Owner of a Building, Structure or Site may apply for a hearing before the HPB to ascertain Significance of said Property. The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving an Application for a determination of historical Significance, the Planning staff shall schedule a hearing on the HPB agenda within thirty (30) days. Notice of the hearing shall be posted on the Property and published at least once prior to the hearing. At the hearing, the Applicant shall have an opportunity to present testimony and evidence to demonstrate the historical Significance, or insignificance of the Building, Structure or Site.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

- (1) The Building, Structure or Site is associated with events or lives

of Persons significant to our past; and/or

- (2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or

- (3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or

- (4) The Building, Structure or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is of exceptional importance to the community; and/or

- (5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or

- (6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.

(B) **NOTICE.** Prior to taking action on any determination of historical Significance Application, the Planning staff shall provide public notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION**. If the HPB finds that the Building, Structure or Site is insignificant pursuant to Section 15-11-13(A), it shall immediately be removed from the list, if any, of historically Significant Properties. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(D) **APPEAL**. The Applicant or any party participating in the hearing may appeal the HPB decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

15-11-13. DEMOLITION AND REMOVAL OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition and removal of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation,

renovation, adaptive reuse and relocation within the Historic District. It is recognized, however, that Structural deterioration, economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition or removal of a Historic Building, Structure or Site.

All Applications for Demolition of any Building, Structure, or Site within the City shall be initially reviewed by the Planning staff for Significance pursuant to Section 15-11-13(A) herein, and forwarded with a recommendation for action to the HPB.

(A) **DETERMINATION OF INSIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed is insignificant, the Planning staff may sign-off on the issuance of a Demolition permit.

(B) **DETERMINATION OF SIGNIFICANCE**. If upon review, the HPB concludes that the Building, Structure or Site sought to be Demolished or removed does possess Significance, the Applicant shall be required to submit a CAD Application pursuant to Sections 15-11-15 through 15-11-17, as appropriate.

(C) **REMOVAL OR REPAIR OF HAZARDOUS BUILDINGS**. If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its removal or repair.

(D) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding either of insignificance or of public hazard, the Application for Demolition or removal shall be stayed for 180 days.

15-11-14. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Significant, pursuant to the standards of review set forth in Section 15-11-13(A) herein, may be Demolished or removed without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

15-11-15. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3'X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the

Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated

knowledge of economics, accounting and finance;

(2) A member appointed at large from Park City who is an attorney at law; and

(3) A member appointed from the Board of Adjustment.

15-11-16. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-17(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition or removal of a Significant Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA**. In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED**. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or

(3) failure to perform normal maintenance and repairs; or

(4) failure to diligently solicit and retain tenants; or

(5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly moved or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Monday in February. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

Comment [p1]: (10-9a-301(1)(b)(i))

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

Comment [p2]: Note change

15-12-6. CHAIRMAN.

The Planning Commission shall on or before the second Wednesday in March each year elect a Chairman who shall serve a term of one (1) year, but may be re-elected for one (1) succeeding consecutive term. A Person may not serve more than two (2) consecutive terms as Chairman of the Planning Commission. The Chairman may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes.

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The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chairman for computation purposes.

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chairman shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chairman Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chairman Pro Tem. Voting to remove an item of business from the consent agenda shall require an affirmative vote of two-thirds of the members present to pass. Other votes shall be a simple majority.

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation review with recommendation to City Council;
- (3) Land Management Code and zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;
- (8) Review of appeals of Planning Director's interpretation of the Land Management Code and decisions;
- (9) Subdivision and record of survey plat and plat amendment

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review with recommendation to City Council;

(10) Termination of inactive applications; and

(11) Sensitive Lands review

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City's General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND ZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

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**(6) RATIFICATION OF
CONDITIONAL USE PERMITS.**

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) CONSENT AGENDA ITEMS. The following items may be placed on the consent agenda, unless a public hearing is otherwise required, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use Permits;
- (b) Plat approvals;
- (c) Requests for time extensions of Conditional Use permit, Master Planned

Development, and plat approvals.

- (d) Other items of a perfunctory nature, which the Chairman directs the Department to place on the consent agenda for action.

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All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. Motions to remove specific items from the consent agenda shall state the reasons for the removal, referring to specific planning issues or Code sections, which the Commissioner making the motion does not think have been satisfactorily resolved or complied with. Motions to remove items from the consent agenda shall be passed by a vote of two-thirds of the Commission members present and voting on the issue. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Developer requests the item be tabled in order to prepare additional information to respond to the Commission's concerns.

**(8) REVIEW OF APPEALS
OF THE PLANNING
DIRECTOR'S
INTERPRETATION OF THE
LAND MANAGEMENT CODE.**

At any time, the Owner, Applicant, or any non-Owner with standing as

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defined in Section 15-1-18(D) of this Code may request that Staff actions on a project be reviewed by the Planning Commission. The scope of review by the Planning Commission shall be the same as the scope of review at the Staff level.

**(9) SUBDIVISION AND
RECORD OF SURVEY PLAT
AND PLAT AMENDMENT**

REVIEW. The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

**(10) TERMINATION OF
INACTIVE APPLICATIONS.** See Termination of Projects, Section 15-1-13.

**(11) SENSITIVE LANDS
REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 14 - ZONING ADMINISTRATION AND
ENFORCEMENT

Chapter adopted by Ordinance No. 02-07

**CHAPTER 14 - ZONING
ADMINISTRATION AND
ENFORCEMENT.**

**15-14-1. ADMINISTRATION AND
ENFORCEMENT.**

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action.

Permits issued in violation of this ordinance shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

15-14-2. OCCUPANCY PERMIT.

Land, Buildings, or premises in any Zoning District shall hereafter be used only for a purpose permitted in such a District and in accordance with the appropriate regulations. A Certificate of Occupancy shall be issued by the Building Official to the effect that the Use, Building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any Building erected, enlarged or altered structurally for the occupancy or Use of any land. Such a certificate is needed whenever Use or character of any Building or land is to be changed.

15-14-3. INSPECTION.

The City, through its designated officials, shall have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and

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Structures during the course of their construction, modification, or repair; to inspect land Uses to determine compliance with the provisions of this Code; and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code.

15-14-4. TIME LIMIT.

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Planning, Engineering, and Building Departments, the plan approval for a permitted Use shall expire.

15-14-5. PENALTIES/ ENFORCEMENT.

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. A suit may be brought by the City, or by affected Property Owners, in the manner set forth below:

(A) **CRIMINAL CITATIONS.** The Building Official and other designated City officials may, when there is probable cause to believe that Construction Activity has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and Business entities. Specific approval from the City Council for such misdemeanor citations is not required.

(B) **CIVIL ACTIONS.** The City, with the authorization of the City Council, may bring actions for civil and equitable relief,

including enjoining specific land Uses and affirmative injunctions. The Building Official, Planning Department and other designated City Officials may recommend such actions at any time to the Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

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(C) **THIRD PARTY ACTIONS.**

Individuals affected by zoning violations within Park City shall have the right to maintain private actions to enforce the Code without joining the City as a party.

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15-14-6. VIOLATIONS.

Violations of this Code are Class B misdemeanors, and are punishable by a fine and/or imprisonment described in the current Park City Criminal Code. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the Owner of the Property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.

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Ordinance No. 06-19

AN ORDINANCE APPROVING THE '438 ONTARIO REPLAT' COMBINING LOT 11 & HALF OF LOT 12 OF BLOCK 58 OF THE AMENDED PLAT OF PARK CITY, LOCATED AT 438 ONTARIO AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 438 Ontario Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 12, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 27, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 1 lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is addressed as 438 Ontario Avenue.
2. The property is located within the HR-1 zoning district.
3. There is an existing non-historic house on the subject property.
4. The plat amendment adjustment will result in the combination of Lot 11 and the south half of Lot 12, Block 58 of the amended Park City Survey.
5. The legal lot of record resulting from this plat amendment will measure 37.5 feet by 75 feet.
6. The lot will be accessed from Ontario Avenue.
7. Planning Commission forwarded a positive recommendation to Council regarding the approval of this project, on April 12, 2006.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A note shall be added to this plat stating that the remnant half of Lot 12 is not rendered separately developable by this plat.

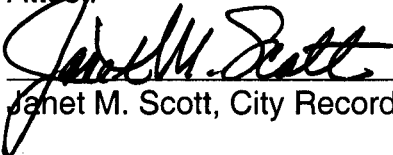
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of April, 2006.

PARK CITY MUNICIPAL CORPORATION

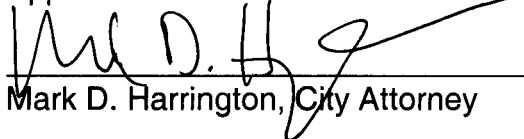

Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

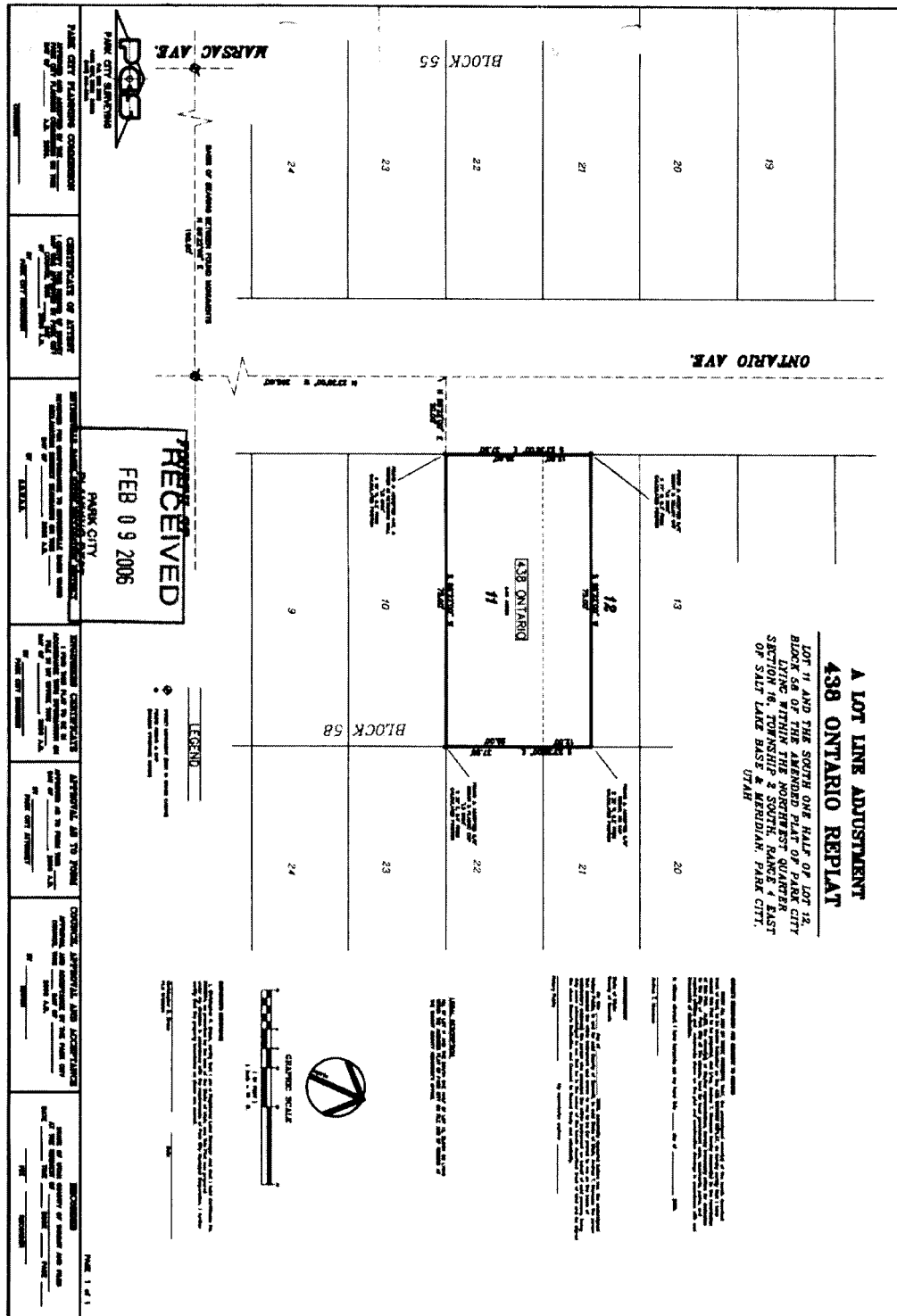


Exhibit B: Proposed Plat

Ordinance No. 06-18

AN ORDINANCE APPROVING THE 'EMPIRE SUBDIVISION LOT 1' OF BLOCK 29 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, 911 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 911 Empire, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on April 12, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on April 27, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 1 lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is addressed as 911 Empire Avenue.
2. The property is located within the HR-1 zoning district.
3. There is an existing historic house on the property.
4. The plat amendment will result in the combination of Lot 3 and part of Lot 4 (west of the Crescent Tram) of Block 29 of the Snyder's Addition to the Park City Survey.
5. The plat amendment will not leave any parcel of land remnant.
6. The legal lot of record resulting from this plat amendment will measure thirty seven and a half (37.5) feet along Empire Avenue and fifty (50) feet at the rear.
7. The depth of the proposed lot is seventy five (75) feet.
8. The property will continue to be accessed from Empire Avenue.
9. The setbacks of the historic house are two and a half feet (2.5) feet on the south side, three (3) feet on the north side, between a quarter (0.25) of a foot and one (1) foot at the front, and twenty seven (27) feet at the rear.
10. The existing historic house is considered complying as per LMC 15-2.2-4 (Existing Historic Structures).

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

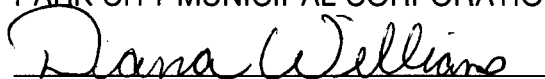
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. No remnant parcels of land shall be separately developable as a result of this plat amendment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 27th day of April, 2006.

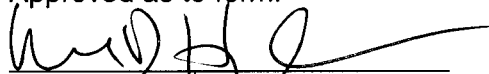
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

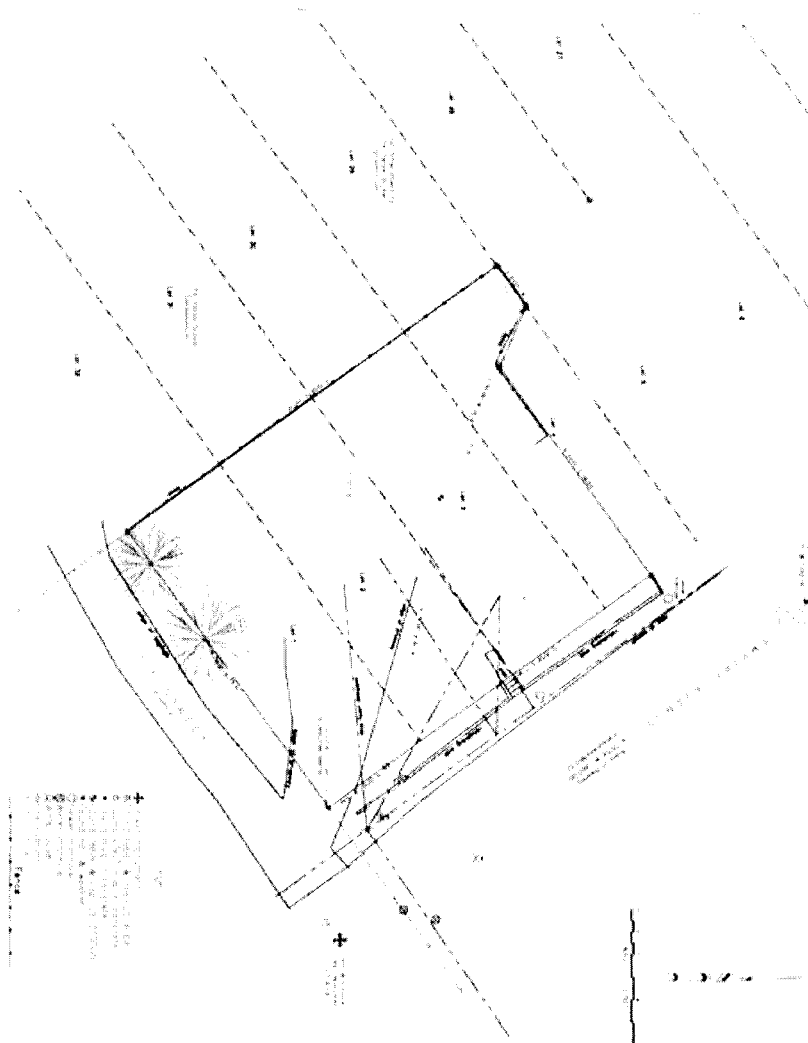
Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



[illegible]

JAN 25 2006

[illegible]

Exhibit A

RECEIVED
FEB 27 2006
FBI
P. 60-108887

EXPLORE SUBDIVISION
An Amendment to Block 22, Single's Addition to
The First City Survey, Lot 8 and a portion of Lot 4

... ..

$$X_{\text{eff}} = \frac{1}{\frac{1}{X_1} + \frac{1}{X_2} + \frac{1}{X_3} + \frac{1}{X_4} + \frac{1}{X_5} + \frac{1}{X_6} + \frac{1}{X_7} + \frac{1}{X_8} + \frac{1}{X_9} + \frac{1}{X_{10}}}$$
[illegible]

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

[illegible][illegible]

the 1960s, the 1970s, and the 1980s. The 1960s were characterized by a strong sense of community and a focus on social issues. The 1970s were marked by a period of economic growth and a focus on environmental issues. The 1980s were characterized by a period of economic decline and a focus on individualism.

[illegible][illegible][illegible][illegible]

CHILDREN'S EDUCATION AND "CIVILIZATION" IN PRE-1900

[illegible][illegible]

Figure 1

$$\begin{aligned} \frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^3} |\nabla u|^2 dx &= \frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^3} |\nabla u|^2 dx \\ &= \frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^3} |\nabla u|^2 dx \end{aligned}$$
[illegible][illegible]

Environ Monit Assess (2008) 142:111–120

[illegible]

Exhibit B

Ordinance No. 06-17

AN ORDINANCE APPROVING THE SUBDIVISION '1021 NORFOLK AVENUE' (LOTS 7, 8, 9, 10, 11 & ONE HALF OF LOT 12 AND PORTIONS OF LOTS 21, 22, 23, 24, 25, AND 26 OF BLOCK 16 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY), LOCATED AT 1021 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1021 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a negative recommendation to the City Council; and

WHEREAS, on March 30, 2006 and April 20, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 5 lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located within the HR-1 zoning district.
2. The dimensions of the entire property are approximately 137.5' x 80' for a total of 10,800 sq. ft.
3. The applicant is proposing to create 5 legal lots of records (Lots 1 to 5).
4. Lots 2 through 5 are proposed to have 25' of frontage along Norfolk Avenue.
5. Lot 1 is proposed to have 37.5' of width and 78.30' of depth.
6. There is an existing non-historic garage located on what will be Lot 1.
7. The garage is to be demolished as part of The site redevelopment.
8. There is an existing historic house on the property that will be relocated to Lot 1.
9. The proposed relocation of the historic house meets all LMC requirements for the HR-1 zone.
10. The relocation of the historic house to Lot 1 is in compliance with the maximum footprint dictated by LMC 12-2.2-3(d).
11. The owner of the property agrees to sign a snow shed easement agreement with the owner of 1019 Norfolk Avenue.
12. The discussion in the Analysis section of the staff report and attached density analysis are incorporated herein.
13. The proposed lot sizes will result in building volumes and massing that is appropriate for the neighborhood.
14. City Council directed Staff to return with Findings of Facts that supported the '1021 Norfolk Avenue' Plat Amendment on March 30, 2006.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan and Land Management Code.

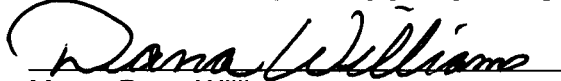
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will move the existing historic house from its current location to the proposed Lot 1.
4. The relocation of the existing historic house will meet all setback, and footprint restrictions found in the LMC, Chapter 15-2.2.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
7. Snow shed agreements for Lot 1 and 1019 Norfolk Avenue in a form approved by the Chief Building Official must be recorded with the plat.
8. No remnant lot is separately developable.

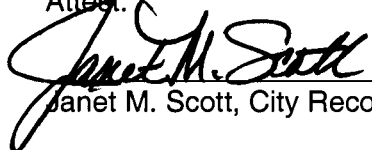
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 20th day of April, 2006.

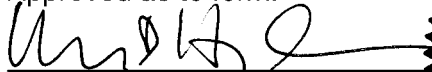
PARK CITY MUNICIPAL CORPORATION

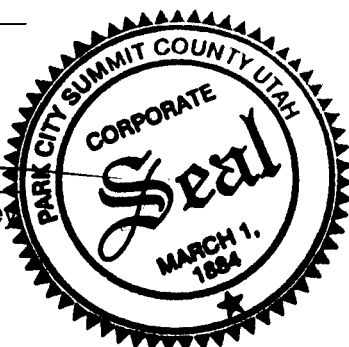

Mayor Dana Williams

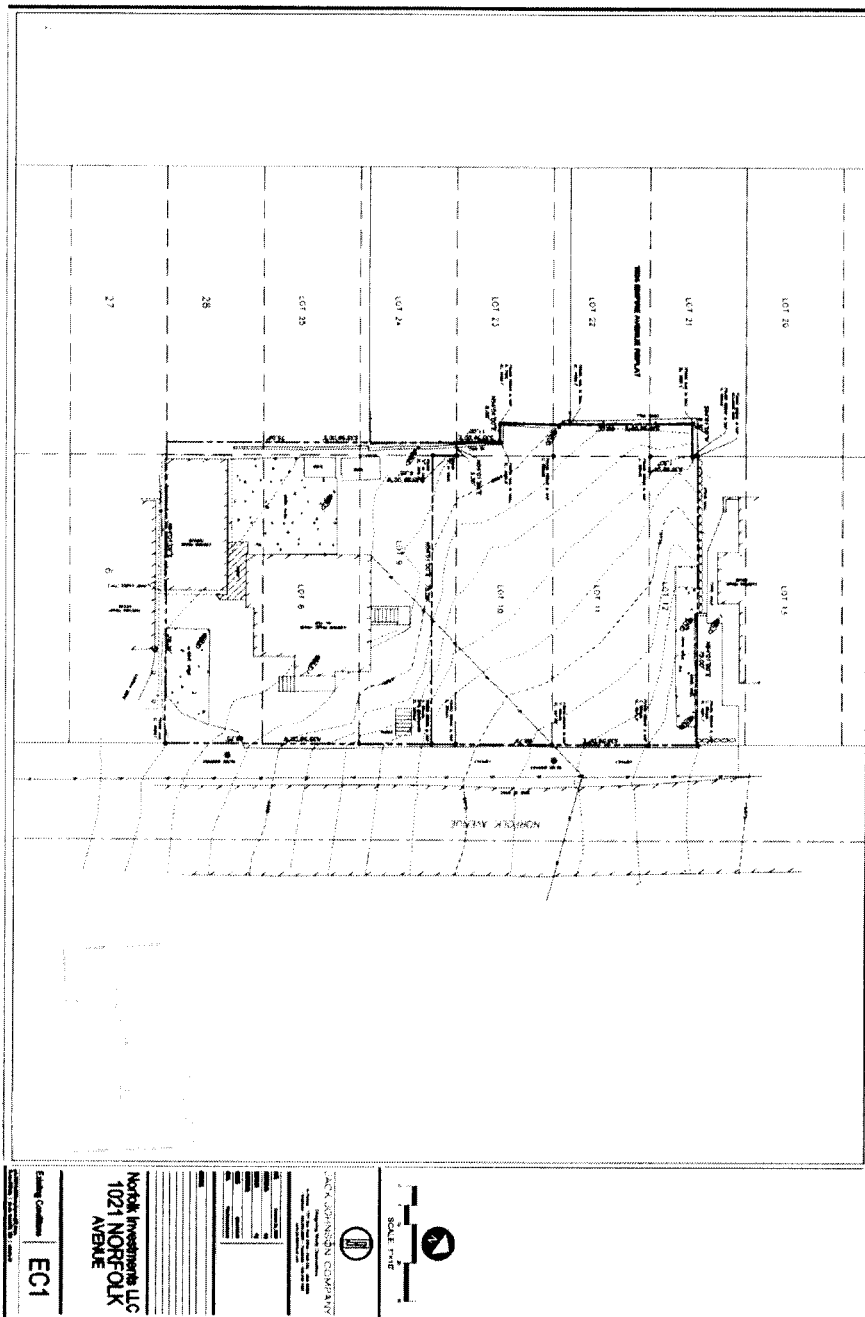
Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney





**AN ORDINANCE APPROVING THE EDWARDS SUBDIVISION WHICH WILL COMBINE
LOTS 29 AND THE SOUTHERLY HALF OF LOT 28, BLOCK 31 OF
THE PARK CITY SURVEY INTO ONE LOT OF RECORD**

WHEREAS, the owners of Lot 29 and southerly half of lot 28 of Block 31 of the Snyder's Addition to the Park City Survey, known as 208 Norfolk Avenue, have petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 22, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

WHEREAS, on March 30, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1).
2. There is an existing non-historic single family home on the property.
3. The applicant proposes to combine lot 29 and the southerly half of lot 28, Block 31 of the Park City Survey into one lot of approximately 2,812.5 square feet.
4. The property has an existing structure which exists along the lot line between lots 28 and 29.
5. The current home has a footprint of approximately 568 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is approximately 1,201.
6. At this time the applicant has submitted plans to demolish the existing home and construct a new home on the vacant property.
7. A staircase from the property to the north half of lot 28 (214 Norfolk Avenue) encroaches onto the southerly half of lot 28. The applicant owns both pieces of property and will grant an encroachment agreement to allow the stairs across the new lot line. A condition of approval will reflect this.
8. The new home will probably require an excavation in Norfolk Avenue for a sanitary sewer lateral. This construction if it occurs will be inconvenient to the neighborhood.
9. The Planning Commission reviewed this item at the March 22, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.
10. The City Council reviewed this item at the March 30, 2006 meeting. A public hearing was held. The City Council voted to approve the plat amendment.
11. The increased building footprint created by this amendment is consistent is

consistent with the build out on the street and in the HR-1 District.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

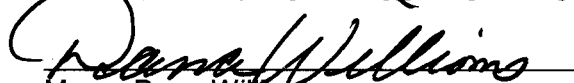
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The owner of 208 Norfolk Avenue shall sign an encroachment agreement in a form approved by the City Engineer to the benefit of the owner of 214 Norfolk Avenue to resolve the encroachment of a stairway prior to plat recordation.
4. A note shall be added to the plat stating that no remnant lot is separately developable.

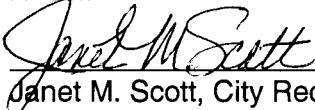
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of March, 2006.

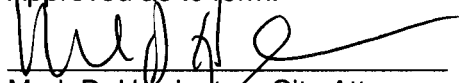
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:

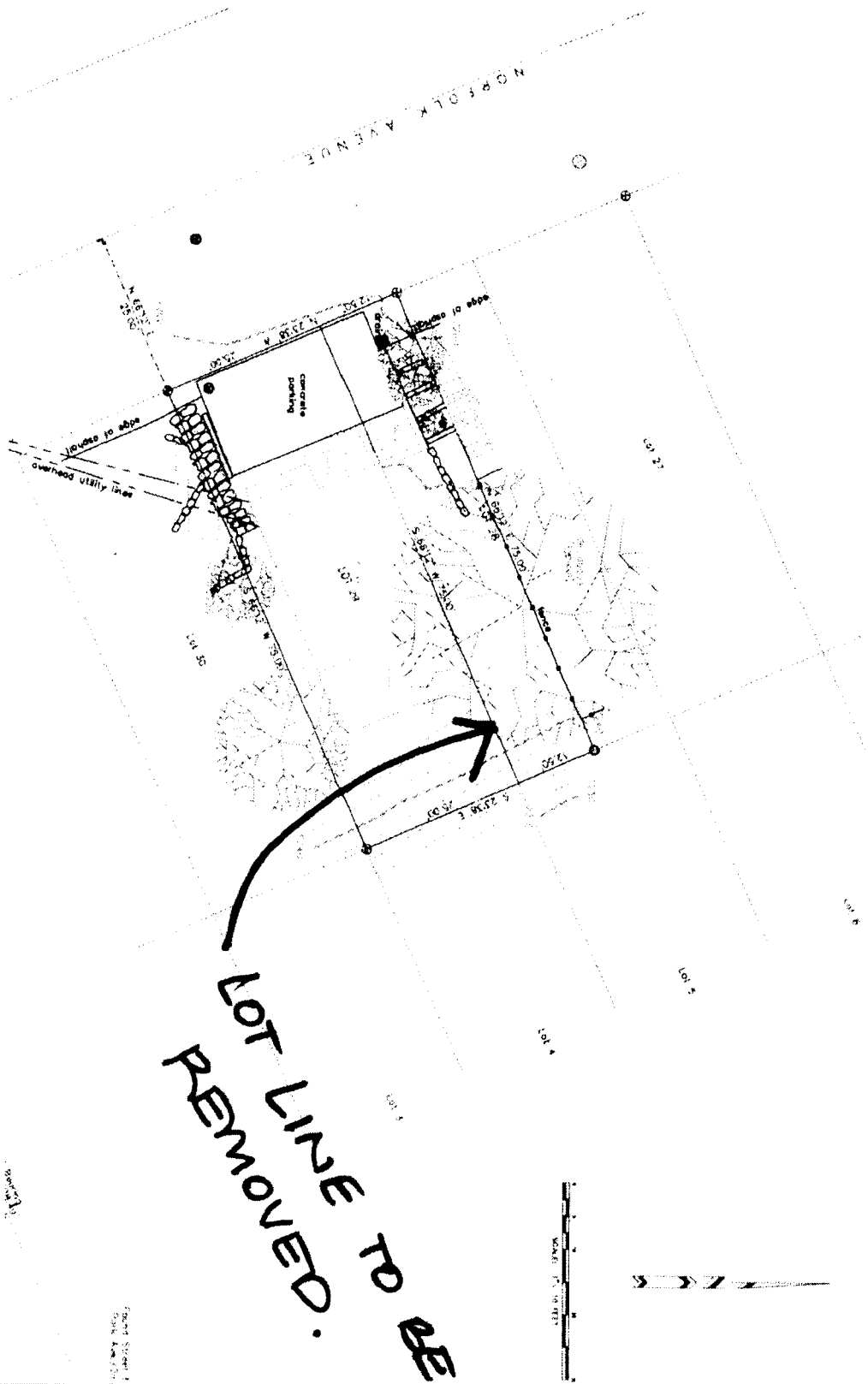

Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



*Park City Survey, Block 31,
Lot 29 and the Southerly Half of Lot 2*



Detail

Ordinance No. 06-14

AN ORDINANCE APPROVING THE NATIONAL GARAGE SUBDIVISION OF LOTS 16, 17, 18, 21, 22 AND A PORTION OF LOT 20 OF BLOCK 6 OF THE PARK CITY SURVEY AND THE SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED AT 703 PARK AVENUE AND 664 WOODSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 703 Park Avenue, and 664 Woodside Avenue has petitioned the City Council for approval of the National Garage Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 23, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine five lots and a portion of another into two lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. Lot 1 is located in the Historic Residential Commercial (HRC) zone.
2. The HRC zone designed to provide a transition in scale and land uses between the HR-1 and HCB districts that retains the character of historic buildings in the area.
3. Lot 2 is located in the Historic Residential (HR-1) zone.
4. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
5. The amendment will subdivide five platted lots and a portion of another into two lots of record.
6. Lot 1 is accessed from Park Avenue; Lot 2 is accessed from Woodside Avenue.
7. Proposed Lot 1 would consist of approximately 8,520 square feet.
8. Proposed Lot 2 would consist of approximately 2,175 square feet.

9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. There are two existing historic structures on Lot 1.
11. There is an existing historic single family home and an accessory building on Lot 2.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A new sewer lateral and pump system to eject the wastewater up into Woodside shall be installed on Lot 2 as part of any future development plan.
4. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
5. A ten-foot-wide snow storage easement shall be provided along the Park Avenue and Woodside Avenue frontage of both lots.
6. No remnant lot is separately developable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of March 2006.

PARK CITY MUNICIPAL CORPORATION

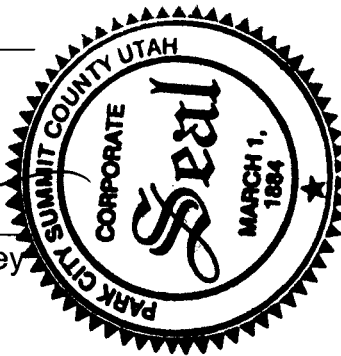
Dana Williams
Mayor Dana Williams

Attest

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 06-13

**AN ORDINANCE AMENDING TITLE 11, SECTION 11-15-1, AREA,
BUILDING AND BUILDINGREGULATIONS, CHAPTER 15,
PARK CITY LANDSCAPING ANDMAINTENANCE OF SOIL COVER,
OF THE MUNICIPAL CODE OFPARK CITY TO EXPAND
THE SOILS BOUNDARY AREA**

WHEREAS, the presence of residential soils impacted with heavy metal constituents originating from historic mine tailings have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the City, Environmental Protection Agency (EPA), and Utah Department of Environmental Quality (UDEQ) developed a series of scientific studies that focused on air, water, and health resulting with two EPA letters written in 1988 giving qualified approval of PCMC proposal for a local ordinance and the subsequent enacting of the ordinance; and

WHEREAS, the EPA has identified the existence of mine tailings with heavy metal constituents in the Prospector area of Park City and has made specific recommendations for mitigating any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah, desires to take every reasonable and practical step to protect the health of its residents by implementing the EPA's recommendations to assure the continued health, safety, and welfare of the residents within park City; and

WHEREAS, a public hearing was duly noticed and held at the regularly scheduled City Council meeting on March 23, 2006 on the expansion of the Soils Boundary Area;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

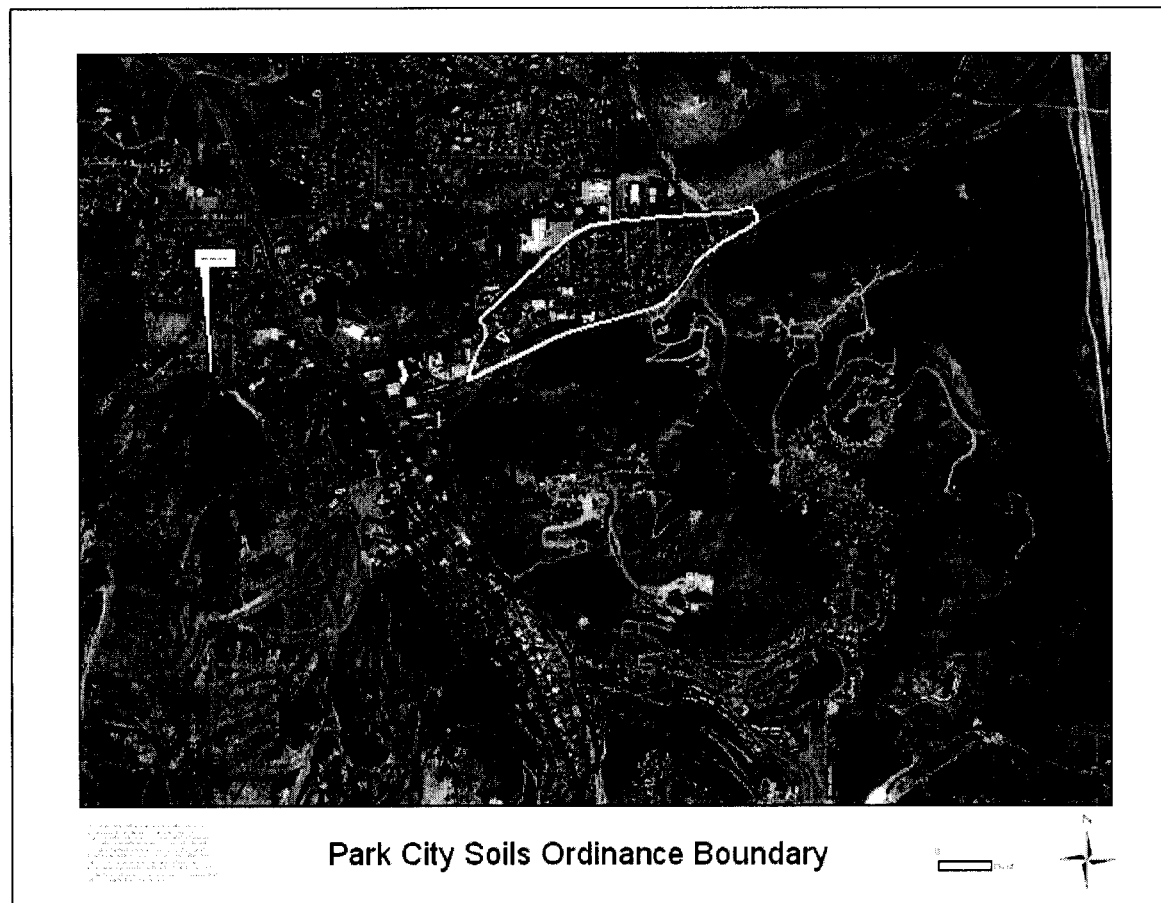
Section 1. Amendment. Title 11, Section 11-15-1, Chapter 15 of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.

(Amended by Ord. No. 03-50)



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS
(ORIGINAL MAP AMENDED BY THIS ORDINANCE ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East

1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

Together with the following additional parcels:

Spiro Annexation Area Legal Description:

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no. 116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence (3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North 70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of

which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42°30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89°45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27°16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. TAX SERIAL NOS. PP-25-A AND PCA-1002-C-1

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter

corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. TAX SERIAL NOS. PCA-1002-F

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

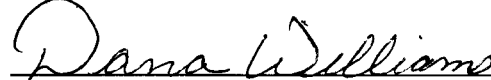
EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

(Amended by Ord. No. 03-50)

Section 2. Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of March, 2006.

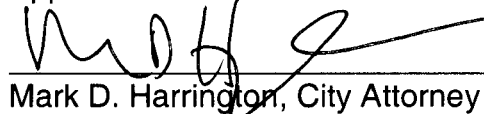
PARK CITY MUNICIPAL CORPORATION

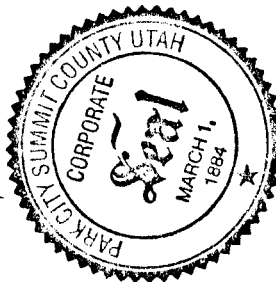

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 06-12

AN ORDINANCE APPROVING THE SNOW TOP SUBDIVISION PLAT AMENDMENT TO AMEND PLAT NOTES #4 AND #5 REGARDING LOCATION OF BUILDING PADS AND LIMITS OF DISTURBANCE ON ALL LOTS WITHIN THE SUBDIVISION, LOCATED AT SNOW TOP COURT, PARK CITY, UTAH.

WHEREAS, Georg Lingenbrink, the owner of Lots 135, 137, 138, 139, and 141 of the Snow Top Subdivision, petitioned the City Council, through his agent, Spectrum Development Corporation, for approval of a plat amendment to amend plat notes #4 and #5 regarding the location of building pads and limits of disturbance as described below, and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, letters of consent regarding the amendments were received by the City from all property owners within the fifteen lot subdivision;

WHEREAS, the Planning Commission held a public hearing on January 11, 2006, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on March 1, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2006, the City Council held a public hearing and approved the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The plat amendment as described below is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located in the Estate (E) zone, subject to the Deer Crest Settlement Agreement.
2. The E zone is a residential zone characterized by large lot single family homes.
3. The applicant is requesting a modification to plat notes #4 and #5 of the Snow Top Subdivision to clarify language regarding location of building pads and limits of disturbance.

4. Snow Top Subdivision was approved by the Wasatch County Commission on December 15, 1998 and was recorded at Wasatch County. The subdivision was annexed to Park City with the Deer Crest Annexation on December 17, 1998.
5. The Planning Department staff report for the Deer Crest Annexation indicates that the building envelope areas in Snow Top will be zoned Estate and the areas outside the building areas will be zoned ROS.
6. The Zoning map indicates the entire lot area of the 15 Snow Top Subdivision lots are zoned Estate and the open space parcels around the lots, within the subdivision are zoned ROS.
7. The applicant is requesting amendments to plat notes #4 and #5 to clarify language regarding the location of building pads on the 15 lots, as well as to allow limits of disturbance to extend to 20' from the face of the building, with minor exceptions allowed to be approved by the Planning Director. The requested language is as follows:

Add to Note #4:

The Building envelope may be relocated from the illustrated location provided:

- a) The structure will not encroach on any ridge site lines, as more particularly described in the governing documents (See Deer Crest Settlement Agreement, Section 5.3.9, referring to visibility of structures from the Stew Pot deck).*
- b) The location is approved by the Master HOA Design Review Committee for Deer Crest.*
- c) The location is approved by the Park City Planning Department prior to issuance of a building permit.*

Proposed Note #5

The limits of disturbance on each lot shall be minimized; however, the disturbed area shall not exceed 20' from the outside of the building envelope. Some exceptions to this requirement may be approved by the Planning Director, if necessary, due to unique characteristics of the lot, including very steep topography and significant vegetation. Additional limits of disturbance shall be allowed for construction related to the approved driveway access and utility installation to the building pad from the street. In addition, significant clusters of vegetation and large tree specimens shall be preserved where possible or where required by the Design Review Committee. Such clusters of vegetation and large trees shall be identified on the preliminary landscaped plan which shall be submitted to the Design Review Committee with the first submittal of proposed improvement plans.

8. No changes are proposed to change any lot lines, maximum dwelling coverage areas, maximum impervious area, maximum floor area, size of the building envelope, or size of the limits of disturbance area.
9. All lot owners have provided letters of consent in support of the proposed amendments.
10. The applicant, Spectrum Development, represents Georg Lingenbrink, property owner of Lots 135, 137, 138, 139, and 141.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat amendment instrument for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat amendment instrument.
2. All other conditions of approval and platted requirements of the Snow Top Subdivision will continue to apply.
3. The applicant will record the plat amendment instrument at Wasatch County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval will be void.

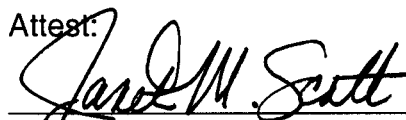
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March, 2006.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 06-11

**AN ORDINANCE APPROVING THE COMBINATION OF LOTS 4 AND 5 OF THE
WALTER DANIELS SUBDIVISION, LOCATED AT 633 WOODSIDE AVENUE,
PARK CITY, UTAH**

WHEREAS, the owner of the property known as 633 Woodside Avenue, has petitioned the City Council for approval of a lot combination; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed lot combination allows the property owner to combine two lots into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is primarily a residential zone characterized by historic and contemporary single-family residences.
3. The amendment will combine parcels 4 and 5 of the of the Walter Daniels subdivision creating one 35' x 150' lot of record.
4. The applicant is the owner of both parcels 4 and 5.
5. The lot will be approximately 5,250 square feet in size.
6. The maximum building footprint for a 5,250 square foot lot is 1,954 square feet.
7. The setback requirements for a 35' x 150' lot in the HR-1 zone are 3' on the sides, and 15 feet in the front and rear.
8. There is an existing historic single family home on Parcel 4.
9. The historic home does not meet any of the required setbacks for the HR-1 zone.
10. LMC Section 15-2.2-4 that states, "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures" the historic building will be permitted to remain in its

current location.

11. The proposed addition to the historic home meets the required setbacks, height and footprint for a new structure in the HR-1 zone.
12. The owner received an administrative lot line adjustment approval to combine parcels 4 and 5 of the Walter Daniels subdivision from the Planning Director and City Engineer on January 20, 2004.
13. The January 20, 2004 approval expired on January 20, 2005, without being recorded at the County Recorder's office.
14. The proposed lot line adjustment combines two platted lots for the purpose of expanding a single-family home.
15. No new developable lot or unit will result from this lot line adjustment.
16. The lot line adjustment will not result in additional remnant land.
17. The lot line adjustment will not result in a violation of applicable zoning requirements.
18. Notice of the proposed lot line adjustment was sent to adjacent property owners on February 8, 2006.
19. Access to the lot shall be from Woodside Avenue.
20. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this lot combination.
2. The lot combination is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed application.
4. As conditioned the lot combination is consistent with the Park City General Plan.

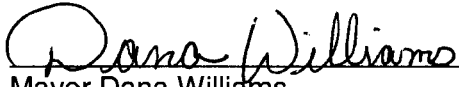
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the lot line adjustment for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March 2006.

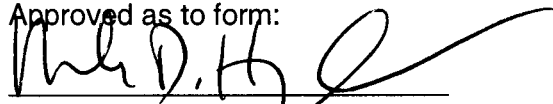
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:

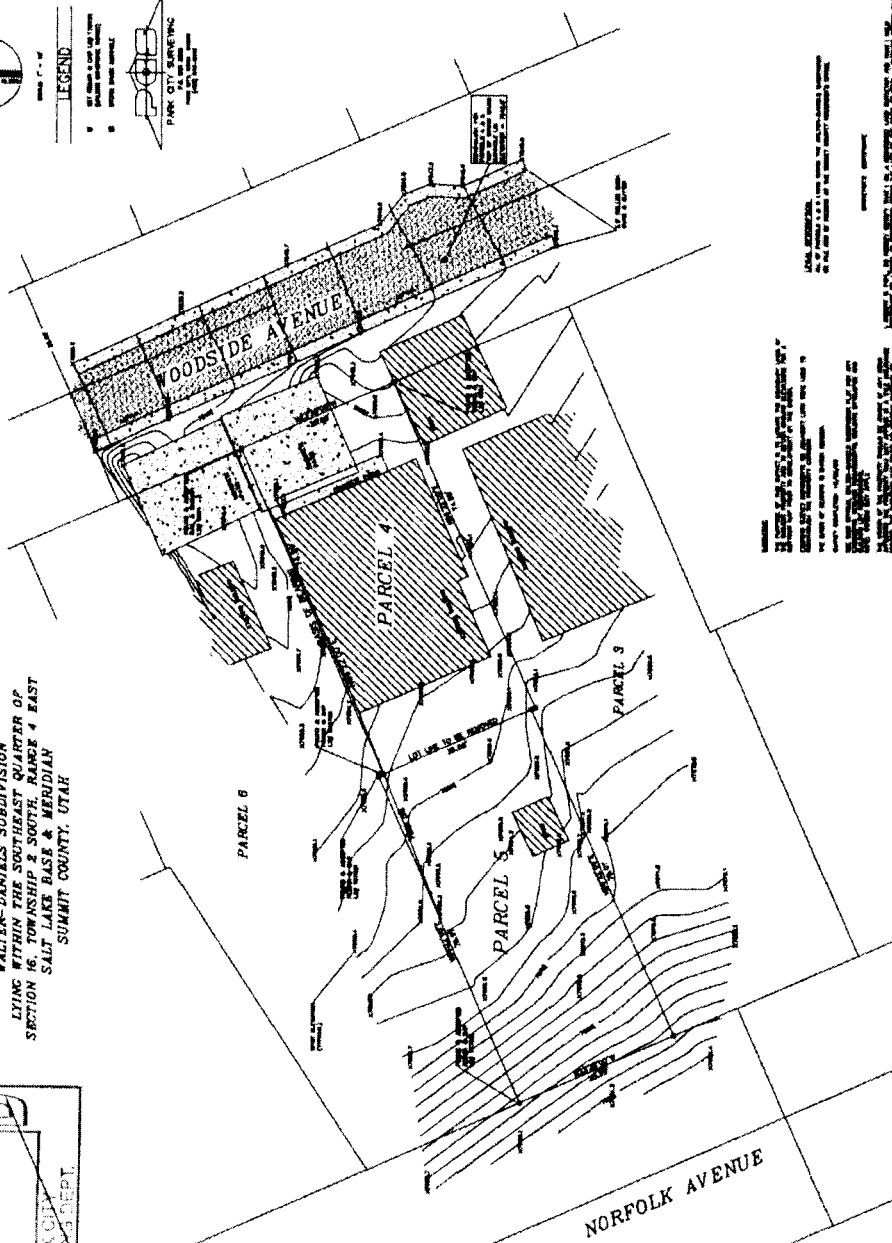
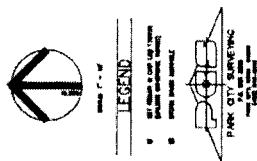

Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

RECEIVED
OCT 2 1965
PARK CITY
PLANNING DEPT.

RECORD OF SURVEY & TOPOGRAPHIC MAP
ALL OF PARCELS 4 & 6 OF THE
WALTER-DANIELS SUBDIVISION
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



THESE PARCELS ARE SHOWN AS BEING IN THE
WALTER-DANIELS SUBDIVISION, WHICH IS A
SUBDIVISION OF THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY,
UTAH. THESE PARCELS ARE SHOWN AS BEING
IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE
BASE & MERIDIAN, SUMMIT COUNTY, UTAH.

Ordinance No. 06-10

AN ORDINANCE APPROVING THE 827 WOODSIDE REPLAT WHICH WILL COMBINE LOT 7 AND THE SOUTHERLY HALF OF LOT 8, BLOCK 11 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD.

WHEREAS, the owners of Lot 7 and southerly half of lot 8 of Block 11 of the Snyder's Addition to the Park City Survey, known as 827 Woodside Avenue, have petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1).
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. The existing historic single family home straddles lots 7 and 8 of block 11 the Park City Survey
5. The applicant proposes to combine lot 7 and the southerly half of lot 8, Block 11 of the Snyder's Addition to the Park City Survey into one lot of approximately 2626 square feet (Exhibit A). The property has an existing historic structure which straddles the lot line between lots 7 and 8.
6. The current home has a footprint of approximately 1,000s.f. The maximum footprint allowed for a 2626 square foot lot is approximately 1133 square feet.
7. The Planning Commission reviewed this item at the March 1, 2006 meeting. A Public hearing was held. The Planning Commission voted to forward a recommendation to approve the plat amendment.
8. The City Council reviewed this item at the March 16, 2006 meeting. A public

hearing was held. The City Council voted to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

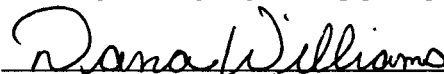
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The remnant half of lot 8 (north) is not separately developable by virtue of this amendment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March, 2006.

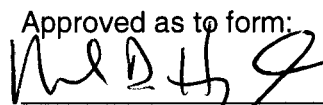
PARK CITY MUNICIPAL CORPORATION

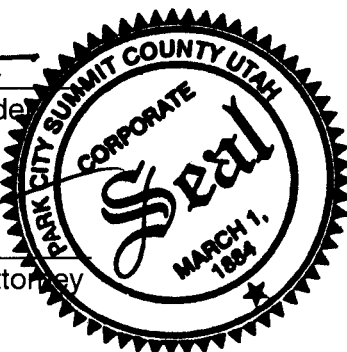

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



THIS IS A REPLAT OF A LOT WITHIN A BLOCK OF LAND, AND NOT A NEW SURVEY. IT IS NOT TO BE USED AS A BASIS FOR A NEW SURVEY.

WOODSIDE AVENUE

8th STREET

BASED ON BEARING BETWEEN FOUND STREET MONUMENTS
IN THE INTERSECTION OF PARK AVENUE/8TH STREET AND WOODSIDE/8TH

BLOCK 11

12 13 14 15 16 17 18

11 10 9 7 6 5

**A LOT LINE ADJUSTMENT
827 WOODSIDE REPLAT**

L'YING WITHIN BLOCK 11
OF SNIDER'S ADDITION TO
PARK CITY SURVEY

BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

NOTED AND RECORDED.



GRAPHIC SCALE
1" = 100'

RECORDING INFORMATION
This instrument is being recorded for the purpose of establishing the boundary lines of the replatted lot, and is not to be used as a basis for a new survey.



PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED FOR THE CITY OF PARK CITY

PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED FOR THE CITY OF PARK CITY DATE: _____ BY: _____	CERTIFICATE OF ATTORNEY I, _____, Attorney at Law, do hereby certify that _____ is the owner of the above described property and that he is competent to execute this instrument.	RECORDING INFORMATION THIS INSTRUMENT BEING RECORDED FOR THE PURPOSE OF ESTABLISHING THE BOUNDARY LINES OF THE REPLATED LOT, AND IS NOT TO BE USED AS A BASIS FOR A NEW SURVEY.	ENGINEERING CERTIFICATE I, _____, Engineer, do hereby certify that this instrument is a true and correct copy of the original as filed in my office.	ATTORNEY, AS TO FORM I, _____, Attorney at Law, do hereby certify that this instrument is in proper form for recording.	COGNATE APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED FOR THE CITY OF PARK CITY DATE: _____ BY: _____	RECORDING FILED IN BOOK _____ OF RECORD AND PLAN DATE: _____ PAGE _____
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Page 938 of 1024

Ordinance No. 06-09

AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 315 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine four lots and portions of two others into three lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide four platted lots and portions of two others into three lots of record.
4. Lot A is accessed from Park Avenue, Lots B and C are accessed from Woodside Avenue.
5. Proposed Lot A would consist of approximately 3,162 square feet.
6. Proposed Lot B would consist of approximately 1,875 square feet.
7. Proposed Lot C would consist of approximately 3,750 square feet.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. There is an existing historic single family home and an accessory building on the property.
10. In its current location, the historic home and accessory building would not respect the newly created lot lines and could not meet the required HR-1 setbacks for proposed lots.
11. No other applications have been filed with the Planning Department with regard to this application.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

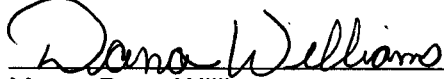
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the recordation of the plat, the historic residence shall be moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. Prior to recordation of the plat, a reciprocal snow shed easement shall be recorded between Lots B and C.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
6. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue and Woodside Avenue frontage of all lots.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March 2006.

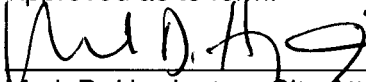
PARK CITY MUNICIPAL CORPORATION

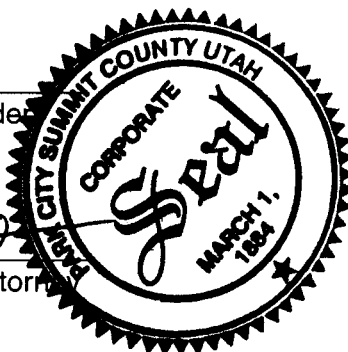

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 06-08

**AN ORDINANCE APPROVING AN AMENDMENT TO THE RECORD OF SURVEY PLAT FOR
THE LOOKOUT AT DEER VALLEY, LOCATED AT 6601 ROYAL STREET WEST
PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Lookout At Deer Valley, has petitioned the City Council for approval of the first amended Lookout at Deer Valley Condominium record of survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed amended record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an International Building Code Compliant accessible unit for persons with disabilities within a 35 unit condominium project; and

WHEREAS, on December 13, 2005, the City Council approved the first amended Lookout at Deer Valley condominium record of survey; and

WHEREAS, it is in the best interest of Park City Utah to approve the first amended record of survey.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Development (RD) zone.
2. The property is subject to the July 27, 2005 Lookout at Deer Valley MPD approval.
3. The amended record of survey is consistent with the Lookout at Deer Valley MPD, in terms of size and location of the building, proposed uses, and required parking.
4. The Lookout at Deer Valley MPD Development Agreement sets forth a maximum density of 35 units and a clubhouse building.
5. The Lookout at Deer Valley MPD consists of 35 residential units (22 duplex style units and 12 single family residence units and a clubhouse unit) on a total of 44.22 acres.
6. The project provides approximately 40 acres of Open Space, approximately 82% of the site.
7. The location of the proposed structures is consistent with MPD site planning criteria.
8. No commercial uses are allowed on the site.
9. The condominium plat modifies the platted clubhouse unit to allow for International Building Code compliant access for persons with disabilities.
10. No additional units are created by this record of survey amendment.
11. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amended Record of Survey.
2. The amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved Lookout @ Deer Valley MPD Development Agreement.

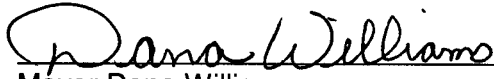
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the amended Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the Lookout @ Deer Valley MPD continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March 2006.

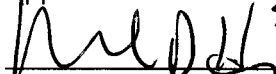
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

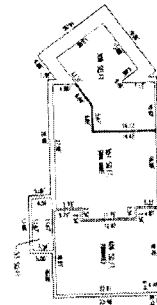
Attest:


Janet M. Scott, City Recorder

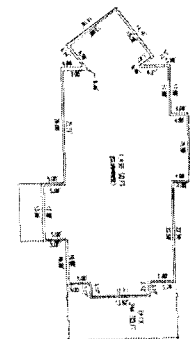
Approved as to form:


Mark D. Harrington, City Attorney

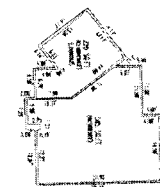




UNIT 'C' - LOWER LEVEL
Scale 1" = 8'

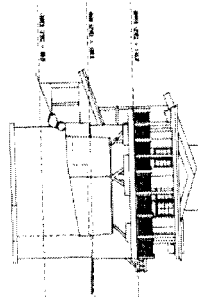


UNIT 'C' - MAIN LEVEL
Scale 1" = 8'

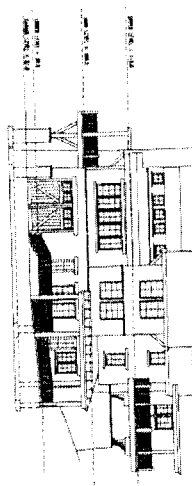


UNIT 'C' - UPPER LEVEL
Scale 1" = 8'

LEGEND
 CONCRETE
 MASONRY
 STEEL



CLUBHOUSE - SIDE ELEVATION
Scale 1" = 8'



CLUBHOUSE - REAR ELEVATION
Scale 1" = 8'

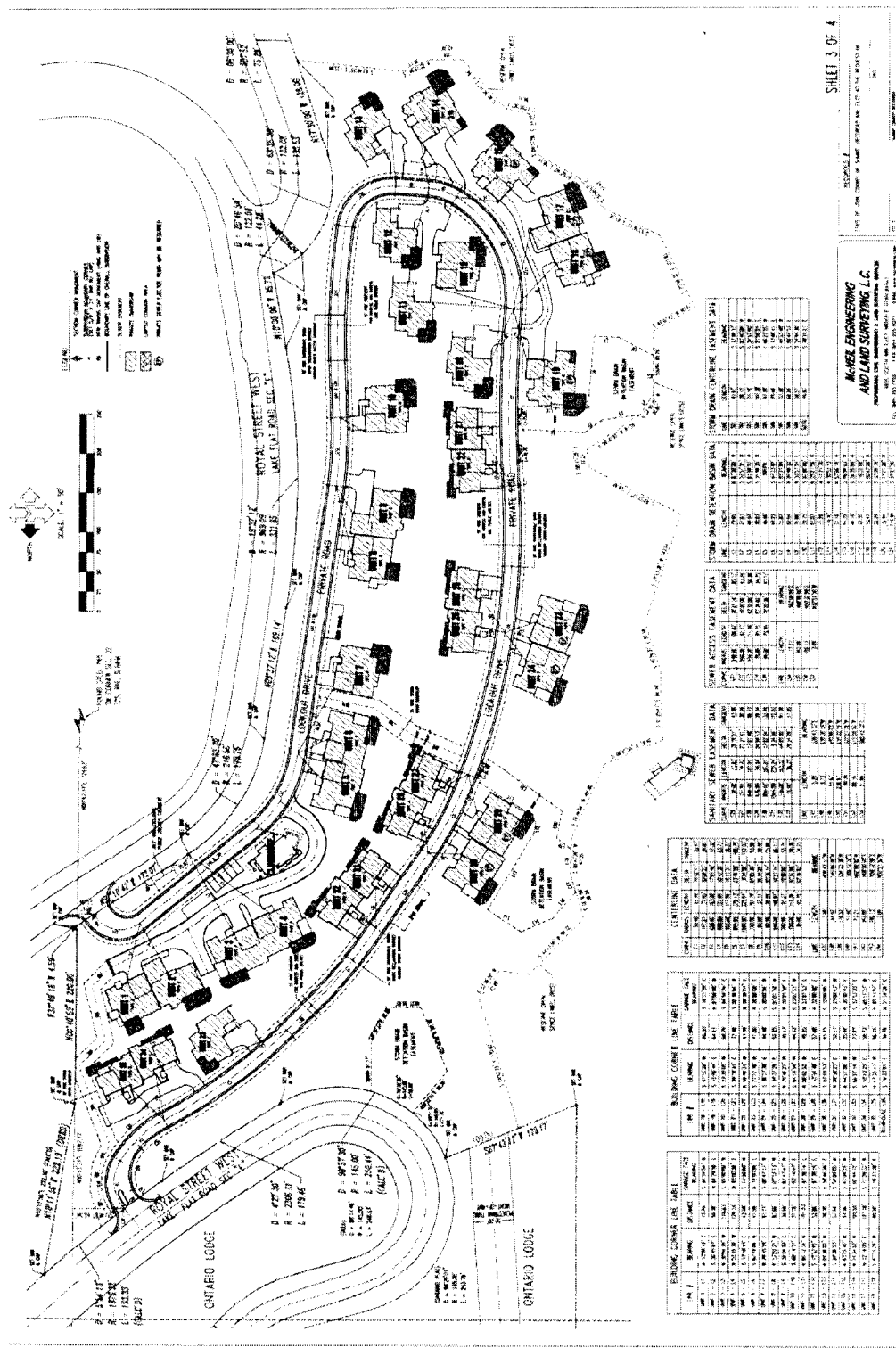
UNIT 'C' FINISHED FLOOR ELEVATIONS			
Room	Finish	Level	Notes
Garage	Concrete	1244.0	
Basement	Concrete	1242.0	
First Floor	Concrete	1244.0	
Second Floor	Concrete	1246.0	



McNEIL ENGINEERING
 AND LAND SURVEYING
 1000 N. 10th St., Suite 100
 Lincoln, NE 68502
 (402) 441-1111
 www.mcneil-engineering.com

RECORD OF SURVEY MAP
 LOOKOUT AT DEER VALLEY - CLUBHOUSE AMENDED
 AMENDING LOOKOUT AT DEER VALLEY
 SECTION 16, T24N, R10E, S47E
 DISTRICT 1, NEBRASKA
 SHEET 1 OF 4

JAN - 8 2005



2000

Ordinance No. 06-07

AN ORDINANCE APPROVING A SUBDIVISION OF LOT 4 AND PORTIONS OF LOTS 5, 28 AND 29 OF BLOCK 3, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 915 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 915 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine one lot and portions of three others into one lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide one platted lot and portions of three others into one lot of record.
4. Access to the property is from Park Avenue.
5. The proposed lot size is 3,937 square feet.
6. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
7. The maximum building footprint for a 3,937 square foot lot is 1,579 square feet.
8. The proposed lot measures 42' x 92.75'.
9. The front and rear yard setbacks for a lot 92.75 feet deep are a minimum of 12 feet for a total of 25 feet.
10. The side yard setbacks for a lot 42 feet wide are a minimum of 5 feet.

11. There is an existing historic single family home and an accessory building on the property.
12. The historic home adjacent to the property encroaches 2.5 feet onto the site, there is an existing shed that encroaches onto the adjacent property, and the applicant has a retaining wall and driveway that encroach onto the adjacent properties.
13. No other applications have been filed with the Planning Department with regard to this application.
14. Minimal construction staging area is available along Park Avenue.
15. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

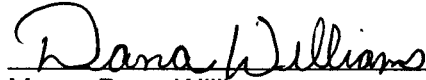
1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate or flood-proofing certificate is required.
4. Encroachments shall be removed or an encroachment and/or maintenance easement in a form approved by the Chief Building Official and City Attorney resolving the encroaching historic home will be dedicated on the proposed plat prior to recordation with the County Recorder.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.

7. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

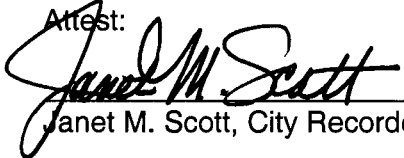
PASSED AND ADOPTED this 16th day of March 2006.

PARK CITY MUNICIPAL CORPORATION



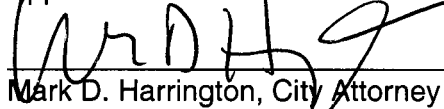
Mayor Dana Williams

Attest:



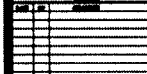
Janet M. Scott, City Recorder

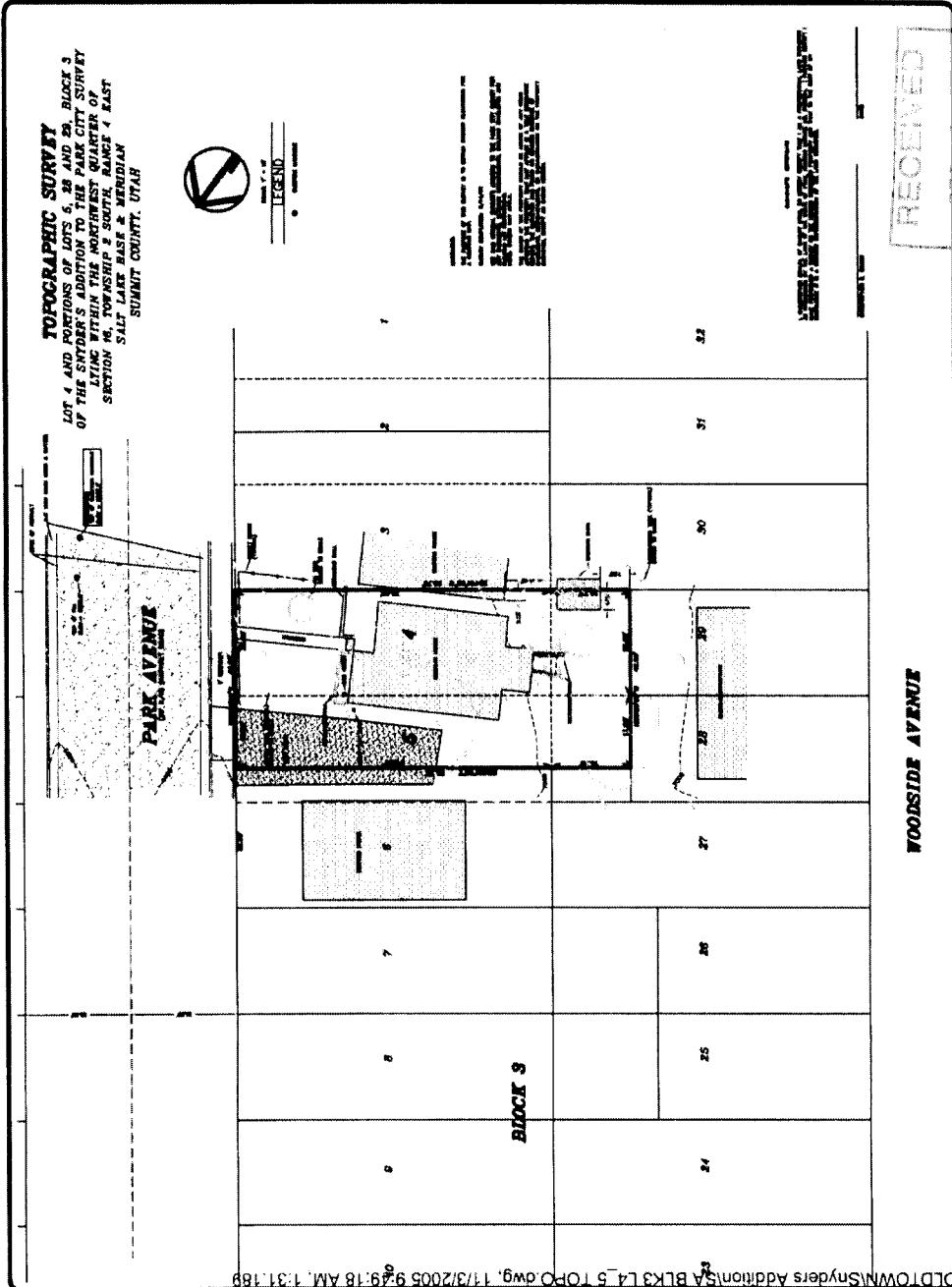
Approved as to form:



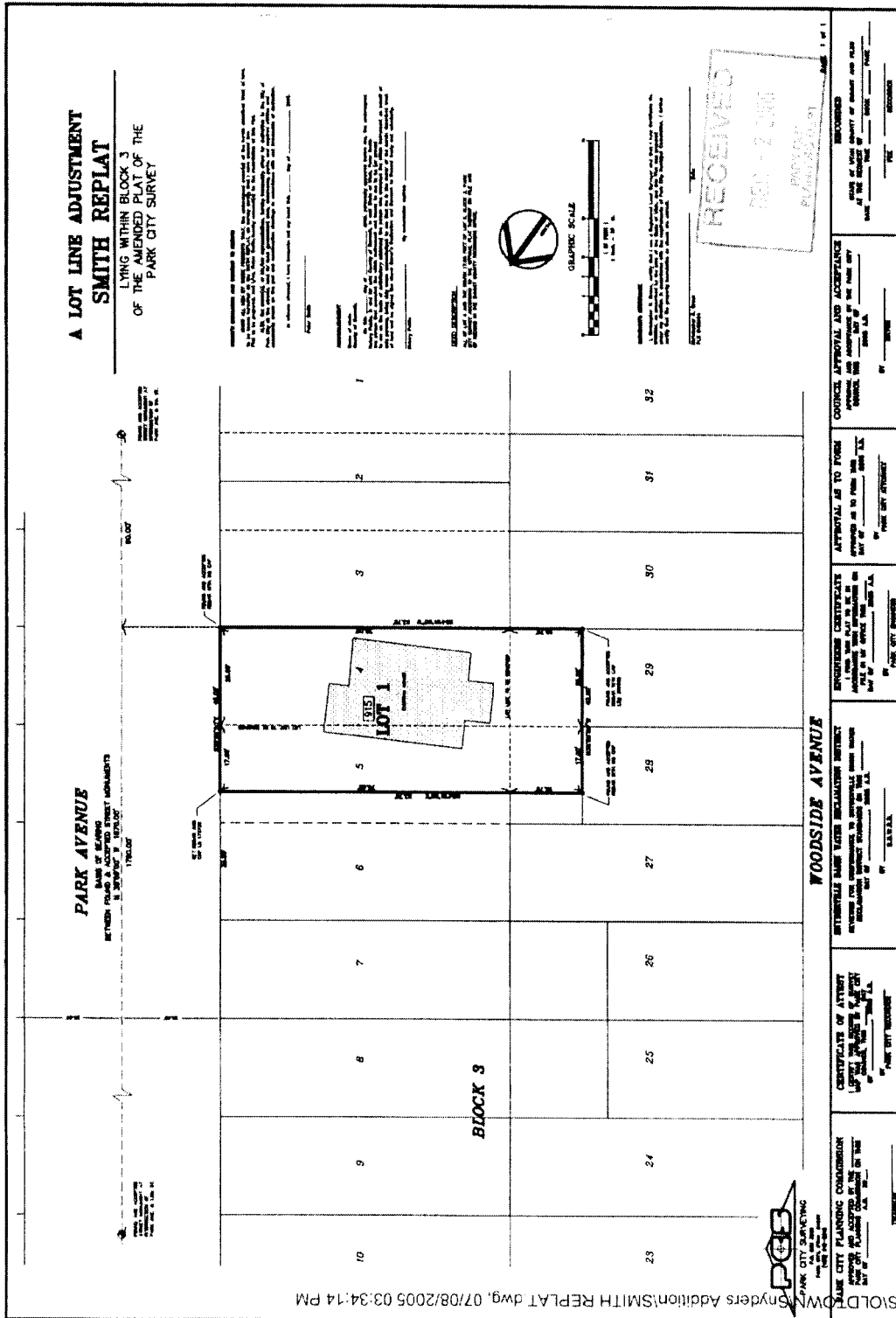
Mark D. Harrington, City Attorney



 P&S SURVEYING PARK CITY, UTAH			TOPOGRAPHIC SURVEY LOT 1 & PORTIONS OF LOTS 4, 25 & 26 BEING G. SNYDER'S ADDITION TO PARK CITY SURVEY	
			PREPARED BY PETE SMITH	
			DATE 04/03/2005	



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**AN ORDINANCE APPROVING THE FIRST AMENDED COVE AT EAGLE MOUNTAIN
PHASE II PLANNED UNIT DEVELOPMENT PLAT, 2691, 2695, 2683, and 2687 EAGLE
COVE DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Cove Phase II (Last Sun) Planned Unit Development (PUD) located at 2691, 2695, 2683 and 2687 Eagle Cove Drive have petitioned the City Council for approval of the First Amended Cove Phase II Planned Unit Development (PUD) plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2006 to receive input on the First Amended Cove Phase II Planned Unit Development (PUD) plat;

WHEREAS, the Planning Commission, on March 8, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 16, 2006 the City Council approved the First Amended Cove Phase II Planned Unit Development (PUD) plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Cove Phase II Planned Unit Development (PUD) plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The First Amended Cove Phase II Planned Unit Development (PUD) plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Cove Phase II units to be amended is located at 2691, 2695, 2683 and 2687 Eagle Cove Drive in the RD-MPD zoning district.
2. The project has 42 Units in duplex configurations.
3. Units 70/71 is proposed to shift clockwise. The pad for Unit 71 maintains the existing square footage of 4628 square feet, while the pad for Unit 70 decreases from 4641 to 4516 square feet.
4. Units 108/109 are proposed to shift to the north across the private Eagle Cove Drive. The pad for Unit 108 decreases from 4628 to 4296 square feet while the pad for Unit 109 decreases from 4569 to 4536 square feet.
5. Each Dwelling Unit continues to be limited to 4,500 square feet.
6. A thirty-foot (30') utility and Trail Easement separates 108/109 from 110/111.
7. The Cove Phase II is located in an area of geologic instability as three landslides are identified within the platted area. An extensive underdrain system and limited irrigation has been incorporated into the building plans.

Conclusions of Law:

1. There is good cause for this Amended Planned Unit Development plat.
2. The Amended Planned Unit Development plat is consistent with the Park City Land Management Code, and the Quarry Mountain Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed Amended Planned Unit Development plat.
4. Approval of the Amended Planned Unit Development plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Planned Unit Development plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Planned Unit Development plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A driveway is allowed on the thirty-foot (30') Utility and Trail Easement. However, no retaining walls or snow melt system is allowed within the easement. A new trail easement will be surveyed and platted with the coordination of the Park City Trails Planner.
4. The revised locations, particularly units 108/109 will have to tie into the underdrain system as required by the Building Department.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March, 2006.

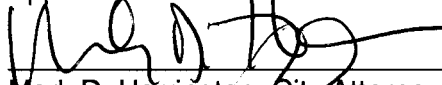
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



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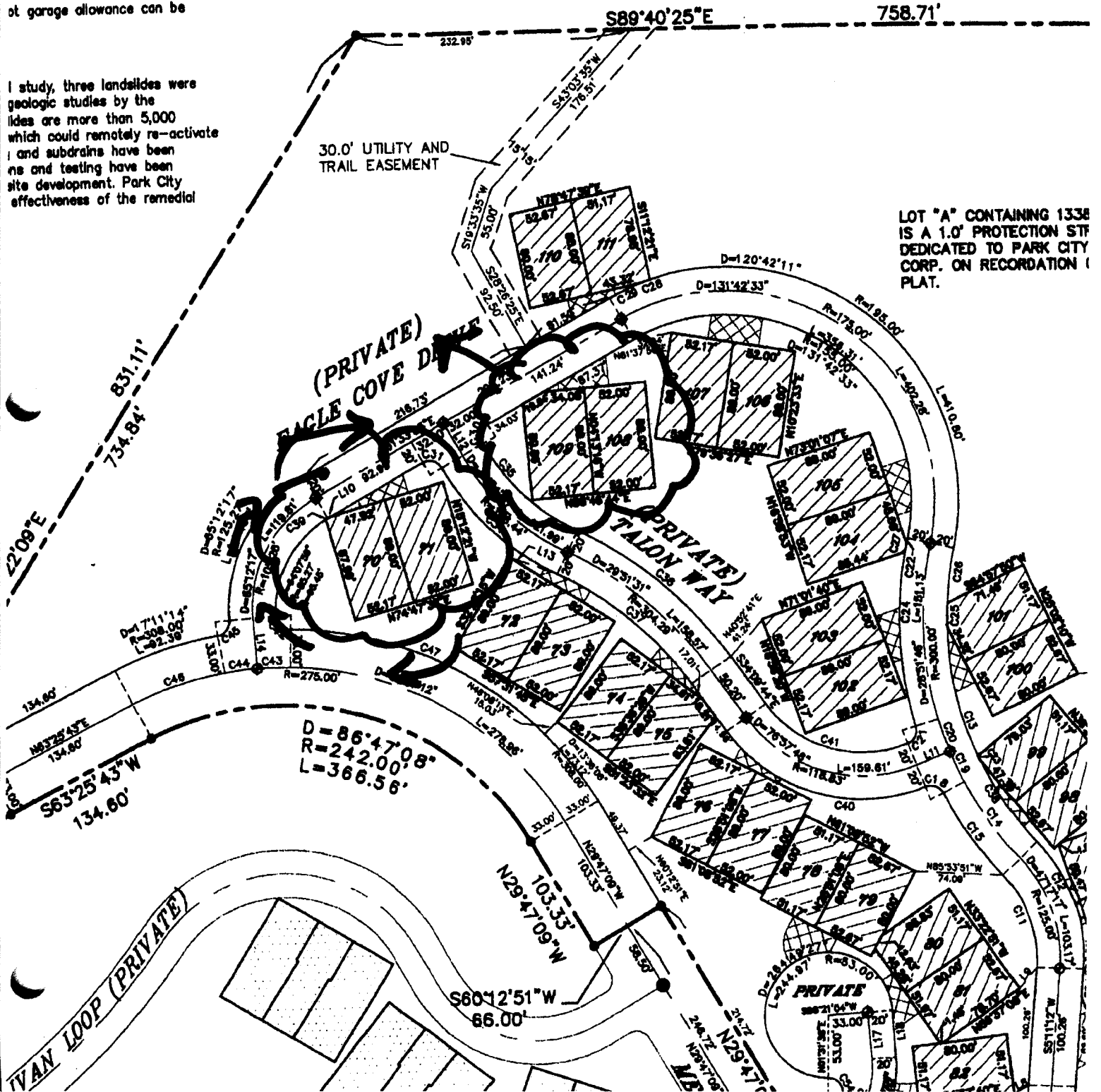
74	4843	2857 TALON WAY	96	4213	2832 EAGLE COVE DR.
75	4581	2853 TALON WAY	97	4093	2836 EAGLE COVE DR.
76	4843	2849 TALON WAY	98	4213	2840 EAGLE COVE DR.
77	4828	2845 TALON WAY	99	4092	2844 EAGLE COVE DR.
78	4093	2842 COVE COURT	100	4213	2848 EAGLE COVE DR.
79	4213	2838 COVE COURT	101	4023	2852 EAGLE COVE DR.
80	4060	2834 COVE COURT	102	4843	2851 EAGLE COVE DR.
81	4213	2830 COVE COURT	103	4828	2855 EAGLE COVE DR.
82	4093	2826 COVE COURT	104	4631	2859 EAGLE COVE DR.
83	4213	2822 COVE COURT	105	4828	2863 EAGLE COVE DR.
84	4093	2818 COVE COURT	106	4628	2867 EAGLE COVE DR.
85	4102	2814 COVE COURT	107	4643	2871 EAGLE COVE DR.
86	4637	2813 EAGLE COVE DR.	108	4628	2883 EAGLE COVE DR.
87	4842	2809 EAGLE COVE DR.	109	4589	2887 EAGLE COVE DR.
88	4828	2805 EAGLE COVE DR.	110	4213	2884 EAGLE COVE DR.
89	4549	2801 EAGLE COVE DR.	111	4089	2880 EAGLE COVE DR.
90	4213	2808 EAGLE COVE DR.			

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effectiveness of the remedial

30.0' UTILITY AND
TRAIL EASEMENT

LOT "A" CONTAINING 1338
IS A 1.0' PROTECTION STR
DEDICATED TO PARK CITY
CORP. ON RECORDATION I
PLAT.



Ordinance No. 06-05

AN ORDINANCE APPROVING THE SETTLERS RIDGE CONDOMINIUM RECORD OF SURVEY PLAT, 564, 566, AND 568 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Settlers Ridge located at 564, 566, and 568 Deer Valley Drive have petitioned the City Council for approval of the Settlers Ridge condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2006, to receive input on the Settlers Ridge condominium record of survey;

WHEREAS, the Planning Commission, on March 6, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 23, 2006, the City Council approved the Settlers Ridge condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Settlers Ridge condominium record of survey.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Settlers Ridge condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Settlers Ridge is located at 564, 566, and 568 Deer valley Drive in the RM zoning district.
2. The project has three buildings located on 0.4 acres.
3. Two units are 1,115 square feet and the other eight units are 1,166 square feet.
4. The parking requirement for units this size is two spaces per unit.
5. Each unit has two parking spaces assigned by the record of survey.
6. Setbacks in the RM zone are as follows:
 - Front: 20 feet, a front facing garage is 25 feet
 - Rear: 15 feet
 - Side: 10 feet

The Settlers Ridge project meets the minimum setback requirements.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

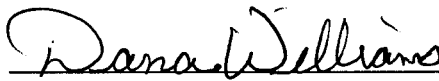
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The pullout area off of Deer Valley Loop that is signed for Settlers Ridge parking is almost entirely in the public right of way. The property owner may fence or otherwise define the property line but may not prohibit public access on the City right of way. Signs to the effect of limiting public use must be removed unless approved by the Public Works Director or his designee.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of March, 2006..

PARK CITY MUNICIPAL CORPORATION



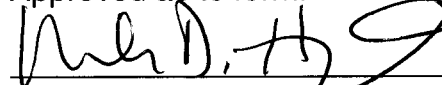
Mayor Dana Williams

Attest:

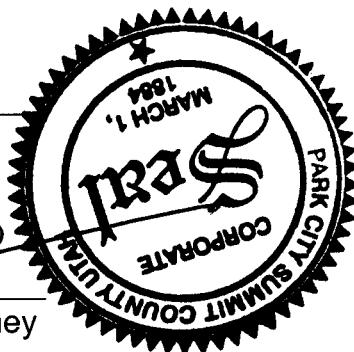


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



SUBMITTAL CERTIFICATE

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as submitted to the City of Salt Lake County, Utah, for the purpose of recording the same.

Surveyor

Date

SUMMARY DESCRIPTION

Reference is made to the preliminary plat for the same, and to the fact that the same is a true and correct copy of the original as submitted to the City of Salt Lake County, Utah, for the purpose of recording the same.

CHECKS, DETAIL AND CONSENT TO RECORD

The undersigned hereby certifies that the foregoing is a true and correct copy of the original as submitted to the City of Salt Lake County, Utah, for the purpose of recording the same.

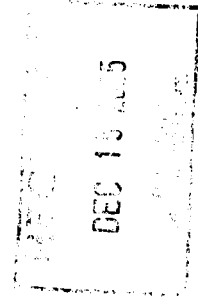
ACKNOWLEDGMENT

I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as submitted to the City of Salt Lake County, Utah, for the purpose of recording the same.

By _____

RECORD

By _____



**RECORD OF SURVEY MAP
SETTLERS RIDGE CONDOMINIUMS**

LOCATED IN THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN, PARK CITY, SALT LAKE COUNTY, UTAH

SHEET 1 OF 3

NOTES

1. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
2. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
3. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
4. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
5. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
6. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
7. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
8. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
9. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.
10. The Settlers Ridge Condominiums are located in the Southwest Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Basin and Mountain, Park City, Salt Lake County, Utah.



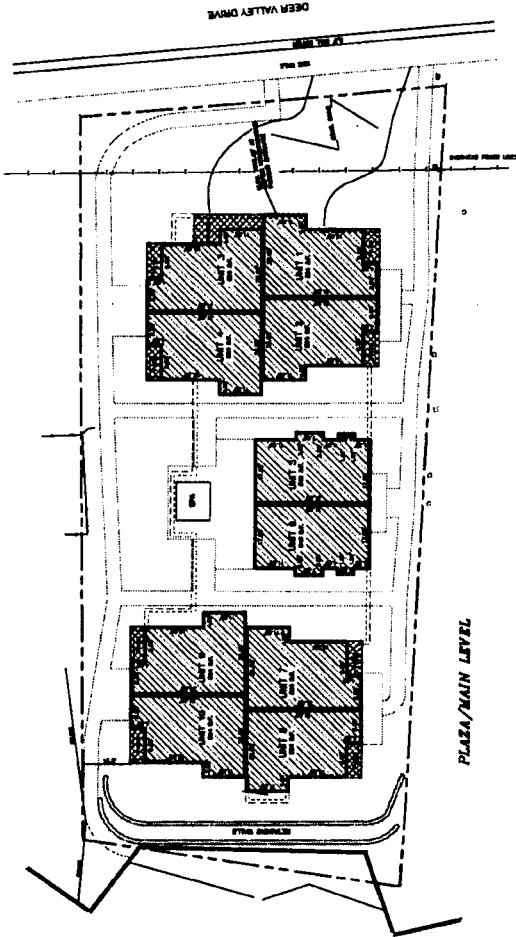
COUNTY ASSESSOR	CITY PLANNING COMMISSION	WATER RECLAMATION DISTRICT	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED
_____ COUNTY ASSESSOR	_____ CITY PLANNING COMMISSION	_____ WATER RECLAMATION DISTRICT	_____ CITY ENGINEER	_____ CITY COUNCIL	_____ APPROVAL AS TO FORM	_____ RECORDED
_____ COUNTY ASSESSOR	_____ CITY PLANNING COMMISSION	_____ WATER RECLAMATION DISTRICT	_____ CITY ENGINEER	_____ CITY COUNCIL	_____ APPROVAL AS TO FORM	_____ RECORDED



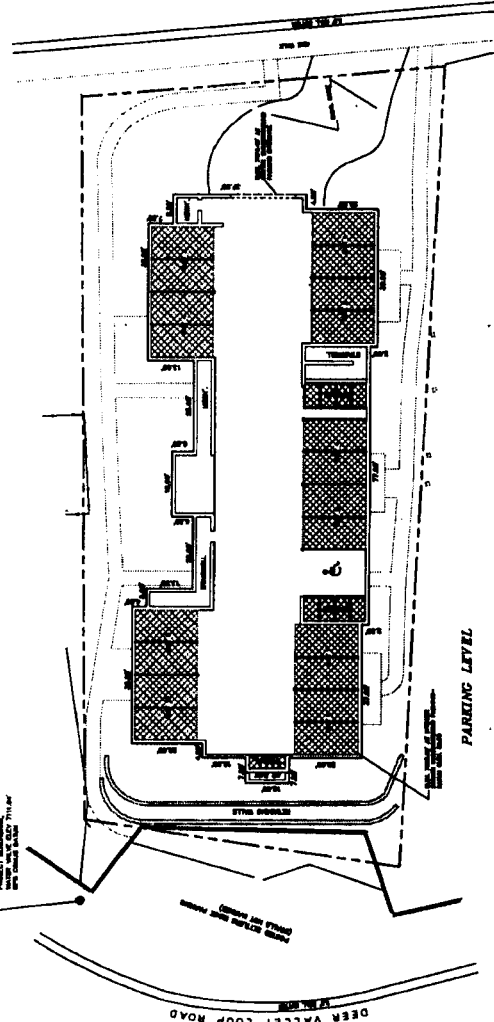
SCALE: 1"=16'



THIS PLAN IS A PRELIMINARY PLANNING AND DESIGN DOCUMENT. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE. ANY AND ALL SHOWN ARE SUBJECT TO CHANGE WITHOUT NOTICE.



PLAZA/MAIN LEVEL



UPPER LEVEL

RECORD OF SURVEY MAP SETTLERS RIDGE CONDOMINIUMS

LOCATED AT 8640 DEER VALLEY DRIVE,
WITHIN THE 10TH SE 1/4, SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN,
PARK CITY, SARASOT COUNTY, FLORIDA

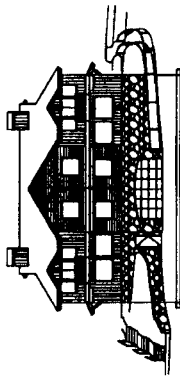
SHEET 2 OF 3

OWNER & ASSOCIATES, INC.
1000 N. W. 10TH AVENUE
SUITE 200
MIAMI, FL 33136
TEL: 305.571.1111
FAX: 305.571.1112

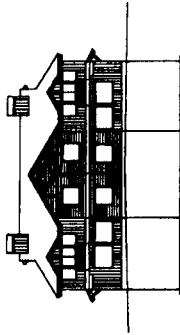
RECORDED
DATE: _____
BY: _____
BOOK: _____
PAGE: _____

DEC 15 2005

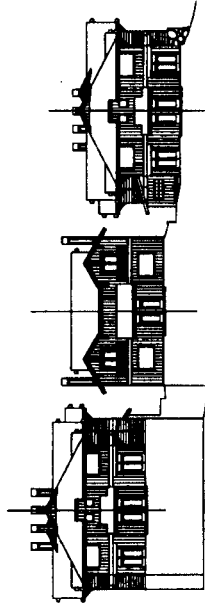
PLANNING DEPT.



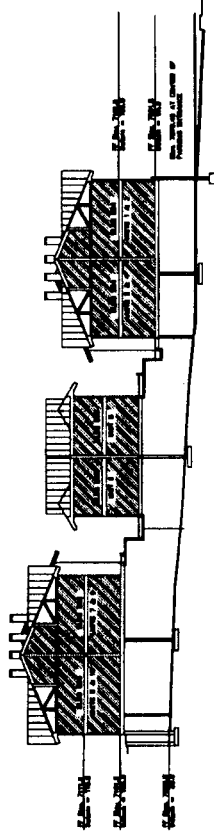
NORTH SIDE ELEVATIONS OF CONDOS



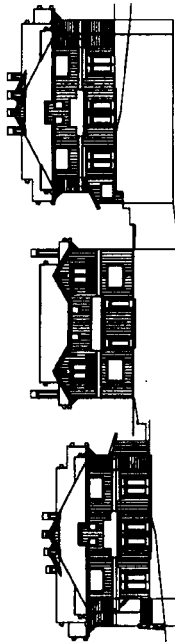
SOUTH SIDE ELEVATIONS OF CONDOS



EAST SIDE ELEVATIONS OF CONDOS



WEST SIDE ELEVATIONS OF CONDOS



SECTIONS OF CONDOS



LEGEND
 COMMON AREA
 LIMITED COMMON AREA
 PARKING AREA
 SCALE: 1"=16'
 THE SET S.A. SHALL BE SUBJECT TO ALL CITY AND STATE
 AND LOCAL ORDINANCES, REGULATIONS, ORDINANCES AND
 IN ACCORDANCE WITH THE REGULATIONS, ORDINANCES AND
 LAWS OF THE CITY OF SALT LAKE COUNTY, UTAH, AND THE
 STATE OF UTAH, AND THE FEDERAL GOVERNMENT OF THE
 UNITED STATES OF AMERICA.

DEC 19 2005
 PLANNING

RECORD OF SURVEY MAP
 SETTLERS RIDGE CONDOMINIUMS
 LOCATED AT SALT LAKE VALLEY CENTER
 WITHIN THE SOUTHWEST QUARTER OF SECTION 16
 TOWNSHIP 3 SOUTH, RANGE 4 EAST
 SALT LAKE BASIN AND MOUNTAIN
 PARK CITY, SALT LAKE COUNTY, UTAH
 SHEET 2 OF 3

CENTER & ASSOCIATES, INC.
 LAND SURVEYORS
 1000 S. JEFFERSON BLVD., SUITE 200
 SALT LAKE CITY, UTAH 84143-1000
 PHONE: (801) 462-1111
 FAX: (801) 462-1112

RECORDED
 ENTRY NO. _____ DATE _____ PAGE _____
 BOOK _____ COUNTY OF _____
 DRAWN AND MADE AT THE SURVEYOR'S OFFICE

AN ORDINANCE APPROVING A FINAL CONDOMINIUM RECORD OF SURVEY PLAT FOR THE MOOSE RESIDENCES LOCATED AT 1499 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the Henderson Subdivision located at 1499 Park Avenue, have petitioned the City Council for approval of a record of survey; and

WHEREAS, A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005; and

WHEREAS, The applicant has submitted a Record of Survey, approval of which will allow the applicant the ability to convert each unit to private ownership; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on February 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the RC District at 1499 Park Avenue.
2. The findings discussed in the analysis section of this report are incorporated herein.
3. A Plat Amendment creating a 15,712 square foot lot out of a metes and bounds parcel was approved by the City Council on June 30, 2004.
4. A Conditional Use Permit for a 10 unit multi –family dwelling was approved by the Planning Commission on July 13, 2005.
5. A 20' non-exclusive public utility easement has been dedicated on the subdivision running east-west at the north end of the lot. A 10' snow storage and utility easement was dedicated on the west of the lot, running north – south.
6. Proper drainage, sidewalk, and utility installation is a public benefit.
7. The applicant has agreed to install a number of public improvements including: a new gutter along Woodside Avenue and 15th Street, a new sidewalk along 15th street between Park Avenue and Woodside Avenue, a new sidewalk along Woodside avenue, and sidewalk connections from the building to sidewalks at Park Avenue and 15th Street, an Accessible parking space, and van unloading area along 15th street.
8. Provision of a unit that meets ADA standards is a requirement of this development. A condition of approval will address this requirement.
9. The condominium plat will allow the applicant to sell each unit separately.
10. Separation between building eaves and power lines are required for purposes of public safety.
11. The Planning Commission reviewed this item at the February 8, 2006 meeting. A

Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

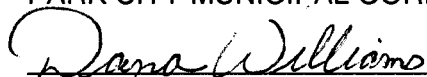
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the record of survey and CCnR's for compliance with the State Code, the Land Management Code, and conditions of approval is a condition precedent to plat recording
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded at the Summit County Recorder's office prior to that date.
3. The applicant is required to provide a financial guarantee in an amount approved by the City Engineer and in a form satisfactory to the City Attorney to satisfy obligations for public improvements such as sidewalks and utility installation.
4. The Owners association shall be obligated to maintain the accessible parking space and unloading area. This includes snow removal in the winter.
5. The Owners association shall be obligated to provide a unit that meets ADA standards in perpetuity as one of the 10 units.

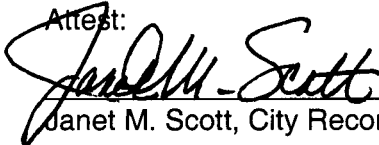
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15 day of February, 2006.

PARK CITY MUNICIPAL CORPORATION

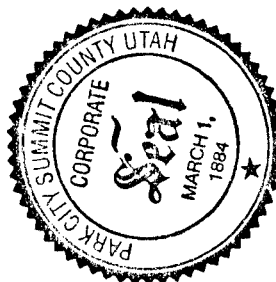

Mayor Dana Williams

Attest:

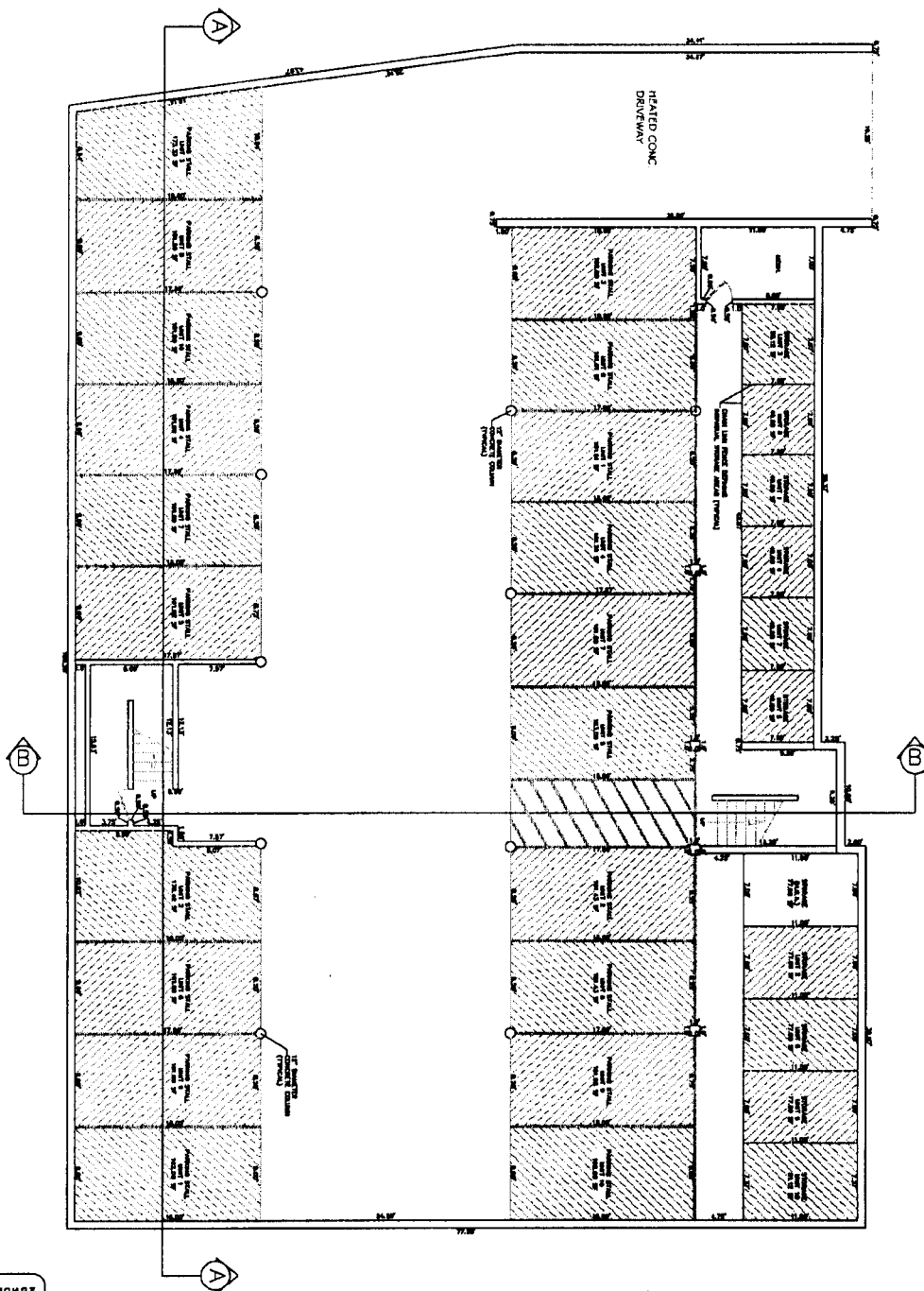

Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



PARKING LEVEL PLAN



NOTATION

[Hatched Box]	PARKING SPACES
[Solid Box]	LANDSCAPE AREAS
[Dashed Box]	DRIVEWAY

AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)	TOTAL
1	PARKING SPACES	10,000	10,000
2	LANDSCAPE AREAS	2,000	12,000
3	DRIVEWAY	1,000	13,000
4	WALKWAYS	500	13,500
5	STAIRS	100	13,600
6	ENTRY	100	13,700
7	LOBBY	100	13,800
8	OFFICES	100	13,900
9	RESTROOMS	100	14,000
10	ELEVATOR	100	14,100
11	STORAGE	100	14,200
12	MECHANICAL	100	14,300
13	ROOF	100	14,400
14	WALLS	100	14,500
15	FLOORING	100	14,600
16	CEILING	100	14,700
17	MECHANICAL	100	14,800
18	ROOF	100	14,900
19	WALLS	100	15,000
20	FLOORING	100	15,100
21	CEILING	100	15,200
22	MECHANICAL	100	15,300
23	ROOF	100	15,400
24	WALLS	100	15,500
25	FLOORING	100	15,600
26	CEILING	100	15,700
27	MECHANICAL	100	15,800
28	ROOF	100	15,900
29	WALLS	100	16,000
30	FLOORING	100	16,100
31	CEILING	100	16,200
32	MECHANICAL	100	16,300
33	ROOF	100	16,400
34	WALLS	100	16,500
35	FLOORING	100	16,600
36	CEILING	100	16,700
37	MECHANICAL	100	16,800
38	ROOF	100	16,900
39	WALLS	100	17,000
40	FLOORING	100	17,100
41	CEILING	100	17,200
42	MECHANICAL	100	17,300
43	ROOF	100	17,400
44	WALLS	100	17,500
45	FLOORING	100	17,600
46	CEILING	100	17,700
47	MECHANICAL	100	17,800
48	ROOF	100	17,900
49	WALLS	100	18,000
50	FLOORING	100	18,100
51	CEILING	100	18,200
52	MECHANICAL	100	18,300
53	ROOF	100	18,400
54	WALLS	100	18,500
55	FLOORING	100	18,600
56	CEILING	100	18,700
57	MECHANICAL	100	18,800
58	ROOF	100	18,900
59	WALLS	100	19,000
60	FLOORING	100	19,100
61	CEILING	100	19,200
62	MECHANICAL	100	19,300
63	ROOF	100	19,400
64	WALLS	100	19,500
65	FLOORING	100	19,600
66	CEILING	100	19,700
67	MECHANICAL	100	19,800
68	ROOF	100	19,900
69	WALLS	100	20,000
70	FLOORING	100	20,100
71	CEILING	100	20,200
72	MECHANICAL	100	20,300
73	ROOF	100	20,400
74	WALLS	100	20,500
75	FLOORING	100	20,600
76	CEILING	100	20,700
77	MECHANICAL	100	20,800
78	ROOF	100	20,900
79	WALLS	100	21,000
80	FLOORING	100	21,100
81	CEILING	100	21,200
82	MECHANICAL	100	21,300
83	ROOF	100	21,400
84	WALLS	100	21,500
85	FLOORING	100	21,600
86	CEILING	100	21,700
87	MECHANICAL	100	21,800
88	ROOF	100	21,900
89	WALLS	100	22,000
90	FLOORING	100	22,100
91	CEILING	100	22,200
92	MECHANICAL	100	22,300
93	ROOF	100	22,400
94	WALLS	100	22,500
95	FLOORING	100	22,600
96	CEILING	100	22,700
97	MECHANICAL	100	22,800
98	ROOF	100	22,900
99	WALLS	100	23,000
100	FLOORING	100	23,100

DATE OF _____
 CITY OF _____
 RECORDED IN THE COUNTY OF _____
 INDEX

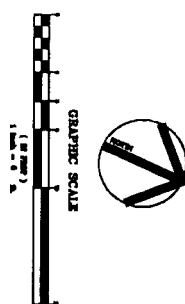
RECEIVED

DEC 16 2005
 PARK CITY
 PLANNING DE.

MOOSE RESIDENCES PARKING LEVEL PLAN		DRAWN BY DAVID C. WHITE CHECKED BY DAVID C. WHITE DATE 01/11/2005	PROJECT NO. 05-001 SHEET NO. 01	Evergreen Engineering, Inc. 1010 1st Avenue, Suite 100 Park City, UT 84302 Phone: (435) 644-1000 Fax: (435) 644-1001 Email: info@evergreen-eng.com
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The floor plan illustrates a four-unit residential building with the following details:

- Unit 1 (Top Left):** 1,715.31 sq ft private. Includes a living room, kitchen, and bathroom.
- Unit 2 (Bottom Left):** 1,415.55 sq ft private. Includes a living room, kitchen, and bathroom.
- Unit 3 (Top Right):** 1,200.00 sq ft private. Includes a living room, kitchen, and bathroom.
- Unit 4 (Bottom Right):** 1,500.00 sq ft private. Includes a living room, kitchen, and bathroom.
- Common Areas:** A central hallway, a hot tub room, and a central staircase are located between the units.
- Room Dimensions:** Various room dimensions are provided, such as 12'0" x 12'0" for living rooms and 6'0" x 6'0" for bathrooms.
- Orientation:** The plan is oriented with North at the top, indicated by a compass rose in the upper right corner.



LEGEND

- PRODUCT AREA
- LIFTED GROUND AREA
- CRACKED AREA

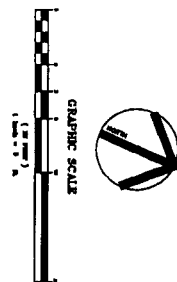
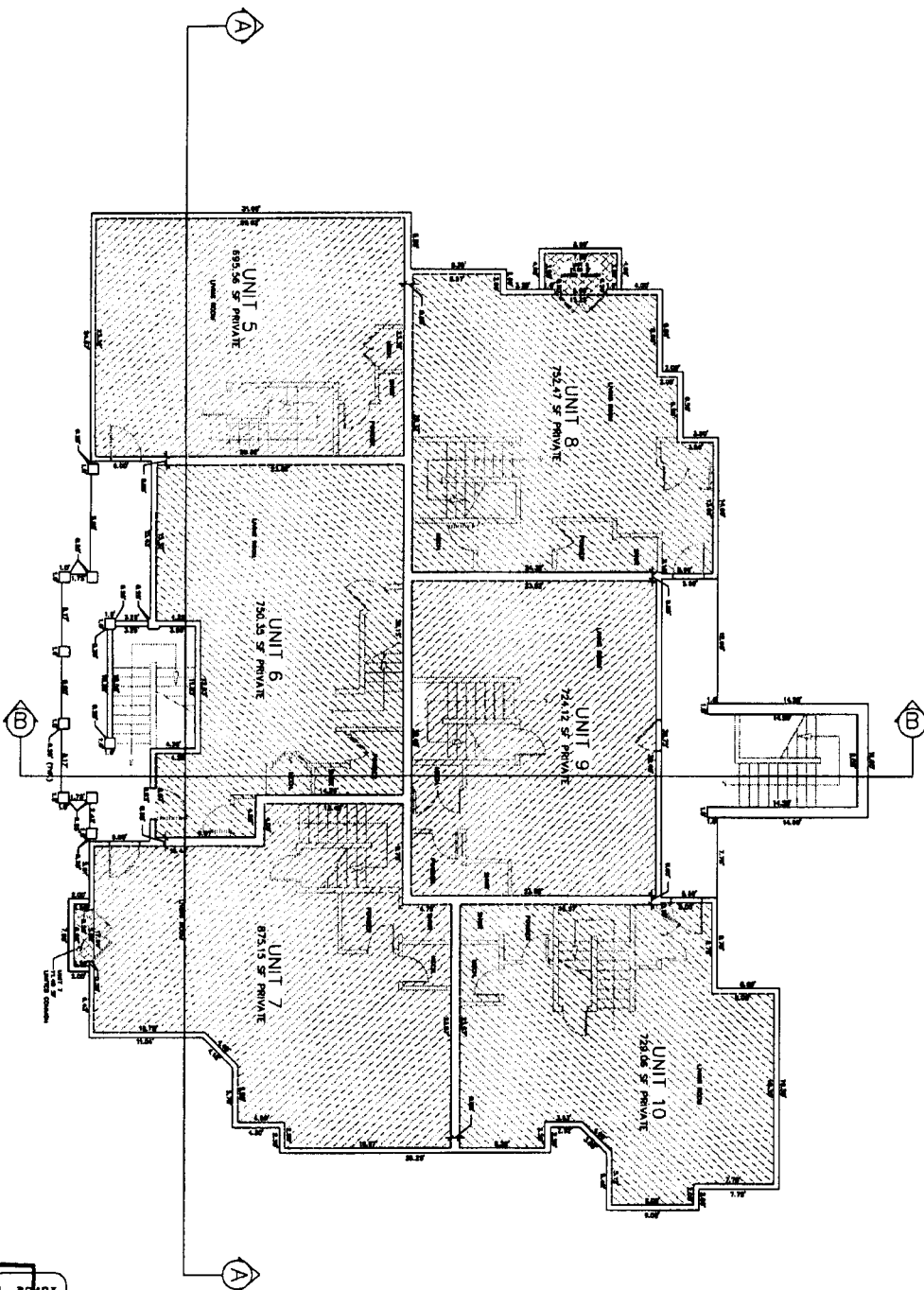
AREA MEASUREMENTS

AREA	DATE	MEASUREMENT
PRODUCT AREA	1/1/77	1000000
LIFTED GROUND AREA	1/1/77	1000000
CRACKED AREA	1/1/77	1000000
TOTAL AREA	1/1/77	1000000

NO. _____
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE _____
24 2006
1553 CITY REC.

14. JAN 8 1988	MOOSE RESIDENCES GROUND LEVEL			DRAWN BY: DAVID G. WHITE DATE: 1/1/88 CHECKED BY: CML/AN		DATE:	BY:	COMMENTS:	Evergreen Engineering, Inc. 
	NAME: BLAKE HENDERSON	MOOSE-LI-LONG	SHEET: ONE				© 1988 Evergreen Engineering, Inc.		

SECOND FLOOR PLAN



NOTHING SHOWN

	PRIVATE AREA
	COMMON CHASE AREA
	COMMON AREA

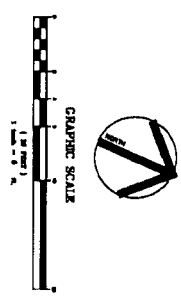
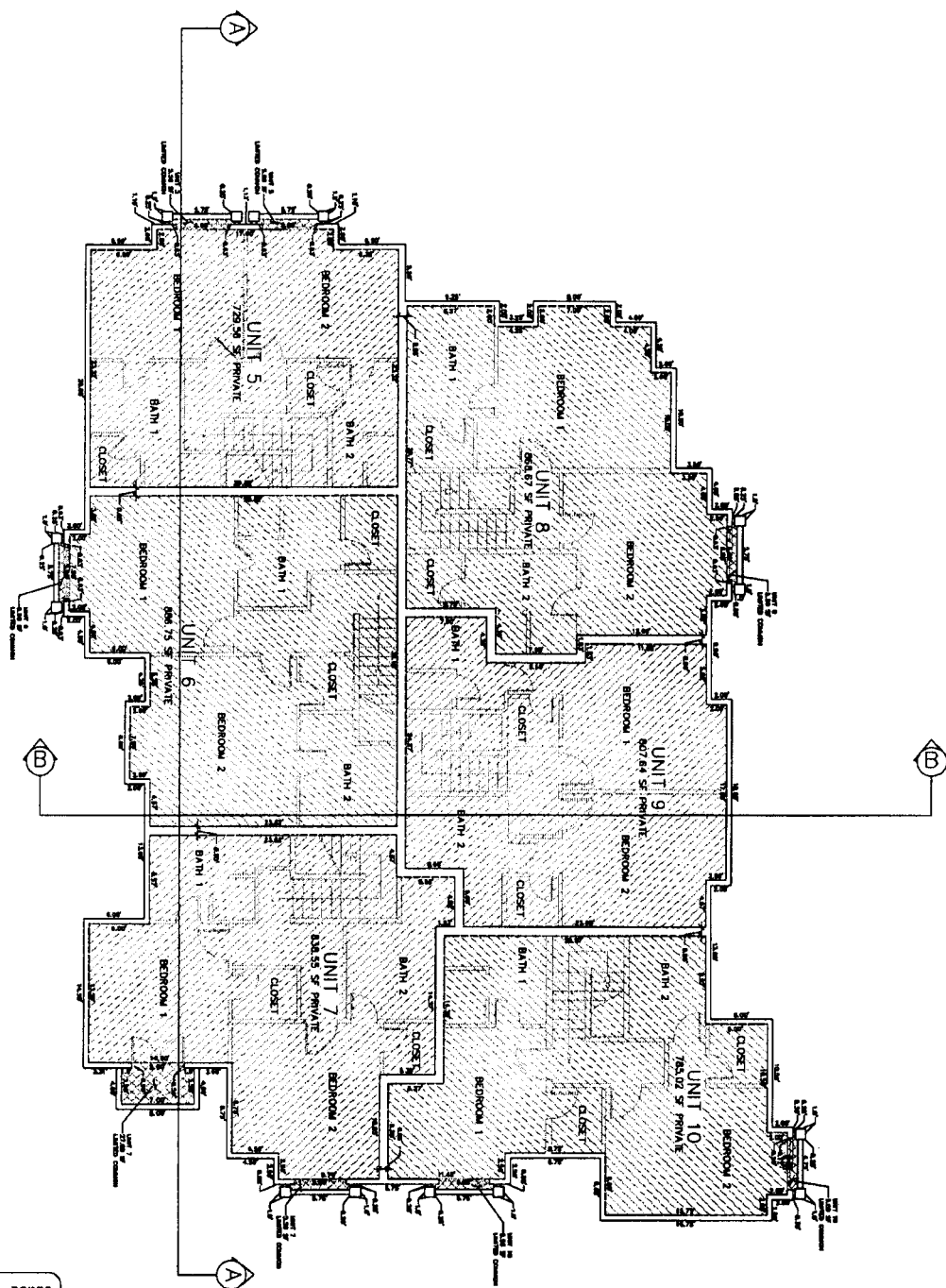
AREA CALCULATION

NO.	DESCRIPTION	AREA (SQ. FT.)	TOTAL
1	UNIT 5	693.56	
2	UNIT 6	756.55	
3	UNIT 7	873.15	
4	UNIT 8	754.71	
5	UNIT 9	724.12	
6	UNIT 10	758.06	
	TOTAL		4560.15

RECEIVED
CITY ENGINEER
DEC 16 2005
PARK CITY
PLANNING DEPT.

MOOSE RESIDENCES PARKING LEVEL PLAN	DRAWN BY DAVID G. SMITH CHECKED BY CIVIL/ARCH	SCALE AS SHOWN	SHEET NO. 1 OF 11	<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	REVISION					Evergreen Engineering, Inc. 800-543-7777 1000 North 1000 West, Suite 100 Park City, UT 84302 Email: info@evergreeneng.com
NO.	REVISION										

THIRD FLOOR PLAN



ENCLOSURE LEGEND

[Pattern]	Private Area
[Pattern]	Common Area

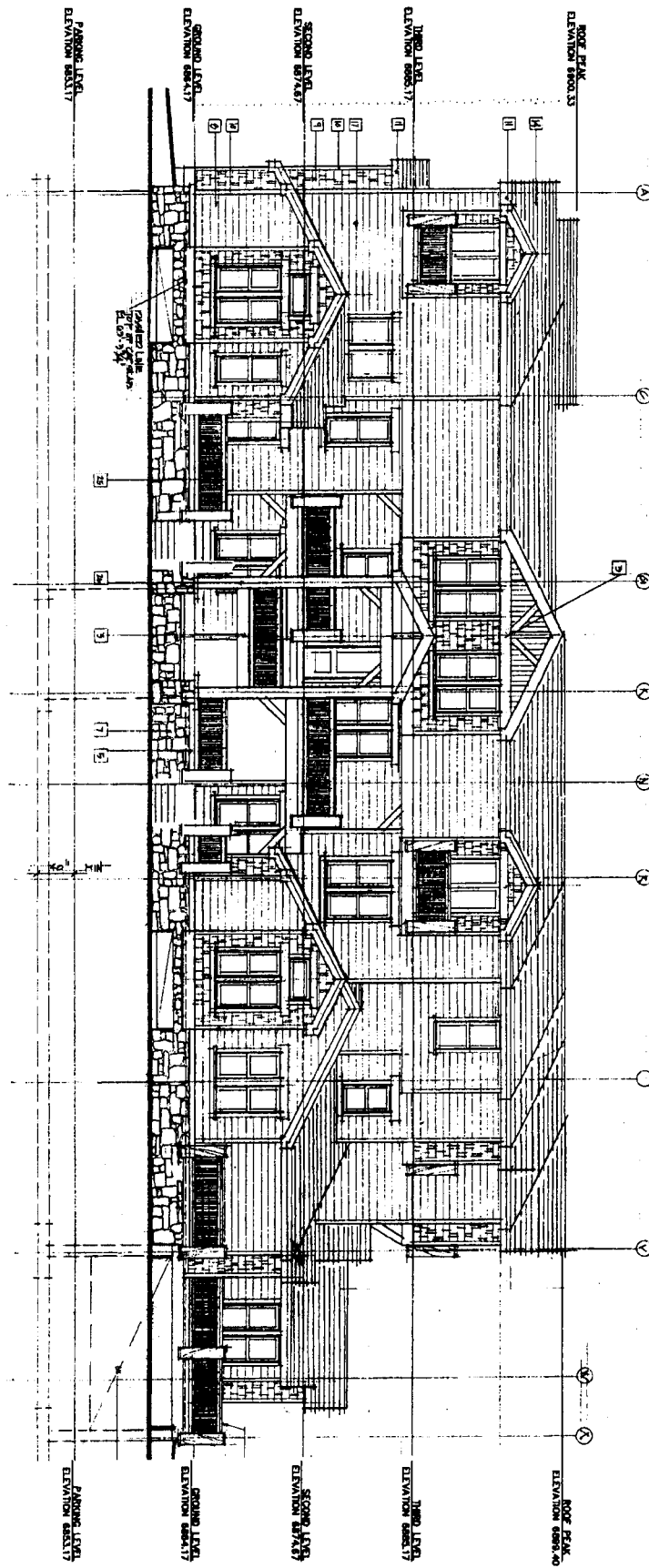
AREA CALCULATION

Room	Area (sq ft)
Unit 5	725
Unit 6	686
Unit 7	826
Unit 8	867
Unit 9	807
Common	1,200
Total	5,101

DATE: 12/16/2005
 RECORDED
RECEIVED
 PARK CITY PLANNING DEPT.

MOOSE RESIDENCES PARKING LEVEL PLAN	DRAWN BY: JMM CHECKED BY: JMM DATE: 12/16/2005	1" = 10'	SHEET NO. 10 OF 10	Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc. 2000 Evergreen Engineering, Inc.
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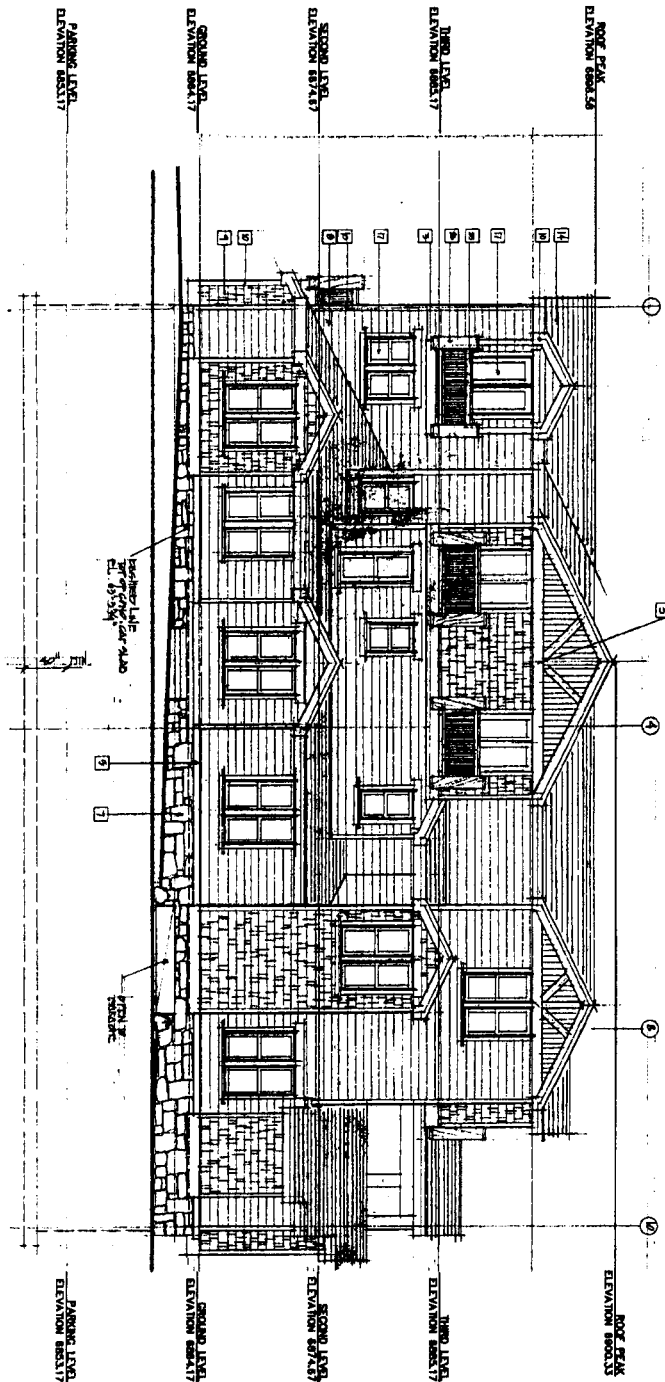
FIFTEENTH STREET / NORTH ELEVATION



RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

MOOSE RESIDENCES FIFTEENTH STREET / NORTH ELEVATION		DRAWN BY DAVID A. WHITE DATE 07/15/05	CHECKED BY [Signature] DATE 07/15/05	SCALE 1/8" = 1'-0"	Evergreen Engineering, Inc. 1000 E. 1000 S. SUITE 100 PARK CITY, UT 84302 (435) 243-1111 FAX (435) 243-1112 WWW.EVERGREEN-ENGINEERING.COM
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PARK AVENUE / EAST ELEVATION



DATE OF
RECORDING
RECORDED AT
CITY OF
CITY RECORDS
NO.

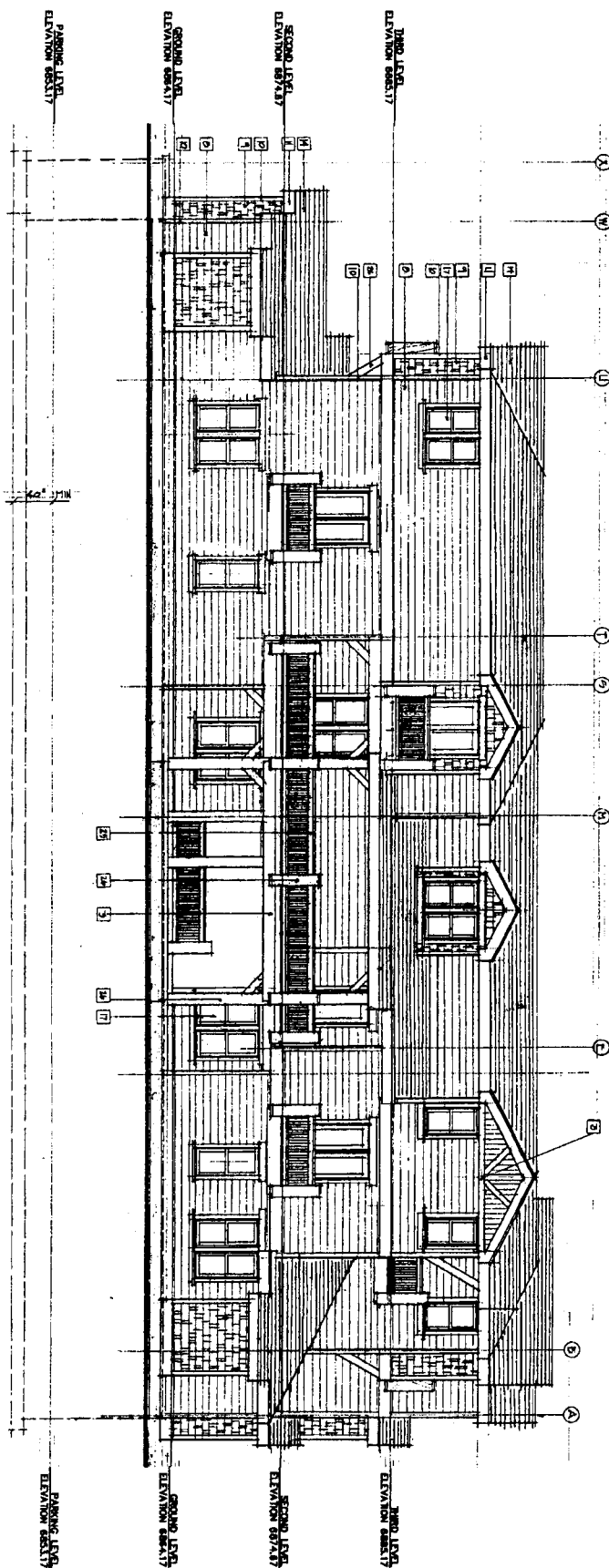
RECORDED

RECEIVED

DEC 16 2005
PARK CITY
PLANNING DEPT.

MOOSE RESIDENCES PARK AVENUE / EAST ELEVATION		Drawn by DAVID G. WHITE ADW 01/11/05	DATE BY CHECKED DATE	Evergreen Engineering, Inc. Old Engineering • Land Surveying • Land Planning and Mapping • Civil • Land Use • Surveying Phone: (435) 644-1000 • Fax: (435) 644-1000 Email: info@evergreeneng.com
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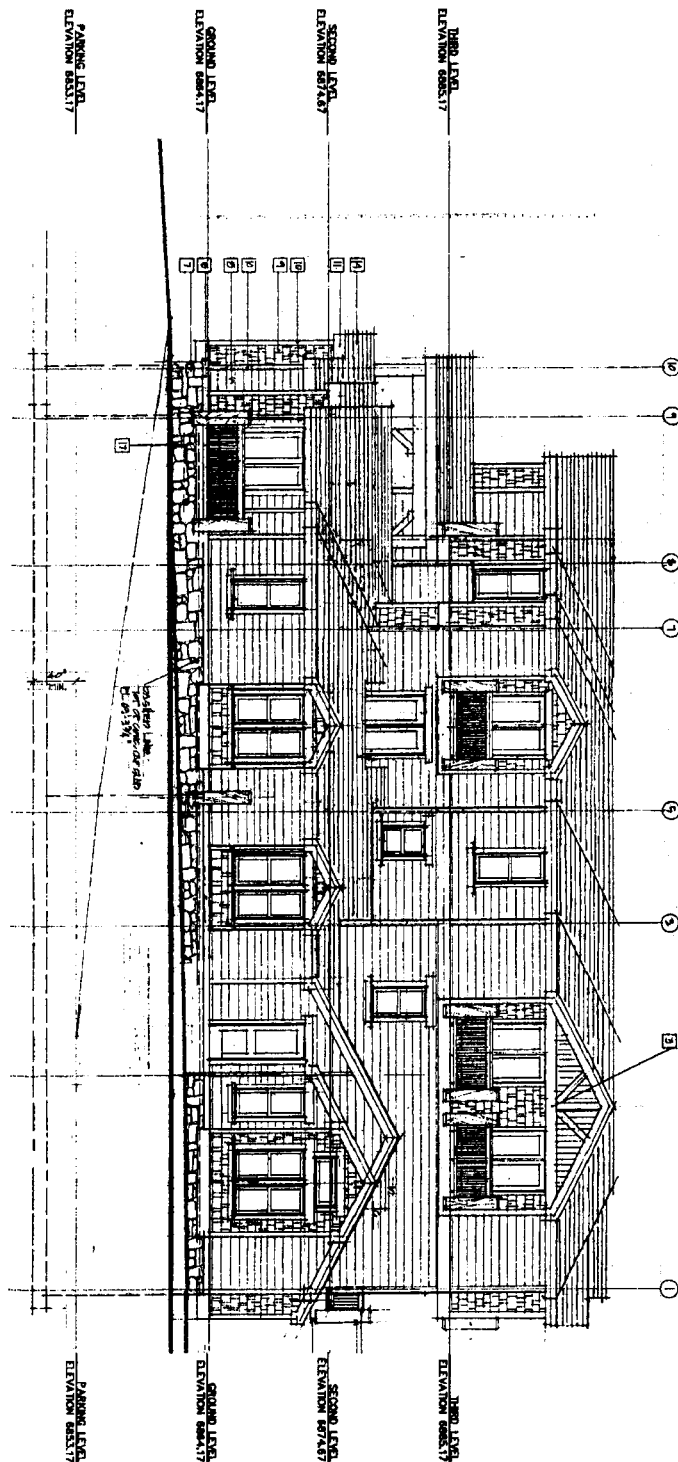
SOUTH ELEVATION



RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

MOOSE RESIDENCES SOUTH ELEVATION		DRAWN BY DATE CHECKED BY DATE	SCALE SHEET NO. OF TOTAL SHEETS	Evergreen Engineering, Inc. One Engineering • Local Services • Local Projects 3000 S. Main Street • Suite 200 Park City, Utah 84302 Phone (435) 644-4077 • Fax (435) 644-4078 Email: info@evergreen-eng.com
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WOODSIDE AVENUE / WEST ELEVATION



RECEIVED
DEC 16 2005
PARK CITY
PLANNING DEPT.

MOOSE RESIDENCES WOODSIDE AVENUE / WEST ELEVATION		DRAWING NO. DATE BY CHECKED APPROVED SCALE	Evergreen Engineering, Inc. 2010 Engineering • Land Surveying • Land Planning 2010 Building Design • 2010 • Suite 100 P.O. Box 1000 • Park City, UT • 84302 Phone: (435) 644-0007 • Fax: (435) 644-0010 Email: info@evergreen-engineering.com
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Ordinance No. 06-03

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS CODE, SECTION 11-16-6, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the Federal Emergency Management Agency updated its Flood Insurance Study and the Flood Insurance Rate Map; and

WHEREAS, to comply with federal regulations to receive flood insurance coverage those updates must be reflected;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 11, Building and Building Regulations Code, Section 11-16-6, Basis For Establishing the Areas of Special Flood Hazard, of the Municipal Code of Park City is hereby amended as follows:

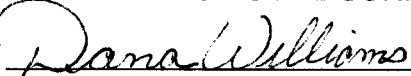
11- 16- 6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated ~~July 16, 1987~~ March 16, 2006, with accompanying Flood Insurance Rate Map (FIRM) dated March 16, 2006, is adopted by reference and declared to be a part of this Chapter. The study and FIRM are on file at the Park City Planning Office, 445 Marsac Avenue, Park City, Utah. The City may, from time to time, adopt additional or updated maps prepared by FEMA, which maps would then further define the areas of special flood hazard.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 16th day of February, 2006.

PARK CITY MUNICIPAL CORPORATION



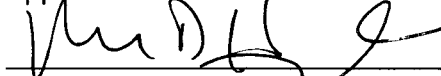
Mayor Dana Williams

Attest:

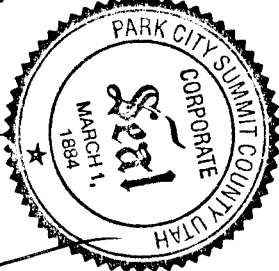


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 06-02

AN ORDINANCE APPROVING THE AMENDMENT TO THE 'SECOND AMENDED LARREMORE SUBDIVISION PLAT LOCATED AT 730 & 733 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 730 & 733 Woodside Avenue have petitioned the City Council for approval of the amendment to the 'Second Amended Larremore Subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on January 25, 2006, to receive input on the amendment to the 'Second Amended Larremore Subdivision;

WHEREAS, the Planning Commission, on January 25, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 9, 2006 the City Council approved the amendment to the 'Second Amended Larremore Subdivision'; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to the 'Second Amended Larremore Subdivision'.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The amendment to the 'Second Amendment Larremore Subdivision', as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1) The property is located within the HR-1 zoning district.
- 2) The proposal is to create Lot 2A and Lot 2B of the Second Amended Larremore Plat.
- 3) Lot 2A is proposed to have an area of 5123 sq. ft. and fronts on Woodside Avenue.
- 4) Lot 2B is proposed to have an area of 2354.4 sq. ft and fronts 8th Street.
- 5) The setbacks for Lot 2A meet the requirements of LMC 15-2.2-3(D) and (E).
- 6) The side setback for the east side of Lot 2B meets the requirements of LMC 15-2.2-3(D), however the west side yard setback does not.

- 7) The front and rear setbacks for the historic structure known as 'Ted's Barn' (Lot 2B) are not in compliance with the LMC requirements.
- 8) The applicant has applied for a Conditional Use Permit pertaining to LMC 15-2.2-4(A), with respect to allowing the enclosure of a staircase which does not meet the HR-1 setback requirements.
- 9) 'Ted's Barn' is a historic structure.
- 10) No additional density will result from this plat amendment.
- 11) Existing historic that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures (LMC 15-2.2-4).
- 12) The proposed plat amendment does not increase the degree of non-compliance.
- 13) There is a non complying hot tub on each of the proposed lots.

Conclusions of Law:

- 1) There is good cause for this plat amendment.
- 2) Neither the public nor any person will be materially injured by the proposed plat amendment.
- 3) As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

- 1) The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
- 2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
- 3) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
- 4) The existing hot tubs, located on both proposed Lot 2A and 2B must be removed or relocated to satisfy HR-1 setback requirements.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of February, 2006.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

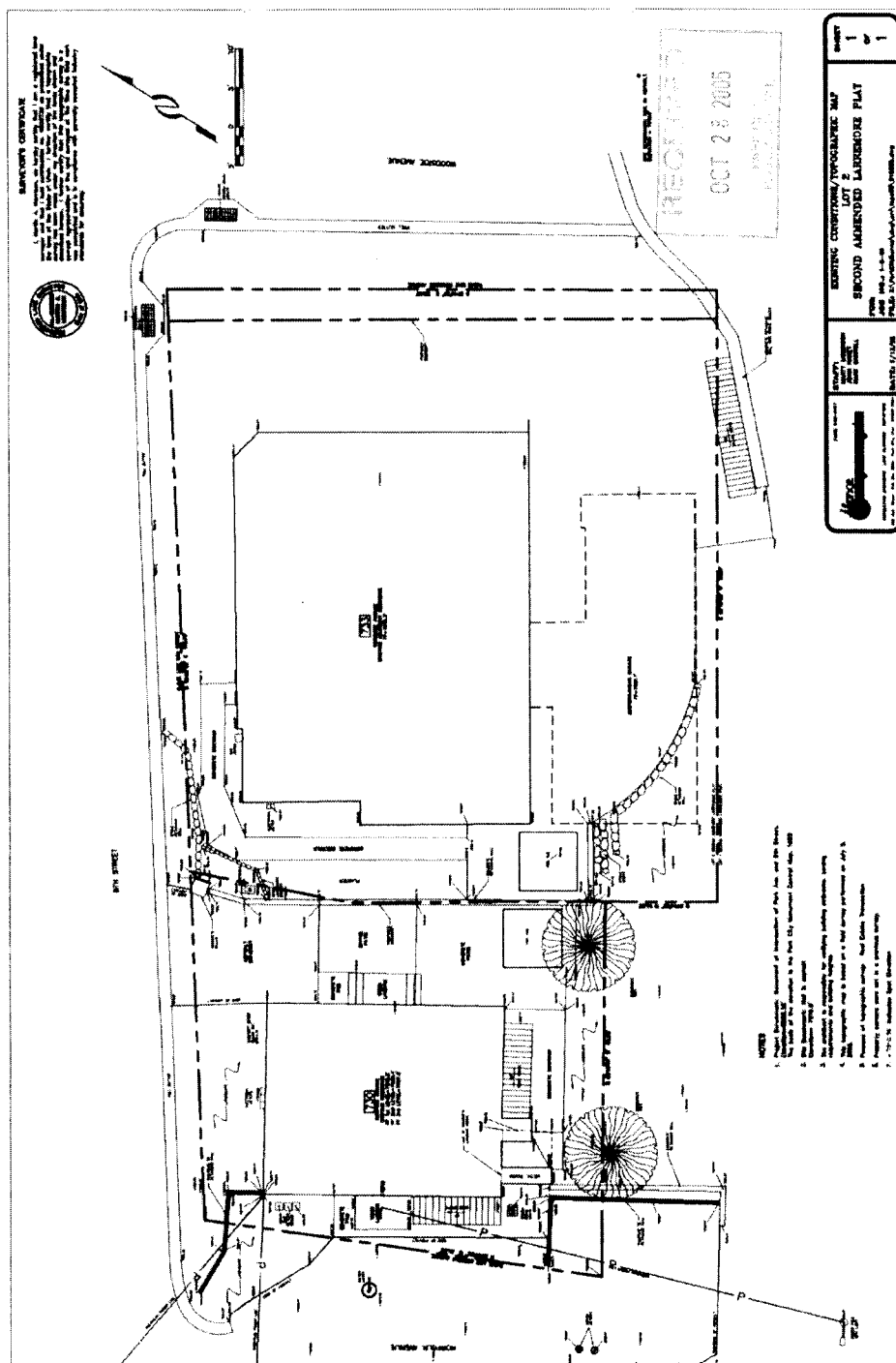
Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



Exhibit A – Proposed Plat Amendment



**AN ORDINANCE APPROVING THE AMENDED UNION SQUARE CONDOMINIUM
RECORD OF SURVEY PLAT, LOCATED AT 201 HEBER AVENUE,
PARK CITY, UTAH**

WHEREAS, the owner of the property located at 201 Heber Avenue, has petitioned the City Council for approval of an amended condominium record of survey plat for the Union Square master planned development project; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2006, to receive input on the amended Union Square condominium record of survey;

WHEREAS, the Planning Commission, January 11, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 9, 2006 the City Council approved the amended Union Square condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Union Square condominium record of survey.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Union Square/Sky Lodge project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC—Heber Avenue Sub-Zone) and Historic Commercial Business (HCB) Zoning Districts.
2. The project site is an infill parcel within HRC and HCB Districts.
3. The property is located within a federally designated Flood Zone.
4. Recorded access, utility, and drainage easements cross the subject property. Portions of these easement areas conflict with proposed building areas. Said easements need to be relocated, and dedicated for public use.
5. The project site includes three (3) historic buildings—the Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the “Tack” building (Salon Rouge).

6. The Union Square Master Planned Development, a Multi-Dwelling Unit hotel project for a maximum of 23 residential units, was approved by the Planning Commission on November 10, 2004 and affirmed by City Council pursuant to call-up proceedings on January 13, 2005.
7. The approved Master Planned Development included up to 23 unit Multi-Unit Dwellings to be operated as a hotel and a new kitchen addition to the north end of the Zoom Restaurant. The size of the Union Square building is 71,104 square feet (not including under-building parking garage area). The overall square footage for the 1.13 acre property as submitted by the applicant is 85,524 square feet. Unit sizes range from 1,266 square feet to 2,788 square feet. Each unit is proposed to include no more than one (1) Lock-Out Unit.
8. The Development Agreement for the Union Square/Sky Lodge was reviewed by the Planning Commission on March 23, 2005 and ratified by the City Council on May 12, 2005.
9. The plat amendment application resolves historic plat issues and creates one 1.13 acre lot of record.
10. The proposed condominium plat creates 22 residential units and 25,495 square feet of gross commercial area (19,514 square feet net commercial area).
11. The subject condominium plat affects the three existing historic buildings. Zoom, Easy Street Brasserie, and Salon Rouge are identified as commercial units. The plat also designates all other private, common, limited common, commercial limited common area, public easements, and utility easements.
12. The parking requirement for the project is 46 spaces. The project includes 46 spaces in an under-building/underground parking garage. No tandem spaces are proposed as part the parking plan. The parking is intended for use by guests and patrons of the development. No fee is intended for the use of said parking.
13. Access to the parking garage is by way of a 20 foot wide private driveway on the east side of the property via Heber Avenue.
14. The project plan includes a redevelopment of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The Easy Street pedestrian walkway will be dedicated as a non-motorized, public pedestrian easement.
15. The zone height in the HRC zone is 32 feet from existing grade, plus an additional 5 feet pitched roofs (37 feet total). The zone height in the HCB zone is 45 feet from existing grade, plus 5 feet for pitched roof (50 feet total).

16. The proposed build design includes 4 primary roof planes ranging in building height above existing grade in the following approximate steps—12-17 feet, 35-37 feet, 53-55 feet, and 59-62 feet. Roof planes which exceed base zone height for the HRC and HCB Districts have been reviewed by the Planning Commission for a height exception pursuant to Section 15-6-5(F) of the Land Management Code. Said building height exceptions are specifically limited to the proposed roof planes approved by the Planning Commission on November 10, 2004.
17. Staging construction in Old Town and within the Main Street/Heber Avenue neighborhood is difficult due to limited site area, parking, and vehicular and pedestrian traffic.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amended Record of Survey.
2. The amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended Record of Survey.
4. Approval of the amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. A utility, grading and drainage plan shall be submitted to the City Engineer for review and approval prior to the issue of a building permit.
3. This approval will expire one year from the date of final approval if no building permit has been issued.
4. The existing recorded access, drainage, and utility which cross the subject property shall be relocated/rededicated on the plat in a location and form approved by the City Engineer and City Attorney prior to plat recordation. Dedication on the plat of any additional necessary public utility and drainage easements as specified by the City Engineer is a condition precedent to plat recordation.
5. Dedication on the plat of the Easy Street pedestrian walkway and all other public pedestrian ways as non-motorized, public pedestrian trail easements in a form acceptable to the City Attorney and City Engineer is condition precedent to plat recordation.
6. The applicant will record the amended Record of Survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon

publication.

PASSED AND ADOPTED this 9th day of February 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Mayor Dana Williams

Attest

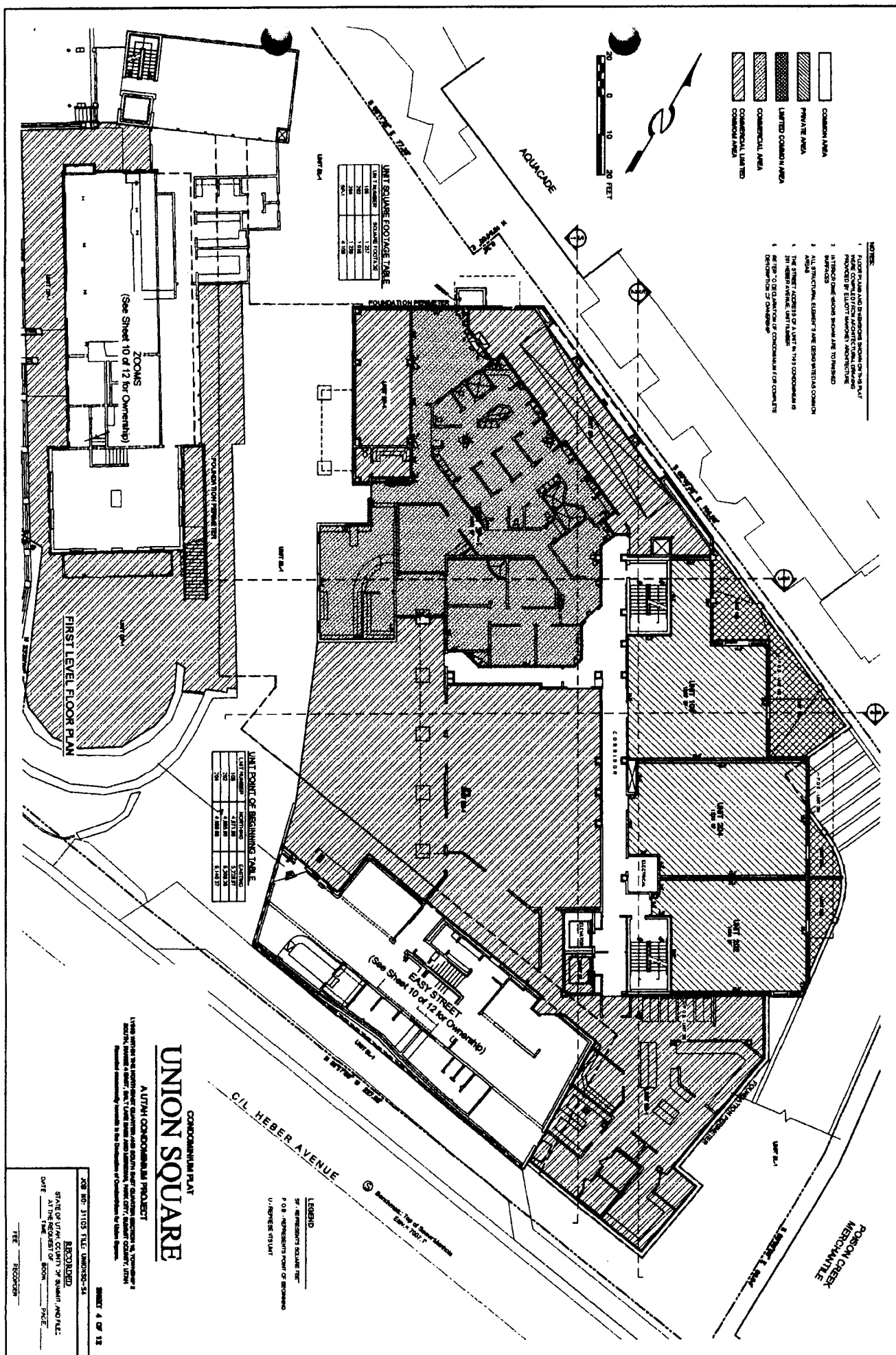
Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, 8ALT LAKE BASIN AND MEDIAN, PARK CITY, SALT LAKE COUNTY, UTAH



- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMON AREA

- NOTES:
1. FLOOR PLAN AND DIMENSIONS SHOWN IN THIS PLAN ARE FOR INFORMATION ONLY. THE ACTUAL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SALT LAKE COUNTY ZONING ORDINANCES AND THE CITY OF SALT LAKE COUNTY SUBDIVISION MAP ACT.
 2. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.
 3. THE LOT AREA OF A UNIT IN THIS COMMON AREA IS 20,000 SQ. FT. (SEE SHEET 10 OF 12 FOR COMMON AREA).
 4. THE LOT AREA OF A UNIT IN THIS COMMON AREA IS 20,000 SQ. FT. (SEE SHEET 10 OF 12 FOR COMMON AREA).
 5. THE LOT AREA OF A UNIT IN THIS COMMON AREA IS 20,000 SQ. FT. (SEE SHEET 10 OF 12 FOR COMMON AREA).

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
201	1,111
202	1,111
203	1,111
204	1,111
205	1,111
206	1,111
207	1,111
208	1,111
209	1,111
210	1,111
211	1,111
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293	1,111
294	1,111
295	1,111
296	1,111
297	1,111
298	1,111
299	1,111
300	1,111

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	POINT OF BEGINNING
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202	4,775.00
203	4,775.00
204	4,775.00
205	4,775.00
206	4,775.00
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295	4,775.00
296	4,775.00
297	4,775.00
298	4,775.00
299	4,775.00
300	4,775.00

SECOND LEVEL FLOOR PLAN

CONDOMINIUM UNIT
UNION SQUARE

UNIT 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300

FOR NO. 3105 FILE, UNIFORM-SS

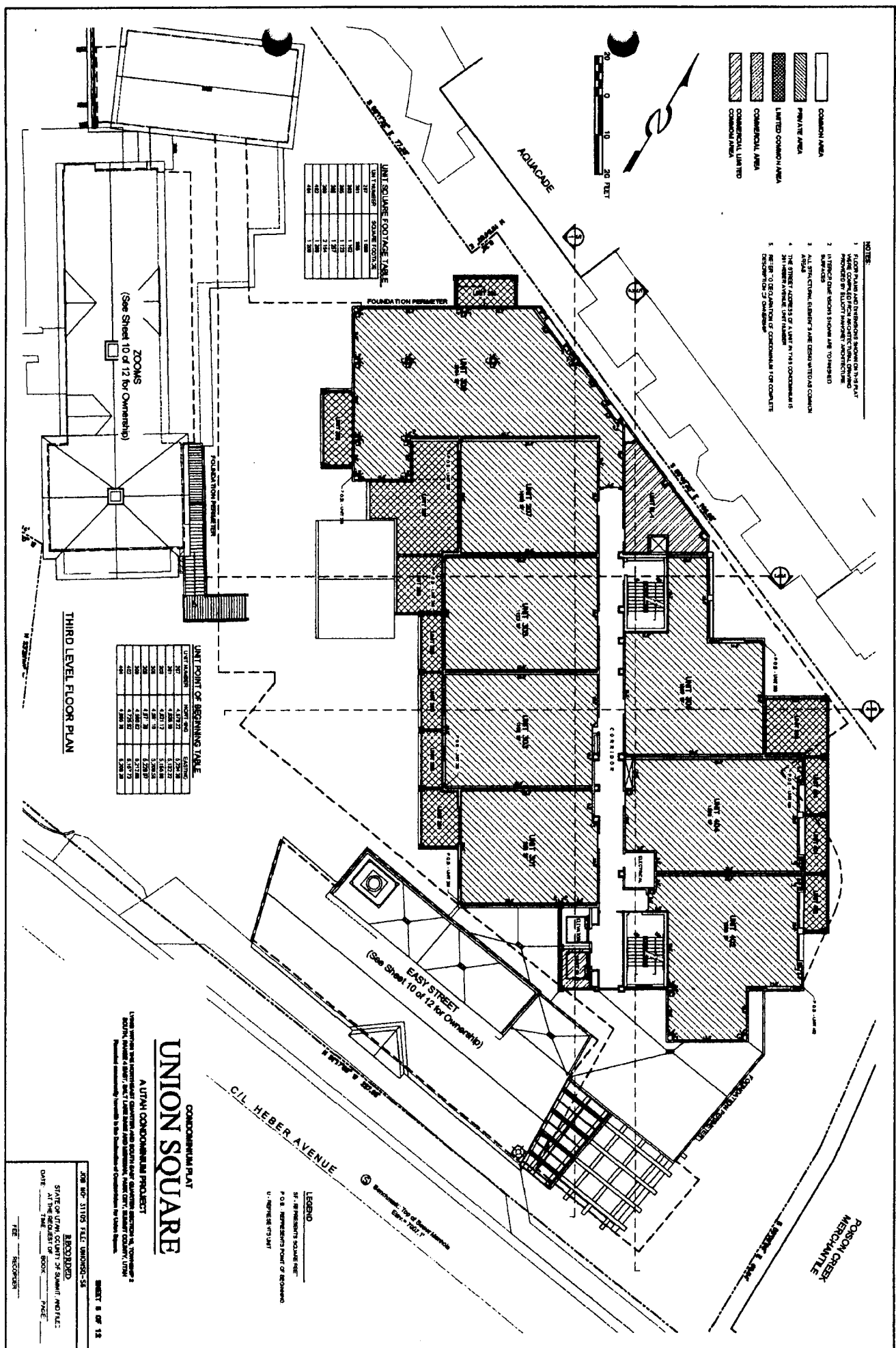
RECORDED

STATE OF UTAH, COUNTY OF SALT LAKE, JUNE 1, 1998

DATE _____ TIME _____ ROOM _____ PAGE _____

FILE _____

POISON CREEK
MERCANTILE



- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

- NOTES:
1. FLOOR PLANS AND DIMENSIONS SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A CONTRACT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
 2. ALL DIMENSIONS SHOWN ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL STRUCTURAL ELEMENTS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).
 4. THE STREET ADDRESS OF A UNIT IN THIS CONDOMINIUM IS 2100 EASY STREET, UNIT 1001.
 5. THE UNIT'S LOCATION OF COMMON AREAS FOR COMPLETE DESCRIPTION OF OWNERSHIP.

UNIT SQUARE FOOTAGE TABLE

UNIT #	UNIT TYPE	SQ. FT.
1001	1-BED	1,100
1002	1-BED	1,100
1003	1-BED	1,100
1004	1-BED	1,100
1005	1-BED	1,100
1006	1-BED	1,100
1007	1-BED	1,100
1008	1-BED	1,100
1009	1-BED	1,100
1010	1-BED	1,100

ZOOMS
(See Sheet 10 of 12 for Ownership)

UNIT POINT OF BEGINNING TABLE

UNIT #	POINT OF BEGINNING	COORDINATES
1001	4,250.00	1,100.00
1002	4,250.00	1,100.00
1003	4,250.00	1,100.00
1004	4,250.00	1,100.00
1005	4,250.00	1,100.00
1006	4,250.00	1,100.00
1007	4,250.00	1,100.00
1008	4,250.00	1,100.00
1009	4,250.00	1,100.00
1010	4,250.00	1,100.00

FOURTH LEVEL FLOOR PLAN

CONDOMINIUM PLAN UNION SQUARE

AUTUM CONDOMINIUM PROJECT

THIS MAP WAS PREPARED FOR THE AUTUM CONDOMINIUM PROJECT, 2100 EASY STREET, UNIT 1001, SAN FRANCISCO, CALIFORNIA. THE MAP WAS PREPARED BY THE ARCHITECT, 2100 EASY STREET, UNIT 1001, SAN FRANCISCO, CALIFORNIA. THE MAP WAS PREPARED BY THE ARCHITECT, 2100 EASY STREET, UNIT 1001, SAN FRANCISCO, CALIFORNIA.

2008 REC 31105 FILE: 000000-57

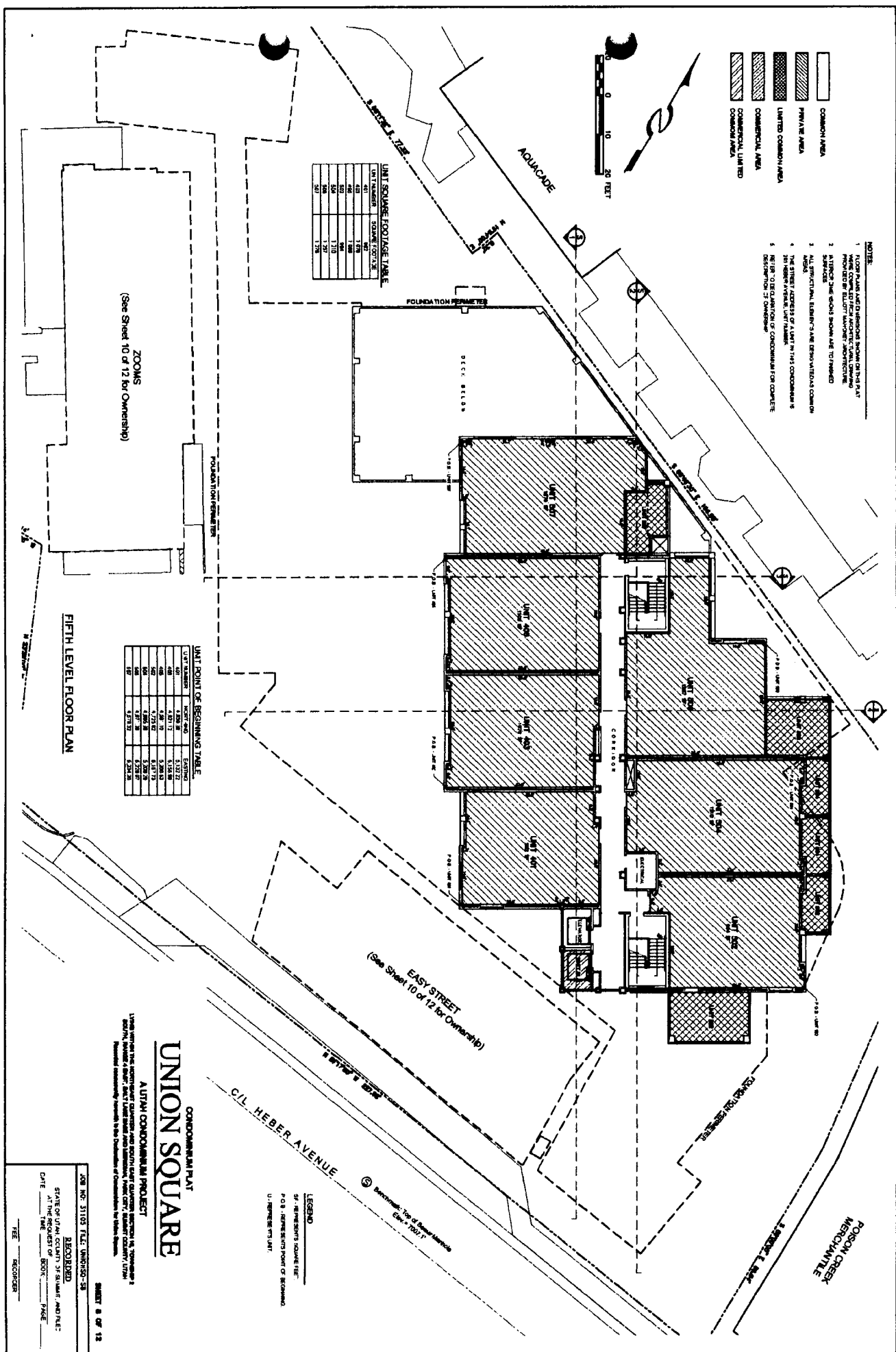
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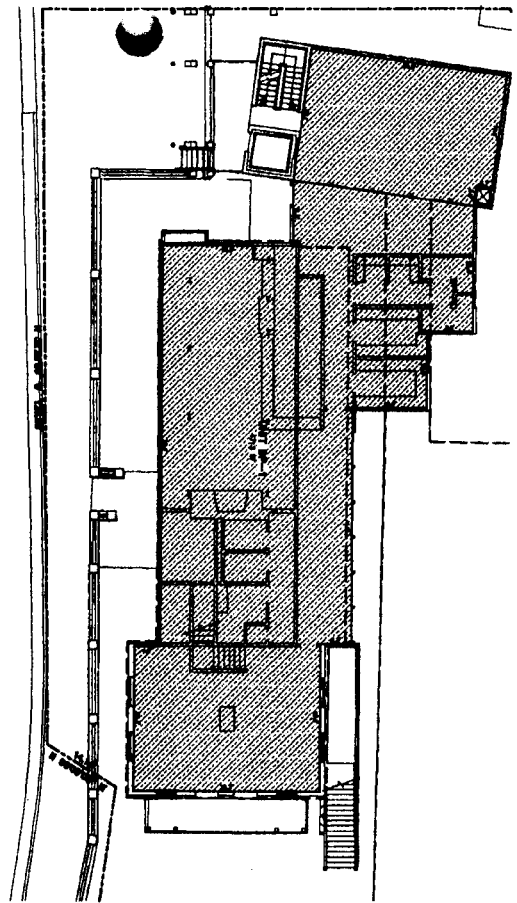
STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

DATE: _____ TIME: _____ PAGE: _____

FILE: _____

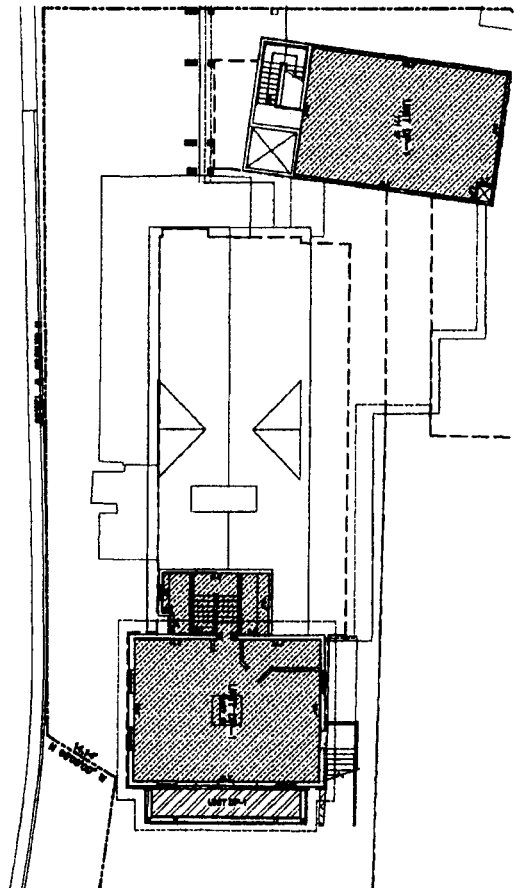
POISON CREEK
METEORITE



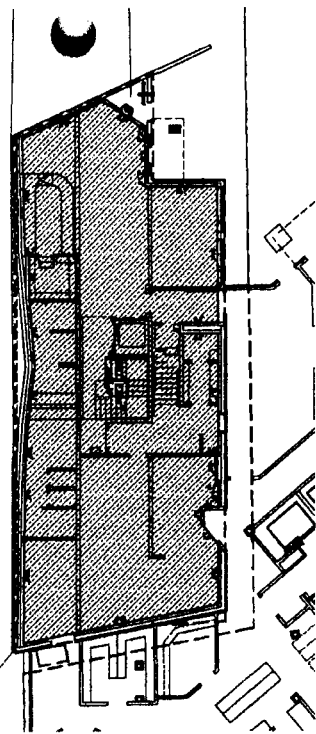


Zooms Ground Level Floor Plan

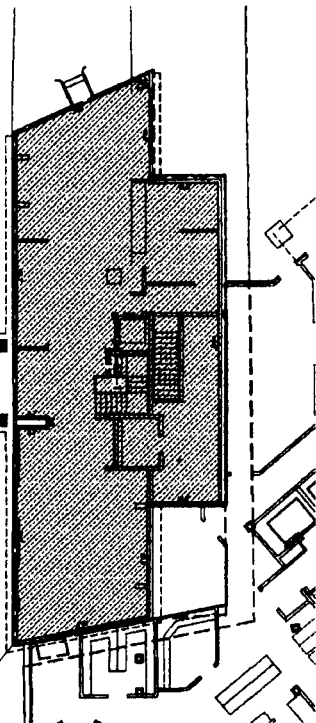
LEGEND
 1. 100' x 100' SQUARE FOOT
 2. 100' x 100' SQUARE FOOT
 3. 100' x 100' SQUARE FOOT
 4. 100' x 100' SQUARE FOOT
 5. 100' x 100' SQUARE FOOT



Zooms Upper Level Floor Plan

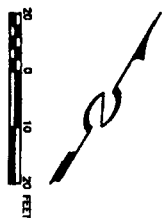


Easy Street Ground Level Floor Plan



Easy Street Upper Level Floor Plan

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED
- COMMON AREA



CONDOMINIUM UNION SQUARE

UNION SQUARE CONDOMINIUM PROJECT
 1. 100' x 100' SQUARE FOOT
 2. 100' x 100' SQUARE FOOT
 3. 100' x 100' SQUARE FOOT
 4. 100' x 100' SQUARE FOOT
 5. 100' x 100' SQUARE FOOT

200 NO. 3110S FILE NUMBER: 510
 RECORDED
 STATE OF ILLINOIS COUNTY OF STANFORD AND FIELD
 DATE _____ TIME _____ PAGE _____
 FEE _____ RECORDER _____

COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA

P.O. B. REPRESENTS POINT OF BEGINNING
U - REPRESENTS UNIT



1. FLOOR PLAN AND DIMENSIONS SHOWING THE PLAY AREA, CONSIDERED FROM A PRACTICAL, DRAWING PROVIDED BY BIDDING MEMBER. ARCHITECTURAL SURFACES
2. INTERIOR DIMENSIONS SHOWING ARE TO FINISHED SURFACES
3. ALL PHYSICAL ELEMENTS ARE DEFINED TO A COMMON AREA
4. THE STREET ADDRESS OF A UNIT IN THE COMMON AREA IS 201 KESTER AVENUE, UNIT NUMBER
5. DESIGN TO DETERMINATION OF COMMON AREA FOR COMPLETE DETERMINATION OF OVERLAP.

CONDOMINIUM PLAT
UNION SQUARE

¹Used within the HORTON-BAIT CATTLE AND GOAT BAIT COLLECTION SECTION 14, TOWNSHIP SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN, PIUTE CTRY., SANJUAN COUNTY, UTAH

PAGE 11 OF 12

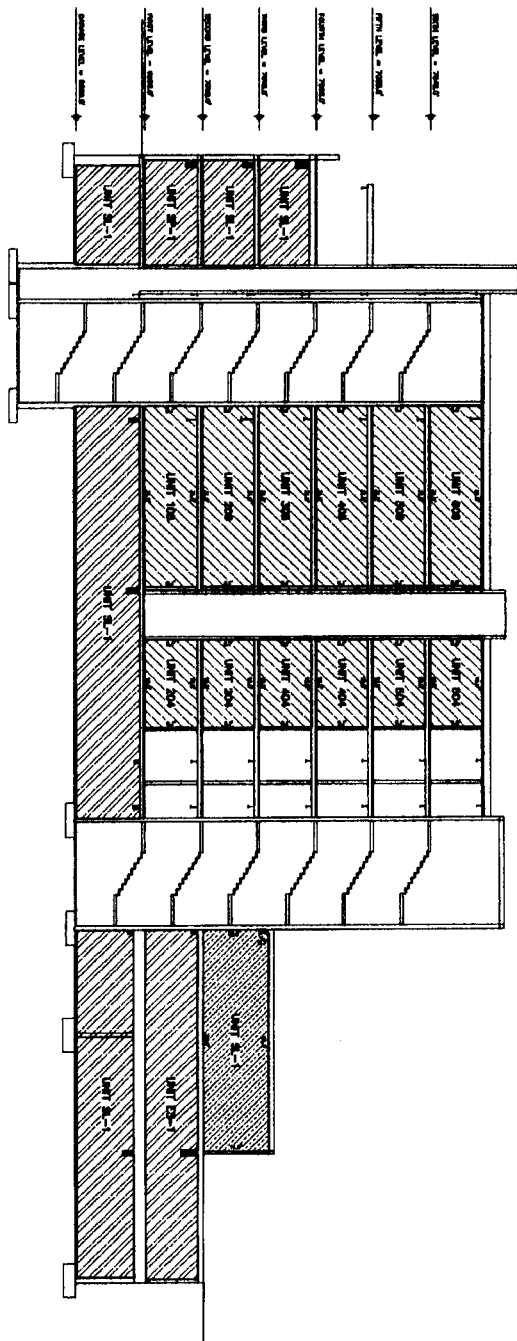
JCB NO: 51105 FILE: UNIFORMS-51

RECORDED
STATE OF ILL. COUNTY OF S.

STATE OF UTAH, COUNTY OF SUMMIT, AND FILE
AT THE REQUEST OF _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE RECORDER

SECTION S-2



- LEGEND**
- SF. REFERENCE POINTS SQUARE FEET
- P.O.B. REFERENCE POINT OF BE DRAWING
- U. REFERENCE POINT

	COMMON AREA
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMERCIAL AREA
	COMMERCIAL LIMITED COMMON AREA

1. FLOOR PLAN AND DIMENSIONS SHOULD BE IN THE AT LEAST 1/8" SCALE. THE FLOOR PLAN SHOULD BE PROVIDED BY ELIOTT HANNEY ARCHITECTURE.
2. INTERIOR DIMENSIONS SHOULD BE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. THE STREET ADDRESS OF A UNIT VITI'S CONDOMINIUM IS 201 PEBBLE AVENUE, UNIT 1101B.
5. REGARDLESS OF DECLARATION OF CONDOMINIUM FOR COMPLETE DEVELOPMENT OF CONDOMINIUM.

CONDOMINIUM PLAT
UNION SQUARE

LIVEN WITHIN THE MOONSHAR QUARTER AND SOUTH EAST QUARTER SECTION 16, TOWNSHIP 5 SOUTH, RANGE 6 EAST, 34TH LINE T46S AND IRONDALE, PIKE CITY, STANLEY COUNTY, LUTHE

Revised continuously towards the Distribution of Contributions for Urban Region.

PAGE 12 OF 12

JOB NO. 31105 FILE: UNIONSQ-512

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT,
IN AND FOR THE SAID COUNTY OF SUMMIT, UTAH.

DATE _____ TIME _____ BOOK _____ PAGE _____

FILE RECORDED

UNION SQUARE THIRD AMENDED

PROJECT INTENT

October 18, 2024

Union Square Condominium Plat, recorded April 12, 2006, as Entry No. 774532, in the Office of the Recorder, Summit County, Utah, was created from a parcel of land at the northeast corner of Heber Avenue and Main Street. Union Square First Amended Condominium Plat was subsequently recorded August 3, 2009, as Entry No. 879382, retiring the original plat. Union Square Second Amended, recorded July 11, 2024, as Entry No. 1222488, amended portions of the Commercial Limited Common Area appurtenant to Unit LB-1 on Sheet 4 of 12 & Sheet 11 of 12 of Union Square First Amended Condominium Plat, from "Appurtenant to Unit LB-1" to "Appurtenant to Unit COM-3".

The limited common area amended in Union Square Second Amended matched the configuration of the limited common area shown in Union Square First Amended Condominium Plat. This was a mistake, as the owner's intent was for the limited common area to match the configuration of the "Licensed Space" and the "Revised Commercial Limited Common Area Appurtenant to Unit LB-1" shown in a Memorandum of License (attached with this application), recorded January 30, 2019, as Entry No. 1105359 in the Office of the Recorder, Summit County, Utah.

Union Square Third Amended intends to show the limited common area as the same configuration as the Memorandum of License.

**ACTION BY WRITTEN CONSENT
OF THE OWNERS
IN LIEU OF A MEETING
FOR
UNION SQUARE, A UTAH CONDOMINIUM PROJECT**

Effective for all purposes:
October 10, 2023

In accordance with the provisions of the Utah Condominium Ownership Act contained in Title 57, Chapter 8 of the Utah Code (the “**Condominium Act**”), the Declaration of Condominium for Union Square, a Utah Condominium Project, as amended (the “**Declaration**”), and the Code of Bylaws of the Union Square Owners Association, Inc., a Utah nonprofit corporation, as amended (the “**Bylaws**”), the undersigned, constituting (80.75%) of the voting interest of the owners of all units (including owners of shared interests of the various residential units) (the “**Owners**”) of that certain real property situated in the County of Summit, State of Utah described in **Exhibit A** (the “**Property**”) governed by the Union Square Owners Association, Inc., a Utah nonprofit corporation (the “**Association**”) do hereby take the following actions and adopt the resolutions contained herein in lieu of a meeting. All capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Declaration and Bylaws.

Approval of Plat Amendment

WHEREAS, the Owners, upon careful consideration and discussion, have determined that it is in the best interest of the Association to amend the Plat of the property according to that certain plat amendment, a copy of which is attached hereto as **Exhibit B** (the “**Plat Amendment**”), whereby certain Commercial Unit Limited Common Area of the Property that is currently appurtenant to the Commercial Unit known as “LB-1” will be newly designated as appurtenant to the Commercial Unit known as “Com-3”.

WHEREAS, the Condominium Act, Section 39, Part (1)(a)(i) states in part that “to amend the governing documents, the governing documents may not require: (A) for an amendment adopted after the period of administrative control, the vote or approval of unit owners with more than 67% of the voting interests;” and that the governing documents may also not require “(B) the approval of any specific unit owner” (emphasis added).

WHEREAS, Section 18.1 of the Declaration as amended entitled “Owner Amendment” states in part that “except as provided elsewhere in this Declaration, any amendment to this Declaration or the Plat shall require the following: (1) the affirmative vote of at least sixty-seven percent (67%) of the Total Voting interest of the Association, (2) the affirmative vote of at least

fifty-one percent (51%) of the Shared Interest votes of the Association, such share being the same or greater than fifty-one percent (51%) of the total interest in the Common Area and Facilities appurtenant to all of the Shared Interest Units, and (3) the affirmative vote of at least fifty-one percent (51%) of the Commercial Unit Owners, such share being the same or greater than fifty-one percent (51%) of the total voting interest in the Common Area and Facilities appurtenant to all of the Commercial Units, all cast in person or by proxy at a meeting duly called for such purpose or otherwise approved in writing by such Owners. Any amendment authorized pursuant to this Section shall be accomplished through the recordation in the office of the Summit County Recorder of an instrument executed by the Association. In such instrument an officer or Trustee of the Association shall certify that the vote required by this Section for amendment has occurred.”

WHEREAS, in compliance with the Condominium Act, Section 39, Part (1)(a)(i) and Section 18.1 of the Declaration, as illustrated in Schedule A, Owners representing **(80.75%)** of the total voting interest of the Association, **(72.03%)** of the total voting interest of the Shared Interest votes of the Association, and **(100%)** of the total voting interest of the Commercial Unit Owners of the Association desire to accept the Plat Amendment via a resolution by written consent.

WHEREAS, the Association is currently subject to that certain Amended Order Appointing Receiver, dated October 19, 2019 (as amended from time to time, the “**Receivership Order**”) by which John Curtis has been appointed as Receiver over the Association per the terms of the Receivership Order, and by which certain actions related to the Association and the Property may require prior court approval before becoming effective. .

NOW, THEREFORE, BE IT RESOLVED: That the undersigned Owners do hereby approve and ratify the Plat Amendment, in the form substantially as provided for in Exhibit B, and, to the extent necessary, do authorize the Receiver, on behalf of the Association, after prior court approval as may be necessary, to execute, deliver and cause the Association to record the Plat Amendment in the office of the Summit County Recorder by an instrument executed by the Association and to certify the vote required for such action by the Declaration.

Omnibus

RESOLVED, FURTHER: That each Trustee or officer is authorized and empowered to take any and all such further action, to execute and deliver any and all such further agreements, instruments, documents and certificates, in the name and on behalf of the Association (through the Receiver) or such Trustee or officer, as any such Trustee or officer may deem necessary or advisable to effectuate the purposes and intent of the resolutions hereby adopted, the taking of such actions, the execution and delivery of such agreements, instruments, documents and certificates by any such Trustee or officer to be conclusive evidence of such person’s authorization hereunder and approval thereof.

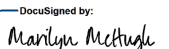
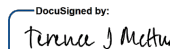
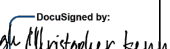
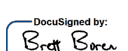
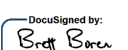
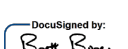
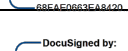
RESOLVED, FURTHER: That any and all actions taken by the Trustee or officers of the Association to carry out the purposes and intent of the foregoing resolutions prior to their adoption are approved, ratified and confirmed.

We direct that this Action by Written Consent of the Owners be filed with the minutes of the proceedings of the meeting of the Owners of the Association after any prior court approval, if necessary. This Action by Written Consent may be signed in counterparts and may be signed by electronic or facsimile signature, each of which shall be deemed to be an original, and all of which together shall constitute one and the same document, effective as of the date first written above.

IN WITNESS WHEREOF, the undersigned in **Schedule A** have executed this Action by Written Consent of the Owners as of the day and year first above written.

(Remainder of page left intentionally blank)

Schedule A: Consent and Voting Summary

Entity				By Voting Interest (Unit Sq. Ft)			
Legal Owning Entity	Voting Entity	Signatory	Signatures	Sq. Ft of Units Owned	% of Total (Residential + Commercial)	% of Residential	% of Commercial
Residential							
Logan Mills Woolley and Krista Woolley	Logan Mills Woolley and Krista Woolley	Logan Mills Woolley and Krista Woolley	 DocuSigned by: 4D16B4335CD4E2...	2,064	3.27%	4.76%	
The Urban Phoenix, L.L.C., an Ohio limited liability company	The Urban Phoenix, L.L.C.	Marilyn McHugh, Christopher Kennedy, and Terence McHugh, Members	 DocuSigned by: A364BD91869749B...  DocuSigned by: 1F935B9638DA4B7...  DocuSigned by: EC4E448EC52C42D...	406	0.64%	0.94%	
Northstar Investment Properties LLC, a Utah limited liability company	Northstar Investment Properties LLC	Andy Compas and Sarah Compas, Members	 DocuSigned by: 9ACC4D0B546044D...  DocuSigned by: E7420239E6EA413...	301	0.48%	0.69%	
The Hall Family Trust	The Hall Family Trust dated November 12, 2015	Michael Hall and Suzanne Hall, Trustees	 DocuSigned by: 757ADF7368FB471...  DocuSigned by: 1F80670D2A6A45F...	543	0.86%	1.25%	
Sky & Main Residential LLC, a Utah limited liability company	Sky & Main Residential LLC	Brett Boren, on behalf of Reef Private Equity LLC, Manager	 DocuSigned by: 8E6C5CE45C80473...	16,944	26.88%	39.04%	
Sky & Main Holdings, LLC, a Utah limited liability company	Sky & Main Holdings, LLC	Brett Boren, on behalf of Reef Private Equity LLC, Manager	 DocuSigned by: 8E6C5CE45C80473...	264	0.42%	0.61%	
Sky & Main Common LLC, a Utah limited liability company	Sky & Main Common LLC	Brett Boren, on behalf of Reef Private Equity LLC, Manager	 DocuSigned by: 8E6C5CE45C80473...	9,196	14.59%	21.19%	
603 F - Sky & Main LLC, a Utah limited liability company	603 F - Sky & Main LLC	Brett Boren, on behalf of Reef Private Equity LLC, Manager	 DocuSigned by: 8E6C5CE45C80473...	310	0.49%	0.71%	
507 B - Sky & Main LLC, a Utah limited liability company	507 B - Sky & Main LLC	Justin Belliveau on behalf of Reef Private Equity, Manager	 DocuSigned by: 68FAE0B83FA8420...	157	0.25%	0.36%	
506-606 B - Sky & Main LLC, a Utah limited liability company	506-606 B - Sky & Main LLC	Justin Belliveau on behalf of Reef Private Equity, Manager	 DocuSigned by: 68FAE0B83FA8420...	263	0.42%	0.61%	
405-505 D - Sky & Main LLC, a Utah limited liability company	405-505 D - Sky & Main LLC	Justin Belliveau on behalf of Reef Private Equity, Manager	 DocuSigned by: 68FAE0B83FA8420...	271	0.43%	0.63%	

305-205 C - Sky & Main LLC, a Utah limited liability company	305-205 C - Sky & Main LLC	Justin Belliveau on behalf of Reef Private Equity, Manager	DocuSigned by: <i>Justin Belliveau</i> 68FAE0683EA8420...	278	0.44%	0.64%	
209 E - Sky & Main LLC, a Utah limited liability company	209 E - Sky & Main LLC	Justin Belliveau on behalf of Reef Private Equity, Manager	DocuSigned by: <i>Justin Belliveau</i> 68FAE0683EA8420...	264	0.42%	0.61%	
				Sub- Total Residential 31,261		72.03%	
						of 51%	
Commercial Unit Owners							
201 Heber Lobby LLC, a Utah limited liability company	201 Heber Lobby LLC	Brett Boren, on behalf of Reef Private Equity LLC, Manager	DocuSigned by: <i>Brett Boren</i> 8E6C5CE45C80473...	2,867	4.55%		14.59%
PRC "C/D", LLC, a Utah Limited Liability Company	PRC "C/D", LLC	Margo W. Cowley and Mike C. Stangl, Managers	DocuSigned by: <i>Margo W. Cowley</i> FD2E8F692120483... DocuSigned by: <i>Mike Stangl</i> 0408A1FAC07E430...	11,157	17.70%		56.79%
Storied Deer Valley LLC, a Delaware limited liability company	Storied Deer Valley LLC, a Delaware limited liability company	J. Brett Boren on behalf of 201 Heber Lobby LLC, as attorney in fact	DocuSigned by: <i>Brett Boren</i> 0FC0E05E6C88A70...	5,622	8.92%		28.62%
				Sub- Total Commercial 19,646			100.00%
						of 51%	
				50,907	80.75%		
				Total (Residential + Commercial) of 63,045 sqft	of 66.7% required to approve amendment		

CONFIRMATION OF THE ASSOCIATION

I, John Curtis, as the court-appointed receiver over the Union Square Owners Association, Inc. (the “Association”) per the Amended Order Appointing Receiver, dated October 19, 2019 (the “Receivership Order”), do hereby confirm that the voting interest figures contained above in this Schedule A are accurate to my knowledge based on my review of the books and records of the Association.

DocuSigned by:

John Curtis

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Date: 10/19/2023 | 6:09:36 PM EDT

John Curtis, Receiver

Exhibit A

DESCRIPTION OF THE PROPERTY

The Property consists of three buildings and other improvements described as follows:

The Sky Lodge. The Sky Lodge is a six-story building containing, among other things, twenty-two (22) Hotel Residence Units, three (4) Commercial Units, and an underground parking garage with thirty-nine (39) parking spaces. The aggregate Square Footage of the Hotel Residence Units is forty three thousand four hundred and nineteen (43,419) square feet. The aggregate Square Footage of the Commercial Units is eight thousand three hundred and thirty nine (8,339) square feet.

Easy Street Brasserie and Bar Boheme Building. The second building located on the Property, is a Commercial Unit called the Easy Street Brasserie and Bar Boheme building. The Square Footage of the Easy Street Brasserie and Bar Boheme building is approximately five thousand six hundred and twenty two (5,622) square feet. The Easy Street Brasserie building connects to The Sky Lodge via a meeting room within The Sky Lodge.

Historic Depot Building. The third building located on the Property, is a Commercial Unit called the Historic Depot Building. The Square Footage of the Historic Depot Building is five thousand six hundred and eighty five (5,685) square feet.

Other Improvements. The Property also includes other improvements such as certain outdoor amenities, patios, water features, a bandstand, and outdoor dining areas.

Exhibit B

PLAT AMENDMENT

(Attached)

Planning Commission Staff Report



Subject: 1120 Park Avenue
Application: PL-24-06309
Author: Lillian Zollinger, Planner III
Date: January 8, 2025
Type of Item: Conditional Use Permit

Recommendation

(I) Review the request for a Conditional Use Permit (CUP) to allow driveway access from Sullivan Road, (II) conduct a public hearing, and (III) provide input to the Applicant and continue the item to January 22, 2025.

Pursuant to LMC [§ 15-2.4-8\(A\)](#), an Applicant must prove to the Planning Commission that the project has positive elements furthering reasonable planning objectives to allow driveway access from Sullivan Road. Staff requests the Commission provide input to the Applicant specifically regarding mature landscaping, setbacks, and density so the Applicant can evaluate the proposal for potential Commission Final Action on January 22, 2025.

Description

Applicant: Terrence McGrath, represented by Stoker Architecture, Inc.
Location: 1120 Park Avenue
Zoning District: Historic Residential – Medium Density
Adjacent Land Uses: Residential, City Park
Reason for Review: The Planning Commission reviews and takes Final Action on Conditional Use Permits.¹

CUP	Conditional Use Permit
HDDR	Historic District Design Review
HRM	Historic Residential – Medium Density
LMC	Land Management Code
MCPC	Municipal Code of Park City
SFD	Single-Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Summary

1120 Park Avenue is a vacant 2,812.5-square-foot Lot in the Historic Residential – Medium Density (HRM) Zoning District and Lot A of the [Double H Plat Amendment](#). The Applicant proposes constructing a Single-Family Dwelling (SFD) on the Lot, and

¹ LMC [§ 15-1-8\(G\)](#)

requests driveway access to the rear of the Lot from Sullivan Road, which is City-owned property (Parcel SA-360-A-X). Sullivan Road access is specifically addressed in Land Management Code (LMC) [§ 15-2.4-8](#) and requires a Conditional Use ²[\[OBJ\]](#)

Background

The Applicant requests Sullivan Road driveway access to decrease the vehicular impact along Park Avenue by eliminating the driveway and parked cars at the front of the property within the Historic District. The portion of Sullivan Road proposed for access is a gravel throughway on City property and is not dedicated Right-of-Way.



1120 Park Avenue from the Zoning Map showing the Historic Residential – Medium Zoning District in dark blue and 1120 Park Avenue highlighted in orange.



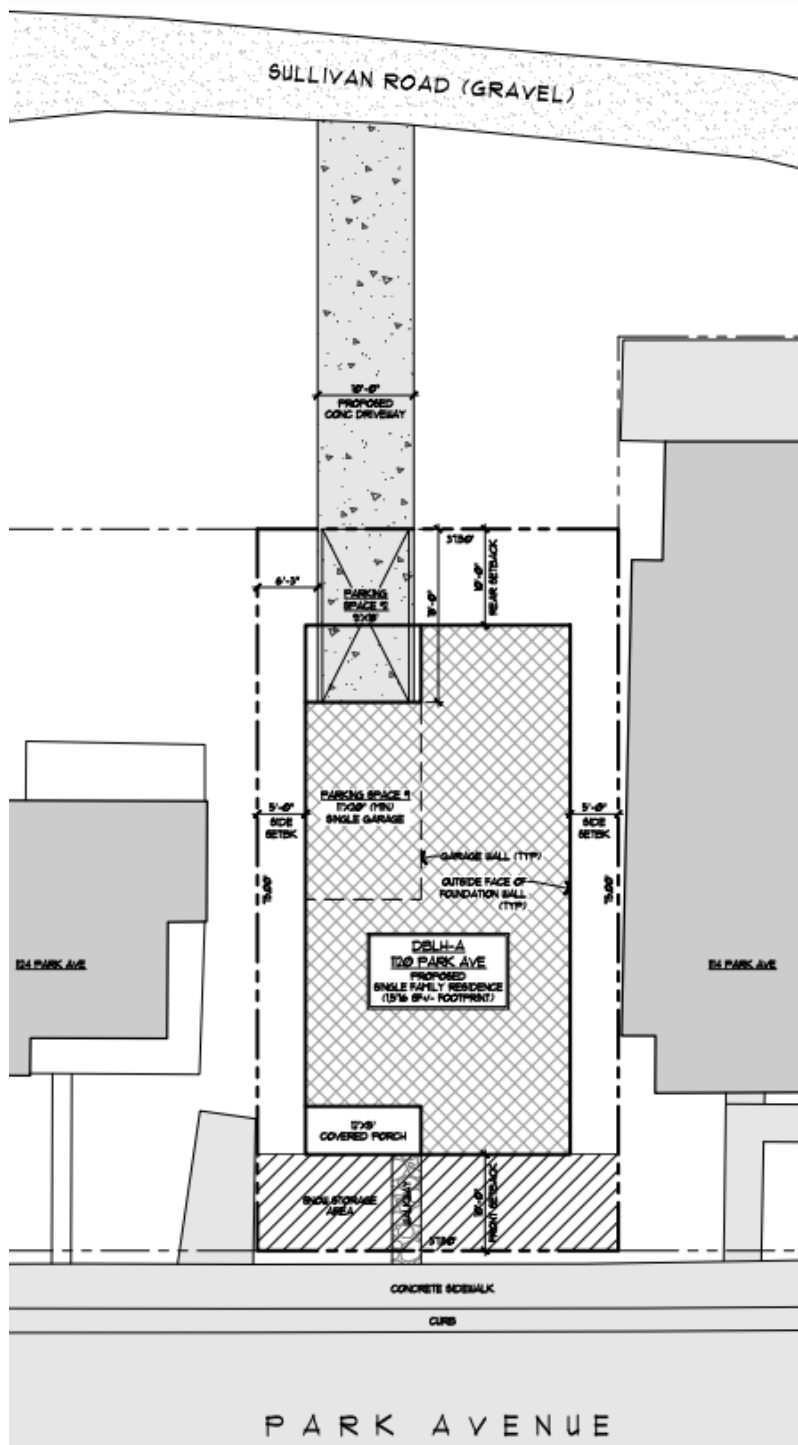
Sullivan Road, facing south; image taken from Google Maps.



1120 Park Avenue viewed from Park Avenue, highlighted on a Google Maps image in orange: photo taken by Staff.

² LMC [§ 15-2.4-8](#)

The Applicant requests a CUP for driveway access to Sullivan Road before moving forward with the Historic District Design Review (HDDR) process to finalize the design of the SFD for compliance with the HRM Zoning District and Historic District Design Regulations. The Planning Commission reviews requests for Sullivan Road access based on the criteria outlined in the Analysis Section below and may require Conditions of Approval through CUP review.



Proposed plans, provided by the Applicant.

Analysis

(I) The request for driveway access for a Single-Family Dwelling, as conditioned, complies with the Historic Residential – Medium Density Zoning District regulations outlined in LMC Chapter 15-2.4.

LMC [§ 15-2.4-1](#) outlines the purposes of the HRM Zoning District. One of the purposes is to “encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area.”

LMC [§ 15-2.4-3](#) outlines the requirements for Lots in the HRM Zoning District, analyzed in the table below:

Requirement	Analysis of Proposal
Minimum Lot Size – 1,875 square feet for SFD	Complies: 2,812.5 square feet
Maximum Lot Size – 3,750 square feet for SFD	Complies: 2,812.5 square feet
Minimum Lot Width – 37.5 feet	Complies: 37.5 feet
Front Setback – 10 feet	The Planning Commission may increase this regulation pursuant to LMC § 15-2.4-8(B)(2). See analysis below.
Rear Setback – 10 feet	New construction must comply under the HDDR review.
Side Setbacks – 5 feet	New construction must comply under the HDDR review.

(II) The Planning Commission may require Conditions of Approval for driveway access based on the Historic Residential Medium – Density Zoning District Conditional Use Permit Review criteria outlined in LMC § 15-2.4-6.

[Community Planning Strategy 15.7](#) of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. LMC [§ 15-13-8\(B\)\(1\)\(h\)\(1\)](#) regulating residential infill in Historic Districts states, “Off-street parking areas shall be located within the rear yard and beyond the rear wall plane of the primary structure when feasible.” The Applicant notes that the driveway access is requested “in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.”

LMC [§ 15-2.4-6](#) states the Planning Commission reviews CUPs in the HRM Zoning District according to the following eight criteria in addition to the 16 CUP criteria outlined in [§ 15-1-10](#):

A. Consistent with the Design Regulations for Historic Districts and Historic Sites:

Condition of Approval recommended

The final design shall be reviewed under an HDDR application and shall comply with Historic District Design Regulations outlined in LMC [§ 15-13-8](#) regarding residential infill in the Historic Districts. The single-car garage shall be reviewed under LMC [§ 15-13-8\(B\)\(1\)\(h\)](#), which states, “New driveways shall not exceed ten (10) feet in width. Shared driveways shall be used when feasible.”

The design shall also be reviewed under LMC [§ 15-13-8\(B\)\(6\)\(d\)](#), which states that Garages “shall be visually minimized when viewed from the primary public right-of-way.”

B. The Applicant may not alter the Historic Structure to minimize the residential character of the Building:

No unmitigated impacts

There is not a Historic Structure on the site.

C. Dedication of a Facade Preservation Easement for Historic Buildings and/or Structures is required to assure preservation of the Historic Building and/or Structure and the Historic fabric of the surrounding neighborhood:

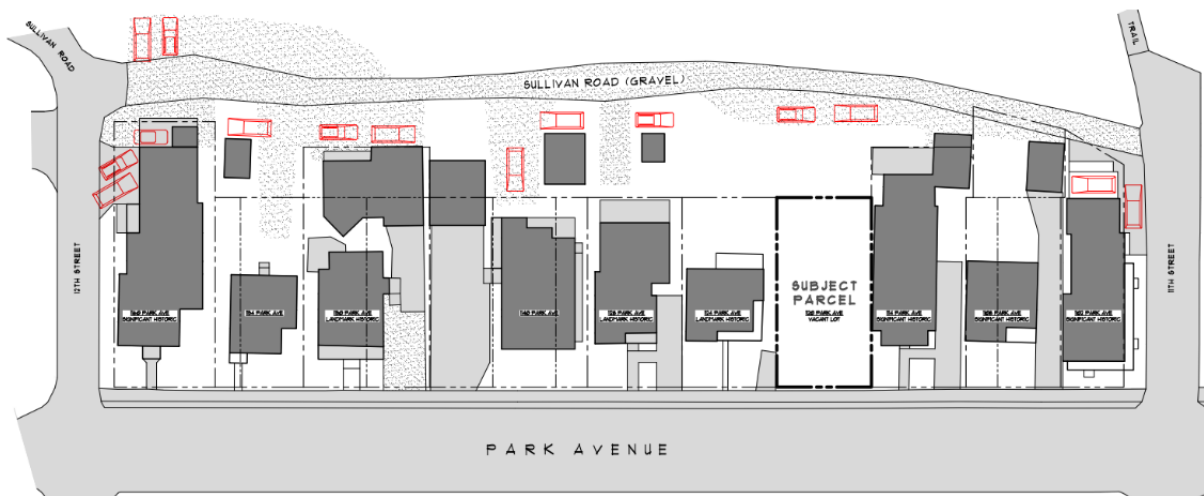
No unmitigated impacts

There is not a Historic Structure on the site.

D. New Buildings and additions must be in scale and Compatible with the mass, height, width, and Historic character of the surrounding residential neighborhood and existing Historic Buildings and/or Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street:

Condition of Approval recommended

The final design will be reviewed under an HDDR application and will be required to comply with Historic District Design Regulations outlined in LMC [§ 15-13-8](#) for residential infill in Historic Districts wherein new infill residential buildings shall “...reflect the historic character...[and]...be compatible with historic structures in materials, features, size, scale and proportion, and massing...[and]...reinforce visual unity within the context of the Streetscape or character area.”



Proposed plans showing the streetscape, provided by the Applicant.

1120 Park Avenue is south of two Historic Sites: [1124 Park Avenue](#) and [1128 Park Avenue](#). Historic Sites are exempt from parking requirements. 1128 Park Avenue provides parking in the rear of the site with access from both Park Avenue and Sullivan Road. 1124 Park Avenue has no on-site parking.



1128 Park Avenue (gray home) and 1124 Park Avenue (light blue home), two adjacent Historic Sites. 1120 Park Avenue is the vacant lot with significant vegetation to the right of 1124 Park Avenue.

E. Parking requirements of LMC Chapter 15-3 shall be met:

No unmitigated impacts

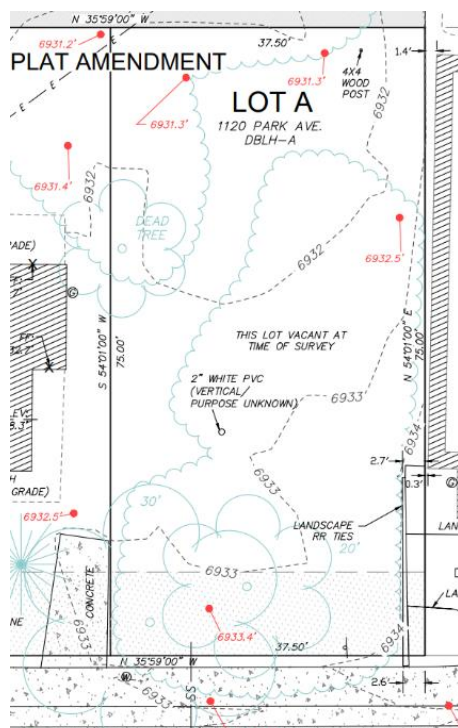
The proposal meets the Parking requirements of LMC [§ 15-3-6\(A\)](#). See Section IV below for the full Parking Analysis.

- F. **All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged:**

Conditions of Approval recommended

LMC [§ 15-15-1](#) defines Significant Vegetation as, “all large trees six inches (6”) in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.”

Shifting the driveway access to the rear may provide an opportunity to preserve Significant Vegetation at the front of the property. The Applicant does not yet have an arborist's report regarding the condition of the tree but is working to obtain one. The Applicant currently proposes a Structure that meets the minimum Front Setback but does not yet have detailed plans for the design of the SFD. The Applicant is concerned that leaving the tree at the front of the property will cause issues with the construction, and currently plans on removing the tree, regardless of the final action taken on the Sullivan Road access CUP and regardless of the driveway access. The Applicant requests the Planning Commission consider allowing them to remove the existing tree and replace it on site, instead of preserving it.



Existing Vegetation shown on the survey



*Existing Vegetation seen from Park Avenue;
photo taken by Staff.*

The Applicant notes that the non-Significant Vegetation would be removed to construct the SFD and existing Significant Vegetation that can be preserved will

be preserved. Significant Vegetation that must be removed to construct the SFD will be required to be reviewed and approved by the Forestry Board. A landscaping plan will be required as part of the HDDR application. Future landscaping will be required to comply requirements outlined in LMC § 15-5-5(N) and Historic District regulations outlined in LMC § 15-13-8 at the time of HDDR review.

G. Fencing and Screening between commercial and Residential Uses is required along common Property Lines:

No unmitigated impacts

There are no proposed Commercial Uses and adjacent uses are residential, therefore no screening between uses is required.

H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians:

Condition of Approval recommended

All utility or mechanical equipment shall comply with Setback requirements and exceptions outlined in LMC [§ 15-2.4-3](#), *Historic Residential Medium Lot and Site Requirements*, and with screening requirements outlined in LMC [§ 15-13-8\(B\)\(1\)\(e\)](#).

(III) The request for driveway access may be Conditioned to meet the requirements for Sullivan Road Access criteria in LMC § 15-2.4-8.

The Planning Commission may issue a CUP for limited access on Sullivan Road, including a curb cut for an adjoining residential project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.³

The Planning Commission reviews three criteria when considering driveway access for Sullivan Road:

A. Criteria for Conditional Use review for limited access.

Pursuant to LMC [§ 15-2.4-8\(A\)](#), limited access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives. [Community Planning Strategy 15.7](#) of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. LMC [§ 15-13-8\(B\)\(1\)\(h\)\(1\)](#) states, “Off-street parking areas shall be located within the rear yard and beyond the rear wall plane of the primary structure when feasible.” The Applicant notes that the driveway access is requested “in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.” See Exhibit B for the Applicant’s full

³ LMC [§ 15-2.4-8](#)

narrative.

B. Neighborhood Mandatory Elements Criteria

Pursuant to LMC [§ 15-2.4-8\(B\)](#), the Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road:

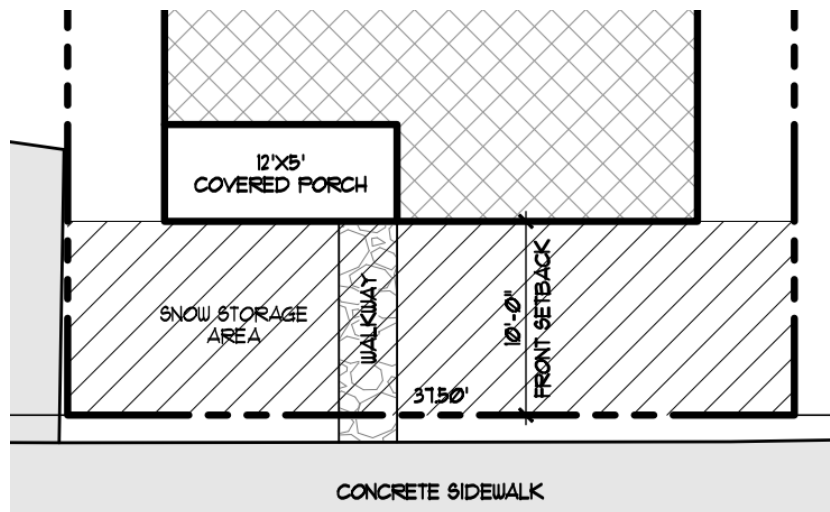
1. Utility Considerations

On December 3, 2024, the Development Review Committee⁴ required that the utilities be accessed from Park Avenue.

2. Enhanced Site Plan Considerations

a. Variation in Front Yard and Building Setbacks to Orient Porches and Windows onto Street Fronts

The Applicant proposes a structure that has a porch facing Park Avenue and meets the minimum ten-foot Front Setback required in LMC [§ 15-2.4-8\(B\)\(2\)](#). The Applicant does not propose an increased Front Setback.

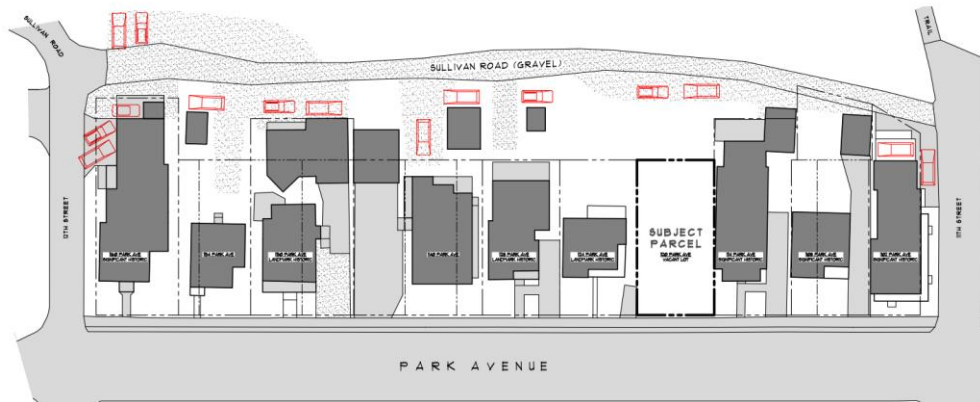


Proposed plans showing a porch and the 10' Front Setback, provided by the Applicant.

b. Increased Front Setbacks

The Applicant proposes a structure that meets, but does not exceed, the minimum Setbacks outlined in LMC [§ 15-2.4-8\(B\)\(2\)](#).

⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).



Proposed plans showing the streetscape, provided by the Applicant.

c. ***Increased Snow Storage***

The Double H Plat Amendment includes a 10-foot-wide snow storage Easement along Park Avenue. On December 3, 2024, the Engineering Department noted that additional Snow Storage beyond the existing 10-foot-wide Snow Storage Easement on this site is not needed.

d. ***Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.***

The plans do not propose any TDR or Open Space preservation. See the analysis above in Section II regarding Significant Vegetation.

e. ***Elimination of Multi-Unit or Triplex Dwellings.***

There is no elimination of Multi-Unit or Triplex Dwellings.

f. ***Minimized Access to Sullivan Road.***

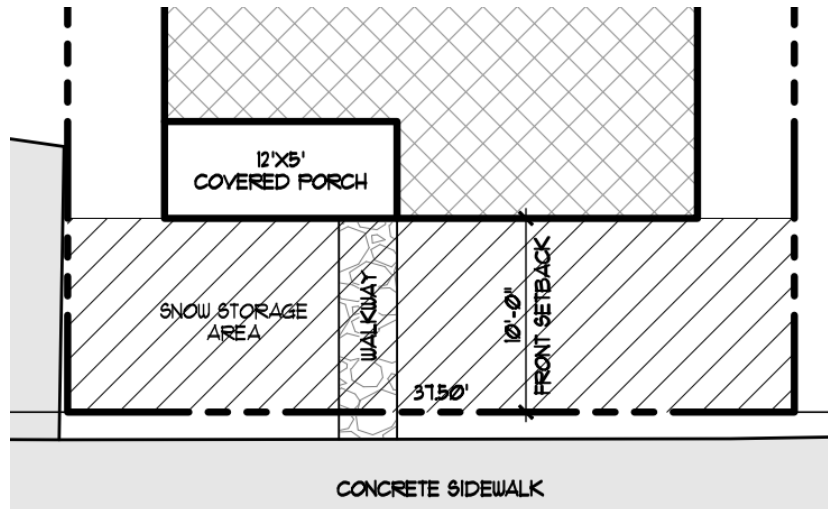
The Applicant proposes a ten-foot-wide driveway across Sullivan Road Parcel SA-360-A-X for a single-car garage, which is the maximum width allowed pursuant to LMC [§ 15-13-8\(1\)\(h\)\(7\) Parking Areas & Driveways](#), and LMC [§ 15-3-3\(H\)\(1\) General Parking Area and Driveway Standards](#).

g. ***Decreased Density.***

The Applicant does not propose decreasing density. The Applicant proposes a structure that builds to the fullest extent allowed under the minimum Setbacks.

3. ***Incorporation of Pedestrian and Landscape Improvements Along Park Avenue, Sullivan Road, and Eastern Avenue***

The Applicant proposes a walkway to connect the new SFD to the sidewalk on Park Avenue. By moving the driveway to the rear of the structure, there is more space to create a prominent front entrance and yard viewed from Park Avenue.



Proposed plans showing a walkway, provided by the Applicant.

4. Parking Mitigation

The plans show all parking in the rear of the structure, and free from the Front Setback. See Section IV below for the full Parking analysis.

C. Affordable Housing Applicability

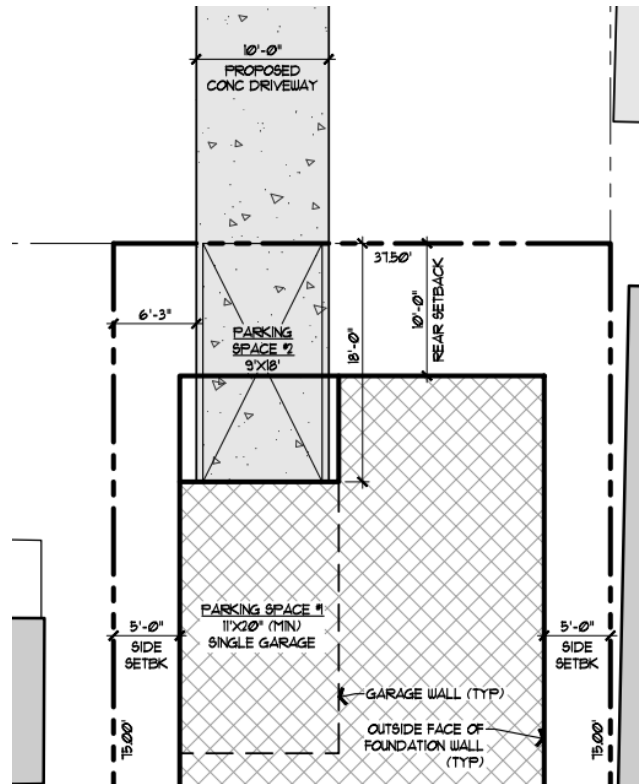
[Resolution 05-2021](#) states, “The development of affordable housing units that are not part of any housing obligations resulting from a Master Planned Development or an Annexation Agreement are exempt from the requirements of this Resolution.” Therefore, the SFD does not trigger affordable housing obligations.

(IV) The request for driveway access complies with parking requirements outlined in LMC § 15-3-6.

LMC [§ 15-2.4-6](#), *Conditional Use Permit Review*, states Parking requirements must be met as part of a CUP. LMC [§ 15-3-6\(A\)](#) requires two parking spaces for a SFD. Parking Spaces must be at least nine feet in width by 18 feet in length.⁵ The Applicant proposes one unenclosed Parking Space nine feet in width and 18 feet in length. Parking Spaces within a garage must be at least 11 feet by 20 feet.⁶ The Applicant proposes one garage Parking Space that is 11 feet by 20 feet.

⁵ LMC [§ 15-3-3\(F\)\(1\)](#)

⁶ LMC [§ 15-3-4\(A\)\(1\)](#)



Proposed parking space plan provided by the Applicant.

(V) The proposal may be Conditioned to meet the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

1. Size and location of the site:

No unmitigated impacts

The size of the Lot complies with the HRM Zoning requirements as outlined above. The request moves driveway access from Park Avenue to Sullivan Road.

2. Traffic considerations including capacity of the existing Streets in the Area:

No unmitigated impacts

[Traffic Impact Studies](#) (TIS) are required for developments with 25 or more SFDs. Therefore, this CUP for one SFD does not require a TIS. The proposed SFD requires two Parking Spaces.⁷ The request moves driveway access from Park Avenue to Sullivan Road. The traffic impact is minimal regardless of whether the driveway is accessed off Park Avenue or Sullivan Road.

3. **Utility capacity, including Storm Water run-off:**

Condition of Approval recommended

On December 3, 2024, the Development Review Committee required that the utilities be accessed from Park Avenue (see Condition of Approval 9).

4. **Emergency vehicle access:**

No unmitigated impacts

On December 3, 2024, the Park City Fire District noted that Emergency vehicle access would be from Park Avenue, even if driveway access was from Sullivan Road.

5. **Location and amount of off-Street parking:**

No unmitigated impacts

The proposed SFD requires two Parking Spaces.⁸ The request moves driveway access from Park Avenue to Sullivan Road reducing the visibility of cars on the site from Park Avenue within the Historic District. See Section IV above for the full Parking analysis.

6. **Internal vehicular and pedestrian circulation system:**

No unmitigated impacts

The proposed SFD requires two Parking Spaces.⁹ The request moves driveway access from Park Avenue to Sullivan Road and would remove the visibility of cars from Park Avenue and prohibits vehicles from parking within the Front yard. Pedestrians could access the SFD from either Park Avenue or Sullivan Road.

7. **Fencing, Screening, and landscaping to separate the Use from adjoining Uses:**

Condition of Approval recommended

There are no proposed fences, screening or landscaping currently. Proposed fences, screens, and landscaping must comply with LMC [§ 15-2.4-3 HRM Lot and Site Requirements](#), LMC [§ 15-5-5\(N\) Landscaping](#), and [§ 15-13-8 Regulations for Residential Infill in Historic Districts](#).

⁷ LMC [§ 15-3-6\(A\)](#)

⁸ LMC [§ 15-3-6\(A\)](#)

⁹ LMC [§ 15-3-6\(A\)](#)

8. **Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:**

Condition of Approval recommended

The final design will be reviewed under an HDDR application and the SFD will be required to comply with Historic District Design Regulations outlined in LMC [§ 15-13-8](#), wherein new infill residential buildings shall "...reflect the historic character. . .[and]. . . be compatible with historic structures in materials, features, size, scale and proportion, and massing. . .[and]. . .reinforce visual unity within the context of the Streetscape or character area. . ."

9. **Usable Open Space:**

Condition of Approval recommended

There will be no dedicated Open Space on the property. There is no proposed landscaping currently. Landscaping shall comply with LMC [§ 15-2.4-3 HRM Lot and Site Requirements](#), LMC [§ 15-5-5\(N\) Landscaping](#), and [§ 15-13-8 Regulations for Residential Infill in Historic Districts](#).

10. **Signs and Lighting:**

Condition of Approval recommended

There are no proposed signs or lighting currently. Signs and lighting will be required to comply with the Municipal Code of Park City (MCPC) [Title 12, Sign Code](#), LMC [§ 15-5-5\(J\) Outdoor Lighting](#), and LMC [§ 15-13-8 Regulations for Residential Infill in Historic Districts](#).

11. **Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:**

Condition of Approval recommended

The Applicant notes that, "by locating the vehicular access and parking at the rear of the property, the historic pedestrian pattern of Park Avenue is preserved on the lot and reinforced along the neighborhood block."





Properties on Park Avenue, photos taken by Staff.

The proposed SFD will be required to comply with Setbacks and Height outlined in LMC [§ 15-2.4-3 HRM Lot and Site Requirements](#) and [§ 15-2.4-5 HRM Building Height](#) and the mass must be similar to existing SFDs on Park Avenue, wherein most structures off Park Avenue are one story adjacent to the street. The final design of the structure will be required to comply with LMC [§ 15-13-8](#), requirements for new residential infill in Historic Districts. Building height and massing will be further addressed during the HDDR application review.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:

Condition of Approval recommended

All utility or mechanical equipment shall comply with Setback requirements and exceptions outlined in LMC [§ 15-2.4-3 HRM Lot and Site Requirements](#) and with screening requirements outlined in LMC [§ 15-13-8\(B\)\(1\)\(e\) Regulations for Residential Infill in Historic Districts](#). The proposed Use shall comply with MCPC [Chapter 6-3, Noise](#).

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas:

Condition of Approval recommended

There are no proposed reoccurring delivery and service vehicles or loading and unloading zones. Trash and recycling cans will be required to be screened and not visible from Park Avenue. The Applicant notes they are tentatively planned to be screened on the north side of the structure by a low wall.

14. Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:

No unmitigated impacts

The Applicant notes that the proposed SFD is to be used by the Owner, and is not proposed to be a Nightly Rental, which is an Allowed Use under LMC [§ 15-2.4-2](#). If the property were proposed to be used as a Nightly Rental, the property owner would be required to obtain an active business license from the Finance Department.

15. **Within and adjoining the site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:**

Condition of Approval recommended

The site is relatively flat and is not on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, or on Steep Slopes. The site is within the City's Soil Ordinance Boundary and is required to comply with the regulations outlined in MCPC [Chapter 11-15, Park City Landscaping And Maintenance Of Soil Cover](#) at the building permit stage.

16. **Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding:**

No unmitigated impacts

[Goal 15](#) of the General Plan is to, "Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations." [Community Planning Strategy 15.7](#) of the General Plan encourages pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. The request for driveway access off Sullivan Road helps to preserve Park Avenue's historic character and keeps vehicles in the rear, allowing for a pedestrian-oriented design along Park Avenue.

(VI) The Development Review Committee reviewed the proposal on December 3, 2024 and requires the following Conditions of Approval.

- All Parking Spaces shall be located within the site, and not on City property.
- All utilities shall be accessed from Park Avenue.
- The site shall comply with the MCPC [Chapter 11-15, Park City Landscaping And Maintenance Of Soil Cover](#), and building permit requirements for properties in the Soil Ordinance Boundary.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 23, 2024. Staff mailed courtesy notice to property owners within 300 feet on December 23, 2024. The *Park Record* published courtesy notice on December 23, 2024.¹⁰

Public Input

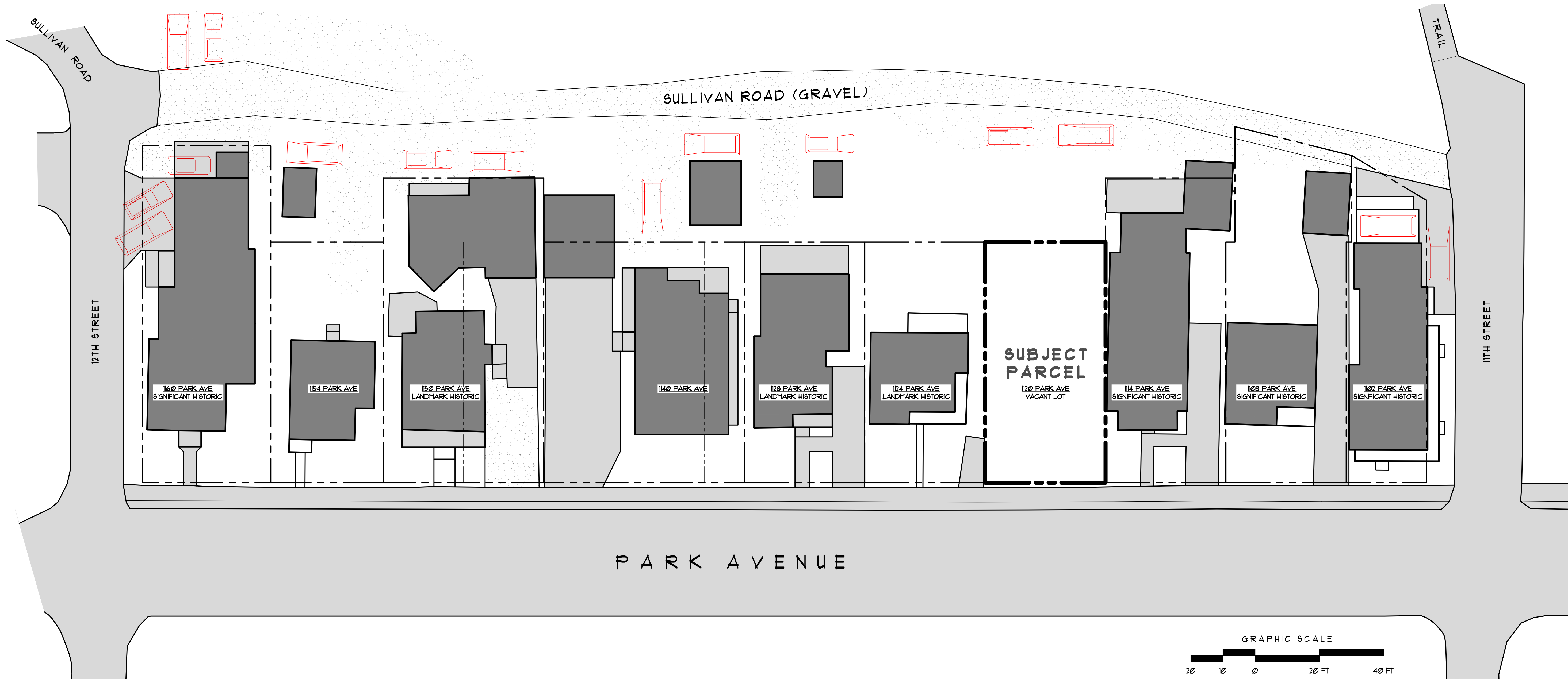
¹⁰ LMC [§ 15-1-21](#)

Staff did not receive any public input at the time this report was published.

Exhibits

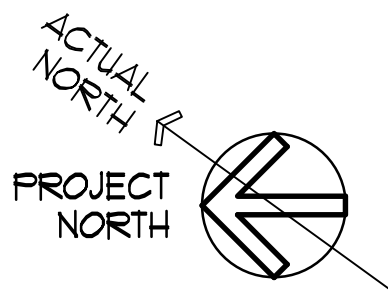
Exhibit A: Proposed Plans

Exhibit B: Applicant's Narrative



LEGEND	
	ENCLOSED STRUCTURE (HOUSE, GARAGE, SHED, ETC.)
	PAVEMENT (ROAD, DRIVEWAY, WALKWAY, PATIO, ETC.)
	DIRT/GRAVEL ROAD OR DRIVEWAY (APPROXIMATE BOUNDARY)

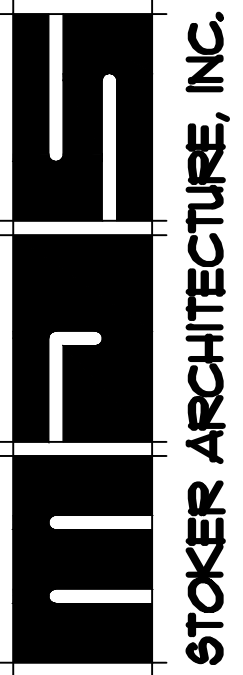
SITE AND BOUNDARY INFORMATION REFERENCED FROM DOCUMENTS RECORDED WITH SUMMIT COUNTY, WHERE DOCUMENTATION WAS NOT AVAILABLE, INFORMATION WAS APPROXIMATED FROM AERIAL IMAGERY, PHOTOGRAPHS, AND FIELD OBSERVATIONS.



EXISTING
NEIGHBORHOOD SITE PLAN
1/16" = 1'-0"



MICHAEL J. STOKER, AIA, NCARB - ARCHITECT
KAREN BACKSTROM, AIA, LEED AP - ARCHITECT
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PARK CITY, UT 84060
www.stokerarch.com



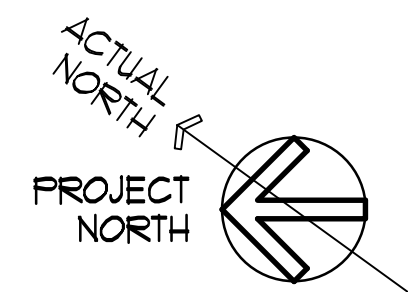
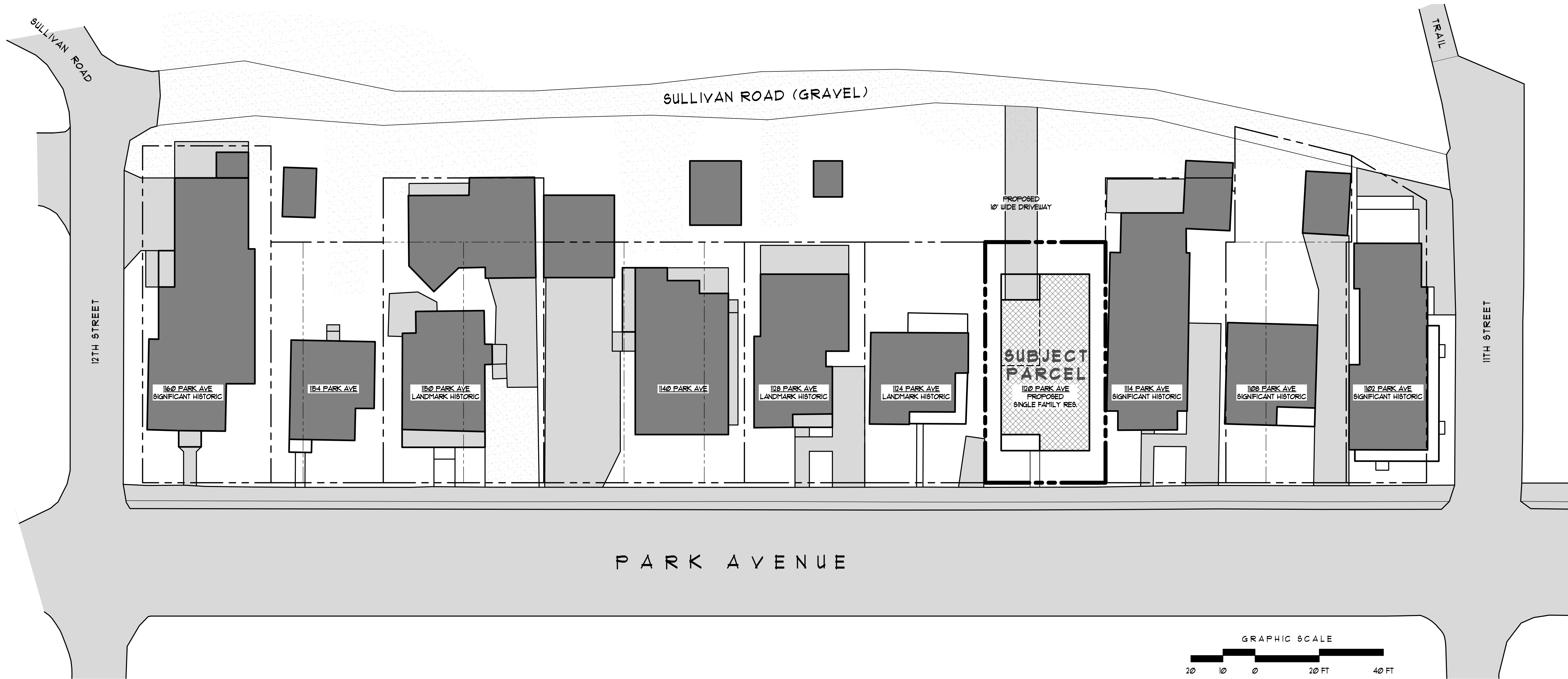
1120 PARK AVENUE RESIDENCE
A NEW HOME FOR KIRKHAM, LLC
LOT A, DOUBLE H FLAT AMENDMENT, 1120 PARK AVENUE, PARK CITY, UT 84060

Date	10/10/24 CUP
Revisions	
1	
2	
3	
4	

Drawn
Project 22-674-1

Sheet

SP-1



**PROPOSED
NEIGHBORHOOD SITE PLAN**

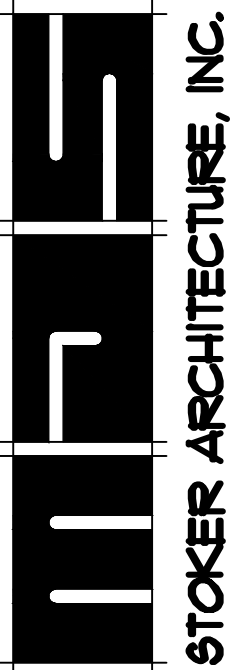
1/16" = 1'-0"

LEGEND	
	ENCLOSED STRUCTURE (HOUSE, GARAGE, SHED, ETC.)
	PAVEMENT (ROAD, DRIVEWAY, WALKWAY, PATIO, ETC.)
	DIRT/GRAVEL ROAD OR DRIVEWAY (APPROXIMATE BOUNDARY)

SITE AND BOUNDARY INFORMATION REFERENCED FROM DOCUMENTS RECORDED WITH SUMMIT COUNTY, WHERE DOCUMENTATION WAS NOT AVAILABLE, INFORMATION WAS APPROXIMATED FROM AERIAL IMAGERY, PHOTOGRAPHS, AND FIELD OBSERVATIONS.



MICHAEL J. STOKER, AIA, NCARB - ARCHITECT
KAREN BACKSTROM, AIA, LEED AP - ARCHITECT
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PARK CITY, UT 84660
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1120 PARK AVENUE RESIDENCE
A NEW HOME FOR KIRKHAM, LLC
LOT A, DOUBLE H FLAT AMENDMENT, 1120 PARK AVENUE, PARK CITY, UT 84060

Date	10/10/24 CUP
Revisions	
1	11/27/24
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3	
4	

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Project 22-674-1

Sheet

SP-2



VICINITY PLAN

PROJECT INFO

OWNER:
KIRKHAM LLC
c/o TERRENCE McGRATH
1001 42nd STREET, SUITE 200
OAKLAND, CA 94608

PARCEL:
DBLH-A
DOUBLE H FLAT AMENDMENT

PHYSICAL ADDRESS:
1120 PARK AVENUE
PARK CITY, UT 84060

ZONING:
HRT DISTRICT

PROPERTY PARAMETERS:
LOT AREA = 2,812.5 SF (0.06 ACRE)
BUILDING PAD = 1,512.5 SF
ALLOWED FOOTPRINT = NO MAXIMUM
PROPOSED FOOTPRINT = 1,516 SF +/-

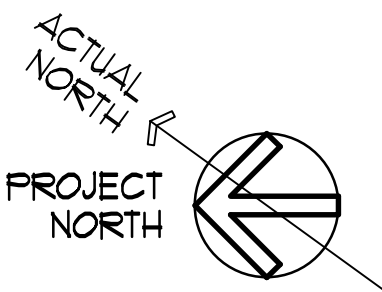
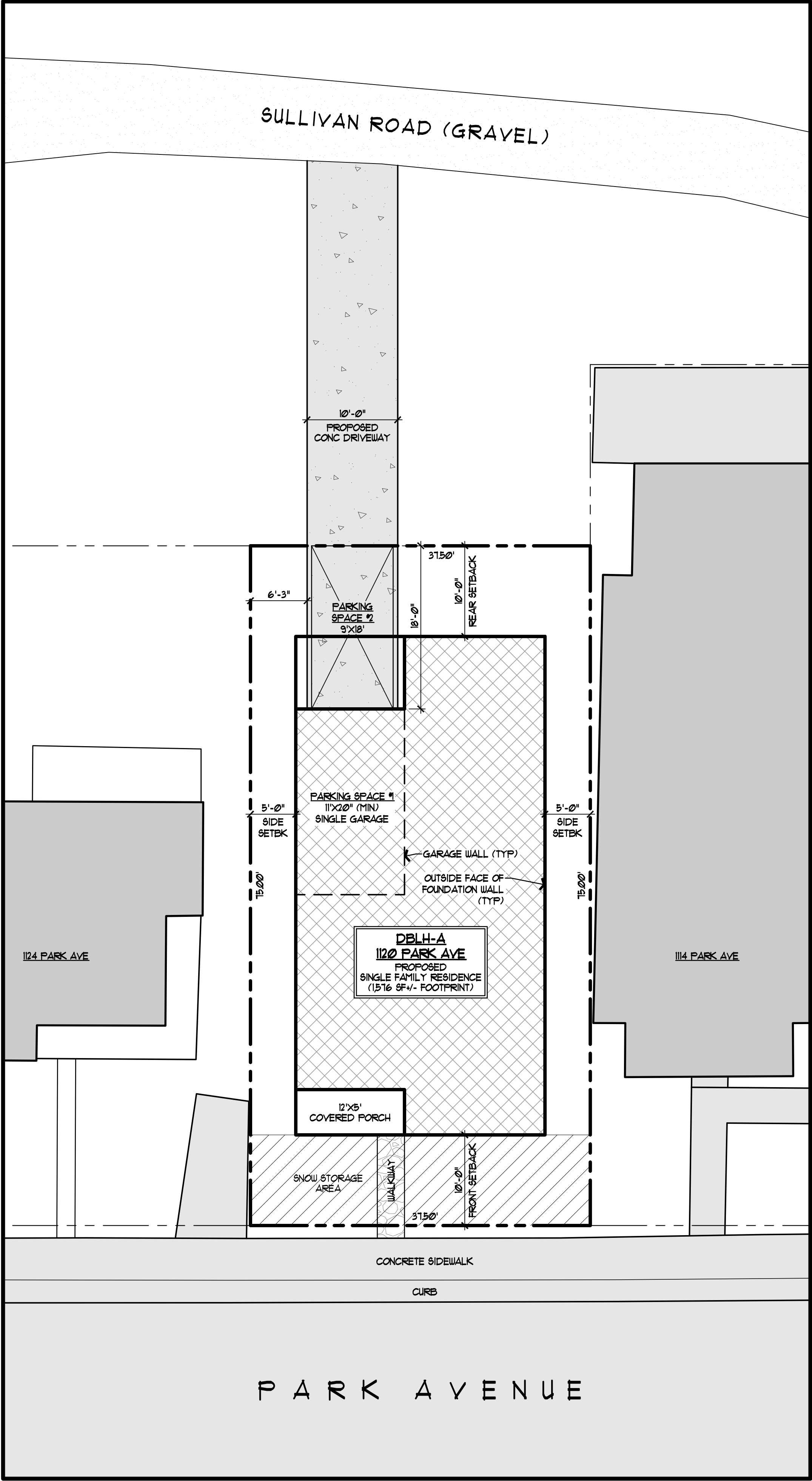
VACANT LOT:
PROPOSED SINGLE FAMILY RESIDENCE

NOTES:

1. SITE PLAN CREATED USING 'RECORD OF SURVEY & EXISTING CONDITIONS MAP' PROVIDED BY 'PARK CITY SURVEYING' SIGNED AND DATED 01/18/2022.

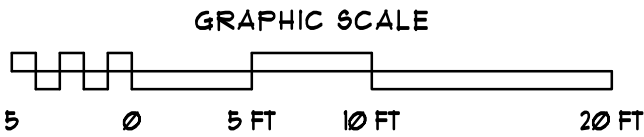
2. ALL UTILITIES TO BE ACCESED FROM PARK AVE.

3. LOT IS LOCATED WITHIN THE 'SOIL ORDINANCE BOUNDARY' WHICH REQUIRES COMPLIANCE WITH LMC 11-B PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

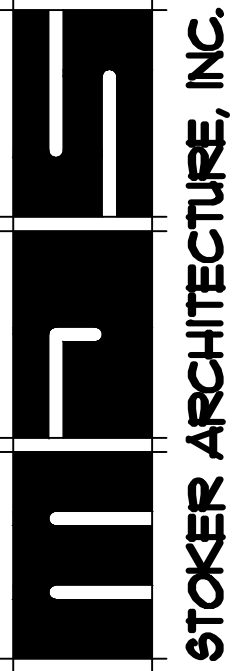


**PROPOSED
SITE PLAN**

1/8" = 1'-0"



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1120 PARK AVENUE RESIDENCE
A NEW HOME FOR KIRKHAM, LLC
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Date	10/10/24 CUP
Revisions	
1	11/27/24
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Project	22-674-1
Sheet	

SP-3

Kirkham, LLC
c/o Terrence McGrath
1120 Park Avenue
Park City, UT 84060

CONDITIONAL USE PERMIT APP
Item 2. Written Statement

Pursuant to LMC 15-2.4-8, the Owner is requesting a Conditional Use Permit be granted for a driveway accessing the property at 1120 Park Avenue with exclusive connection to Sullivan Road. No driveway access from Park Avenue is requested in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.

By locating the vehicular access and parking at the rear of the property, the historic pedestrian pattern of Park Avenue is preserved on the lot and reinforced along the neighborhood block.

Kirkham, LLC
c/o Terrence McGrath
1120 Park Avenue
Park City, UT 84060

CONDITIONAL USE PERMIT APP
Page 3, Project Description Item 1.

GENERAL DESCRIPTION

The Owner is requesting a driveway accessing the property at 1120 Park Avenue be connected exclusively to Sullivan Road. No driveway access from Park Avenue is requested in an effort to decrease the vehicular impact along Park Avenue by eliminating the driveway and the accumulation of parked cars at the front of the property.

ANSWERS TO QUESTIONS

- How will the proposed use “fit-in” with surrounding uses?

Locating the driveway and parking at the rear of the property, accessible from Sullivan Road, is consistent with the current vehicular pattern at Park Ave properties from 11th Street to 12th Street.

-What type of service will it provide to Park City?

Not so much a service, rather an attempt to alleviate the vehicular impact along Park Avenue.

- Is the proposed use consistent with the current zoning district and with the General Plan?

Yes.

- Is the proposed use similar or compatible with other uses in the same area?

Yes.

- Is the proposed use suitable for the proposed site?

Yes.

- Will the proposed use emit noise, glare dust, pollutants, and odor?

No.

- What will be the hour of operation and how many people will be employed?

N/A

- Are other special issues that need to be mitigated?

No.