

Ordinance No. 06-87

**ORDINANCE AMENDING TITLE 11, BUILDINGS AND BUILDING REGULATIONS,
TO UPDATE BUILDING, MECHANICAL, PLUMBING, ELECTRICAL,
HOUSING, FUEL GAS, ENERGY AND FIRE CODES
OF THE MUNICIPAL CODE OF PARK CITY, UTAH**

WHEREAS, it is necessary to update the Municipal Code to clearly reflect current practices and laws; and

WHEREAS, Title 11, Buildings and Building Regulations requires an amendment to bring it into compliance with current International Building Code regulations; and

WHEREAS, the City Council held a public hearing on December 14, 2006 and deems it in the best interest of the community to proceed with the amendment;

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

SECTION 1. AMENDMENT ADOPTED. The following amendments, outlined in Exhibit A, are hereby adopted:

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

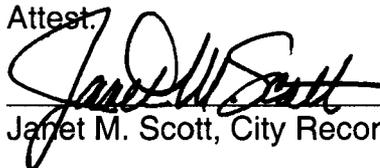
PASSED AND ADOPTED this 21st day of December, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dan Williams

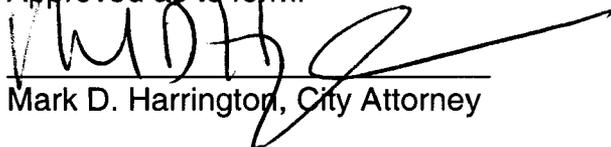
Attest.



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

EXHIBIT A

CHAPTER 2 – IN GENERAL

11-2-1. BUILDING INSPECTOR - APPOINTMENT AND REMOVAL.

There shall be a Chief Building Inspector who shall be appointed by the City Manager and shall serve under the direction of the ~~Community Development Director~~ City Manager.

11-2-2. BUILDING INSPECTOR DUTIES.

The chief building inspector shall be responsible for the enforcement of the building code, residential code, mechanical code, fuel gas code, ~~the~~ electrical code, plumbing code, energy conservation code, housing code, abatement of dangerous building code, all special hazards codes which may now or hereafter be adopted, and the zoning code of the City.

CHAPTER 3 – BUILDING CODE AND RESIDENTIAL CODE

11- 3-1. INTERNATIONAL BUILDING CODE AND INTERNATIONAL RESIDENTIAL CODE ADOPTED.

The International Building Code and International Residential Code 2000 2006 edition, establishing rules and regulations for the design, construction quality of materials, use and occupancy, location and maintenance of building and structures, as adopted by the International Code Council, is hereby adopted as the Building Code of Park City, together with rule 29120 of the Utah Administrative code, and the following Amendments.

(A) Appendix Chapter ~~H, Divisions 1 and 2, Chapter 12, Chapter 15, Chapter 16, Division 1, Chapter 30, and Chapter 33,~~ E, located in the Appendix of the International Building and adopted and incorporated herein with an Amendment to Appendix ~~K J~~ J as follows. Except as specified in Section ~~K-1-3-1 J 103.1~~ J 103.1 of this section, no person shall do any grading or removing or grubbing of existing vegetation without first having obtained a grading permit from the building official. Appendix Chapter P located in the Appendix of the International Residential Code 2006 edition.

11-3-2. AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

The following newly constructed structures of buildings used for or to be used for human occupancy shall have an automatic fire extinguishing system installed in conformity with the requirements of the International Fire Code Section 903.1 and the following amendments:

(A) All new construction having more than 6,000 square feet on any floor. ~~except R-3 occupancy.~~

(B) All new construction having more than two stories. ~~except R-3 occupancy.~~

~~(C) All new construction having four or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.~~

~~(D)~~ (C) All new construction in the Historic Commercial Business zone district, regardless of occupancy.

~~(E)~~ (D) All new construction and buildings in the General Commercial zone where there are no side-yard setbacks or where one or more of the side-yard setbacks are less than two and one-half feet per story of height.

CHAPTER 4 – MECHANICAL CODE AND FUEL GAS CODE

11- 4-1. MECHANICAL CODE AND FUEL GAS CODE.

The International Mechanical Code and Fuel Gas Code, 2000 2006 edition establishing rules and regulations for the design, construction quality of materials, use and occupancy, locations and maintenance of building and structures, as adopted by the International Code council is hereby adopted as the Mechanical Code of Park City.

CHAPTER 7 – PLUMBING CODE

11-7-1. ADOPTION OF INTERNATIONAL PLUMBING CODE.

The International Plumbing Code 2000 2006 edition, as promulgated by the International Code Council, is hereby approved and adopted as the plumbing code of park City. Section 106.1 of the International Plumbing Code is amended as follows:

CHAPTER 8 – NATIONAL ELECTRICAL CODE

11-8-1. ADOPTION OF NATIONAL ELECTRICAL CODE.

The National Electrical Code, ~~1999~~ 2005 edition, as adopted by the National Fire Protection Association printed as a code in book form is hereby approved and adopted as the electrical code of this City, including all Park City and state amendments which are incorporated herein by this reference.

(A) ELECTRICAL INSPECTION.

The Building Official shall perform all functions of electrical inspection and shall, among other things, inspect the construction, installation, and repair of all electrical light or power wiring, fixtures, appliances or apparatus installed within the limits of this municipality and shall require that they conform to the provisions of the Electrical Code. The Building Official shall follow as to electrical work the procedures relating to enforcement and safety as are established by the ~~Uniform~~ International Building Code.

CHAPTER 9 – FIRE CODE

11-9-1. INTERNATIONAL FIRE CODE.

The International Fire Code, ~~2000~~ 2006 edition, as promulgated by the International Code Council is hereby adopted as the Fire Code of Park City with the following amendments to section 304.1:

APPENDIX P shall read as follows:

AP101 Fire Sprinklers. An approved automatic fire sprinkler system shall be installed in new one-and two-family dwellings and townhouses in accordance with Section 903.3.1 of the International Building Code.

Ordinance No. 06-86

**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 CHAPTER 8- ANNEXATION and CHAPTER 15- DEFINITIONS**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, 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, Chapter 8- Annexations, Section 15-8-5 (C) was amended to clarify that annexation agreements are reviewed contemporaneously with the annexation proposal and are reviewed by the Planning Commission and given final approval by the City Council;

WHEREAS, Chapter 15- Definitions is amended to implement the City's General Plan and to address substantive amendments to the Land Management Code regarding definitions utilized throughout the Land Management Code, including 1) moving definitions from Section 15-4-14 Telecommunication Facilities, 2) adding definitions for "Detached" and "Front Façade", 3) including public hardscaped plazas and pedestrian amenities in the "Open Space, Landscape definition", 4) clarify "Streetscape" definition, 5) include Veterinarian Clinics in "Offices, Medical" definition, 6) clarify "Hospital" definition to not include Uses defined in "Offices, Medical", and 7) clarify definitions for "Café" and "Deli or Delicatessen".

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on December 13, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 21, 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 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

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

SECTION 3. 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
Mark D. Harrington, City Attorney



EXHIBIT A

county economic needs, goals, or objectives.

(15) Location and description of any Historic or cultural resources.

(C) CONDITIONS OF ANNEXATION APPROVAL AND ANNEXATION AGREEMENT. The City has established the following conditions, which must be met prior to completion of the annexation, unless the City Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each Property; however, unusual or unique circumstances may emerge from time to time where special conditions may be applied. The conditions of annexation approval shall be formalized as part of the written annexation agreement.

The annexation agreement shall be ~~ratified~~ reviewed by the Planning Commission and approved by City Council contemporaneously with the certified annexation petition. If approved the annexation agreement shall be, signed by the City Council and recorded with the Summit County Recorder. The annexation agreement shall include, but is not limited to the following conditions:

- (1) Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.
- (2) Additional improvements as necessary, which may be required in order to improve the water system.
- (3) Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.

(4) Phasing of the project to insure adequacy of public facilities may be required.

(5) Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.

(6) Provision of Affordable Housing in accordance with the Affordable Housing Resolution 17-99, as in effect at the time of petition.

(7) Submittal of Site plans and architectural plans for review.

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

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

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

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.

15-15-1.1. **Access.** The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities, or Property.

15-15-1.2. **Accessory Apartment.** A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding

on to an existing detached Single-Family Dwelling or detached garage.

15-15-1.3. **Accessory Building.** A Building on the same Lot as the principal Building and that is:

(A) clearly incidental to, and customarily found in connection with such principal Building;

(B) operated and maintained for the benefit of the principal Use;

(C) not a Dwelling Unit; and

(D) not including Structures that do not require a Building Permit, such as sheds, less than 160 square feet.

15-15-1.4. **Accessory Use.** A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

15-15-1.5. **Active Building Permit.** Any Building Permit that has not expired.

15-15-1.6. **Administrative Permit.** A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

15-15-1.7. **Affordable Housing.** Dwelling Units for rent or for sale in a price

Comment [k1]: NOTE; Numbering of these definitions will be reconciled prior to final publication of this Chapter.

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range affordable to families in the low to moderate income range.

15-15-1.8. **Agent.** The Person with written authorization to represent an Owner.

15-15-1.9. **Agriculture.** Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

15-15-1.10. **Allowed Use.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

15-15-1.11. **Alteration, Building.** Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

15-15-1.12. **Antenna.** A transmitting or receiving device used in telecommunications that radiates or captures radio, television, or similar communication signals.

15-15-1.x **Antenna, Drive Test.**
A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

15-15-1.X **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.

15-15-1.X **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.

15-15-1.X **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

15-15-1.X **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

15-15-1.X **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.

15-15-1.13. **Apartment.** A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.

15-15-1.14. **Applicant.** The Owner of the Property that is the subject of the Application, or the Owner's Agent.

15-15-1.15. **Application.** A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and record of survey plats, plat amendments, Code amendments, design review, and Administrative Permits.

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(A) **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

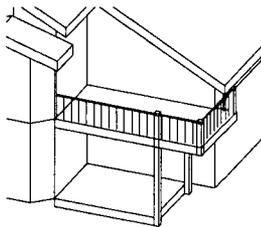
15-15-1.16. **Architectural Detail.** Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within a Historic District, these physical features or traits commonly recur in individual Buildings. The characteristics can be expressed in terms of form, proportion, Structure, plan, architectural style, or materials such as siding, doors, windows, or trim.

15-15-1.17. **Area or Site.** A specific geographic division of Park City where the location maintains Historical, cultural or archeological value regardless of the value of any existing Structure.

15-15-1.18. **Bakery.** a Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

15-15-1.19. **Balcony.** A platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade.

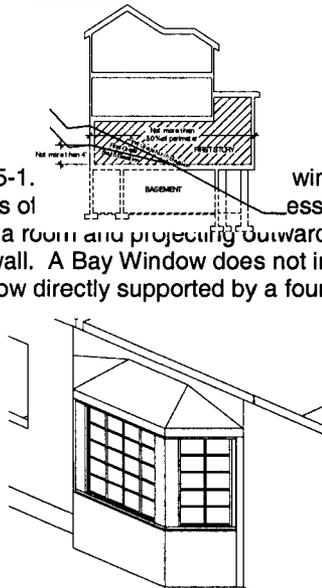
See following illustration:



15-15-1.20. **Bar.** A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

15-15-1.21. **Basement.** Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See Section 15-15-1.89 **First Story.**

15-15-1. **Bay Window.** window or series of windows projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



15-15-1.23. **Bed and Breakfast Inn.** A Business, located in a dwelling, in which two (2) or more Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate.

15-15-1.24. **Bedroom.** A separate room designed for or used as a sleeping room.

15-15-1.25. **Billboard.** A separate room designed for or used as a sleeping room.

15-15-1.26. **Blank Wall.** A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

15-15-1.27. **Block.** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

15-15-1.28. **Boarding House.** A Business, within a dwelling with two (2) or more Bedrooms where, for direct or indirect compensation, on a monthly basis, the Owner provides lodging and/or common Kitchen facilities or meals for boarders not related to the head of the household.

15-15-1.29. **Building.** Any Structure, or any part thereof, built or used for the support, shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) **Building, Attached.** A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) **Building, Detached.** Any Building separated from another Building on the same Lot or Parcel.

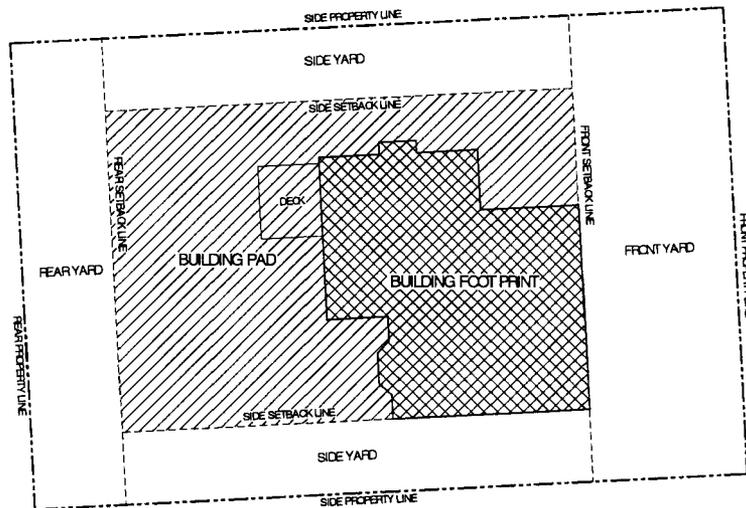
(C) **Building, Main.** The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

15-15-1.30. **Building Envelope.** The Building Pad, Building Footprint, and Height restrictions that defines the maximum Building Envelope in which all Development must occur.

15-15-1.31. **Building Footprint.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including stairs, patios, and decks.

15-15-1.32. **Building Pad.** The exclusive Area, as defined by the Yards, in which the entire Building Footprint may be located. See the following example; also refer to Section 15-15-1.127 Limits of Disturbance.



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15-15-1.33. **Building Permit.** A permit issued by the Chief Building Official authorizing Construction Activity on a Property or Lot.

15-15-1.34. **Business.** Any activity within Park City carried on for the purpose of gain or economic profit. The acts of employees rendering service to employers are not included in the term Business unless otherwise specifically prescribed. Business includes but is not limited to, the sale or rental of tangible personal or real Property, the manufacturing of goods or Property and the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

15-15-1.35. **Café.** A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally, does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a Restaurant.

15-15-1.36. **Canopy.** A roof or awning constructed of fabric or other material and extending outward from a Building to

provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.

15-15-1.37. **Capital Improvements Program.** A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

15-15-1.38. **Certificate of Appropriateness.** A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

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15-15-1.39. **Certificate of Economic Hardship.** A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

15-15-1.40. **Certificate of Occupancy.** A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

15-15-1.41. **Child Care.** The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home, or cooperative, reciprocal Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting.** The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family.** The provision of Child Care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

(C) **Child Care, Family Group.** The provision of Child Care for nine (9) to sixteen (16) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

15-15-1.42. **Child Care Center.** A Structure or Building, including outside play Areas, used for the provision of Child Care for more than four (4) children for less than twenty four (24) hours per day, meeting all State requirements for Child Care that is not also the primary residence of the care provider.

15-15-1.43. **Clearview of Intersecting Streets.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Section 15-15-1.204, Site Distance Triangle.

15-15-1.44. **Club, Private.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

15-15-1.45. **Cluster Development.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

15-15-1.46. **Code.** The Land Management Code (LMC).

15-15-1.47. **Collector Road.** A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

15-15-1.X **Co-Location.** The location of Telecommunication Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that

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Telecommunications Facility to be located on a free-standing Structure of its own.

15-15-1.48. **Commercial Use.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support.**

A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.**

A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

15-15-1.49. **Common Area.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

15-15-1.50. **Common Ownership.** Ownership of the same Property by different Persons.

15-15-1.51. **Compatible or Compatibility.** Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

15-15-1.52. **Conditional Use.** A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

15-15-1.53. **Condominium.** Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.

15-15-1.54. **Conservation Activity.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

15-15-1.55. **Constitutional Taking.** Final Action(s) by the City to physically take or exact private real Property that requires compensation to the Owner because of the mandates of the Fifth or Fourteenth Amendment to the Constitution of the United States, or of Article I, Section 22, of the Utah Constitution.

15-15-1.56. **Construction Activity.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

15-15-1.57. **Construction Mitigation Plan.** A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

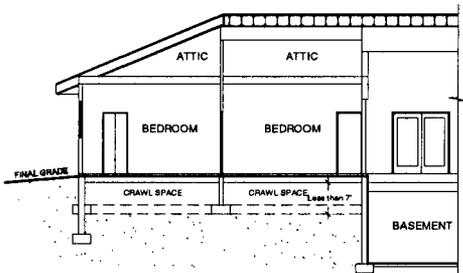
15-15-1.58. **Construction Plan.** The map and drawings showing the specific location and design of the Development.

15-15-1.59. **Contributing Building, Structure, Site/Area or Object.** A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

15-15-1.60. **Council.** Members of the City Council of Park City.

15-15-1.61. **Cover, Site.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

15-15-1.62. **Crawl Space.** An Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



15-15-1.63. **Crest of Hill.** The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

15-15-1.64. **Cul-de-sac.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

15-15-1.65. **Deli or Delicatessen.** A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code Commercial Kitchen facilities and does not employ

hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

15-15-1.66. **Demolish or Demolition.** Any act or process that destroys in part or in whole a Landmark or Structure.

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15-15-1.67. **Density.** The intensity or number of non-residential and residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

15-15-1.68. **Design Guideline.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

15-15-1.X **Detached. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.**

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15-15-1.69. **Developable Land.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

15-15-1.70. **Developer.** The Applicant for any Development.

15-15-1.71. **Development.** The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

15-15-1.72. **Development Agreement.** A contract or agreement between an Applicant or Property Owner and the City

Deleted: Uniform Building Code

pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

15-15-1.73. **Development Approval Application.** Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

15-15-1.74. **Disabled Care.** A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1) or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

15-15-1.75. **Dwelling.**

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

15-15-1.76. **Dwelling Unit.** A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

15-15-1.77. **Economic Hardship, Substantial.** Denial of all reasonable economic Use of the Property.

15-15-1.78. **Elder Care.** A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

15-15-1.79. **Elevator Penthouse.** The minimum Structure required to enclose the top most mechanical workings of an elevator and necessary access landing areas.

15-15-1.X **Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.

15-15-1.80. **Escrow.** A deposit of cash with the City or approved alternate in lieu of cash held to ensure a performance or a maintenance guarantee.

15-15-1.81. **Exterior Architectural Appearance.** The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

15-15-1.82. **Facade.**

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

15-15-1.83. **Facade Easement.** A recordable instrument, in a form approved

by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

15-15-1.84. **Facade Shift.** A change or break in the horizontal or vertical plane of the exterior of a Building.

15-15-1.85. **Fence.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

15-15-1.86. **Filtered Light Fixture.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

15-15-1.87. **Final Action.** The later of the final vote or written decision on a matter.

15-15-1.88. **Final Plat.** A recordable Subdivision or Condominium map.

15-15-1.89. **First Story.** The lowest story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter (see illustration below).

15-15-1.90. **Flood Plain Area.** An Area adjoining a river, Stream, or water course,

or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

15-15-1.91 **Floor Area.**

(A) **Floor Area, Gross.** The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, balconies, patios and decks, vent shafts, and coils are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.

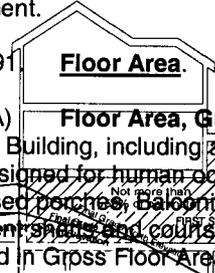
(B) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

15-15-1.92. **Floor Area Ratio (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

15-15-1.93. **Foot Candle.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

¹400 sq. ft. in Historic Districts



(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

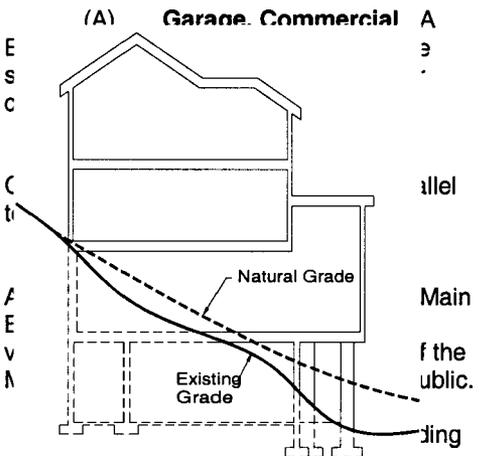
(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

15-15-1.94. **Frontage.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

15-15-1. X **Front Façade.** That portion of a building that generally faces the street and/or Front Lot Line.

15-15-1.95. **Fully Shielded.** See Section 15-15-1.135(C) Luminaire, Shielded Fully.

15-15-1.96. **Garage.**



repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

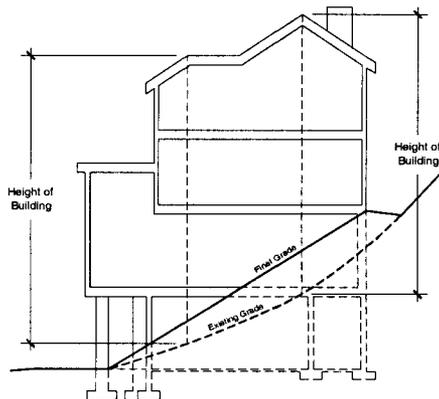
15-15-1.97. **Geologic Hazard.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

15-15-1.98. **Governing Body.** The City Council of Park City.

15-15-1.99. **Grade.** The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural.** The Grade



of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.

(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

15-15-1.100. **Grading.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

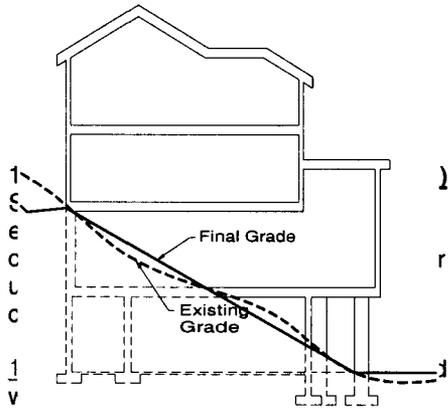
15-15-1.101. **Group Care Facility.** A Building or Structure where care, protection, supervision, and limited medical care are provided on a regular schedule for up to ten (10) children or adults, including caretakers. May include multiple overnight stays.

15-15-1.102. **Grubbing.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

Deleted: Community Development

15-15-1.103. **Guarantee.** Any form of security including cash, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City.

15-15-1.104. **Guest House.** An Accessory Building and dwelling intended for non-rent paying guests of the primary Dwelling Unit's residents.



impervious surface.

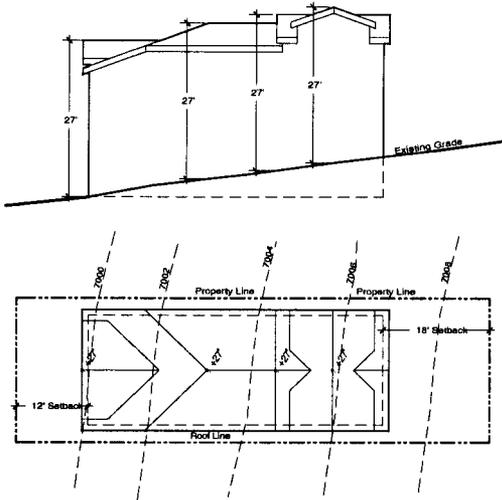
15-15-1.107. **Height, Building.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.

15-15-1.108. **Historic.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

15-15-1.109. **Historic Building, Structure, Site or Object.** Any Building, Structure, Site and/or object, as designated

by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

15-15-1.110. **Historic District.** A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association,



plan, design, or history.
Historic District Building Height

15-15-1.111. **Home Occupation.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

15-15-1.112. **Hospital.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide

facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

Deleted: District Commission

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

15-15-1.113. **Hotel/Motel.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, and group dining facilities. These terms do not include Lockout Units or Bed and Breakfast Inns.

(A) **Hotel/Motel, Major.** A Hotel, Motel, with more than fifteen (15) Hotel Rooms.

(B) **Hotel/Motel, Minor.** A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

15-15-1.114. **Hotel Room.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

15-15-1.115. **Hotel Suite.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 15-15-1.23. **Bed and Breakfast Inn**, 15-15-1.128. **Lockout Unit**, and 15-15-1.28. **Boarding House**.

15-15-1.116. **Impact Analysis.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

15-15-1.117. **Inaction.** An Application is Inactive and subject to denial on the basis of inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

15-15-1.118. **Incidental Retail Sales.** The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a product that is, such as a picture frame for a photo, or a swatch of material or extra buttons for an item of clothing, etc.

15-15-1.119. **Indoor Entertainment Facility.** An establishment or enterprise for the purpose of amusing or entertaining Persons for profit or non-profit and generally contained within a Structure. Such Uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, or bowling alley.

15-15-1.120. **Kitchen.** An enclosed Area for the preparation of food and containing a sink, refrigerator, and stove.

(A) **Kitchen, ~~IBC~~ Commercial.**

A Kitchen that is required by the International Building Code (IBC), because of the nature of the cooking or food preparation activities, to have commercial food heat-processing equipment, such as compensating hoods, grease filters, kitchen hoods, and similar types of equipment.

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15-15-1.121. **Kitchenette.** An Area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit.

15-15-1.122. **Landmark.** A Property, Building, or Structure designated as a "Landmark" by the Historic Preservation Board (HPB) pursuant to the procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its Historic and/or architectural Significance to Park City.

Deleted: District Commission (HDC)

15-15-1.123. **Landscaping.**

(A) **Landscaping, Interior.**

Planting islands located within the Parking Area.

(B) **Landscaping, Parking**

Area. Includes all spaces, aisles, and drives as defined by the top-back of curb or edge of pavement.

(C) **Landscaping, Perimeter.**

Planting Areas between the Property Line and Parking Area.

15-15-1.124. **Liftway.** The necessary Right-of-Way, both surface and air space, for the operation of any tram or ski lift.

15-15-1.125. **Liftway Setback.** The minimum allowable distance between the side line of the Liftway and any Structure.

15-15-1.126. **Light Source.** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

(A) **Light Source, Refractive.** A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

15-15-1.127. **Limits of Disturbance.** The designated Area in which all Construction Activity must be contained.

15-15-1.128. **Lockout Unit.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

15-15-1.129. **Lot.** A unit of land described in a recorded Subdivision Plat.

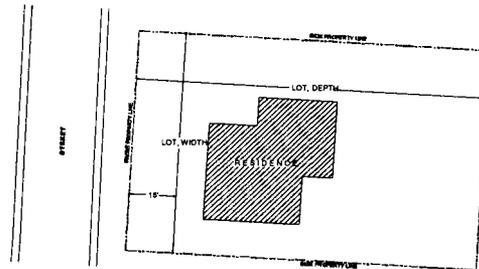
(A) **Lot, Corner.** A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

15-15-1.130. **Lot Depth.** The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

15-15-1.131. **Lot Line.** Any line defining the boundaries of a Lot.

15-15-1.132. **Lot Line Adjustment.** The relocation of the Property Line between two (2) adjoining Lots.

15-15-1.133. **Lot Width.** The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade. See the following illustration:



15-15-1.134. **Lumen.** A measurement of light output or the amount of light emitting from a Luminaire.

15-15-1.135. **Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type.** A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Shielded, Partially.** Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Shielded, Fully.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

15-15-1.136. **Master Planned Development (MPD).** A form of Development characterized by a comprehensive and unified Site plan and design reviewed under the Master Planned Development review processes described in

LMC Chapter 15-6. The MPD generally includes a number of housing units; a mix of Building types and land Uses; clustering Buildings and providing Open Space; flexibility in Setback, Height, and Density allocations; and providing additional valued community amenities.

15-15-1.137. **Maximum Extent Feasible.** The maximum mitigation where no prudent, practical and feasible alternative exists to completely mitigate the adverse impact. Economic considerations may be taken into account but shall not be the overriding factor in determining "Maximum Extent Feasible".

15-15-1.138. **Model Home.** A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

15-15-1.139. **Neighborhood Convenience, Commercial.** Any retail establishment offering for sale prepackaged or fresh food products, beverages, household items, or other goods commonly associated with the same, not including automobile fuel sales, and having a maximum Gross Floor Area of 3,500 square feet.

15-15-1.140. **Nightly Rental.** The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

15-15-1.141. **Non-Complying Structure.** A Structure that:

- (A) legally existed before its current zoning designation; and
- (B) because of subsequent zoning changes, does not conform with the

zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure.

15-15-1.142. **Non-Conforming Use.** A Use of land that:

- (A) legally existed before its current zoning designation;
- (B) has been maintained continuously since the time the zoning regulation governing the land changed; and
- (C) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

15-15-1.143. **Nursery, Greenhouse.** A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

15-15-1.144. **Nursing Home.** A Business described also as a "rest home", or "convalescent home", other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Section 15-15-1.101 **Group Care Facility.**

15-15-1.145. **Off-Site.** Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

15-15-1.146. **Off-Street.** Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

15-15-1.147. **Office.**

- (A) **Office, General.** A Building offering executive, administrative, professional, or clerical services, or portion

of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive.**

Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Moderately Intensive.**

A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

(D) **Offices, Medical. A**

Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian Clinics. A Medical Office does not include an overnight care facility for humans, but would allow for overnight care for small animals associated with a Veterinarian Clinic, but does not include pet boarding uses for non-medical related reasons.

15-15-1.148. **Official Streets Master Plan.** As adopted by the City Council, the designation of each existing and planned Street and Right-of-Way, and those located on approved and filed plats, for the purpose of providing for the Development of the Streets, highways, roads, and Rights-of-

Way and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks. The classification of each Street and Right-of-Way is based upon its location in the respective Zoning District of the City, its present and estimated future traffic volume and its relative importance and function.

15-15-1.149. **Official Zoning Map.** The map adopted by the City Council pursuant to law showing the Streets, Zoning Districts, and City boundaries; and any amendments or additions thereto resulting from the approval of Subdivision or Annexation Plats and the subsequent filing of such approved plats.

15-15-1.150. **One Bedroom Apartment.** A Dwelling Unit consisting of a living room, a Kitchen, which may be a part of the living room, a separate room designed and intended as a Bedroom, and a bathroom for the exclusive Use of that unit.

15-15-1.151. **Open Space.**

(A) **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.

Deleted: and

Deleted: or Structures

(B) **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 Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

15-15-1.152. **Ordinary High Water Mark.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

15-15-1.153. **Ordinary Repairs and Maintenance.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

15-15-1.154. **Outdoor Use.** Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

15-15-1.155. **Owner.** Any Person, or group of Persons, having record title to the Property sought to be developed or subdivided, and the Owner's Agent.

15-15-1.156. **Parcel.** An un-platted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

15-15-1.157. **Parking.**

(A) **Parking Lot, Commercial.** A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

(B) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(C) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(D) **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.

15-15-1.158. **Parking Area.** An unenclosed Area or Lot other than a Street used or designed for parking.

15-15-1.159. **Parking Space.** An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

15-15-1.160. **Parking Structure.** A fully enclosed Structure designed and intended for parking.

15-15-1.161. **Passenger Tramway.** A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah

Code Annotated, as amended. Includes ski towns and ski lifts.

15-15-1.162. **Person.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

15-15-1.163. **Planned Unit Development (PUD).** Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

15-15-1.164. **Porous Paving.** A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving.

15-15-1.165. **Preliminary Plat.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

15-15-1.166. **Preservation Easement.** An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

15-15-1.167. **Private Club.** See 15-15-1.44, Club, Private.

15-15-1.168. **Private Residence Club.** Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (A) a deeded interest in real Property;
- (B) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (C) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (D) beneficial interest in a trust;
- (E) other arrangement providing for such Use and occupancy rights.

15-15-1.169. **Private Residence Club Conversion.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

15-15-1.170. **Private Residence Club Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

15-15-1.171. **Property.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

15-15-1.172. **Property Line.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

15-15-1.173. **Property Owner.** See 15-15-1.155, **Owner.**

15-15-1.174. **Public Improvement.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

15-15-1.175. **Public Use.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

15-15-1.176. **Qualified Professional.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

15-15-1.177. **Quasi-Public Use.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

15-15-1.178. **Recreation Equipment, Outdoor.** Playground equipment and accessory park related amenities, such as swing sets, slides, jungle gyms, sand boxes, picnic tables, volleyball nets, baseball backstops, basketball standards, Erisbee

golf holes, soccer goals, and similar amenities.

15-15-1.179. **Recreation Facilities.**

(A) **Recreation Facilities, Commercial.** Recreation Facilities operated as a Business on private or public Property and open to the public for a fee.

(B) **Recreation Facilities, Private.** Recreation facilities operated on private Property and not open to the general public.

(C) **Recreation Facilities, Public.** Recreation facilities operated by a public agency and open to the general public with or without a fee.

15-15-1.180. **Refractive Light Source.** A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

15-15-1.181. **Regulated Use.** A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

15-15-1.182. **Residential Use.** Occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

15-15-1.183. **Resort Support Commercial.** Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

15-15-1.184. **Restaurant.** A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.**

A Restaurant, Deli, Café, fast food Restaurant, or other similar business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

15-15-1.185. **Re-subdivision.** A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

15-15-1.186. **Retail and Service.**

(A) **Retail and Service, Commercial-Auto Related.** An establishment primarily engaged in the sale or rental of goods, merchandise, and services related to the automobile, such as auto repair, auto body work, painting, detailing, auto and auto related equipment sales, with moderate to high volume of customer turnover and moderate to high parking demand. These Uses do not include auto dismantling, salvage, junk yards, and similar Uses. Self-service car washes are included.

(B) **Retail and Service, Commercial-Major.** A large scale Business engaged primarily in the sale or rental of goods, merchandise, or services with a high customer turnover and high parking demand. These establishments may have large interior showrooms or semi-truck loading docks. Examples of these Uses include large department, grocery, variety, drug, super stores. Fully-enclosed car washes are included.

(C) **Retail and Service, Commercial-Minor.** A Business primarily

engaged in the sale or rental of goods, merchandise, or services with a low volume of customer turnover, low parking demand, and no outdoor storage of goods. These Uses do not include automobile or large equipment rental or sales. Such Uses include antique stores, art galleries, art supply stores, bakeries, book stores, clothing stores, candy stores, florists, gift shops, liquor stores, pharmacies, sporting goods stores, auto parts stores, interior design stores, and home furnishing stores.

(D) **Retail and Service, Commercial-Personal Improvement.** A Business engaged in or offering courses and services for the enhancement of personal recreational interests, Business skills, vocational training, dance training, art and drama classes, public speaking, and similar Uses where the class or session meets as a group.

15-15-1.187. **Ridge Line Area.** The top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.

15-15-1.188. **Riding Stable, Commercial.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

15-15-1.189. **Right-of-Way.** A strip of land, dedicated to public Use, that is occupied or intended to be occupied by a Street, crosswalk, trail, stairway, ski lift, railroad, road, utilities, or for another special Use.

15-15-1.190. **Road.**

(A) **Road, Collector.** A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

15-15-1.191. **Road Classification.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

15-15-1.192. **Road Right-of-Way Width.** The distance between Property Lines measured at right angles to the center line of the Street.

15-15-1.193. **Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays.** Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

15-15-1.194. **Satellite Receiving Station.** Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or

other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

15-15-1.195. **SBWRD.** Snyderville Basin Water Reclamation District.

15-15-1.196. **Screen or Screened.** The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

15-15-1.197. **Secondary Living Quarters.** An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

15-15-1.198. **Sensitive Land.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

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15-15-1.199. **Sensitive Lands Analysis.** A comprehensive analysis performed by a qualified professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire/ Wildland Interface Zones.

15-15-1.200. **Sensitive or Specially Valued Species.** Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern as identified in the document; animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

15-15-1.201. **Setback.** The required minimum distance between a Building Pad and the closest of the following:

- (A) Property Line;
- (B) platted Street; or
- (C) existing curb or edge of a Street.

15-15-1.202. **Sexually Oriented Businesses.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

15-15-1.203. **Significance.** The value placed on a Building relating to its architectural or Historical importance.

15-15-1.204. **Significant Ridge Line Area.** Ridge lines in Areas deemed to be significant or sensitive as determined during the Sensitive Lands Analysis, the significance of these ridge lines is to be determined during the sensitive lands visual analysis process.

15-15-1.205. **Significant Vegetation.** Includes 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.

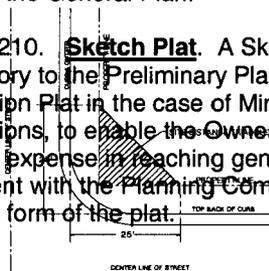
15-15-1.206. **Single Family Subdivision.** A Development consisting primarily, although not exclusively, of Single Family Dwellings.

15-15-1.207. **Site Development Standards.** Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

15-15-1.208. **Site Distance Triangle.** A triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.

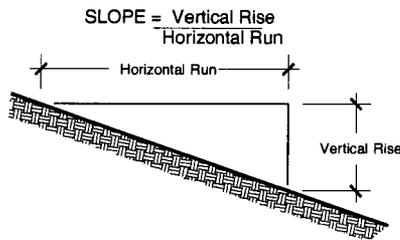
15-15-1.209. **Site Suitability Analysis.** A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

15-15-1.210. **Sketch Plat.** A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.



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15-15-1.211. **Slope.** The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep.** Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep.** Slope greater than forty percent (40%).

15-15-1.212. **Spacing.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

15-15-1.X. **Stealth Telecommunications Facility.** A Telecommunications Facility, which is disguised as another object or otherwise concealed from public view.

15-15-1.213. **Stream.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches and canals

constructed for irrigation and drainage purposes.

15-15-1.214. **Stream Corridor.** The Corridor defined by the Stream's Ordinary High Water Mark.

15-15-1.215. **Street.** Any highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, easement, or other way.

(A) **Street, Public.** A Street that has been dedicated to and accepted by the City Council; that the City has acquired and accepted by prescriptive right; or that the City owns in fee.

15-15-1.216. **Streetscape.** The distinguishing characteristics of a particular Street including paving materials, adjacent space on both sides of the Street, landscaping, retaining walls, sidewalks, Building Facades, lighting, medians, Street furniture, and signs.

15-15-1.X Streetscape- Architectural. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

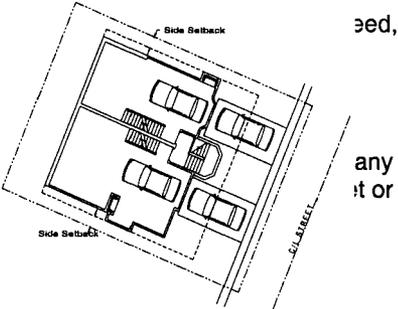
15-15-1.217. **Structure.** Anything constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes "Building".

15-15-1.218. **Studio Apartment.** A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

15-15-1.219. **Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Re-subdivision. Subdivision includes the division or Development of residential and

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Subdiv
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creation



(b) **Subdivision, minor.** Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

15-15-1.220. **Subdivision Plat.** The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

15-15-1.221. **Suitability Determination.** A determination by the Planning Director whether Development at increased Densities due to a Density transfer from a Sensitive Area is Compatible with

Development on surrounding or adjacent Property.

15-15-1.222. **Tandem Parking.** A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and may not require occupants of separate Dwelling Units to park behind one another.

15-15-1.X **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.

15-15-1.x **Telecommunications.** 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.

15-15-1X. **Telecommunications Facility.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

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15-15-1.223. **Temporary Improvement.** A Structure built and maintained during construction of a Development, activity or special event and then removed prior to release of the performance Guarantee.

15-15-1.224. **Timeshare Conversion.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

15-15-1.225. **Timeshare Estate.** A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended, excluding Private Residence Club ownership.

15-15-1.226. **Timeshare Instrument.** Any instrument whereby the Use, occupancy, or possession of real Property has been made subject to either a Timeshare Estate or Timeshare Use, and whereby such Use, occupancy, or possession circulates among three (3) or more purchasers of the Timeshare Intervals according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three (3) years in duration.

15-15-1.227. **Timeshare Interval.** A Timeshare Estate or a Timeshare Use.

15-15-1.228. **Timeshare Off-Premises Contacting Activity.** Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

15-15-1.229. **Timeshare Off-Premises Sales Activity.** Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully

enclosed Building and is subject to business license regulation.

15-15-1.230. **Timeshare Off-Premises Sales Office.** An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or re-sales.

15-15-1.231. **Timeshare On-Site Sales Activity.** Timeshare sales activity occurring within a Timeshare Project.

15-15-1.232. **Timeshare On-Site Sales Office.** An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

15-15-1.233. **Timeshare Project.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

15-15-1.234. **Timeshare Sales Presentation.**

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

15-15-1.235. **Timeshare Unit.** That unit of Property and time where possession and

Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

15-15-1.236. **Timeshare Use.** Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

15-15-1.237. **Transferred Development Right (TDR) Open Space.** See Section 15-15-1.151(C) Open Space, TDR.

15-15-1.238. **Transportation Services.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

15-15-1.239. **UDOT.** Utah State Department of Transportation, an agency that maintains and regulates State Highways.

15-15-1.240. **Uniformity Ratio.** The ratio between the average and minimum light distribution or Luminance across a given Area.

15-15-1.241. **Unit Equivalent.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

15-15-1.242. **Use.** The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

(A) **Use, Intensity of.** The maximum number of residential units, or

commercial, or industrial space within a specified land Area designated for that purpose.

15-15-1.243. **Vantage Points.** A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40; and
9. Highway 224, one-half mile south of the intersection with Kilby Road.

15-15-1.244. **Vehicle Control Gate.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

15-15-1.245. **Wetland, Significant.** All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

15-15-1.246. **Wildfire/Wildland Interface Zone.** All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

15-15-1.247. **Yard.**

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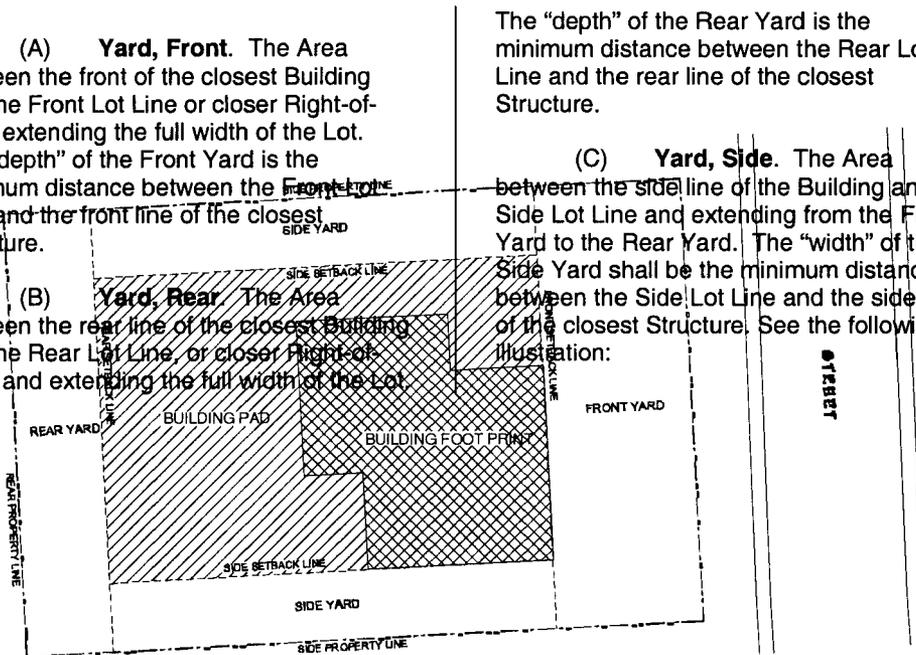
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(A) **Yard, Front.** The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The "depth" of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear.** The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot.

The "depth" of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side.** The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The "width" of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



15-15-1.248. **Zone Height.** The base Building height permitted in the Zoning District prior to Application of any allowable height exceptions.

15-15-1.249. **Zoning District.** An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

15-15-1.250. **Zoning Map, Official.** The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

(Amended by Ord. No. 02-07; Ord. No. 02-38; 04-39; 05-01)

15-15-2. LIST OF DEFINED TERMS.

Comment [k2]: This list of definitions will be revised to include all new definitions... prior to final publication of this Chapter.

-A-

Access
Accessory Apartment
Accessory Building
Accessory Use
Active Building Permit
Administrative Permit
Affordable Housing
Agent
Agriculture
Allowed Use
Alteration, Building
Antenna
Apartment
Applicant
Application
Application, Complete
Architectural Detail
Area or Site

-B-

Bakery
Balcony
Bar
Basement
Bay Window
Bed and Breakfast Inn
Bedroom
Billboard
Blank Wall
Block
Boarding House
Building
Building, Attached
Building, Detached
Building, Main

Building, Public

Building Alteration (see Alteration,
Building)

Building Envelope

Building Footprint

Building Pad

Building Permit

Business

-C-

Café

Canopy

Capital Improvements Program

Certificate of Appropriateness

Certificate of Economic Hardship

Certificate of Occupancy

Child Care

Child Care, In-Home Babysitting

Child Care, Family

Child Care, Family Group

Child Care Center

Clearview of Intersecting Streets

Club, Private

Cluster Development

Code

Collector Road

Commercial Use

Commercial Use, Support

Commercial Use, Resort Support

Common Area

Common Ownership

Compatible or Compatibility

Conditional Use

Condominium

Conservation Activity

Constitutional Taking

Construction Activity

Construction Mitigation Plan

Construction Plan

Contributing Building, Structure, Site/Area or Object

Council

Cover, Site

Crawl Space

Crest of Hill

Cul-de-sac

-D-

Deli or Delicatessen

Demolish or Demolition
Density
Design Guideline
Developable Land
Developer
Development
Development Agreement
Development Approval Application
Disabled Care
Dwelling, Duplex
Dwelling, Triplex
Dwelling, Multi-Unit
Dwelling, Single Family
Dwelling Unit

-E-

Economic Hardship, Substantial
Elder Care
Elevator Penthouse
Escrow
Exterior Architectural Appearance

-F-

Facade, Building
Facade Easement
Facade Shift
Fence
Filtered Light Fixture
Final Action
Final Plat
First Story
Flood Plain Area
Floor Area, Gross
Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Governing Body

Grade
Grade, Existing
Grade, Natural
Grade, Final
Grading
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Historic
Historic Building, Structure, Site or Object
Historic District
Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Inaction
Incidental Retail Sales
Indoor Entertainment Facility

-K-

Kitchen
Kitchen, JBC Commercial
Kitchenette

Deleted: UBC

-L-

Landmark
Landscaping, Interior
Landscaping, Parking Area
Landscaping, Perimeter
Liftway
Liftway Setback
Light Source
Light Source, Refractive
Limits of Disturbance
Lockout Unit
Lot

Lot, Corner
Lot Depth
Lot Line
Lot Line, Front
Lot Line, Rear
Lot Line, Side
Lot Line Adjustment
Lot Width
Lumen
Luminaire
Luminaire, Cutoff Type
Luminaire, Partially Shielded
Luminaire, Fully Shielded

-M-

Master Planned Development (MPD)
Maximum Extent Feasible
Model Home

-N-

Neighborhood Convenience, Commercial
Nightly Rental
Non-Complying Structure
Non-Conforming Use
Nursery, Greenhouse
Nursing Home

-O-

Off-Site
Off-Street
Office, General
Office, Intensive
Office, Moderately Intensive
Offices Medical
Official Streets Master Plan
Official Zoning Map
One Bedroom Apartment
Open Space, Landscaped
Open Space, Natural
Open Space, Transferred Development
Right (TDR)
Ordinary High Water Mark
Ordinary Repairs and Maintenance
Outdoor Use
Owner

-P-

Parcel
Parking, Public
Parking, Residential

Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Person
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation Easement
Private Club
Private Residence Club
Private Residence Club Conversion
Private Residence Club Project
Property
Property Line
Property Line, Front
Property Owner (see Owner)
Public Improvement
Public Use

-Q-

Qualified Professional
Quasi-Public Use

-R-

Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Refractive Light Source
Regulated Use
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Resubdivision
Retail and Service, Commercial-Auto Related
Retail and Service, Commercial-Major
Retail and Service, Commercial-Minor
Retail and Service, Commercial-
 Personal Improvement
Ridge Line Area
Riding Stable, Commercial
Right-of-Way
Road, Collector
Road Classification
Road Right-of-Way Width

-S-

Salt Lake City 2002 Winter Olympic Games
 Olympic Legacy Displays
Satellite Receiving Station
SBWRD
Screen or Screened
Secondary Living Quarters
Sensitive Land
Sensitive Land Analysis
Sensitive or Specially Valued Species
Setback
Sexually Oriented Businesses
Significance
Significant Ridge Line Area
Significant Vegetation
Single Family Subdivision
Site Development Standards
Site Distance Triangle
Site Suitability Analysis
Sketch Plat
Slope
Slope, Steep
Slope, Very Steep
Spacing
Stream
Stream Corridor
Street
Street, Public
Streetscape
Structure
Studio Apartment
Subdivision
Subdivision, Major
Subdivision, Minor
Subdivision Plat
Substantial Economic Hardship (see Economic Hardship, Substantial)
Suitability Determination

-T-

Tandem Parking
Telecommunications
Telecommunications Facility
Telecommunications Facility, Stealth
Telecommunications Facility Co-Location
Telecommunications Facility Equipment Shelter
Telecommunications Facility Technical Necessity
Temporary Improvement
Timeshare Conversion

Timeshare Estate
Timeshare Instrument
Timeshare Interval
Timeshare Off-Premises Contacting Activity
Timeshare Off-Premises Sales Activity
Timeshare Off-Premises Sales Office
Timeshare On-Site Sales Activity
Timeshare On-Site Sales Office
Timeshare Project
Timeshare Sales Presentation
Timeshare Unit
Timeshare Use
Transferred Development Right (TDR) Open Space
Transportation Services

-U-

UDOT
Uniformity Ratio
Unit Equivalent
Use
Use, Intensity of

-V-

Vantage Points
Vehicle Control Gate

-W-

Wetland, Significant
Wildfire/Wildland Interface Zone

-Y-

Yard, Front
Yard, Rear
Yard, Side

-Z-

Zone Height
Zoning District
Zoning Map, Official

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

Ordinance No. 06-85

**AN ORDINANCE APPROVING THE 68 PROSPECT STREET REPLAT,
AN AMENDMENT TO LOTS 8, 9, AND 10 OF THE PARK CITY SURVEY,
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 68 Prospect Street have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Plat Amendment and forwarded a positive recommendation to the City Council on November 8, 2006; and,

WHEREAS, on December 14, 2006, the City Council approved the 68 Prospect Street Replat; and

WHEREAS the 68 Prospect Street Replat will allow the consolidation of three lots into two lots within the same exterior boundary.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 68 Prospect Street Replat, as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 68 Prospect Street.
2. The zoning is Historic Residential (HR-1)
3. The surrounding land use patterns are single family homes, most of them small in size on single, or combinations of typical Old Town lots.
4. The current configuration of lots is three equal sized lots measuring 25.7' x 80'.
5. One home traverses both of the interior lot lines.
6. The size of the current home is approximately 400 square feet.
7. The home is historically significant.
8. The proposed configuration of lots is two equal sized lots measuring 38.5' x 80'.
9. A Public Hearing was held on October 25, 2006. Two comments were received, both in support of the Plat Amendment.
10. Comments received on October 25th supported the construction of two smaller homes rather than one larger home.
11. The Planning Commission unanimously voted to recommend approval of the plat amendment on November 8, 2006.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it allows the construction of

two smaller homes, which is consistent with the surrounding land use patterns, massing and scale on Prospect Street.

2. The Plat Amendment is consistent with the Park City Land Management Code.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Relocation of the existing historic home to the new lot is a condition precedent to plat recordation.
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 for the plat will be void. The applicant may apply for an extension to this time limit if needed.
4. All standard project conditions will apply as noted in Attachment 2.

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

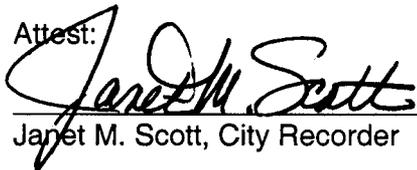
PASSED AND ADOPTED this 14th day of December, 2006.

PARK CITY MUNICIPAL CORPORATION



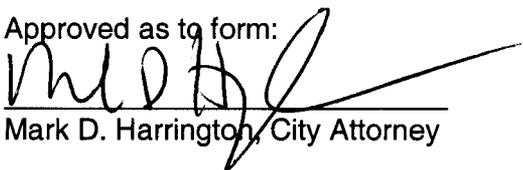
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

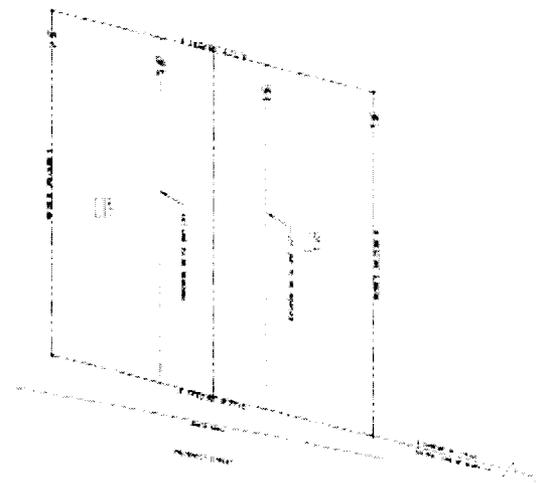


Mark D. Harrington, City Attorney

Attachment 1 – Record of Survey Plat

<p>RECORD OF SURVEY</p> <p>THIS PLAT IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAT FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SALT LAKE, UTAH, ON [DATE] 19[XX] AT [TIME] [AM/PM].</p> <p>IT IS HEREBY CERTIFIED THAT THIS PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY PLAT AS FILED.</p> <p>WITNESSED MY HAND AND SEAL OF OFFICE, AT SALT LAKE CITY, UTAH, ON [DATE] 19[XX] AT [TIME] [AM/PM].</p> <p>_____ COUNTY CLERK</p>	<p>LANDS DEPARTMENT</p> <p>THIS PLAT IS A REPRODUCTION OF THE ORIGINAL SURVEY PLAT FILED IN THE PUBLIC RECORDS OF THE COUNTY OF SALT LAKE, UTAH, ON [DATE] 19[XX] AT [TIME] [AM/PM].</p> <p>IT IS HEREBY CERTIFIED THAT THIS PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY PLAT AS FILED.</p> <p>WITNESSED MY HAND AND SEAL OF OFFICE, AT SALT LAKE CITY, UTAH, ON [DATE] 19[XX] AT [TIME] [AM/PM].</p> <p>_____ COUNTY CLERK</p>	<p>PLAT NUMBER</p> <p>PLAT NO. [NUMBER]</p> <p>SECTION [NUMBER]</p> <p>TOWNSHIP [NUMBER]</p> <p>RANGE [NUMBER]</p>	<p>DATE OF SURVEY</p> <p>DATE OF SURVEY [DATE]</p> <p>BY [NAME]</p>	<p>REMARKS</p> <p>[REMARKS]</p>
--	--	---	--	--

A (20) CORRECTION PLAT
 A RE-SUBDIVISION OF LOTS 2, 4, AND 10 IN BLOCK 18 PARK CITY SURVEY
68 PROSPECT STREET REPLAT
 SECTION 26, TOWNSHIP 33 NORTH, RANGE 12 WEST, DEER BEAR DISTRICT



COMMISSIONERS

[List of names and titles]

WITNESSES

[List of names and titles]

Attachment 2
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 06-84

AN ORDINANCE ANNEXING APPROXIMATELY 157 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE STATE ROUTE 248/US-40 INTERCHANGE IN THE QUINNS JUNCTION AREA KNOWN AS THE INTERMOUNTAIN HEALTHCARE/USSA/BURBIDGE ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH.

WHEREAS, on November 3, 2004, Intermountain Healthcare, United States Ski and Snowboard Association (USSA), and Burbs, LLC filed an annexation petition, as shown on the attached Annexation Plat, Exhibit A (Property), requesting Park City to annex the Property to the City subject to the Master Planned Development review process as outlined in the Land Management Code;

WHEREAS, the Property is included within the Park City Annexation Expansion Area; and

WHEREAS, the requested zoning, Community Transition (CT-MPD) is consistent with the Park City General Plan and Quinns Junction Joint Planning Principles; and

WHEREAS, an application for a Master Planned Development was submitted with the annexation petition, that includes a proposal for community hospital and support medical offices; USSA headquarters and training facility; one 15 acre lot deeded to the City upon which the City would contemplate future expansion of its recreation complex; and one 5 acre lot deeded to the City upon which the applicant will construct affordable/employee housing units.

WHEREAS, the proposed maximum density in the Community Transition District is 3 units/acre; and

WHEREAS, the proposed total density at build-out for the annexation area is 535,000 square feet; and

WHEREAS, the proposed maximum density for the annexation area is 2.64 units/acre; and

WHEREAS, the proposed annexation provides over 80% open space; and

WHEREAS, the City Council established the IHC/USSA/Burbidge Annexation Task Force (Resolution No. 21-05) on July 14, 2005 for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts.

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition (CT) District which includes specific provisions addressing affordable housing on October 27, 2005; and

ENTRY NO. 00802748

01/23/2007 04:38:11 PM B: 1843 P: 0348

Ordinance PAGE 1 / 37

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORPORATION



WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the annexation's economic impact/fiscal analysis on November 10, 2005; and

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation on December 8, 2005; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on May 10, 2006, following which the Planning Commission voted to forward a positive recommendation on the proposed annexation and zoning designation to the City Council; and

WHEREAS, the Park City Council accepted the Intermountain Healthcare/USSA/Burbidge petition for annexation on November 18, 2004; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and finds that the petition complies with all applicable criteria of the Utah Code; and

WHEREAS, On December 6, 2004, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests have been filed by any "affected entities" or other jurisdictions; and

WHEREAS, an Annexation Agreement has been negotiated before the City and Petitioner pursuant to the Land Management Code, Section 15-8-5C setting forth further terms and conditions; and

WHEREAS, on December 7, 2006 after proper notice, the City Council conducted public hearings and took public testimony on the matter, as required by law; and

WHEREAS, the Property is not included within any other municipal jurisdiction;

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

SECTION 1. ANNEXATION. The Property is hereby annexed to the corporate limits of Park City, Utah and zoned Community Transition (CT-MPD) according to the Annexation Plat executed in substantially the same form as it attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit B and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement. The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance. The property is not yet, however, annexed into the Park City Water Service District.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit B 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 Land Management Code--Chapter 8: Annexation. The zoning is consistent with Ordinance 06-46.

SECTION 4. EFFECTIVE DATE. Pursuant to Utah Code Section 10-3-712, the City Council hereby provides that this Ordinance shall be deemed enacted as of January 1, 2007. This Ordinance shall be effective upon publication and the Annexation shall be effective upon recordation and filing of this Ordinance and annexation plat pursuant to the Utah Code Annotated Section 10-2-425, but in no event shall the Ordinance be deemed "enacted" nor effective prior to January 1, 2007. Ordinance 06-47 is hereby repealed.

DATED this 7th day of December 2006.

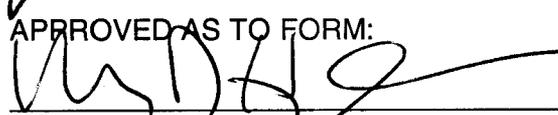
PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

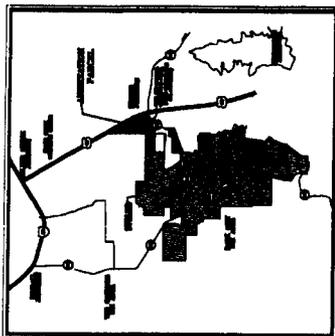
ATTEST:


Janet M. Scott, CITY RECORDER

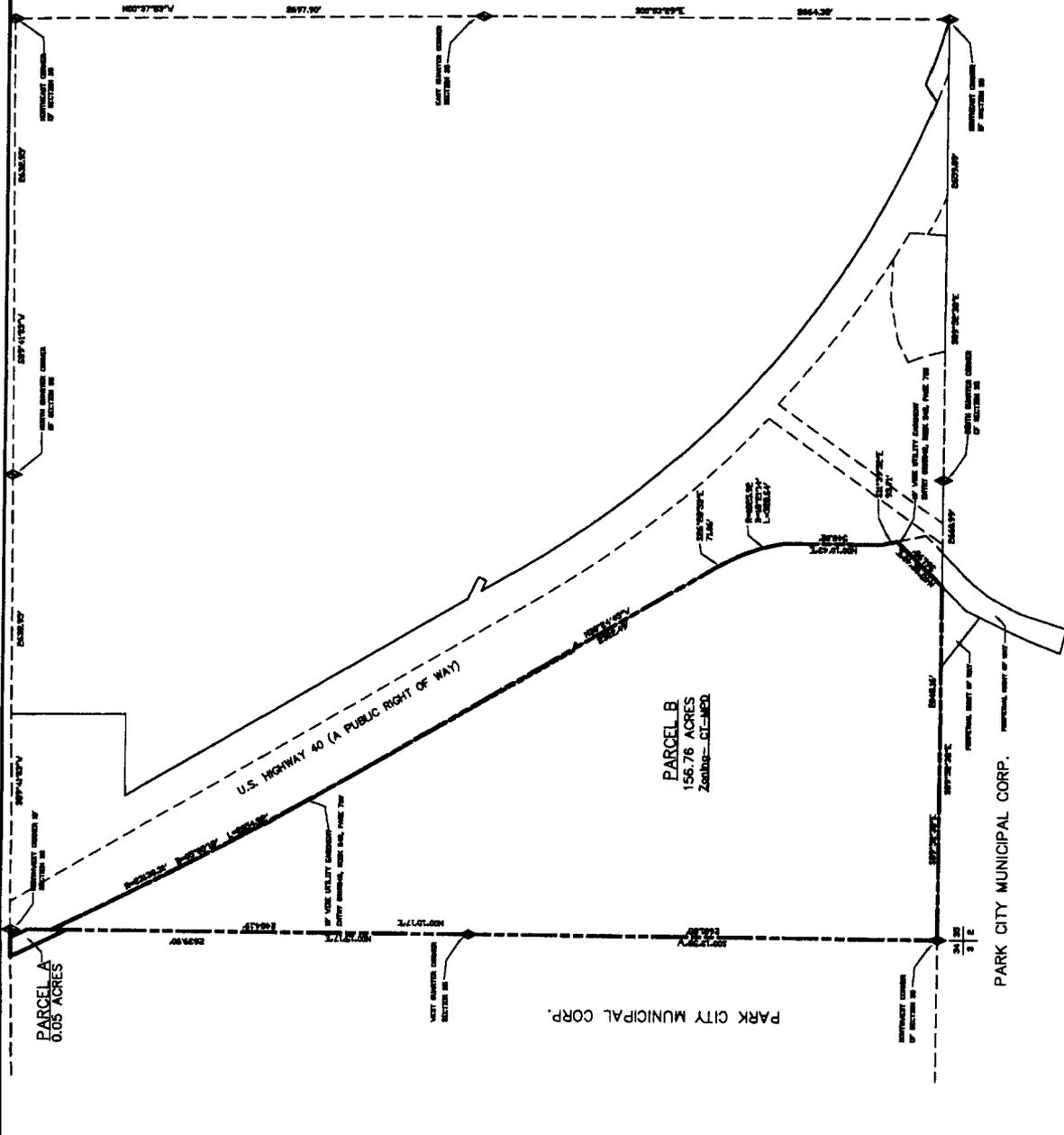
APPROVED AS TO FORM:


Mark D. Harrington, CITY ATTORNEY





VICINITY MAP



PARK CITY MUNICIPAL CORP.

PARK CITY MUNICIPAL CORP.

PARCEL B
156.76 ACRES
ZONING-C1-MED

PARCEL A
0.05 ACRES

U.S. HIGHWAY 40 (A PUBLIC RIGHT OF WAY)

UTILITY EASEMENT

THE ENGINEER:
A parcel of land located in Section 36, Township 1 North, Range 4 East, Salt Lake Base and Meridian, containing an area of approximately 156.81 acres, more or less, is shown on the attached plat. The plat shows the location of the parcel, the location of the easements, and the location of the public right of way. The plat also shows the location of the easements and the location of the public right of way. The plat is a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah.

THE CITY ENGINEER:
I have examined the above plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah. I have also examined the original plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah.

THE CITY PLANNING COMMISSION:
I have examined the above plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah. I have also examined the original plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah.

THE COUNTY ASSESSOR:
I have examined the above plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah. I have also examined the original plat and find it to be a true and correct copy of the original plat on file in the office of the County Assessor, Salt Lake County, Utah.

**ANNEXATION AND ZONING PLAT FOR THE
INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL
CAMPUS/UNITED STATES SKI & SNOWBOARD
ASSOCIATION PROPERTY**
LOCATED IN SECTION 36, TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH.

JACK JOHNSON COMPANY
Engineering and Surveying
1000 East 1000 South, Suite 100
Salt Lake City, Utah 84143
Phone: (801) 466-1111
Fax: (801) 466-1112

RECORDED

BOOK _____ PAGE _____

DATE OF RECORDING _____

BY _____

APPROVAL AS TO FORM

APPROVED BY _____

DATE _____

CITY COUNCIL APPROVAL

APPROVED BY _____

DATE _____

CITY ENGINEER

APPROVED BY _____

DATE _____

CITY PLANNING COMMISSION

APPROVED BY _____

DATE _____

COUNTY ASSESSOR

APPROVED BY _____

DATE _____

PLANNING COMMISSION

APPROVED BY _____

DATE _____

When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

COPY

and to:

Guy P. Kroesche, Esq.
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111

and to:

Charles R. Brown, Esq.
CLYDE SNOW SESSIONS & SWENSON
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111

and to:

Ira B. Rubinfeld, Esq.
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
Salt Lake City, Utah 84145

ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (this "Annexation Agreement") is made by and between Park City Municipal Corporation (hereinafter, the "City") and Burbs, L.L.C., a Utah limited liability company (hereafter, the "Petitioner") to set forth the terms and conditions under which the City will annex certain land owned by the Petitioner, consisting of approximately 157 acres and located in unincorporated Summit County, Utah, at the northwest corner of State Road 248 and Highway 40 (as further defined below, the "Property"), into the corporate limits of the City and extend municipal services to the Property. This Annexation Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties.

WHEREAS, the Petitioner entered into that certain Real Estate Acquisition Agreement, dated as of October 21, 2004, as amended by that certain Amendment to Real Estate Acquisition Agreement, dated as of October 21, 2005, as further amended by that certain Second Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2005, as amended by that certain Third Amendment to Real Estate Acquisition Agreement, dated as of April 27, 2006, as amended by that certain Fourth Amendment to Real Estate Acquisition Agreement, dated as of August 11, 2006, as amended by that certain Fifth Amendment to Real Estate Acquisition Agreement, dated as of August 25, 2006, as amended by that certain Sixth Amendment to Real Estate Acquisition Agreement, dated as of September 27, 2006, as amended by that certain Seventh Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2006, and as amended by that certain Eighth Amendment to Real Estate Acquisition Agreement, dated as of November 30, 2006, (collectively, the "Real Estate Acquisition Agreement"), for the sale of a portion of the Property (the "Intermountain Healthcare Property") to IHC Health Services, Inc., a Utah nonprofit corporation ("Intermountain Healthcare");

WHEREAS, the Petitioner has previously notified to the United States Ski and Snowboard Association, a Utah nonprofit organization (the "USSA"), that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA, and USSA is willing to accept such donation;

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004;

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition District - Master Planned Development ("CT-MPD"), a new City zoning district that allows for a community hospital/medical facility, support medical offices, public/quasi-public institutional uses, United States Ski and Snowboard headquarters and a sports training complex, public recreation uses, affordable/employee housing, and open space land uses on the Property;

WHEREAS, to these ends, the City has issued certain Findings and Conditions with respect to the Property, which are attached as Exhibit "A" (the "Findings and Conditions");

WHEREAS, the parties understand, acknowledge and agree that the Annexation of the Property is conditioned upon, among other matters, the satisfaction of the terms and conditions set forth in the Findings and Conditions and this Annexation Agreement, as well as the completion of the master plan development for the Intermountain Healthcare Property or the USSA Property, as the case may be (in either case an "MPD") and subdivision (the "Subdivision") of the Property, all to the satisfaction, in their respective discretion, of the Petitioner, Intermountain Healthcare, USSA, and the City, as applicable, and as evidenced by the Subdivision plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"); and

WHEREAS, except as otherwise defined herein, capitalized terms shall be as defined in the Findings and Conditions;

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of the City's agreement to annex the Property and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived herefrom, the parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property.** The Property to be annexed is approximately 157 acres in size, as depicted on the annexation plat attached as Exhibit "B" (the "Annexation Plat") and as more fully described in the legal description attached as Exhibit "C."
2. **Zoning.** Upon Annexation, the Property will be zoned CT-MPD, as shown on Exhibit "B."
3. **Master Plan Approval; Phasing.** Pursuant to Land Management Code Section 15-8-3 (D), an application for a Master Planned Development of the Property (as submitted, the "MPD"), a copy of which is attached as Exhibit "D," was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004. This Annexation Agreement does not represent approval or vesting of the MPD. Rather, the MPD and the use and development of the Intermountain Healthcare Property and the USSA Property shall be governed by the zoning designations provided herein and, consistent with this Annexation Agreement and the Findings and Conditions, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation pursuant to Utah Code Annotated § 10-2-425(5) (as applicable to the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, the "Final MPD").

Any substantive amendments to the MPD or this Annexation Agreement shall be processed in accordance with the Park City Land Management Code. Further, as part of the MPD review and approval process, again consistent with this Annexation Agreement and the Findings and Conditions, the phasing of the development of the Intermountain Healthcare Property or the USSA Property, as the case may be, shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails.** A condition precedent to the Annexation and the Final MPD for the Intermountain Healthcare Property or the USSA Property, as the case may be, is the grant to the City of public easements (collectively, the "Trail Easements") for the construction of non-vehicular pedestrian trails (collectively, the "Trails"), the location, width and use of which shall be determined during the MPD review and approval process, and which shall be documented in one or more development agreements for the Intermountain Healthcare Property the USSA Property, as the case may be, or any portions thereof (in any case, a "Development Agreement"). The Trail Easements shall include, but are not limited to, those easements necessary to extend and/or relocate certain of the existing non-vehicular pedestrian trails to connect to other public trail easements existing on adjacent properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Development Agreement for the USSA Property, the Intermountain Healthcare Property or any other part of the Property, as the case may be, and, further, unless otherwise provided in any such Development Agreement, shall be the responsibility of the owner of the USSA Property, the Intermountain Healthcare Property, or any other part of the Property, as the case may be.

5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads, Road Design and Access.** All streets and roads within the Property shall be designed according to the City's road design standards and, as soon as reasonably practicable following the construction thereof (to the extent, as determined during the MPD review and approval process, to be dedicated to the City), shall be dedicated to the City for purposes of public thoroughfares and, upon acceptance thereof by the City, the maintenance and repair thereof by the City. Until such time as any such streets and roads shall be dedicated to, and accepted by, the City pursuant to the City's applicable ordinances governing any such dedication, maintenance and repair of all such streets and roads shall remain with the Petitioner (or, as specified in connection with any such assignment, its assigns). All roads and streets within the Property shall be not less than thirty feet (30') wide, back of curb to back of curb, unless, consistent with this Annexation Agreement, applicable City ordinances and the Findings and Conditions, otherwise reduced by the City for pedestrian traffic calming or other public purposes. The terms and conditions of grading and constructing access roads and streets across any City property shall be agreed to as part of the MPD review and approval process.

Notwithstanding any other term or condition of this Annexation Agreement and as and to the extent reasonably necessary or appropriate for, consistent with this Annexation Agreement and the Findings and Conditions, use of the Intermountain Healthcare Property, the City, without additional consideration therefor, agrees to (a) by means of (i) a publicly-dedicated roadway and/or (ii) a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property to State Road 248 in Summit County, Utah (all as shown on attached Exhibit "E" road design plan, prepared by Horrocks Engineers on November 6, 2005, and approved by the City Engineer), for main and primary vehicular and pedestrian access (the "Main Access Roadway"), and (b) by means of a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property for emergency and secondary vehicular and pedestrian access (the "Secondary Access

Easement"). The Main Access Roadway and the Secondary Access Easement each shall be not less than thirty feet (30') wide, back of curb to back of curb, exclusive of any sidewalks or other improvements and, further, shall be in such locations as shall be mutually acceptable to the City and Intermountain Healthcare. Except as and to the extent consistent with the use of the Intermountain Healthcare Property (and as, to the extent practicable, confirmed in connection with the sale and acquisition of the Intermountain Healthcare Property), neither the Main Access Roadway nor the Secondary Access Easement shall be subject to any use restrictions, conditions, limitations, or encumbrances (other than, to the extent the Secondary Access Easement shall not be on the City's property, general property taxes or assessments not yet due and payable) and, in addition, shall provide insurable access to and from the Intermountain Healthcare Property; provided, however, that, as specified during the MPD review and approval process, a locked gate may restrict use of the Secondary Access Easement to emergency and fire use only.

The Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) shall not have any obligation or liability for the Main Access Roadway or the Secondary Access Easement until review and approval by the City of the Final MPD. The City further agrees that roadway and street construction costs and expenses incurred by the Petitioner (or its assigns) shall be credited against any other impact or other development fees and costs for which the Petitioner (or its assigns) may be liable by reason of this Annexation Agreement or, consistent with the Findings and Conditions, otherwise with respect to the Intermountain Healthcare Property, the improvement of State Road 248, or the USSA Property, including without limitation any costs or expenses incurred in connection with the obligations under Section 17, below. The Petitioner (or, as specified in connection with any such assignment, its assigns) may require other or third parties to enter into a latecomer's agreement to reimburse the Petitioner for a portion of its costs in extending roads, traffic infrastructure and access to the Property.

7. **Sanitary Sewer, Line Extensions and Related Matters.** Construction and alignment of the sanitary sewer shall be determined as part of the MPD review and approval process. The preferred alignment of the sanitary sewer shall be that which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of a Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Intermountain Healthcare Property or the USSA Property, as the case may be.

8. **Water Rights and Water Source Capacity.** The Petitioner (or, as specified in connection with any such assignment, its assigns) hereby agrees to purchase culinary water and, as appropriate, irrigation water from the City, subject to the provisions of this Section 8. The City shall and hereby agrees, upon payment therefor as specified in and contemplated under this Section 8, to provide such culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for (a) the Intermountain Healthcare Property, which the parties understand, acknowledge and agree is 101,528 gallons per day at full build-out (the "Intermountain Healthcare Peak Water Demand") and (b) the USSA Property, which the parties understand, acknowledge and agree is 8,759 gallons per day at full build-out (the "USSA Peak Water Demand"). The Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to pay the City for such water in the amount of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per Equivalent Residential Unit ("ERU"), inclusive of (i) a proportionate share of any capital costs incurred by the City through the Snyderville Importation Project, (ii) any water share acquisition costs for water from the Weber Basin Water Conservancy District, (iii) a proportionate share of any water treatment costs based on the Intermountain Healthcare Peak Water Demand and the USSA Peak Water Demand, (iv) any City water impact fees therefor, and (v) any City water connection impact fees (collectively, the "Water Cost").¹ Such Water Cost, respectively, shall be paid to the City within ten (10) business days following the Final MPD. Based

¹ The Water Cost was calculated by the City, as shown on attached Exhibit "G."

upon the peak water demand figures submitted to the City by Intermountain Healthcare and the USSA, at the City's request, the City calculated and hereby confirms that, the number of ERUs respectively, is equivalent to 63.455 ERUs and 5.47 ERUs.

The City shall not be obligated to provide any water in excess of (A) the Intermountain Healthcare Peak Water Demand for the Intermountain Healthcare Property and (B) the USSA Peak Water Demand for the USSA Property and, notwithstanding any other term or condition hereof, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall not be obligated to pay any amounts in excess of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per ERU. Further, the Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) and the City agree to enter into a separate agreement, mutually acceptable to the parties thereto, which shall document and provide for the implementation of the material terms of Sections 8, 9, and 10 of this Annexation Agreement, before the Final MPD; provided, however, that the Petitioner (or its assigns) shall not have any obligation or liability to purchase any water from the City until after the Final MPD. The Petitioner (or, as specified in connection with any such assignment, its assigns) is separately responsible for any redundant water rights, source capacity and/or systems as may be required in connection with the use and development of the Intermountain Healthcare Property or the USSA Property, as the case may be, and as required by applicable laws, rules or regulations relating thereto.

In conjunction with the construction of the Units by Petitioner on the City Donated Parcel or the Alternative Affordable Housing Location, as further described in Section 11, the City agrees that it will provide culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for the Units, as ultimately determined by Petitioner and the City and approved for construction by the City. Petitioner agrees to pay to the City normal and customary charges for such water, which Water Cost shall not be in excess of the Water Cost to be paid the City for water to the Intermountain Healthcare Property and USSA Property, as set forth above in this Section 8.

9. **Water Impact Fees and Credits.** The City confirms that the total water impact fee was calculated by the City in the same manner and in the same comparative amount as with other developments within municipal boundaries. Any applicable credits that the Petitioner (or its assigns) may be eligible for will be determined by the City in the same manner and in the same comparative amount as with other developments within the City.

10. **Other Water Facilities, Infrastructure and Systems Costs.** As a condition precedent to the effectiveness of this Annexation Agreement, certain water facilities and systems, including an upgrade to the Fairway Hills pump station, shall be required to be constructed to service the Intermountain Healthcare Property and the USSA Property, and, to the extent to be dedicated to the City, easements therefor granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the MPD review and approval process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed in accordance with specifications reasonably required by the City Engineer. Notwithstanding any term or condition of this Annexation Agreement, the City shall be responsible for the cost of any over-sizing of any Water Facilities and Systems, and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined during the MPD review and approval process) for any over-sized Water Facilities and Systems designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

In connection with the MPD and the Subdivision² review and approval processes, on-site storm runoff detention facilities, or approved alternatives, as approved by the City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined during the MPD review and approval process (the "Storm Detention Facilities"). The City shall be responsible for the cost of any over-sized on-site Storm Detention Facilities required as determined as part of the MPD (as sized and located to the reasonable satisfaction of Intermountain Healthcare and USSA), and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined by the Petitioner and the City during the MPD review and approval process) for any such facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

As part of the MPD review and approval process, the Petitioner (or, as specified in connection with any such assignment, its assigns), the City and the affected parties shall determine and agree on the proportionate costs and/or appropriate credits or contributions from the City for the installation, construction, repair, and maintenance of any excess length, size or capacity storm sewer and/or sanitary sewer lines, power, sewer, and other utility line extensions and related facilities (including without limitation the Storm Retention Facilities and the Water Facilities and Systems, the "Sewer and Related Facilities"), which may be required for the use and development of the Property, or any part thereof, and the provision of municipal services related thereto (with the understanding that the Petitioner (or, as applicable, the respective owners of the Intermountain Healthcare Property or the USSA Property) shall receive an appropriate credit or contribution from the City for the cost of any Sewer and Related Facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity. The extent to which such Sewer and Related Facilities shall be dedicated to the City, and the required granting of easements therefor, shall also be determined, and agreed to, by the Petitioner (or, as specified in connection with any such assignment, its assigns), the affected parties and the City during the MPD review and approval process.

11. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the Findings and Conditions (the "Employee/Affordable Housing"), with the understanding and agreement of the parties that:

a. The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code) (the "Units"). Petitioner previously notified the City that it desires to and will donate five (5) acres of the Property (the "City Donated Parcel") to the City. Intermountain Healthcare, the City and the Petitioner have agreed that the foregoing Employee/Affordable Housing requirement shall be satisfied by the Petitioner's donation of the City Donated Parcel to the City as previously committed to by Petitioner, and the other terms and conditions of this Section 11. Within twelve (12) months of the effective date of this Agreement, the City shall determine if the Units are to be located on the City Donated Parcel or at some alternate location within the City, as agreed to by Petitioner (or its assignees), which agreement shall not be unreasonably withheld, conditioned or delayed, (an "Alternate Affordable Housing Location"); provided that, in the event of an Alternate Affordable Housing Location, the Petitioner (and any assignee thereof) shall not have any obligation, cost or otherwise, for the acquisition of any such Alternate Affordable Housing Location; and provided that, in the event the Units are located on any Alternate Affordable Housing Location, the Petitioner (or any assignee thereof) shall not

² The Subdivision review and approval process will be a two-part process. The first part of the Subdivision review and approval process will establish the lot lines of the Intermountain Healthcare Property, the USSA Property, the City Donated Parcel, and the City Recreation/Open Space Parcel and, in that connection, allow for the recording of the Subdivision Plat in the official real estate records of Summit County, Utah. The second part of the Subdivision review and approval process will include an amendment to the Subdivision Plat, which will be processed during the MPD review and approval process and, to the extent appropriate, will incorporate any necessary requirements of this Section 10.

incur, or be obligated for, any costs or expenses in excess of those that would be incurred if the Units were located and constructed on the City Donated Parcel. Subject to the foregoing, within twenty-four (24) months of the effective date of this Agreement, the Petitioner (or any assignee thereof) shall either (i) begin construction of the Units on the City Donated Parcel or at the Alternate Affordable Housing Location or (ii) post a financial guarantee in favor of the City in a form, on terms and in the amount set forth in attached Exhibit "F" (the "Financial Guarantee").³

The City shall not issue building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet until (A) the commencement of construction of the Units on the City Donated Parcel or an Alternate Affordable Housing Location within twenty-four (24) months following the Annexation, (B) a decision is made to locate the Units on property other than the City Donated Parcel, (C) the satisfaction of the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital by financing or some other arrangement, or (D) the delivery by Petitioner (or its assigns) and acceptance by the City of the Financial Guarantee.⁴ Any such Units constructed shall be sold or rented by the Petitioner (or any assignee thereof) at deed restricted prices or otherwise financed consistent with the City affordable housing guidelines.

b. The Employee/Affordable Housing requirement for development associated with the a proposed United States Ski and Snowboard Association, a Utah nonprofit organization ("USSA") facility (85,000 square feet) is 10.71 Affordable Unit Equivalents. The Petitioner previously notified USSA that it desires to and will donate the USSA Property, upon which USSA intends to construct its facilities, to USSA. A total deferral of the required 10.71 Affordable Unit Equivalents will be granted by the City upon, and in exchange for, the donation of the USSA Property by the Petitioner to USSA as previously committed to by Petitioner. The deferral is contingent upon continued ownership and occupancy by the facility by USSA or another community-based nonprofit organization. Any change in use to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.

c. The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provided that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee (see footnote no. 2, above) has been posted therefor in a form and in an amount acceptable to the City.

³ The form and amount of any bond or other financial assurance required by the City hereunder shall be determined by reasonably estimating the City's administrative costs (which are estimated to be ten percent (10%) of the total cost of construction of the Units), if the City were required to proceed with construction of the Units or any other affordable housing units/equivalents hereunder, and no more.

⁴ By the execution hereof, the City hereby acknowledges and confirms, as of the Effective Date, the delivery by the Petitioner and the acceptance by the City of the Financial Guarantee for the Units, which is in the form, on terms and in an amount required by the City. With the Financial Guarantee, the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital has been satisfied in its entirety and, as such, is not a condition precedent to the issuance of building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet.

d. If the "Units" (as defined in subsection 11(a), above), in fact, are located on the City Donated Parcel, the "Units" will be situated, designed and constructed on the City Donated Parcel in a manner approved, in writing and in advance, by Intermountain Healthcare, in Intermountain Healthcare's reasonable discretion. Any proceeds from the sale or lease of the "Units" on the City Donated Parcel or any Alternate Affordable Housing Location, following their design and construction, shall be retained by and constitute the exclusive property of the entity which constructs the "Units," being either the Petitioner, or any assignee thereof, as the case may be. All utilities shall be stubbed to the City Donated Parcel or any Alternate Affordable Housing Location, on which the Units may be constructed, at no cost to Petitioner (or its assigns) or any other party hereto. Further, neither the Petitioner (and its assigns) nor any other party hereto shall have any obligation, cost or otherwise, for any water rights or interests, nor for any other public fees, except for standard planning review and building permit fees necessary for construction of the Units on the City Donated Parcel (or any Alternate Affordable Housing Location).

12. **Planning Review Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in this Annexation Agreement, or as part of the MPD review and approval process (including without limitation any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City from time to time.

13. **Impact and Building Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in Sections 8, 9 and 10 of this Annexation Agreement, or as part of the MPD review and approval process (including any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Intermountain Healthcare Property, the USSA Property or the remainder of the Property at the time of application for any building permits.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the applicable City ordinances and, further, the City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by the City, Intermountain Healthcare and/or USSA in connection with the MPD review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, the City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as the City may determine necessary or appropriate for the Trails, the City shall not be obligated to remove snow from roads, streets or similar improvements within the Property, until acceptance of the dedication thereof pursuant to the applicable City ordinances or this Annexation Agreement.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by the City Budget, Debt and Grants Department was reviewed, accepted and approved by the City Planning Commission on November 10, 2005. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property and it is hereby accepted and approved by the City as part of this Annexation Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the surrounding properties and jurisdictions was performed by a traffic consultant, Horrocks Engineers, and additional analysis was performed by the City's consultant, Rosenthal and Associates (together referred to herein as the "Traffic Studies"). Any such mitigation measures (inclusive of the "Roadway Access Costs" (as defined below and contemplated under the Findings and Conditions, the "Traffic Mitigation Measures") shall be implemented in a manner consistent with the Findings and Conditions; provided that any costs or expenses shall be proportionately allocated among all affected persons and entities, including without limitation the City; and provided that neither the Petitioner nor its assigns shall be obligated to take or

cause to be taken any such measures until such time as they shall be satisfied that the measures shall have been adequately specified, the costs (and the allocation) thereof determined, the persons and entities participating therein identified, and the payment of any such costs assured to the reasonable satisfaction of the City and the Petitioner (and, as specified in connection with any such assignment, its assigns). Subject to the Findings and Conditions, the parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall incur the financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, all as shown in the analysis of Horrocks Engineers. The total cost of any and all Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000), and the Petitioner's (or, as specified in connection with any such assignment, its assigns') proportionate share of the Traffic Mitigation Measures shall be between eleven percent (11%) and twenty-one percent (21%) and, further, shall be determined and documented as part of the MPD review and approval process.

18. **Effective Date.** This Annexation Agreement is effective as of the date the City Council adopts a resolution authorizing the execution of this Annexation Agreement and, further, the City provides notice of the adoption of such resolution to the parties to this Annexation Agreement.

19. **Governing Law: Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. Jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Annexation Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Annexation Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Annexation Agreement, a certified copy of the ordinance approving the Annexation (the "Annexation Ordinance"), and the Annexation Plat shall be recorded in the official real estate records of Summit County, Utah.

21. **Assignment.** Neither this Annexation Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Annexation Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. 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 the Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Annexation Agreement, in whole or in part, to Intermountain Healthcare (or any affiliate thereof) or to USSA, upon written notice to the City; and provided that, in connection with and to the extent specified in any such assignment, the Petitioner shall not have any further rights or responsibilities under this Annexation Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with the City Code.** Notwithstanding Section 18 of this Annexation Agreement, from the time of the City Council (the "City Council") approves of this Annexation Agreement and upon completion of the Annexation, the Property shall be subject to compliance with any and all of the City's Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Annexation Agreement, together with the recitals and exhibits attached to this Annexation Agreement (which are incorporated in and made a part of this Annexation Agreement by this reference), contains the full and complete agreement of the City and the Petitioner regarding the Annexation of the Property into the City. Only a written instrument signed by all parties hereto, or their successors or assigns, may amend this Annexation Agreement.

24. **No Joint Venture, Partnership or Third Party Rights.** This Annexation Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto. Except as otherwise specified herein, this Annexation Agreement, the rights and benefits under this Annexation Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. **Vested Rights.** Subject to the provisions of this Annexation Agreement, the Petitioner (or its assigns) shall have the right to use and develop the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, as the case may be, in accordance with the uses, densities, intensities, and general configuration of development approved by these Findings and Conditions and, subject to the Findings and Conditions unless otherwise agreed by any affected parties, the Final MPD, subject to and in compliance with other applicable ordinances and regulations of the City.

26. **Reserved Legislative Powers.** The Petitioner 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, and the Petitioner shall ensure that each of its assigns is aware of such restriction in connection with any assignment of any rights or obligations hereunder. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the Land Management Code and zoning Map of the City, as in existence on the date hereof, copies of which have been provided or otherwise made available by the City to the Petitioner, Intermountain Healthcare and USSA on or before the date hereof, and which are applicable to the Property under the terms of this Annexation 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 Property and terms and conditions of this Annexation Agreement applicable to the Property shall be of general application to all development activity in the City; and, unless the City declares an emergency, the Petitioner, Intermountain Healthcare and USSA (and their respective assigns) shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine.

27. **Severability.** If any part or provision of this Annexation 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 Annexation Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Annexation 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. Notwithstanding the foregoing, given the interdependence of many of the provisions of this Annexation Agreement, this Section 26 shall only be applied to the extent the purpose and intent of this Annexation Agreement is not frustrated.

28. **Quinn's Junction Area Study.** The City hereby confirms that the Property is located within the Quinn's Junction Area Study ("QJAS") and the findings and conclusions of the QJAS are consistent with the provisions of this Annexation Agreement and the Findings and Conditions.

⁵¹ IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the
1 day of JANUARY, 2006. 7

[signature pages follow]

PARK CITY MUNICIPAL CORPORATION

By: Dana Williams
Dana Williams, Mayor

DATED this 1st day of January, 2006.

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder

DATED this 1st day of January, 2006.

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

DATED this 1st day of January, 2006.

PETITIONER:

Burbs, L.L.C., a Utah limited liability company

Vaughn Burbidge
By: Vaughn Burbidge
Title: Manager

DATED this ___ day of _____, 2006.

David Burbidge
By: David Burbidge
Title: Manager

DATED this ___ day of _____, 2006.



ACKNOWLEDGEMENT AND CONSENT TO AGREEMENT

By the execution hereof and as of the 27 day of November, 2006, the undersigned, hereby acknowledges and consents to the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) Intermountain Healthcare shall have the right to review and approve, in advance, any matters which affect any part or all of the Intermountain Healthcare Property and any adjacent property to be owned, used and/or developed by the undersigned, (b) Intermountain Healthcare shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by Intermountain Healthcare in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) Intermountain Healthcare shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

IHC HEALTH SERVICES, INC., a Utah nonprofit corporation

By: Don D. Hoopes
Name: Don D. Hoopes
Title: Regional Vice President

DATED this 27 day of November, 2006

ACKNOWLEDGEMENT, CONSENT AND JOINDER TO AGREEMENT

By the execution hereof and as of the ___ day of _____, 2006, the undersigned, hereby acknowledges, consents to and joins in the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) USSA shall have the right to review and approve, in advance, any matters which affect any part or all of the USSA Property, (b) USSA shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by USSA in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) USSA shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

UNITED STATES SKI AND SNOWBOARD ASSOCIATION, a Utah nonprofit organization

By: _____
Name: _____
Title: _____

DATED this ___ day of _____, 2006

Exhibits:

- A) Findings and Conditions
- B) Annexation Plat
- C) Legal Descriptions
- D) Copy of MPD Application
- E) Road Design Plans
- F) Form, Terms and Amount of Financial Guarantee

ACKNOWLEDGEMENT AND CONSENT TO AGREEMENT

By the execution hereof and as of the ___ day of _____, 2006, the undersigned, hereby acknowledges and consents to the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) Intermountain Healthcare shall have the right to review and approve, in advance, any matters which affect any part or all of the Intermountain Healthcare Property and any adjacent property to be owned, used and/or developed by the undersigned, (b) Intermountain Healthcare shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by Intermountain Healthcare in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) Intermountain Healthcare shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

IHC HEALTH SERVICES, INC., a Utah nonprofit corporation

By: _____
Name: _____
Title: _____

DATED this ___ day of _____, 2006

ACKNOWLEDGEMENT, CONSENT AND JOINDER TO AGREEMENT

By the execution hereof and as of the ___ day of _____, 2006, the undersigned, hereby acknowledges, consents to and joins in the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) USSA shall have the right to review and approve, in advance, any matters which affect any part or all of the USSA Property, (b) USSA shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by USSA in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) USSA shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

UNITED STATES SKI AND SNOWBOARD ASSOCIATION, a Utah nonprofit organization

By: William C. Maxwell
Name: William C. Maxwell
Title: President CEO

DATED this 22 day of November, 2006

Exhibits:

- A) Findings and Conditions
- B) Annexation Plat
- C) Legal Descriptions
- D) Copy of MPD Application
- E) Road Design Plans
- F) Form, Terms and Amount of Financial Guarantee

Exhibit A
(Findings and Conditions)

Intermountain Healthcare/USSA/Burbs Annexation Agreement

Findings/Annexation Agreement Points⁴

1. Burbs, L.L.C. (the "Petitioner"), IHC Health Services, Inc. ("Intermountain Healthcare"), and the United States Ski and Snowboard Association ("USSA") filed an Annexation Petition on November 3, 2004.
2. The City Council of Park City Municipal Corporation (the "City Council") accepted the Annexation Petition on November 18, 2004.
3. The City Council established the Intermountain Healthcare/USSA/Petitioner Annexation Task Force on July 14, 2005 (Resolution No. 21-05) for purposes of formulating specific recommendations relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts.
4. On October 27, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition District - Master Planned Development ("CT-MPD"), which includes specific provisions addressing affordable housing.
5. On November 10, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the economic impact/fiscal analysis relating to the Annexation.
6. On December 8, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation.
7. The Property subject to the Annexation Petition (the "Annexation Property") is currently vacant, 157 acres in size, and located in unincorporated Summit County, Utah, at the northwest corner of the State Road 248/Highway 40 interchange.
8. The Annexation Property currently is zoned in Summit County Developable Lands (DL), with a base density of 1 unit/20 acres and 1 unit/40 acres (depending on the extent of any environmentally sensitive lands, which need to be managed or preserved in compliance with any applicable laws, rules and regulations, including without limitation the City's Sensitive Lands Overlay code.
9. The Annexation Property is to be zoned, as shown on the attached Annexation Plat, Community Transition District-Master Planned Development ("CT-MPD"). The CT-MPD has a base density of 1 unit/20 acres. The Community Transition District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.
10. The land uses proposed on the Annexation Property include a community hospital/medical facility; support medical offices; public/quasi-public and institutional uses; United States Ski and Snowboard (USSA) headquarters and sports training complex; public recreation uses; affordable/employee housing; and open space.

11. The MPD shall substantially comply with the Annexation Plat. The proposed total density at build-out for the Annexation area is 535,000 square feet (gross), equates to 2.64 units/acre and consists of the following:

<u>Intermountain Healthcare Hospital:</u>	<u>300,000 square feet (180 Unit Equivalents)</u>
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⁴ Except as otherwise defined herein, capitalized terms shall be as defined in the Annexation Agreement.

United States Ski and Snowboard Offices
and Training Center:

85,000 square feet (85 Unit Equivalents)

Support Medical Office:

150,000 square feet (150 Unit Equivalents)

12. The City has agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City identified a public policy preference that up to 50,000 square feet of the Support Medical Office area should primarily be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area, including without limitation, athletic national governing body offices, non-profit community wellness facilities, and/or education uses. A specific allocation of such uses shall be determined and agreed to by the Petitioner (or its assigns) and the City as part of the MPD review and approval process.

13. The Petitioner has previously notified the United States Ski and Snowboard Association (USSA) that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA for the purposes of developing an 85,000 square foot athletic national governing body (NGB) and training complex. Land uses within the USSA Property are limited to USSA administrative, athlete training, and/or other national governing body uses, with deed restrictions to that effect to be recorded against such property. Subject to any such deed restrictions, the City shall have the right of first refusal to purchase the USSA Property and facilities in the event that, as an authorized assignee of the Petitioner, USSA sells and/or relocates from such property. In addition to the deed restrictions, any change of use will require approval of an amended Master Planned Development and Conditional Use Permit. Further, any uses other than athletic national governing body office/training facilities, public/quasi-public, institutional, and/or recreation uses will require employee/affordable housing mitigation conforming to the Affordable Housing Guidelines and Standards Resolution in effect at the time of application.

14. The Property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. The base employee/affordable housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with USSA (85,000 square feet) is 10.71 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with the Support Medical Office (150,000 square feet) is 34.98 Affordable Unit Equivalents. The total Affordable Unit Equivalents required for the Property is 90.47. Intermountain Healthcare, as an authorized assignee of the Petitioner, shall be entitled to, and has received, a reduction of 27.49 Affordable Unit Equivalents for the hospital portion of the development of the Intermountain Healthcare Property, in recognition of the non-commercial, non-residential nature of the hospital portion of the development. One Affordable Unit Equivalent equals 800 square feet.

15. The City agrees that a deferral of the required 10.71 Affordable Unit Equivalents of employee/affordable housing for the USSA Property will be granted to USSA in consideration of, as previously agreed to by the Petitioner, the donation by the Petitioner of five (5) acres of the Property to USSA, as a community-based nonprofit organization, upon which USSA intends to construct its facilities. This deferral is contingent upon the continued ownership and occupancy of the facility by USSA or another community-based nonprofit organization approved by the City. Any change in use to a non-community-based nonprofit organization may require USSA to meet the deferred employee/affordable housing requirements. In addition, any change in use or redevelopment of the USSA Property that creates additional presumed "employee generation" on the USSA Property (as contemplated under the Affordable Housing Guidelines and Resolution 10-06) may require an employee/affordable housing contribution to address that increment of presumed employee generation.

16. The City agrees that the 44.78 Affordable Unit Equivalent requirement associated with the Intermountain Healthcare hospital (300,000 square feet) shall be satisfied by, as previously agreed to by the Petitioner, the donation by the Petitioner of a five (5) acre parcel of the Property to the City and the other terms and conditions of Section 11 of the Annexation Agreement, in any case, shall conform to the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. Further, with the City's approval, as part of the MPD review process or otherwise, additional Affordable Unit Equivalents may be included in the five (5) acre parcel and shall be applied toward the 34.98 Affordable Unit Equivalents associated with the Support Medical Office.

17. In addition to the five (5) acre donation referenced in Section 11 of the Annexation Agreement and Section 16 herein above, the Petitioner has previously notified the City that the Petitioner desires to and will donate a separate, additional fifteen (15) acres of the Annexation Property to the City for public recreation and open spaces purposes (the "City Recreation/Open Space Parcel").

18. On December 8, 2005, the Task Force forwarded a unanimous recommendation to the Planning Commission on traffic and transportation mitigation. The Task Force recommendation is based, in part, on an access study provided by the Petitioner's traffic consultants--Horrocks Engineers (dated November 6, 2005) and additional analysis prepared by the City consultant, Rosenthal and Associates (dated November 7, 2005). It was the Task Force recommendation that it is reasonable for all developers within the City Annexation boundary to pay for or otherwise offset their share of costs (to the City) of all roadway and other necessary traffic mitigation improvements. The Task Force determined that the proposed medical campus, offices, and athletic training complex require access to SR248 intersection improvements. The current design and anticipated traffic generation from the City recreation and ice rink complex does not warrant a signalized intersection.

19. Except as otherwise specified in the Annexation Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for providing all necessary access to the property from SR 248 and all necessary intersection improvements including, but not limited to, one (1) signalized intersection at SR 248. The Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for all coordination and costs associated with providing access to the Property, other than land acquisition costs for the Main Access Roadway and Secondary Access Easement (the "Roadway Access Costs"), as required in the Subdivision Chapter of the LMC Sections 15-7.2 & 15-7.3, including the Traffic Mitigation Measures, all of which shall be determined and agreed to as part of the MPD review and approval process. The total cost of the Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000) and the Petitioner's (or, as specified in connection with any such assignment, its assigns) proportionate share shall be between eleven percent (11%) and twenty-one percent (21%). To the extent the Property is adjacent to a frontage road to Silver Summit, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall cooperate with the City in the dedication of a nonexclusive right-of-way over and across the Property to access such frontage road.

20. The Petitioner (or, as specified in connection with any such assignment, its assigns) will proportionally share in the cost for future necessary road improvements to SR 248, as and to the extent specified and agreed by the Petitioner or any affected parties from time to time. In addition to the cost of any Traffic Mitigation Measures, the City agrees to apply the costs associated with installing the traffic signal at the future Annexation Property access/SR 248 intersection towards the proportional share of future overall SR 248 improvements.

21. The Petitioner (or, as specified in connection with any such assignment, its assigns), in addition to the other reimbursement, credit or contribution rights, reserves the right to develop a latecomers agreement or take or cause to be taken such other actions as may be necessary or appropriate to recover and/or ensure reimbursement for any costs incurred by in connection with the Traffic Mitigation Measures, the Main Access Roadway, the Secondary Access Easement, the Roadway Access Costs, as well as the cost of any

water impact fees and any water connection fees, and, further (as confirmed by the City's execution of the Annexation Agreement), any obligation of the Petitioner (or, as specified in connection with any such assignment, its assigns) in this regard shall be subject thereto.

22. The City has agreed to consider other potential cost-sharing traffic and transportation mitigation strategies which may include, but are not limited to the development of additional employee/affordable housing linked to the community transit system; physical improvements such as, but not limited to a transit hub, park and ride lot, and van/shuttle programs; and/or employee traffic/transit programs, adjusted shift times and ridesharing incentives, without any obligation, cost or otherwise, to the Petitioner (or its assigns).

23. The Petitioner, Intermountain Healthcare, USSA, and the City have agreed that, as contemplated hereunder, final approval of detailed traffic and transportation mitigation and any cost sharing for road/highway improvements shall be agreed to by the affected parties and approved through a technical report approved by the Planning Commission and the City Council as a part of the MPD review and approval process.

24. The Planning Commission held a public hearing on the Annexation Agreement on May 10, 2006.

25. The City, the Petitioner and any affected parties, including Intermountain Healthcare and USSA, shall and hereby acknowledge and agree that, except as may be otherwise specified in the Annexation Agreement with respect to the Annexation, the vested uses, densities, intensities, and general configuration of development approved in the Annexation, the Annexation Agreement and these Findings and Conditions, the Water Rights, the Main Access Roadway and the Secondary Access Easement, the Annexation, the Annexation Agreement and the obligations of the Petitioner (and its successors or assigns) hereunder are subject to, all as acceptable to the parties in their respective, reasonable discretion, confirmation, determination and agreement of the parties with respect to the Final MPD and Subdivision Plat; any necessary Development Agreements for each parcel of the Property; Construction Mitigation; Landscaping Plans; Lighting; and Related Access, Development and Use Matters.

Exhibit B
(Copy of Annexation Plat)

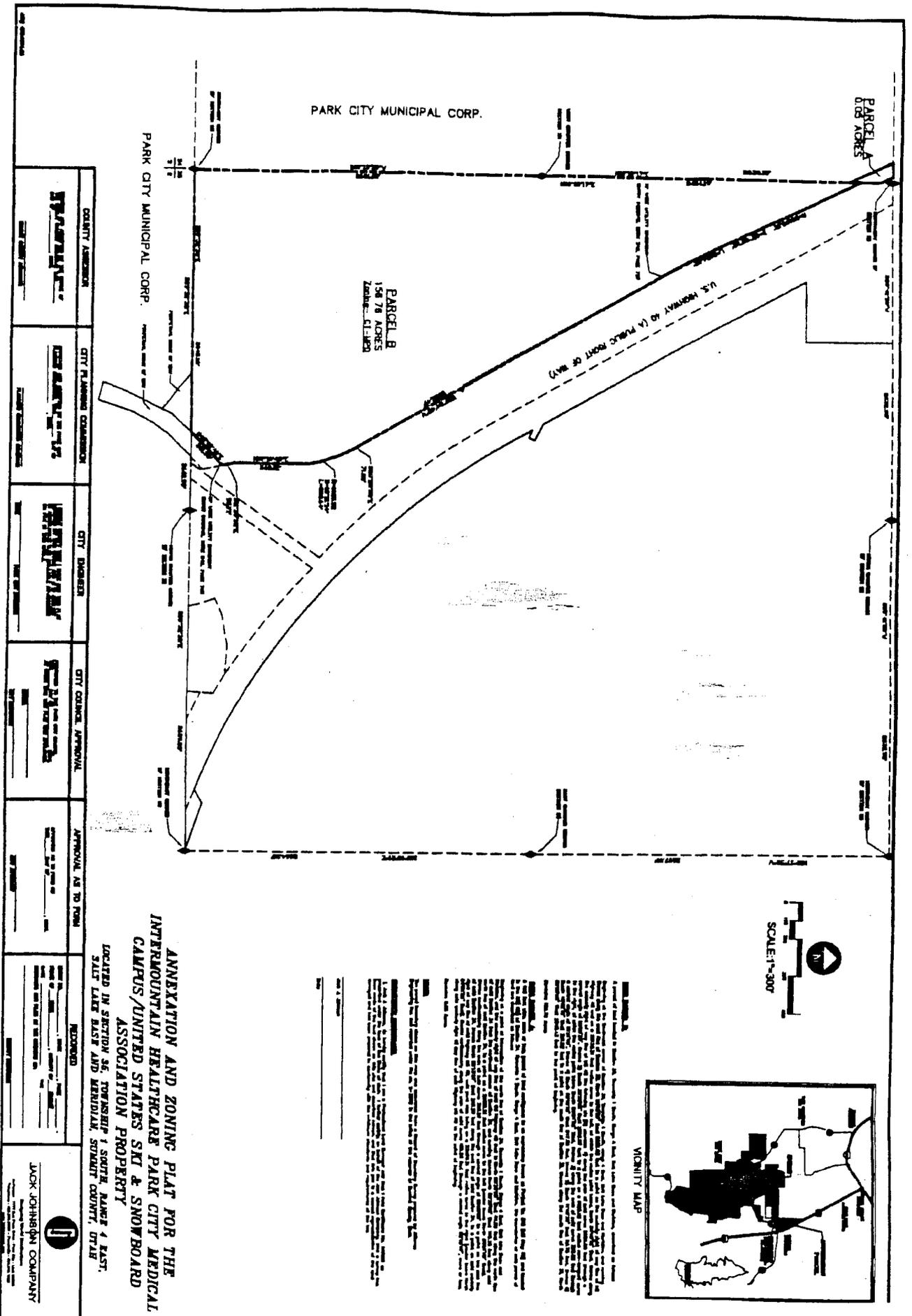


Exhibit B - Annexation Map

Exhibit C

(Legal Description of the Property)

Property located in Summit County, Utah, particularly described as follows:

PARCEL NO. 1:

A parcel of land located in Section 35, Township 1 South, Range 4 East, Salt Lake Base and Meridian, described as follows:

BEGINNING at the Southwest Corner of Section 35, Township 1 South, Range 4 East, Salt Lake Base and Meridian, and running thence along the West line of Section 35 North $00^{\circ}13'59''$ East 5086.08 feet to a point on the Westerly Right of Way line of US Highway 40 and on a 23138.31 foot radius curve to the left, of which the radius point bears North $64^{\circ}40'12''$ East; thence along the Westerly Right of Way line of US 40 the following six (6) courses: 1) along the arc of said curve 2055.08 feet through a central angle of $05^{\circ}05'20''$; thence 2) South $30^{\circ}25'08''$ East 2393.67 feet to a point on a 1025.92 foot radius non-tangent curve to the right, of which the radius point bears South $63^{\circ}24'52''$ West; thence 3) along the arc of said curve 328.80 feet through a central angle of $18^{\circ}21'46''$; thence 4) South $00^{\circ}10'18''$ West 547.99 feet; thence 5) South $11^{\circ}42'39''$ East 93.75 feet; thence 6) South $45^{\circ}02'16''$ West 361.62 feet to a point on the South line of Section 35; thence along the South line of Section 35 North $89^{\circ}53'00''$ West 2048.43 feet to the point of beginning. *SS 65-A*

PARCEL NO. 2:

PARCEL A:

A 100 foot wide, more or less, parcel of land contiguous to an expressway known as Project No. 019 (U.S. Hwy-40) and located in the NE1/4NE1/4 of Section 34, Township 1 South, Range 4 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

BEGINNING at a point of intersection of the North line of Section 34, Township 1 South, Range 4 East, Salt Lake Base and Meridian, and the Westerly Right of Way line of said Highway U.S. 40 that is North $89^{\circ}39'00''$ West 44.88 feet along the North line of said Section 34 from the Northeast Corner of said Section 34; and running thence North $89^{\circ}39'00''$ West 110.38 feet along said North line of said Section 34 to a point on a 23178.31 foot radius curve to the left (center bears North $65^{\circ}21'40''$ East); thence Southeasterly along the arc of said curve 363.27 feet through a central angle of $00^{\circ}53'53''$ to a point on the East line of said Section 34; thence North $00^{\circ}13'57''$ East 232.20 feet along said East line of said Section 34 to point on said Westerly Right of Way line of said Highway U.S. 40, said point also being on a 23078.31 foot radius curve to the right (center bears North $64^{\circ}58'56''$ East); thence Northwesterly along the arc of said curve 105.96 feet through a central angle $00^{\circ}15'47''$, more or less, along said Westerly Right of Way line of said Highway U.S. 40 to point of beginning.

Tax Parcel No. SS-65-A-4

PARCEL B:

A perpetual Easement and Right of Way being described as follows:

BEGINNING at a point of intersection of the North line of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and the Northwesterly Right of Way line of Highway U 248 and running thence South $45^{\circ}02'17''$ West 202.91 feet, more or less; thence South $25^{\circ}41'05''$ West 82.60 feet, more or less; thence North $53^{\circ}00'00''$ West 361.94 feet, more or less, to a point on said North line of Section 2; thence East 468.43 feet, more or less, along said North line to the point of beginning.

Tax Parcel No. SS-65-A-4

PARCEL C:

A perpetual Easement and Right of Way being described as follows:

BEGINNING in the North line of said Section 2 at a point 2048.43 feet South $89^{\circ}53'00''$ East from the Northwest Corner of said Section 2; thence South $45^{\circ}02'17''$ West 202.91 feet to a point 80 feet radially distant Northwesterly from the center line of said access road known as "H" Line at Engineer Station 34+55.84; thence South $25^{\circ}41'05''$ West 382.42 feet; thence South $21^{\circ}43'39''$ West 203.44 feet; thence South $75^{\circ}00'00''$ East 146.13 feet; thence North $17^{\circ}42'46''$ East 274.91 feet; thence North $28^{\circ}04'06''$ East 200 feet; thence North $37^{\circ}37'06''$ East 115.81 feet; thence North $42^{\circ}52'13''$ East 57.93 feet; thence North $46^{\circ}13'24''$ East 205.10 feet to said North line; thence West (North $89^{\circ}53'00''$ West Highway bearing) 192.46 feet along said North line to the point of beginning.

Tax Parcel No. SS-65-A-4

Exhibit D
(Copy of MPD Application)

PARK CITY Park City Municipal Corporation
445 Marsac Avenue • PO Box 1480 • Park City UT 84060 • (435) 615-5060 • (435) 615-4906-fax • www.parkcity.org

MASTER PLANNED DEVELOPMENT

PLANNING COMMISSION
Approved _____
Denied _____

APPLICATION # _____
RECEIPT # _____
DATE RECEIVED _____

I. PROJECT INFORMATION

Name: IHC Summit Community Medical Campus

Address/Location: Quinn's Junction, Northwest Corner of the Intersection of State Highway 248 and US 40

Legal Description: Tax ID Please see Sheets S1 & S2/SS-65-A-4
Subdivision & Lot #, or Survey, Lot & Block # _____

II. APPLICANT

Please check one of the following: owner optionee buyer agent other

Name: IHC Hospitals, Inc.

Mailing Address: 36 South State Street
Salt Lake City, UT 84111

Phone #: (435)657-4370 Fax #: (435)654-2576 E-mail hvrprobs@ihc.com

If you have any questions regarding the requirements on this application please contact a member of the Park City Planning staff (435) 615-5060.

III. SUBMITTAL REQUIREMENTS:

1. Completed and signed application form
2. Review fees – see **Fee Schedule** in Planning Department
3. Two (2) complete sets of all plans including an area map, with the project location, existing vegetation, service providers identified and a slope analysis.
4. One (1) set of reduced plans (8½" x 11")
5. Current Title Report (not older than 30 days)
6. Copies of any previous agreements between the City and the property owners or between the property owners and a third party.
7. *The applicant should be aware that there may be a request to provide presentation material for Planning Commission meetings. The presentation material may, or may not, include the following:*
 - 20" x 30" presentation boards
 - elevations and/or perspectives
 - location map
 - 8½" x 11" overheads of materials outlined above
 - view analysis
 - massing models
 - photographs/graphic illustrations
8. Stamped, addressed envelopes for property owners within 300 feet.
 - a. Envelopes (addressed to property owners as described above) with mailing labels and stamps affixed (we do not accept metered envelopes). Please do not include a return address on the envelope.
 - b. List of property owners, names and addresses as described above. The distance is measured from the property line, not the location of the request. Please provide the Summit County Assessor's Parcel Number for each property owner if possible

Sample Envelope

No return address	###
JOHN DOE PO BOX 2002 PARK CITY UT 84060	

IV. MASTER PLANNED DEVELOPMENT FACT SHEET

PROJECT DESCRIPTION

1. On a separate sheet of paper, give a general description of the proposal and attach it to the application. Provide a written statement describing the request and any other information pertaining to the proposed project.
2. Existing Zoning DL in Summit County; GC/MPD when annexed into City
3. Is project within Sensitive Lands Overlay Zone? yes no
4. Current use of property: Vacant Land
5. Total project area: acres 52 square feet 2,265,120
6. Number of unit equivalents: allowed 450 proposed 450 (inclusive of common areas)
(See Title 15, LMC; Master Planned Development, Chapter 6)
7. Number and configuration of residential units
Existing 0 Proposed 0
8. Commercial area: 450,000 (gross floor area)
Unknown at this time (net leasable area)
9. Type(s) of business activity: Hospital, General; Medical Clinic; Support Commercial
10. Number of parking spaces required: proposed (to be determined)
(see Title 15 LMC, Off-Street Parking, Chapter 3)
11. Project accessed by (check one)
 public road private road private driveway
12. Ownership type (check one)
 owner occupied lease nightly rental
13. Water service availability: (check one)
 existing requires extension of city service
14. Is this project part of an existing approval (MPD, subdivision, etc.)?
 yes no
15. Are there any previous agreements between the City and property owners or between the property owners and a third party?
 yes no Burbs, LLC with HHC Hospitals, Inc.

V. ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review the week prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: *John Higgins*
 Name of Applicant (please print) IBC Hospitals, Inc.
 Mailing Address 36 South State Street, SLG, UT 84111
 Phone (435) 657-4370 Fax (435) 654-2576
 E-mail hvrprobs@ihc.com
 Type of Application Master Planned Development

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant (please print) BURRS LLC
 Mailing Address P. O. Box 65571, SLG, UT 84165
 Street Address/Legal Description of Subject Property:
See Sheets S1 & S2

Signature *[Signature]* Date November 1, 2004

1. If you are not the fee owner, attach another copy of this form that has been completed by the fee owner, or a copy of your authorization to pursue this action.
 2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing this action.
 3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.
- Please Note: This affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to final action.

SR-248 Access Study

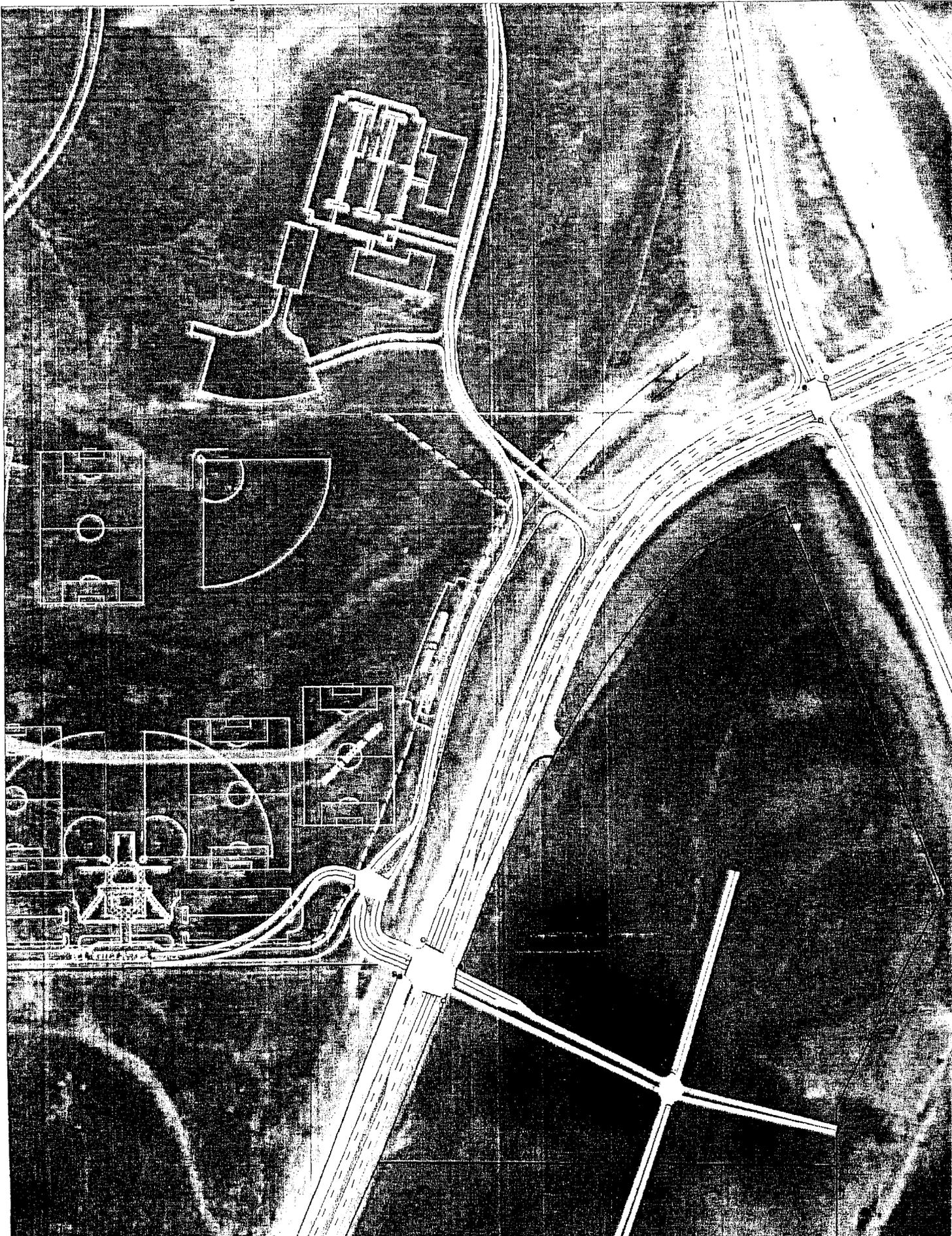


EXHIBIT "F"

IVORY HOMES

978 East Woodoak Lane, Salt Lake City, Utah 84117; phone (801) 747-7000; fax (801) 747-7090

November 27, 2006

Via First Class Mail

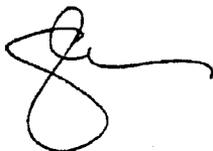
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

RE: Park City Affordable Housing Bond

To Whom It May Concern:

Ivory Homes, Ltd. will cause a performance bond to be issued for the affordable housing requirement under the Annexation Agreement in the amount of \$626,920.00 by Wells Fargo Bank. The performance bond will be issued in conjunction with the Annexation Agreement becoming affective and not later than the closing of the Real Estate Acquisition Agreement between Petitioner and IHC Health Services, Inc.

Sincerely,



Glenn Girsberger

cc: David Burbidge
Richard Burbidge
Vaughn Burbidge
Chris Gamvroulas
Clark Ivory
Dave Wolfgramm

October 12, 2006 IHC Water Cost Calculation

The idea is that PCMC would agree to provide culinary water to IHC from PCMC's existing sources. PCMC would charge a total water impact fee based on PCMC's cost to replace that water with Weber Basin Water Conservancy District (WBWCD) water to be delivered through the Snyderville Importation Project and treated by PCMC.

The total water impact fee would be \$16,000 per ERU, calculated as follows (numbers are based on engineer's estimates and rounded up):

Total Capital Costs for the pipeline project:	\$14,743,000
<u>59 acre feet IHC Demand</u> 2,500 acre feet total project	2.36% of total project size
2.36% X Total Capital Cost of \$14,743,000	\$347,935
WBWCD Share Cost (assumes \$150/share X 59 ac ft X 3% annual increase over 50 year project life)	\$227,708
Added to IHC's capital cost contribution of \$347,935	\$575,643
Water Treatment Cost (Assuming 3,000 gpm (4.3M gpd) capacity; and excluding land acquisition costs)	\$8,000,000
<u>IHC Peak Day Demand of 101,528 gpd</u> Total Treatment Capacity of 4.3M gpd	2.36%
2.36% X Water Treatment Cost	\$188,800
Added to IHC's capital cost contribution and WBWCD Share Cost	\$764,443
<u>\$764,443</u> IHC's Demand of 63.455 ERU's*** (Equals the Water Development Impact Fee)	\$12,049
Add Water Connection Impact Fee	\$3834
Total Water Impact Fee per ERU	\$15,883

*** ERU's were determined by dividing IHC's Peak Day Demand of 101,528 gpd by 1,600 gpd, which is the amount of water provided per ERU.

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder

Fee Exempt per Utah Code
Annotated 1953 21-7-2

Ordinance No. 07-01 Box 1480, Park City, UT 84060

**AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE
INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA
HEADQUARTERS AND TRAINING FACILITY LOCATED AT THE NORTHWEST
CORNER OF THE HIGHWAY 40/SR-248 INTERCHANGE NEAR QUINNS JUNCTION,
PARK CITY, UTAH**

WHEREAS, the owner of the subject property, has petitioned the City Council for approval of subdivision plat for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility; 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 10, 2007, to receive input on the matter; and

WHEREAS, the Planning Commission, January 10, 2007, forwarded a positive recommendation to the City Council; and,

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. IHC Health Services has submitted a combined preliminary/final subdivision plat application for the Intermountain Healthcare/United States Ski and Snowboard site located in the Quinns Junction area on December 26, 2006.
2. Council approved an annexation ordinance and annexation agreement for the property on December 7, 2006 with an effective date of January 1,2007.
3. The approved annexation agreement establishes conditions of approval and commitments by the petitioner, including but not limited to the dedication of property; road and easement dedications; intersection and signalization improvements; water and water infrastructure; affordable housing; and trails.
4. The site of the subdivision is currently vacant, 157.243 acres in size, and located at the northwest corner of the State Route 248/Highway 40 interchange.
5. The site is adjacent to the City's Ice Arena and Fields Complex.

ENTRY NO. 00802750

01/23/2007 04:43:32 PM B: 1843 P: 0385

Ordinance PAGE 1 / 4

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



6. The zoning designation of the property is Community Transition (CT-MPD).
7. The proposed land uses for the subdivision consist of a hospital/medical campus and USSA's proposed new headquarters and training facility. The proposed total density at build-out for the annexation area is 535,000 square feet (gross) and equates to 2.64 units/acre.
8. The proposed 157.243 acres is to be subdivided into five lots:
 - Lot 1 and Lot 2: Intemountain Healthcare Campus (*132.2 acres*)
 - Lot 3: USSA Headquarters and Training Facility (*5 acres*)
 - Lot 4: PCMC (*5 acres—Possible Affordable Housing Site*)
 - Lot 5: PCMC (*15 acres—Ice Facility/Fields Complex Expansion Area*).
9. The purpose of the subdivision plat request is to create lots of record so that associated property sale and property transfers may be completed.
10. Associated Master Planned Development (MPD) and Conditional Use Permit (CUP) applications have been submitted to the City and are pending Planning Commission review and action.
11. The project application states that the plat will be amended concurrent with or directly following the Master Planned Development and Conditional Use Permit process to reflect all final road and public dedications as well as all utility dedications and improvements consistent with the approved annexation agreement.

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

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code and applicable State subdivision regulations
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, 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 any building permit.

3. No building permits shall be issued on any of the subject lots until such time as Master Planned Development and Conditional Use Permit approvals are obtained and all requisite annexation ordinance and annexation agreement commitments have been satisfied by an amended subdivision plat. This note shall appear on the plat.
4. The applicant will record the Subdivision 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.
5. Nothing in this ordinance implies approval of the pending Master Planned Development or Conditional Use Permit applications.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of January 2007.

PARK CITY MUNICIPAL CORPORATION



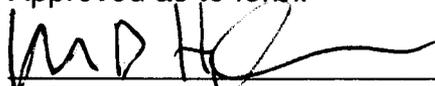
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Ordinance No. 06-83

**AN ORDINANCE APPROVING THE SPIRO CONDOMINIUMS
BUILDINGS N - R, RECORD OF SURVEY PLAT,
LOCATED AT 1835 THREE KINGS DRIVE, PARK CITY, UTAH**

WHEREAS, the owner of lot 2 of the Silver Star Subdivision, located at 1835 Three Kings Drive, petitioned the City Council for approval of a condominium record of survey plat, and

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

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

WHEREAS, the Planning Commission held a public hearing on November 8, 2006, to receive input on the proposed condominium record of survey plat; and

WHEREAS, the Planning Commission, on November 8, 2006, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 30, 2006, the City Council held a public hearing and approved the condominium record of survey plat; and

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

SECTION 1. APPROVAL. The condominium record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located in the RDM zoning district.
2. The property is subject to the 2004 Spiro Tunnel MPD Development Agreement.
3. The Spiro Tunnel MPD Development Agreement sets forth a maximum density of 97 unit equivalents (UE), 14.5 UE of support commercial/office uses, and 14-18 affordable housing units. This condominium plat identifies private area for 21 affordable housing units and 12,220 sf of support commercial/office uses. The residential units range in size from 426 to 1,241 square feet. The remaining floor area is designated as either common area or limited common area (exclusive use of a particular unit).
4. A total of 110 parking spaces are required for these uses and have been provided at the site. These surface parking spaces are identified as common area on the plat. A parking agreement between Park City Municipal and the Applicant is required to

address restricting day skier parking and enforcement of parking to prevent daily spill over parking onto Three Kings Drive.

5. A lower surface parking lot of 28 spaces is subject to a parking agreement between the City and the Applicant for the purpose of seasonal employee parking for Public Works, as well as trailhead parking for the general public.
6. Record of survey plats for Building A, Buildings B-F, Buildings G-M, and Cottage Units 1-22 have been previously approved and recorded.

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 Spiro Tunnel MPD Development Agreement.

Conditions of Approval:

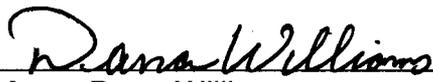
1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCRs, as a condition subsequent to plat recordation, including compliance with any ADA requirements.
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 Spiro Tunnel MPD continue to apply.
5. All conditions of approval of the Silver Star subdivision plat continue to apply.
6. The Owner shall certify on the plat that the condominium project will be built substantially as shown.
7. A financial guarantee for 125% of the value of any public improvements shall be submitted prior to plat recordation, in an amount approved by the City Engineer and in a form approved by the City Attorney.
8. The lower surface parking lot, containing approximately 28 parking spaces, is subject to a parking agreement between PCMC and Paladin LLC (Applicant) for the trail head and Public Works employee parking areas. As a condition precedent to plat recordation, an amendment to the parking agreement between Park City and the Applicant, shall be executed and recorded, to address parking issues related to the 110 surface parking spaces. Those issues include enforcement to prevent daily spill over parking onto Three Kings Drive and restrictions on use of the surface parking by day skiers. The agreement should outline a yearly review of the parking situation and identify complaints and problems.

9. The affordable housing units are subject to an affordable housing mitigation plan, approved by the Housing Authority on March 23, 2006. The housing units shall comply with all applicable affordable housing requirements and deed restrictions as required by the plan and all applicable Park City affordable housing resolutions and requirements.
10. Deed restrictions consistent with the housing mitigation plan shall be recorded as a precedent to plat recordation.
11. All required ADA units shall be identified on the plat.

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

PASSED AND ADOPTED this 30th day of November, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest



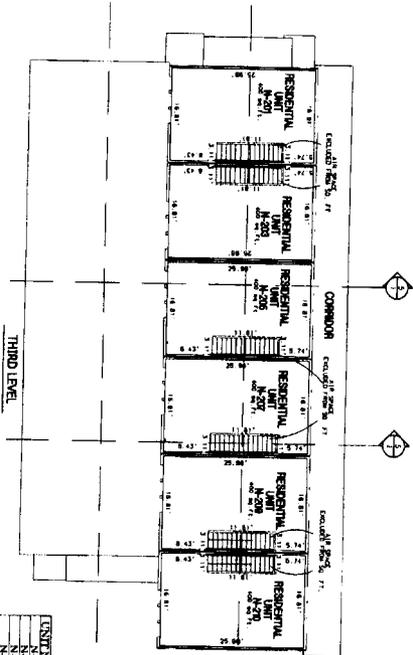
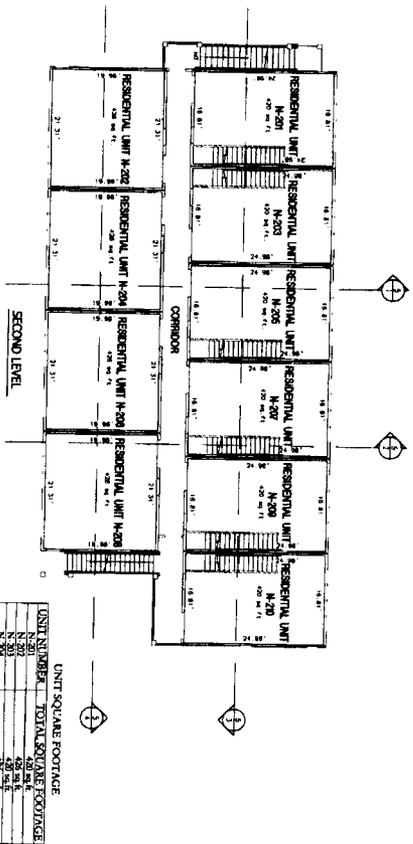
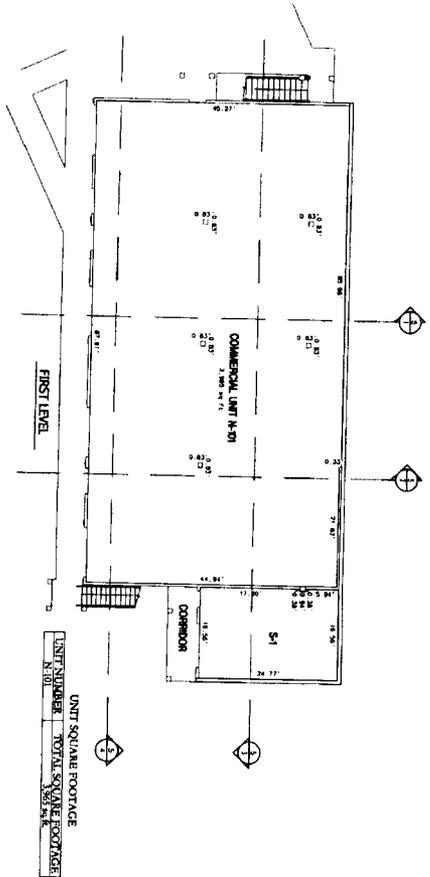
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney





UNIT NUMBER	TOTAL SQUARE FOOTAGE
N-201	400 S.F.
N-202	400 S.F.
N-203	400 S.F.
N-204	400 S.F.
N-205	400 S.F.
TOTAL	2000 S.F.

UNIT NUMBER	TOTAL SQUARE FOOTAGE
N-201	400 S.F.
N-202	400 S.F.
N-203	400 S.F.
N-204	400 S.F.
N-205	400 S.F.
TOTAL	2000 S.F.



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

RECEIVED
OCT 25 2006
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "N"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 8 NORTH & EAST MAIN RANGE 8 WEST
PLAT CITY STREET, COUNTY OF UTAH

SHEET 2 OF 8

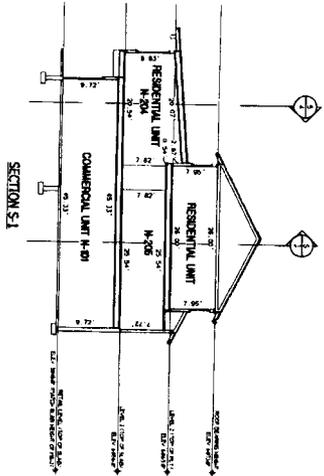
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DATE: _____ BOOK: _____ PAGES: _____

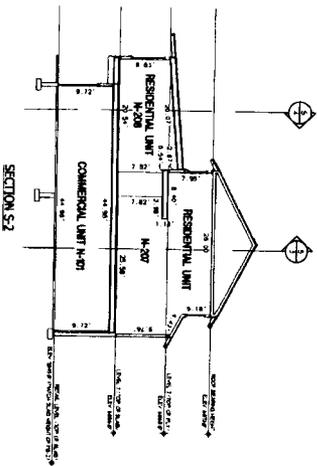
STATE OF _____ COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF _____

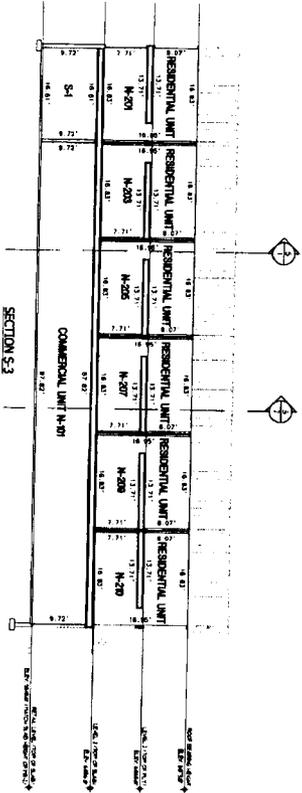
COUNTY RECORDER



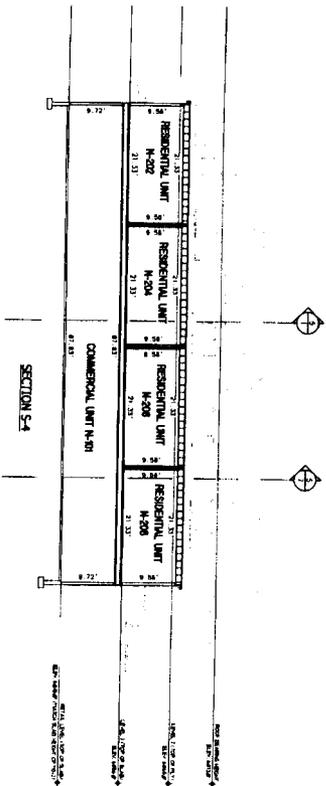
SECTION S1



SECTION S2



SECTION S3



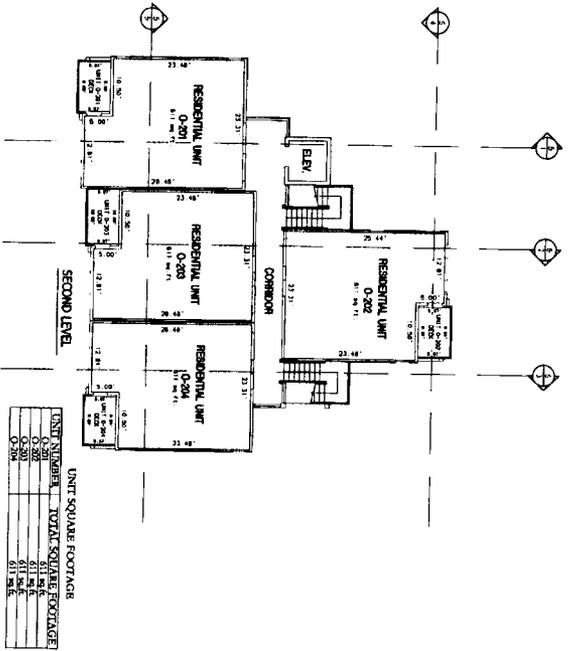
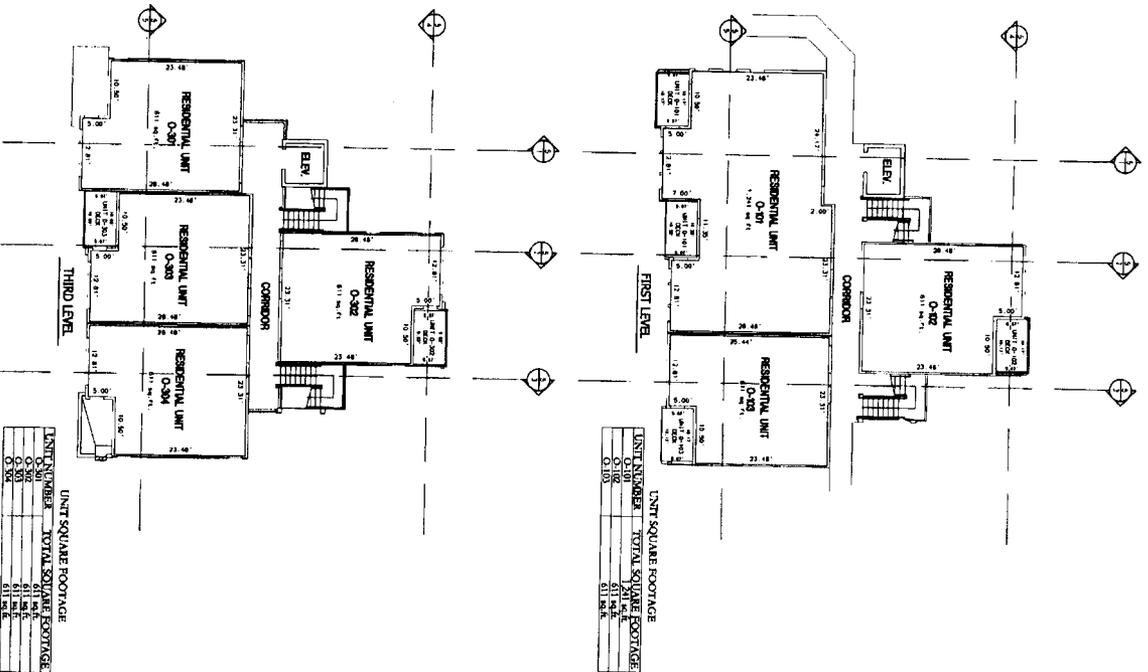
SECTION S4

PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS
AND
FACILITIES

RECEIVED
OCT 25 2006
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "N"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 2 WEST, COUNTY, UTAH

SHEET 3 OF 8
RECORDED
PAGE 5
COUNTY RECORDS
RECORDED AND FILED AT THE REQUEST OF
COUNTY RECORDS



BUILDING "0" TOTAL SQUARE FOOTAGE

UNIT NUMBER	TOTAL SQUARE FOOTAGE
0-101	611 sq. ft.
0-102	611 sq. ft.
0-103	611 sq. ft.
0-201	611 sq. ft.
0-202	611 sq. ft.
0-203	611 sq. ft.
0-301	611 sq. ft.
0-302	611 sq. ft.
0-303	611 sq. ft.

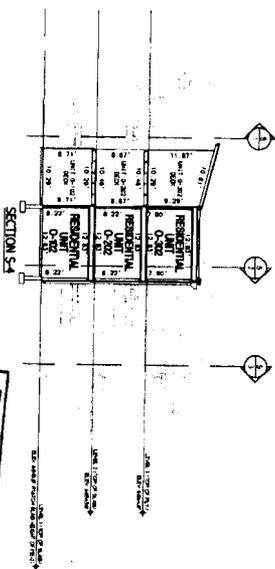
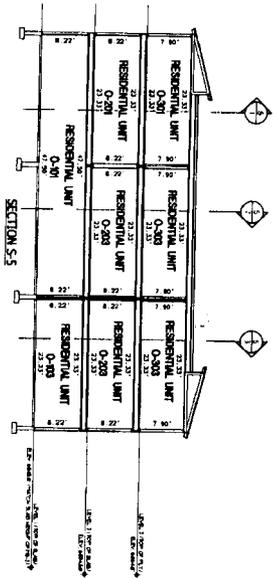
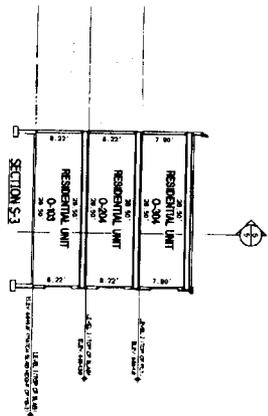
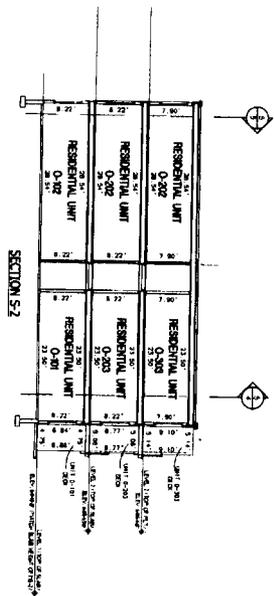
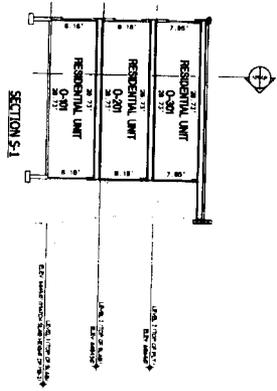


PRIVATE OWNERSHIP
COMMON AREAS AND FACILITIES
LIMITED COMMON AREAS AND FACILITIES

RECEIVED
OCT 25 2005
 PARK CITY
 PLANNING DEPT.

SHEET 4 OF 8
 RECORDED
 DRAWING NO. _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AND FILED AT THE REQUEST OF _____
 COUNTY RECORDER

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "0"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE MERIDIAN
 T11N, R11E, S21E, DISTRICT 12, COUNTY OF DADE, UTAH



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "0"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 2 NORTH, RANGE 12 EAST, 3RD MERIDIAN,
PARK CITY, SALT LAKE COUNTY, UTAH

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OCT 25 2005
PARK CITY
PLANNING DEPT.

SHEET 5 OF 8

RECORDED

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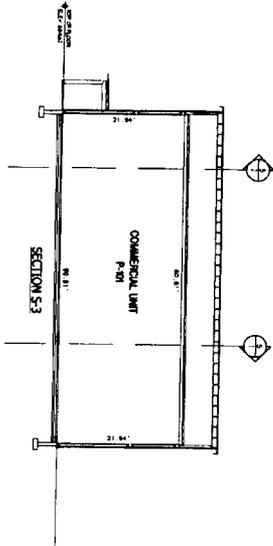
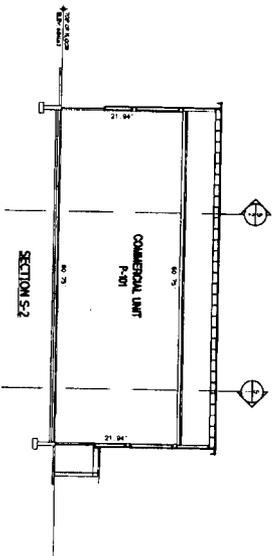
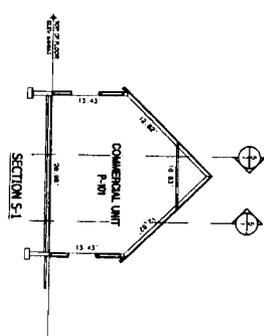
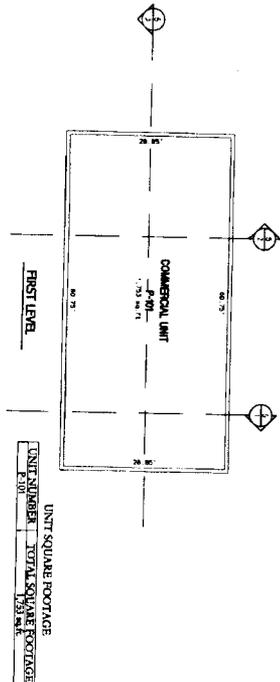
BOOK _____

STATE OF _____

COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF _____

COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

RECEIVED
OCT 25 2006
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "P"
A UTAH CONDOMINIUM PROJECT
LIES WITHIN THE NEIGHBORHOOD QUARTERS OF SECTION 8,
TOWNSHIP 2 NORTH, RANGE 12 EAST, SALT LAKE COUNTY, UTAH
PLAT CITY, SHERIFF COUNTY, UTAH

SHEET 6 OF 8

RECORDED PAGES

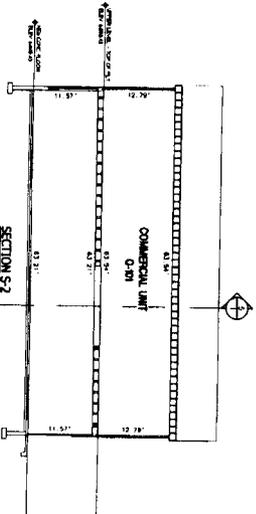
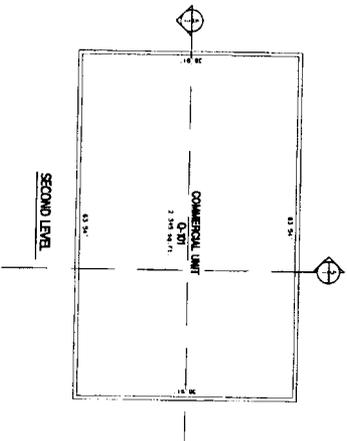
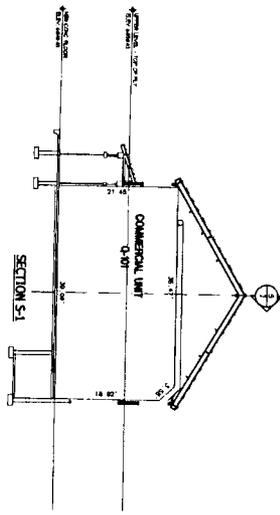
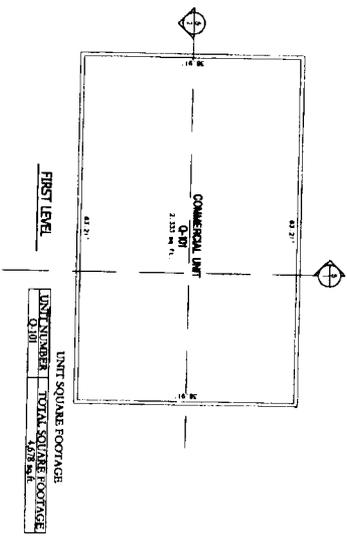
DATE OF RECORDING _____

STATE OF _____

COUNTY OF _____

RECORDED AND FILED AT THE OFFICE OF:

COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "Q"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 2 NORTH, RANGE 10 EAST, COUNTY OF KANE, ARIZONA
PLANNED BY: PANK CITY PLANNING DEPT.

RECEIVED
OCT 25 2003
PANK CITY
PLANNING DEPT.

SHEET 7 OF 8

RECORDED _____ PAGES _____

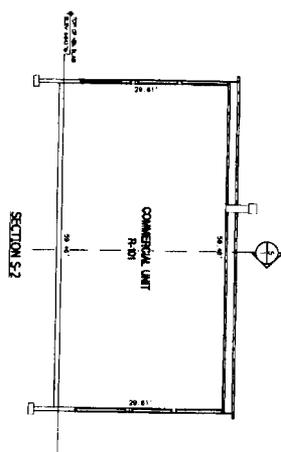
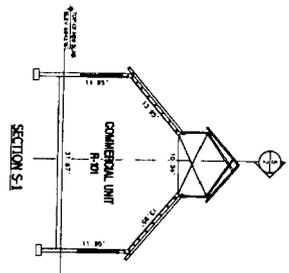
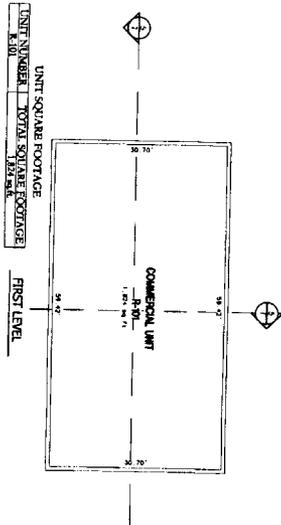
ENTRY NO. _____

STATE OF _____

COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF _____

COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
UNITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "R"
A UTAH CONDOMINIUM PROJECT
THE SEVERAL VOLUMES OF SECTION 8
OF THE UTAH CONDOMINIUM ACT
APPLY TO THIS PLAT
PLAT CITY, SALT LAKE COUNTY, UTAH

RECEIVED
OCT 25 2006
PARK CITY
PLANNING DEPT.

SHEET 8 OF 8

RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____

DATE OF _____

COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER

Ordinance No. 06-82

AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR MARSAC AVENUE AND CHAMBERS STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Flagstaff Annexation have petitioned the City Council for approval of the 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 November 8, 2006, to receive input on the subdivision;

WHEREAS, the Planning Commission, on November 8, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 30, 2006, the City Council approved the subdivision; 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. APPROVAL. The Subdivision Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-30 On June 24, 1999, approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane and runaway truck ramp.
5. The Planning Commission and City Council previously approved this plat, but it was never recorded and expired.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Master Plan Development Agreement, 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 Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

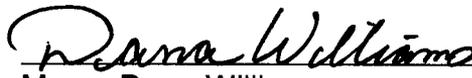
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision 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 Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The applicant shall submit "as-built" construction plans showing that all improvements lie within the platted rights-of-way prior to plat recordation.
4. Nothing herein obligates Park City to accept the jurisdictional transfer of State Route 224.

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

PASSED AND ADOPTED this 30th day of November, 2006.

PARK CITY MUNICIPAL CORPORATION



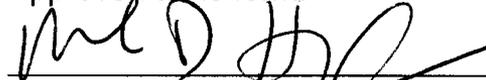
Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

SECTION 16, RANGE 4 EAST, TOWNSHIP 2 SOUTH, MERION COUNTY, UTAH



PARCEL A - CHAMBERS STREET RIGHT-OF-WAY

A portion of land bounded by the northern quarter of Section 16 and the western quarter of Section 21, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat.

Reference is made to the plat of the Survey of Section 16, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat, recorded in the office of the County Clerk of Merion County, Utah, on the 15th day of March, 1906, and to the plat of the Survey of Section 21, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat, recorded in the office of the County Clerk of Merion County, Utah, on the 15th day of March, 1906, and to the plat of the Survey of Section 16, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat, recorded in the office of the County Clerk of Merion County, Utah, on the 15th day of March, 1906, and to the plat of the Survey of Section 21, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat, recorded in the office of the County Clerk of Merion County, Utah, on the 15th day of March, 1906.

PARCEL B - 3022A RIGHT-OF-WAY

A portion of land bounded by the northern quarter of Section 16 and the western quarter of Section 21, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat.

PARCEL C (SEE SHEET 3)

A portion of land bounded by the northern quarter of Section 16, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat.

PARCEL D (SEE SHEET 3)

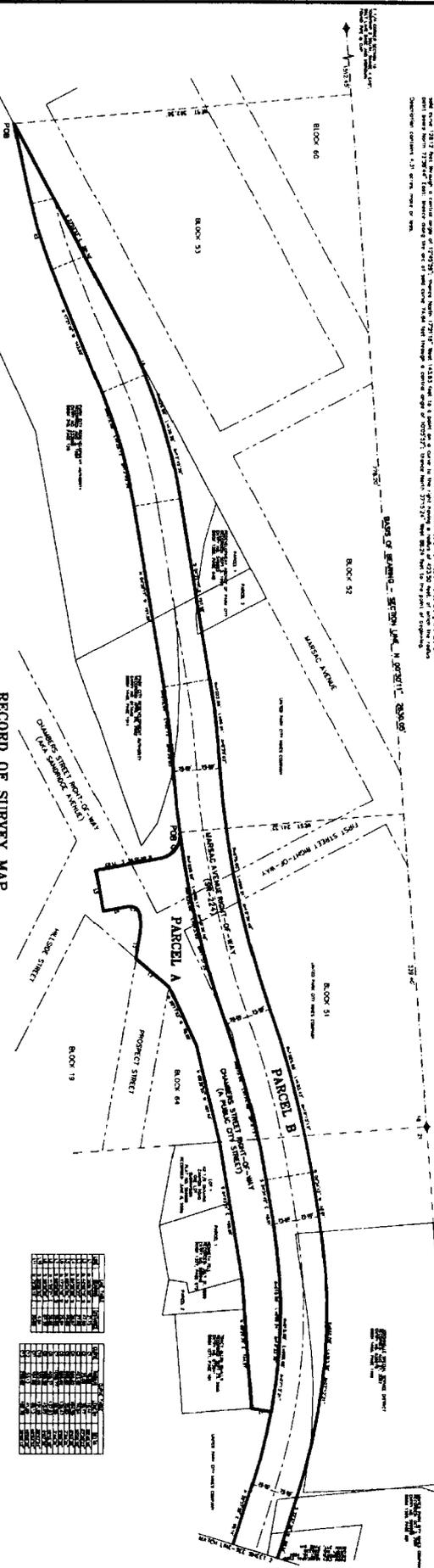
A portion of land bounded by the northern quarter of Section 16, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat.

PARCEL E (SEE SHEET 3)

A portion of land bounded by the northern quarter of Section 16, Township 2 South, Range 4 East, Salt Lake base and meridian, and several other parcels as shown on the attached plat.

RECORD OF SURVEY MAP
MARSAC AVENUE RIGHT-OF-WAY /
CHAMBERS STREET RIGHT-OF-WAY

LOCATED IN SECTIONS 16, 21 AND 28
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



MAR 17 2006

SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT
 REQUESTED FOR CONFORMANCE TO SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____ 2005 A.D. BY: S.W.M.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____ 2005 A.D. BY: CHAIRMAN

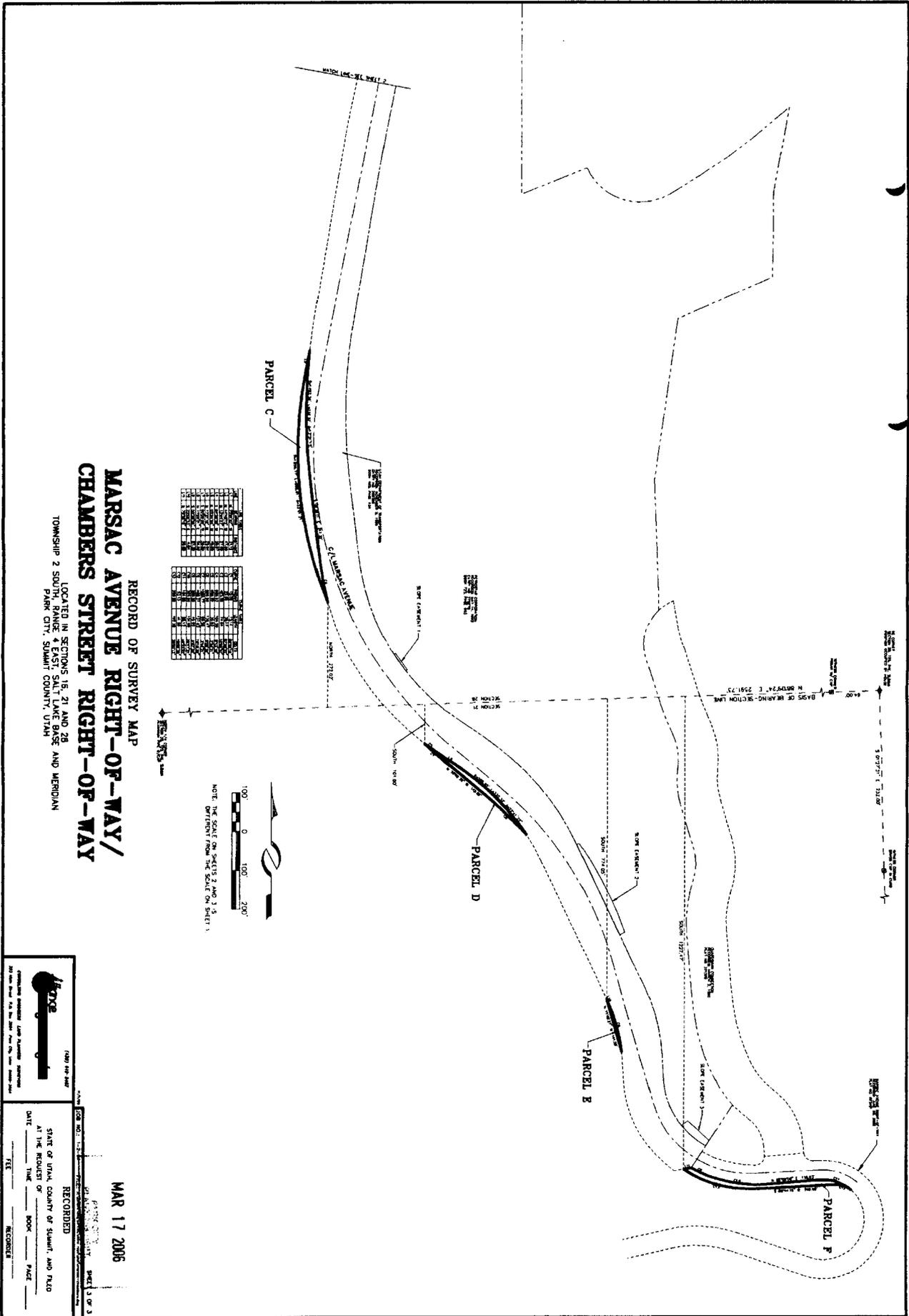
ENGINEER'S CERTIFICATE
 I HAVE FOUND THIS PLAN TO BE IN ACCORD WITH THE ACTS AND REGULATIONS IN FORCE IN MY OFFICE THIS DAY OF _____ 2005 A.D. BY: PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS DAY OF _____ 2005 A.D. BY: PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I HEREBY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY OF SUMMIT COUNTY, UTAH THIS DAY OF _____ 2005 A.D. BY: PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DAY OF _____ 2005 A.D. BY: MAYOR

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK THIS DAY OF _____ 2006. FILED IN BOOK _____ PAGE _____



Ordinance No. 06-81

AN ORDINANCE AMENDING TITLE 4, CHAPTER 9 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE ESCORT SERVICES AS SEXUALLY ORIENTED BUSINESSES AND ESTABLISHES ADDITIONAL REQUIREMENTS FOR ALL ADULT BUSINESSES .

WHEREAS, the Municipal Code does not require an adult business license for escort services or a license for any employees who work for sexually oriented businesses; and

WHEREAS, Park City has seen an increase in escort services engaging in business in Park City; and

WHEREAS, the City Council finds that there are secondary effects of unregulated escort services and their employees such as successful undercover operations into prostitution; and

WHEREAS, escort service employees tend to have access to private residences; and

WHEREAS, the City Council finds that it is in the public interest to regulate escort services and employees of sexually oriented businesses; and

WHEREAS, public hearings were duly held before the City Council on November 30, 2006; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Municipal Code; and

WHEREAS, the City Council finds and determines that requiring business licenses for escort services and employees of sexually oriented businesses will diminish the secondary effects of unregulated escort services; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Title 4, Chapter 9, of the Municipal Code is amended to read as outlined in Exhibit A

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 30th day of November, 2006

PARK CITY MUNICIPAL CORPORATION

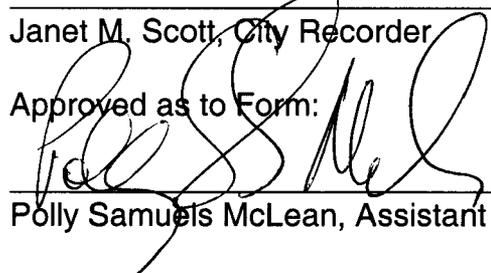


Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to Form:



Polly Samuels McLean, Assistant City Attorney

EXHIBIT A

CHAPTER 9 - SEXUALLY ORIENTED BUSINESSES 4-67

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4- 9- 2. PURPOSE: REASONABLE LICENSING PROCEDURES 4-xx

4- 9- 3. APPLICATION OF PROVISIONS 4-xx

4- 9 -4. DEFINITIONS 4-xx

4- 9- 5. OBSCENITY AND LEWDNESS - STATUTORY
PROVISIONS 4-xx

4- 9- 6. BUSINESS LICENSE REQUIRED, EMPLOYEE LICENSE
REQUIRED APPEAL PROCEDURE 4-xx

4- 9- 7. EXEMPTIONS FROM LICENSE REQUIREMENTS 4-xx

4- 9- 8. ARTISTIC MODELING 4-xx

4- 9- 9. BUSINESS CATEGORIES; SINGLE LICENSE 4-xx

4- 9-10. BUSINESS LICENSE APPLICATION; DISCLOSURE 4-xx

4- 9-11. EMPLOYEE LICENSE APPLICATION 4-xx

4- 9-12. ADDITIONAL APPLICATION MATERIALS REQUIRED...4-

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4- 9-13. CONSENT FOR BACKGROUND CHECK.....4-

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4- 9-14. LICENSE FEES 4-xx

4- 9-15. FALSE OR MISLEADING INFORMATION; DISCLOSURE 4-xx

4- 9-16. EMPLOYMENT OF PERSONS WITHOUT PERMITS
UNLAWFUL 4-xx

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4- 9-19. APPEALS OF LICENSE DENIAL 4-xx

4- 9-20. POSSESSION AND DISPLAY OF EMPLOYEE
LICENSE... 4-xx

LICENSE... 4-xx

4- 9-1421. CHANGES IN INFORMATION..... 4-xx

4- 9-1522. TRANSFER LIMITATIONS 4-xx

4- 9-1623. GENERAL REGULATIONS 4-xx

4- 9-24. ESCORT SERVICE OPERATION REQUIREMENTS 4-xx

4- 9-1725. ADULT BUSINESS, DESIGN OF PREMISES 4-xx

4- 9-1826. SEMI-NUDE ENTERTAINMENT BUSINESS; INTERIOR
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4- 9-1927. ALCOHOL PROHIBITED 4-xx

4- 9- 28. SEVERABILITY..... 4-

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4- 9- 29. COMPLIANCE BY PRESENT LICENSEES.....4-

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CHAPTER 9 - SEXUALLY ORIENTED BUSINESSES

4- 9- 1. TITLE FOR CITATION.

This ~~section~~ Chapter shall be known and may be referred to as the Sexually Oriented Business Licensing Ordinance.

4- 9- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this ~~section~~ Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Sexually Oriented Businesses and their Employees in Park City. This ~~section~~ Chapter shall be construed to protect the governmental interests recognized by this ~~section~~ Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Sexually Oriented Businesses within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects of Sexually Oriented Businesses, while providing to those who desire to patronize Sexually Oriented Businesses the opportunity to do so. Sexually Oriented Businesses are frequently used for unlawful sexual activities, including prostitution. Licensing of Sexually Oriented Businesses and Employees is a legitimate and reasonable means of ensuring that Operators and Employees of Sexually Oriented Businesses comply with reasonable regulations and that Operators do not knowingly allow their businesses to be used for illegal sexual activity or solicitation. There is convincing documented evidence that Sexually Oriented Businesses, because of their nature, have a deleterious effect on both the existing neighboring businesses and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this Chapter is to control the adverse effects of Sexually Oriented Businesses and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods, and deter the spread of urban blight.

4- 9- 3. APPLICATION OF PROVISIONS.

This ~~section~~ Chapter imposes regulatory standards and license requirements on certain business activities, which are characterized as "Sexually Oriented Businesses." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Sexually Oriented Businesses. Nothing in this Chapter is intended to supersede or nullify any other related ordinances including, but not limited to, the Municipal Code of Park City, Utah, or the Park City Land Management Code.

4- 9 -4. DEFINITIONS.

For the purpose of this section the following words shall have the following meanings:

(A) **ADULT BUSINESS.** An aAdult tTheater, aAdult mMotion pPicture tTheater, aAdult bBookstore or aAdult vVideo sStore, or Escort Service.

(B) **ADULT BOOKSTORE or ADULT VIDEO STORE.** A business which:

(1) holds itself out as such a business; or

(2) for more than thirty percent (30%) of the retail floor or shelf space of the premises, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes sSpecified sSexual aActivities or sSpecified aAnatomical aAreas, or instruments, devices or paraphernalia which are designated for use in connection with sSpecified sSexual aActivities, except for legitimate medically-recognized contraceptives.

(C) **ADULT MOTION PICTURE THEATER.** A business which:

(1) holds itself out as such a business; or

(2) as its principal business, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions which are primarily characterized by the depiction or description of sSpecified sSexual aActivities or sSpecified aAnatomical aAreas.

(D) **ADULT THEATER.** A business which:

(1) holds itself out as such a business; or

(2) regularly features persons who appear in a sState of nNudity or live performances which are primarily characterized by the exposure of sSpecified aAnatomical aAreas or by sSpecified sSexual aActivities.

(E) **BUSINESS PREMISES.** The real property upon which the Sexually Oriented Business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the Sexually Oriented Business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the Licensee, as described in the application for a business license;

(F) **EMPLOYEE.** A person who performs any service on the premises or render any services directly related to the operation of any Sexually Oriented Business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, whether or not on a temporary or permanent basis, and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" shall also include a Licensee's designated agent. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "Employee" include a person exclusively on the premises as a patron or customer.

(G) **ESCORT.** Any person who, for consideration, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(H) **ESCORT SERVICES.** A business, contractor, agency or person which:

(1) holds itself out as such a business; or

(2) for a fee, commission, hire, reward or profit furnishes or offers to furnish names of persons or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within any private quarters.

(I) **LICENSEE.** A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

(EJ) **NUDITY** or **STATE OF NUDITY.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of Semi-Nude.

(FK) **OBSCENE.** Any material or performance is obscene if:

(1) the average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

(2) it is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

(3) taken as a whole, it does not have serious literary, artistic, political or scientific value.

(GL) **OPERATOR**. The manager or other natural person principally in charge of a ~~s~~Sexually eOriented bBusiness.

(HM) **SEMI-NUDE or SEMI-NUDITY**. A state of dress in which a person wears opaque clothing covering:

- (1) only the male or female genitals, pubic region, anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point; and if applicable,
- (2) the nipple and areola of the female breast.

(IN) **SEMI-NUDE ENTERTAINMENT BUSINESS**. A business, including an Adult Theater, where ~~e~~Employees perform or appear in the presence of patrons of the business in a state of ~~s~~Semi-nNudity. A business shall also be presumed to be a ~~s~~Semi-nNude eEntertainment bBusiness if the business holds itself out as such a business.

(JO) **SEXUALLY ORIENTED BUSINESS**. ~~Semi-n~~Nude eEntertainment bBusinesses and ~~a~~Adult bBusinesses, and ~~semi-nude dancing agencies~~ as defined by this Chapter.

(KP) **SPECIFIED ANATOMICAL AREAS**. The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

(LQ) **SPECIFIED SEXUAL ACTIVITIES** means:

- (1) acts of:
 - (ia) masturbation;
 - (iib) human sexual intercourse; or
 - (iiic) sodomy
- (2) manipulating, caressing or fondling by any person of:
 - (ia) the genitals of a human;
 - (iib) the pubic area of a human; or
 - (iiic) the breast or breasts of a human female.
- (3) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

4- 9- 5. OBSCENITY AND LEWDNESS - STATUTORY PROVISIONS.

Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow the showing or display of any matter, which is contrary to applicable federal or state statutes prohibiting obscenity.

Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of the Criminal Code, Section 8-4-20 Lewdness. Provided, however, that for the purpose of this sSexually eOriented bBusiness Chapter, the definition of private parts shall be construed to mean nNudity as defined in this Chapter.

4- 9- 6. BUSINESS LICENSE REQUIRED, EMPLOYEE LICENSE REQUIRED APPEAL PROCEDURE.

It shall be unlawful for any person to ~~operate~~engage in a sSexually eOriented bBusiness, as specified herein, without first obtaining a sSexually eOriented bBusiness license. Providing Escort Services within Park City shall be considered Engaging in Business. The business license shall specify the type of sSexually eOriented bBusiness for which it is obtained. It shall be unlawful of any Employee of a Sexually Oriented Business to perform any services without first obtaining a Sexually Oriented Business Employee license. Any person operating as an independent contractor shall obtain both a Sexually Oriented Business license and an Employee license. ~~Any applicant denied a Sexually Oriented Business license may appeal to the City Council pursuant to Section 4-2-11 , provided such request is filed within ten (10) days after receipt of notice of denial.~~

4- 9- 7. EXEMPTIONS FROM LICENSE REQUIREMENTS.

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

4- 9- 8. ARTISTIC MODELING.

The City does not intend to unreasonably or improperly prohibit legitimate modeling or exhibitions, which may occur in a sState of nNudity for purposes protected by the First Amendment or similar State protections.

4- 9- 9. BUSINESS CATEGORIES; SINGLE LICENSE.

It is unlawful for any Business Premises to operate or be licensed for more than one category of sSexually eOriented bBusiness. The categories of sSexually eOriented bBusinesses are:

- (A) Adult Bookstore or Adult Video Store;
- (B) Adult Motion Picture Theater;
- (C) Adult Theater;
- (D) Semi-Nude Entertainment Businesses; and
- (E) Escort Service.

4- 9-10. BUSINESS LICENSE APPLICATION; DISCLOSURE;

Before any applicant may be licensed to operate a ~~s~~Sexually ~~o~~Oriented ~~b~~Business pursuant to this Chapter, the applicant shall submit to the Business License Clerk, on a form to be supplied by the Park City ~~b~~Business ~~l~~License ~~office~~Clerk, the following:

- (A) The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.
- (B) If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter.
- (C) All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.
- (D) For all applicants the application must also state:
 - (1) any other names or aliases used by the individual;
 - (2) present ~~business~~physical address and telephone number of the Business Premises;
 - (3) any internet websites that the business operates;
 - (34) present residence and telephone number;
 - (45) Utah drivers license or identification number; and
 - (56) Social security number.

(E) Acceptable written proof that any individual is at least twenty-one (21) years of age;

~~(F) A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a sexually oriented business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state, or territory. In the event of any such denial, revocation or suspension, state the date, the name of issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.~~

~~(G) All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses, any traffic offense designated as a felony shall not be construed as a minor traffic offense; stating the date, place, nature of each conviction and plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license;~~

(HF) In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;

(HG) A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented Business intends to operate. This description shall also include:

(1) the hours that the business or service will be open to the public and the methods of promoting the health and safety of Employees and patrons and preventing them from engaging in illegal activity;

(2) the methods of supervision preventing the eEmployees from engaging in acts of prostitution or other related criminal activities;

(3) the methods of supervising eEmployees and patrons to prevent eEmployees and patrons from charging or receiving fees for services or acts prohibited by this eChapter or other statutes or ordinances;

(4) the methods of screening eEmployees and customers in order to promote the health and safety of eEmployees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

(H) Each applicant is required to attach to the application form the additional items listed in under Section 4- 9-12 of this Chapter.

(I) Each applicant is required to meet with the Police Chief or his/her designee.

~~J) It is unlawful to knowingly submit false or materially misleading information on or with a Sexually-Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually-Oriented Business license.~~

4- 9-11 EMPLOYEE LICENSE APPLICATION.

(A) Applications for an Employee license to work and/or perform services in a Sexually Oriented Business, whether original or renewal, must be made to the Park City Business License Clerk by the person to whom the Employee license shall issue. Each application for an Employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Park City Business License Clerk. Applications must be submitted to the office of the Park City Business License Clerk during regular working hours. Each applicant shall be required to give the following information on the application form:

(1) The correct legal name of the applicant, and any other names or aliases used by the applicant or by which the applicant is known;

(2) Present resident address and telephone number;

(3) Present business name, address and telephone number;

(4) Utah drivers license or identification number;

(5) Social security number;

(6) Age, date and place of birth; and

(7) Height, weight, hair color, and eye color.

(B) Each applicant shall provide acceptable written proof that the applicant is at least twenty-one (21) years of age;

(C) Each applicant is required to attach to the application form the additional items listed in under Section 4- 9-12 of this Chapter.

(D) Each applicant is required to meet with the Police Chief or his/her designee.

4- 9-12 ADDITIONAL APPLICATION REQUIREMENTS.

Attached to the application form for any license under this ordinance shall be the following:

(A) Two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Park City Police Department. For persons not residing in Park City, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.

(B) A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated, or presently owns or operates a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city state, or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application; and

(C) A statement detailing all criminal convictions, pleas of no contest except those which have been expunged, and pleas that are currently being held in abeyance and have not yet been dismissed, for the applicant, individual or entity subject to disclosure under this Chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses, any traffic offense designated as a felony shall not be construed as a minor traffic offense; stating the date, place, nature of each conviction, plea of no contest, except those which have been expunged, and plea that is currently being held in abeyance and has not yet been dismissed, and sentence of each conviction or other disposition;

identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers.

4-9-1113. CONSENT FOR BACKGROUND CHECK.

Submission of an application for a Sexually Oriented Business license or Employee license shall constitute voluntary consent for criminal background checks by the Park City Police Department, the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation pursuant to any proceeding involving the Sexually Oriented Business license or Employee license.

4-9-1114. LICENSE FEES.

Each applicant for a Sexually Oriented Business license and Sexually Oriented Business Employee license shall be required to pay regulatory license fee pursuant to the schedule established by resolution of the Park City Council.

4-9-15 FALSE OR MISLEADING INFORMATION; DISCLOSURE.

It is unlawful to knowingly:

(A) Submit false or materially misleading information on a Sexually Oriented Business license or Employee license application;

(B) Provide false or materially misleading information to a Park City Business License Clerk or Police Chief or his/her designee for the purpose of obtaining a Sexually Oriented Business license; or

(C) Fail to disclose or omit information for the purpose of obtaining a Sexually Oriented Business license or Employee license.

4-9-16 EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL.

It is unlawful for any Sexually Oriented Business to employ, retain or contract, or for any individual to be employed or contracted by a Sexually Oriented Business in the capacity of a Sexually Oriented Business Employee, unless that Employee first obtains and possesses a Sexually Oriented Business Employee license.

For purposes of this Section, all owners, corporations, partnerships, or anyone who has any ownership interest in the Sexually Oriented Business shall be criminally liable as a party to any violation of this Section. In addition, any manager or person with supervisory status over the unlicensed Employee shall be criminally liable as a party to any violation of this Section.

Any Employee who knowingly, intentionally, recklessly, or with criminal negligence introduces, furnishes, arranges, transports, assists or refers, or offers to introduce,

furnish, arrange, transport, assist or refer any unlicensed Employee to provide, or for the purpose of providing, Escort Services shall be criminally liable.

4- 9-1217. SINGLE LOCATION AND NAME.

(A) ~~It is unlawful to conduct business~~Conducting Business, as defined in this Title, under a license issued pursuant to this Chapter at any location other than the licensed Business pPremises is unlawful. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.

(B) It is unlawful for any ~~sSexually eOriented bBusiness~~ to do business under any name other than the business name specified in the application.

4- 9-1318. LICENSE - ISSUANCE CONDITIONS.

~~The Police Chief or his designee shall approve or deny the issuance of a license to the applicant within thirty days of receipt of a completed application. The Police Chief shall not deny the issuance of a license pursuant to this Chapter unless the he/she finds one or more of the following:~~

(A) The Park City Business License Clerk or his/her designated representative, shall refer all applications for licenses to the Police Chief for his investigation and recommendations.

(B) The Police Chief shall recommend the approval of a license pursuant to this Chapter unless he/she finds one or more of the following:

~~(A)~~(1) The applicant is under twenty-one (21) years of age;

~~(B)~~(2) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a ~~sSexually eOriented bBusiness~~;

~~(C)~~(3) The applicant has falsely answered a material question or request for information as authorized by this Chapter;

~~(D)~~(4) The applicant has violated a provision of this Chapter or similar provisions found in statues or ordinances from any jurisdiction within two (2) years immediately preceding the application. A criminal conviction for a violation of a provision of this ~~eChapter~~ or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

~~(E)~~(5) The Business pPremises to be used ~~for the business~~ has been disapproved by the Summit County Health Department, the Fire ~~Department~~

~~Marshal, the Police Department,~~ the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen (15) days for its review. ~~The total time for the City to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees.~~

~~(F)~~(6) The All required license fees have not been paid;

~~(G)~~(7) All applicable sales and use taxes have not been paid;

~~(H)~~(8) An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in state statutes or ordinances from any other jurisdiction;

~~(I)~~(9) An applicant has been convicted or pled no contest to a crime involving:

~~(1)~~ (a) Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; contributing to the delinquency of a minor; possession of child pornography; lewdness; obscenity; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; any felony; any violation under the Utah Controlled Substances Act or substantially similar state or federal statute; any crime of violence; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

~~(a)~~(i) Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two (2) or more misdemeanors within the five (5) years; or

~~(b)~~ (ii) Less than five (5) years have elapsed from the date of conviction if the offense is a felony;

~~(2)~~(b) The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.

(10) An applicant has not provided the Park City Business License Clerk with a complete application. An application is not complete until the applicant has

provided all applicable requirements of Sections of 4-9-10; 4-9-11; and 4-9-12; met with the Police Chief or his/her designee; and paid all fees.

(C) The Police Chief shall make a report of his findings to the Park City Business License Clerk together with his recommendation, if any, within forty-five (45) days of receipt of a completed application including payment of all fees. If the Police Chief or his/her designee cannot complete his/her review within the forty-five (45) day approval or denial period, the Police Chief or his/her designee may obtain an extension of time of no more than fifteen (15) days for his/her review. The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of a completed application and payment of all fees.

4-9-19. APPEALS OF LICENSE DENIAL

Any applicant denied a Sexually Oriented Business license or Employee license may appeal pursuant to Section 4-2-11(A), provided such request is filed within ten (10) days after receipt of notice of denial.

4-9-20. POSSESSION AND DISPLAY OF EMPLOYEE LICENSE

It is unlawful for any individual licensed pursuant to this Chapter to fail to, at all times while engaged in licensed activities within the corporate boundaries of the City, carry their employee license on their person. If the individual is Semi-Nude, such license shall be visibly displayed within the same room as the employee is performing. When requested by police, city licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the city.

4-9-1421. CHANGES IN INFORMATION.

Any change in the information required to be submitted under this Chapter for a Sexually Oriented Business license shall be given, in writing, to the Park City Business Licensing Clerk, within fourteen (14) days after such change.

4-9-1522. TRANSFER LIMITATIONS.

Sexually Oriented Business licenses granted under this Chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business license. It shall be unlawful for a Sexually Oriented Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a Sexually Oriented Business licensee occurs, the license is immediately null and void and the Sexually Oriented

~~b~~Business shall not operate until a separate new license has been properly issued by the City as herein provided.

4- 9-1623. GENERAL REGULATIONS.

It is unlawful for any ~~e~~Sexually ~~e~~Oriented ~~b~~Business to:

(A) Allow persons under the age of eighteen (18) years, or the age of twenty one (21) years if required by applicable liquor ordinance, on the ~~licensed~~Business ~~p~~Premises, except that in ~~a~~Adult ~~b~~Businesses, which exclude minors from less than all of the ~~b~~Business ~~p~~Premises, minors shall not be permitted in excluded areas

~~(B)~~ Allow, offer or agree to conduct any Escort Services with persons under the age of eighteen (18) years;

~~(B)~~~~(C)~~ Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the ~~licensed~~Business ~~p~~Premises;

~~(C)~~~~(D)~~ Allow the outside door to the premises to be locked while any customer is in the Business ~~p~~Premises;

~~(D)~~~~(E)~~ Allow, offer or agree to gambling on the ~~licensed~~Business ~~p~~Premises;

~~(E)~~~~(F)~~ Allow, offer or agree to any ~~e~~Employee of a ~~e~~Sexually ~~e~~Oriented ~~b~~Business touching any patron or customer;

~~(F)~~~~(G)~~ Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the ~~licensed~~Business ~~p~~Premises;

~~(G)~~~~(H)~~ Allow ~~e~~Sexually ~~e~~Oriented ~~b~~Business ~~e~~Employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;

~~(H)~~~~(I)~~ Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the ~~licensed~~Business ~~p~~Premises, or in the event of an Escort or Escort Services, the Escort or Employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

~~(I)~~~~(J)~~ Allow, offer, commit or agree to any ~~e~~Specified ~~e~~Sexual ~~a~~Activity in the presence of any customer or patron;

~~(J)~~~~(K)~~ Allow, offer or agree to allow a patron or customer to ~~masturbate~~ commit Specified Sexual Activities in the presence of an ~~e~~Employee or on the Business ~~p~~Premises of a sexually oriented business;

(L) Allow, offer or agree to any Employee of a Sexually Oriented Business appearing before any customer or patron in a State of Nudity, unless licensed as an Adult Theater;

~~(K)~~(M) Allow, offer, or agree to commit an act of lewdness as defined in Section 8-4-20 of this Code; or

~~(L)~~(N) Not permit the Police Department or other proper City official to have access at all times to all premises licensed or applying for a license under this Chapter, or to make periodic inspection of said Business pPremises whether the officer or official is in uniform or plain clothes.

4-9-2024. ESCORT SERVICE OPERATION REQUIREMENTS

It is unlawful for any business or Employee providing Escort Services contracted for or provided in Park City, to fail to comply with the following requirements:

(A) All businesses licensed to provide Escort Services pursuant to this Chapter shall provide to each patron a written contract in receipt of consideration for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business Operator shall keep and maintain a copy of each written contract entered into pursuant to this section for a period not less than one year from the date of provision of services. The contracts shall be numbered and entered into a register listing the contract number, date, names of all Employees involved in the contract and pecuniary compensation paid.

(B) All Escort Services licensed pursuant to this Chapter shall maintain an open office at which at least one responsible Employee conducts the affairs of the business and acts as manager and Licensee's designated agent and may be personally contacted during all hours Escorts are working. The address and phone number of the Business Premises shall appear and be included in all patron contracts and published advertisements.

(C) Escort Services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that Specified Sexual Activities would be performed by the Escort. The business Operator shall keep and maintain copies of all published advertisements for a period not less than one year from the date of publishing.

4- 9-1725. ADULT BUSINESS, DESIGN OF PREMISES.

(A) In addition to the general requirements of disclosure for a sSexually eOriented bBusiness, any applicant for a license as an aAdult bBusiness shall also submit a diagram, drawn to scale, of the Business pPremises of the license. The design and

construction, prior to granting a license or opening for business shall conform to the following:

- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
- (2) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one (1) person be allowed in the restroom per stall and only one (1) person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;
- (3) For businesses which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses, which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;
- (4) The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

(B) It shall be the duty of the licensee and licensee's employees to insure that the views from the manager's station of all areas specified in section (1) above remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(C) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle measured at floor level. It shall be the duty of the licensee and licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

4- 9-1826. SEMI-NUDE ENTERTAINMENT BUSINESS; INTERIOR DESIGN.

Adult theaters shall require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high. It is unlawful for a business premises licensed for Semi-Nude Entertainment to:

(A) permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;

(B) allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;

(C) provide any room in which the eEmployee or eEmployees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet (3') high and six inches (6") wide. The patron or patrons shall remain on one side of the barrier and the eEmployee or eEmployees shall remain on the other side of the barrier;

4- 9-1927. ALCOHOL PROHIBITED.

It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the Business pPremises. It is unlawful for any person to possess or consume any alcoholic beverage on the Business pPremises of any eSexually eOriented bBusiness.

4- 9- 28. SEVERABILITY.

In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

4- 9- 29. COMPLIANCE BY PRESENT LICENSEES.

Any person, firm or corporation which held any business license from Park City which lawfully permits the activities regulated hereby or was doing business on the effective date of this amendment, shall have forty-five (45) days from the effective date of this amendment to submit the application required in this Chapter or be deemed as operating as Sexually Oriented Business without a license. Additionally, Employees of businesses designated by this Chapter who are required to obtain an Employee license shall have forty-five (45) days from passage of this amendment to submit application for an Employee license or be deemed as operating without a license.

Recorded at the request of and return to:
Park City Municipal Corporation
Attn: City Recorder
P O Box 1480, Park City UT 84060

Fee Exempt per Utah Code
Annotated 1953 21-7-2

Ordinance No. 06-80

**AN ORDINANCE APPROVING THE BERNOLFO FAMILY ANNEXATION
AND APPROVING AN ANNEXATION AGREEMENT AND
AN AMENDMENT TO THE PARK CITY ZONING MAP
TO PLACE THE BERNOLFO FAMILY PROPERTY, AT 175 WEST SNOWS
LANE, INTO THE ESTATE (E) DISTRICT AND THE SENSITIVE LANDS OVERLAY
DISTRICT (SLO)**

WHEREAS, the owner of the property known as the Bernolfo Family Property have petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the property is approximately 6.545 acres in size and is located at 175 West Snows Lane, west of Thayne's Canyon Subdivision #4; and

WHEREAS, the Bernolfo Family Property parcel will be zoned E (Estate) and SLO (Sensitive Lands Overlay); and

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

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

WHEREAS, the Planning Commission held public hearings on July 26th and October 11th, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on November 16, 2006, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map, this annexation will provide a large lot residential property near a resort bed base, will incorporate an historic structure within the City limits, and will provide a pedestrian trail easement for a future public trail.

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

SECTION 1. ANNEXATION APPROVAL. The annexation of the Bernolfo Family parcel, located at 175 West Snows Lane, is hereby approved as shown on the annexation plat (Exhibit A) and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below. The analysis section of the City Council

RECORDER'S NOTE
LEGIBILITY OF WRITING, TYPING OR
PRINTING UNSATISFACTORY IN THIS
DOCUMENT WHEN RECEIVED.

ENTRY NO. 00799489

12/18/2006 03:18:05 PM B: 1836 P: 0846

Ordinance PAGE 1 / 5

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



Staff Report is incorporated herein.

SECTION 2. ZONING MAP. The Bernolfo Family Property amendment to the official Park City Zoning Map is hereby approved as shown in Exhibit B.

SECTION 3. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
CONDITIONS OF APPROVAL.

Findings of Fact:

1. The Bernolfo Family Property is currently located in unincorporated Summit County and may be annexed to Park City.
2. As part of the annexation petition the petitioner has requested Estate (E) zoning for the entire 6.545-acre parcel.
3. The proposed land uses are consistent with the purpose statements of the proposed zoning district. The applicant has volunteered to not allow hotels, commercial day care, bed and breakfast uses, nightly rental, and lock-out units. These restrictions are reflected in the annexation agreement.
4. Preliminary site analysis demonstrates existence of sensitive lands on the property. Therefore, the proposed SLO zoning is appropriate.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by including an historic structure within the Park City boundary, provides an opportunity for future pedestrian trail connections in the area, and provides a transition in land uses in the area.
6. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services to be provided to the Property, such as police and water, which are more easily accessible from the City than the County.
7. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
8. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
9. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
10. Areas of wetlands, irrigation ditches, and steep slopes have been identified on the property. It is reasonable to include this property within the Sensitive Lands Overlay Zone. There are areas of steep slopes on the property which are due to man-made conditions.
11. The annexation is outside the City's Soils Ordinance District and is not located within the Spiro point source protection zone. Furthermore, the City does not have any environmental assessments or known previous history of the site being impacted with historic mining impacts or other industry. The subdivision plat will identify the limits of disturbance areas and appropriate setbacks from very steep slopes, consistent with the SLO regulations.
12. Review of a subdivision plat, upon annexation, will provide an opportunity to review utility issues and site-specific review to determine location of the future building pad. Part of the access easement agreement with the Silver Star developer facilitates ski trail access for this area.
13. It is reasonable and logical to provide municipal level services to this property adjacent to existing single family and multi-family subdivisions. The

annexation provides a transition area of estate residential density between existing single family/condominium development to the south and east and the rural/agricultural uses to the west.

14. The application is subject to the City's Affordable Housing Resolution 17-99.

Conclusions of Law:

1. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.
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 include the Bernolfo Family property within the Estate (E) District and within the Sensitive Lands Overlay (SLO) Zone.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16TH day of November, 2006.

PARK CITY MUNICIPAL CORPORATION



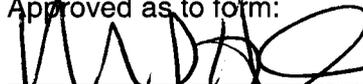
Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



BERNOLFO FAMILY ANNEXATION PLAT

A SINGLE FAMILY LOT LOCATED IN SECTION 8
TOWNSHIP 2 SOUTH RANGE 10 EAST COUNTY OF ILLINOIS

ANNEXATION PARCEL

ENGINEER'S CERTIFICATE

PLANNING COMMISSION

ENGINEER'S CERTIFICATE

APPROVAL AS TO FORM

CERTIFICATE OF ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

RECORDED

OWNER'S INDICATION AND CONSENT TO RECORD

ACKNOWLEDGEMENT

MAR 23 2006

EXHIBIT A

Park City Zoning Map

ZONING MAP
 AMENDMENT
 • E DISTRICT
 • SLO DISTRICT

Official Park City Zoning Map
Donald Williams
 Don Williams, Mayor
Michael P. Hahn
 Michael P. Hahn, Planning Director
 Michael P. Hahn, Planning Commissioner

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

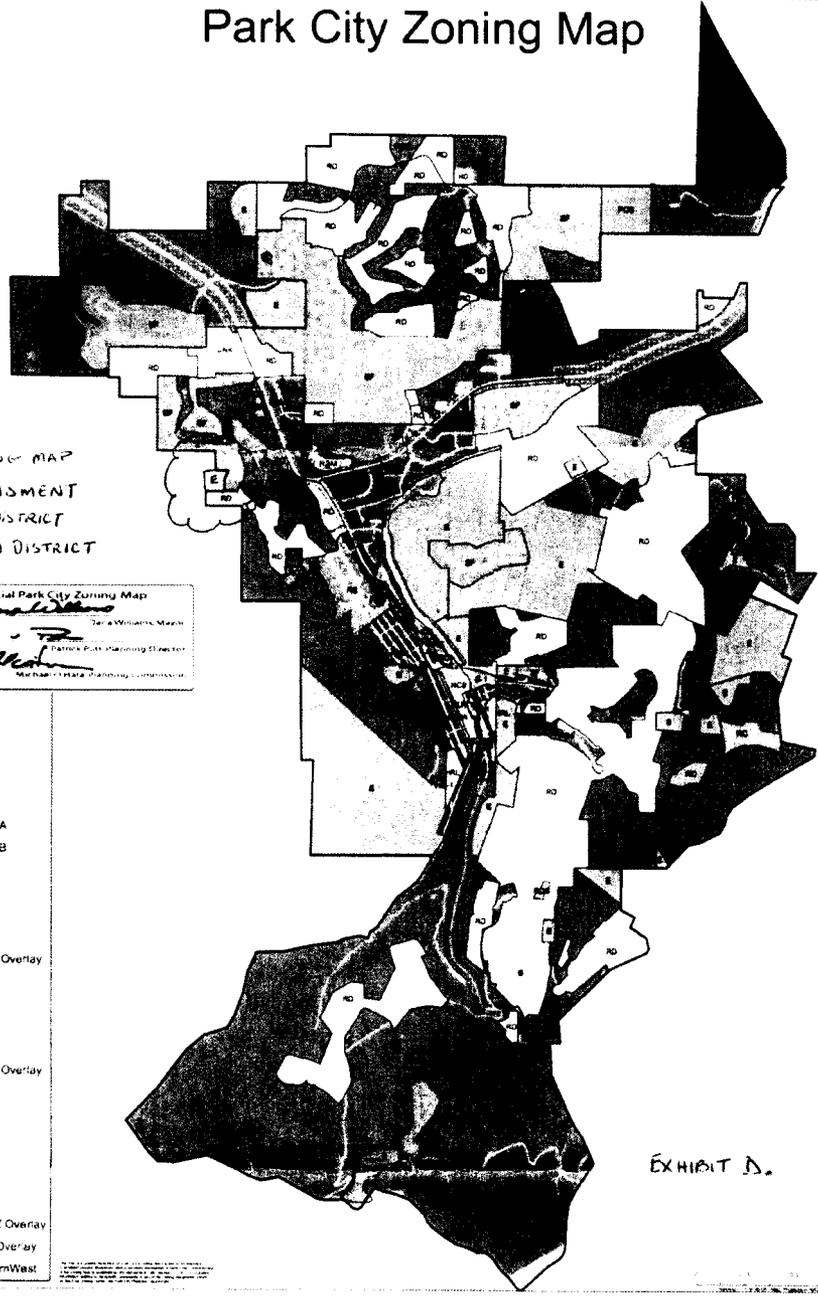


EXHIBIT D.

2

Ordinance No. 06-79

**AN ORDINANCE APPROVING THE MINE CART CONDOMINIUM LOCATED AT
553 DEER VALLEY LOOP ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 553 Deer Valley Loop Road have petitioned the City Council for approval of the Mine Cart Condominium Conversion; 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 October 25, 2006 to receive input on the Mine Cart Condominium Conversion and forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 9, 2006, the City Council approved Mine Cart Condominium Conversion; and

WHEREAS the condominium conversion will allow the sale of each unit separately.

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

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

Findings of Fact:

1. The property is located at 553 Deer Valley Loop Road.
2. The zoning is Residential Medium Density Development (RM).
3. A duplex is an allowed use in the RM zone.
4. The proposed lot is 7,933.82 square feet in size.
5. The maximum height of the structure is 33'. Typical height is 28'.
6. The front setback is 15', rear setback 10', and side setbacks 5'.
7. Each unit provides two parking spaces, all of which are off-street.
8. Unit A consists of 4,324.05 square feet of private space, and 439.89 square feet of limited common area.
9. Unit B consists of 4,327.30 square feet of private space, and 437.22 square feet of limited common area.
10. Shared common area consists of 3,947.52 square feet of space.
11. A trench for sewer will eliminate the existing retaining wall.
12. The Planning Commission forwarded a positive recommendation for the Mine Cart Condominiums on October 25, 2006.

Conclusions of Law:

1. There is good cause for this Condominium Record of Survey.
2. The Condominium 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 Condominium Record of Survey.

4. Approval of the Condominium 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 Condominium 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 Condominium 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 standard project conditions will apply as noted in Exhibit B.
4. A single master water meter must be supplied for both units as well as the common landscaping.
5. Final Certificate of Occupancy is conditioned upon Engineering/Building Department approval of the new retaining wall.
6. Covenants, Conditions, and Restrictions (CC&R's) must be amended to include a tie-breaking mechanism.
7. The applicant must consult the Building Department for building sprinkler requirements. Building Department approval of a fire sprinkler plan is required.

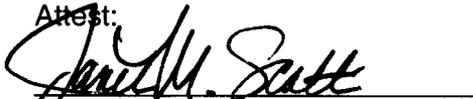
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

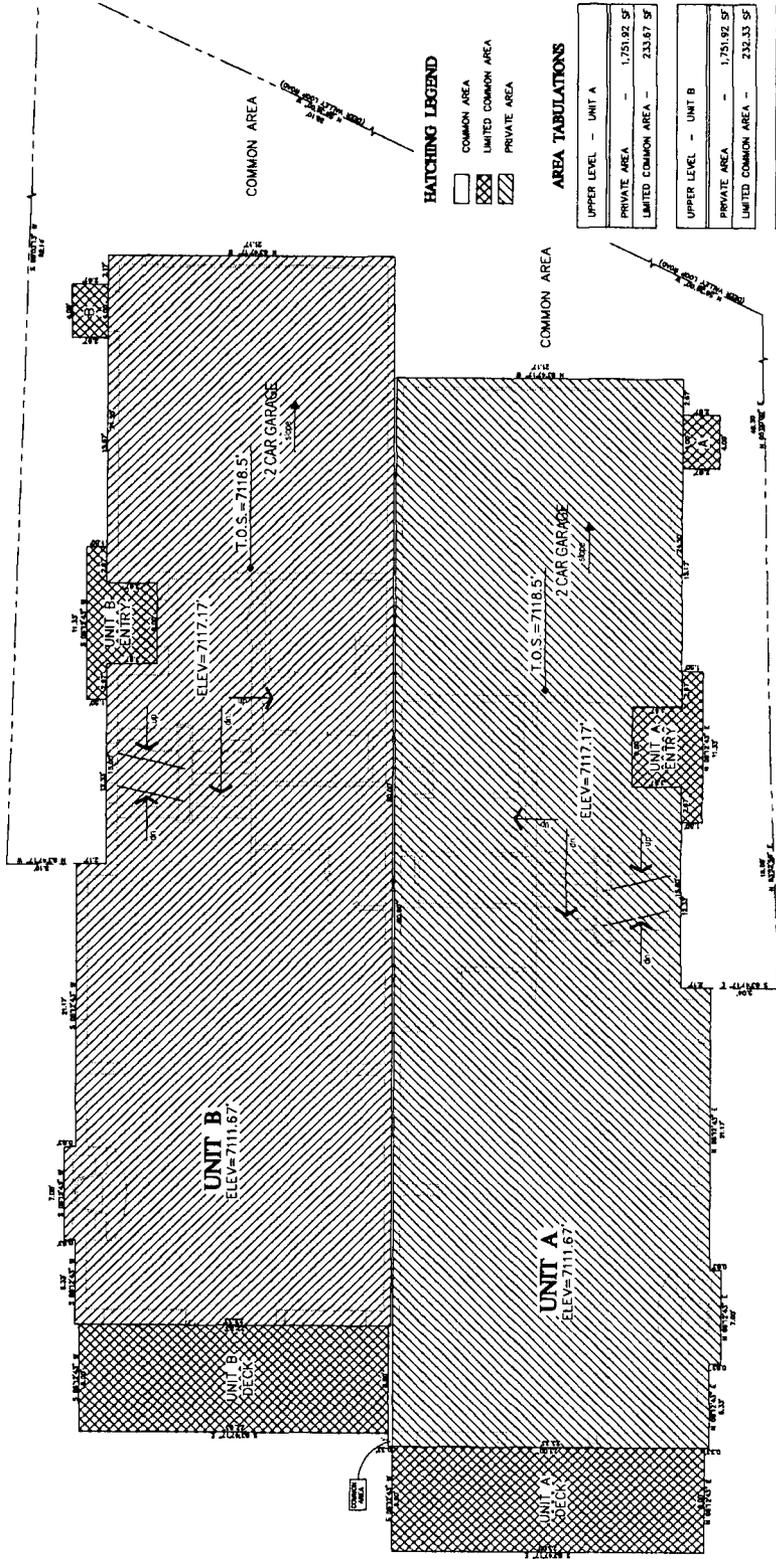


Mark D. Harrington, City Attorney





GRAPHIC SCALE



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UPPER LEVEL - UNIT A	
PRIVATE AREA - 1,751.92 SF	
LIMITED COMMON AREA - 233.67 SF	
UPPER LEVEL - UNIT B	
PRIVATE AREA - 1,751.92 SF	
LIMITED COMMON AREA - 233.33 SF	
UPPER LEVEL -	
COMMON AREA - 2,091.14 SF	

DATE RECORDED _____

CITY OF _____

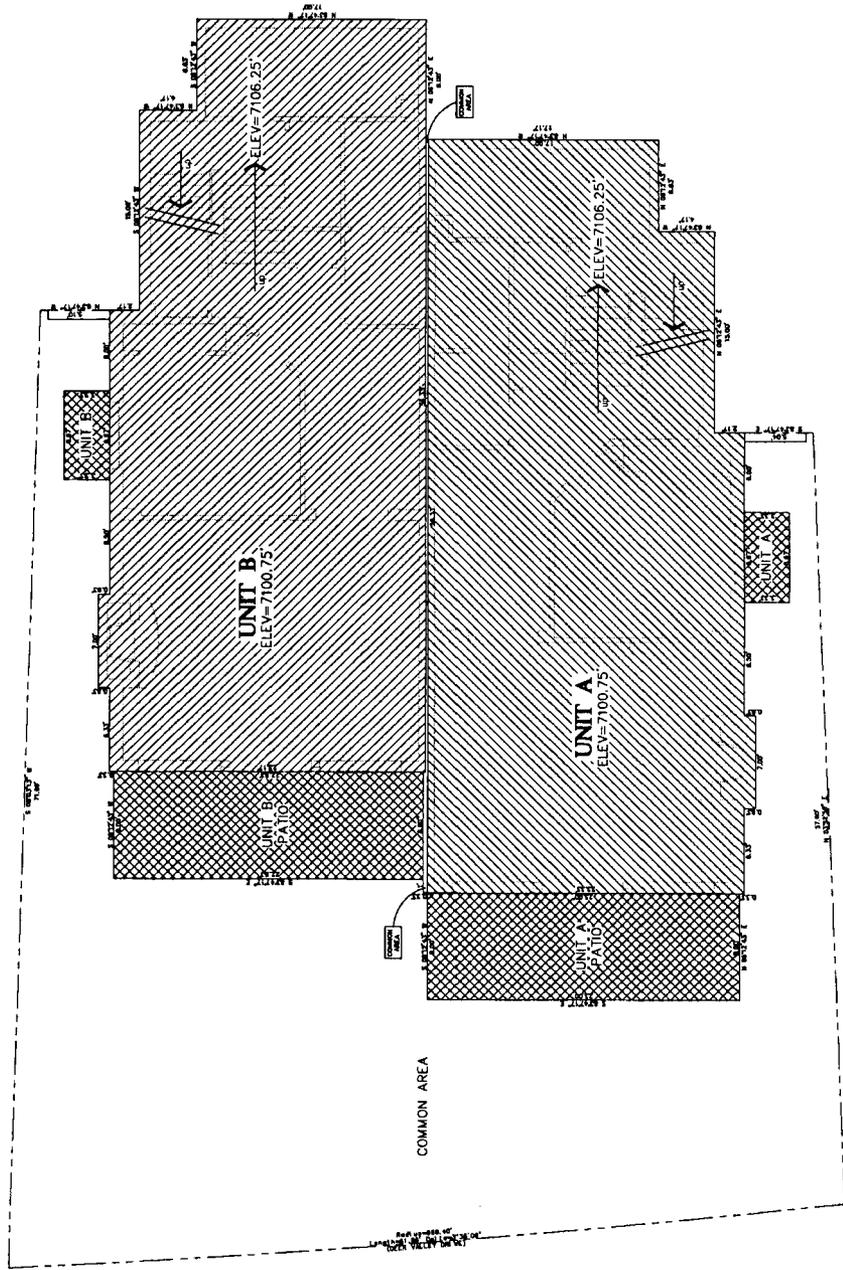
RECORDED AT THE REQUEST OF _____

TITLE _____

APR 20 1983



GRAPHIC SCALE



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

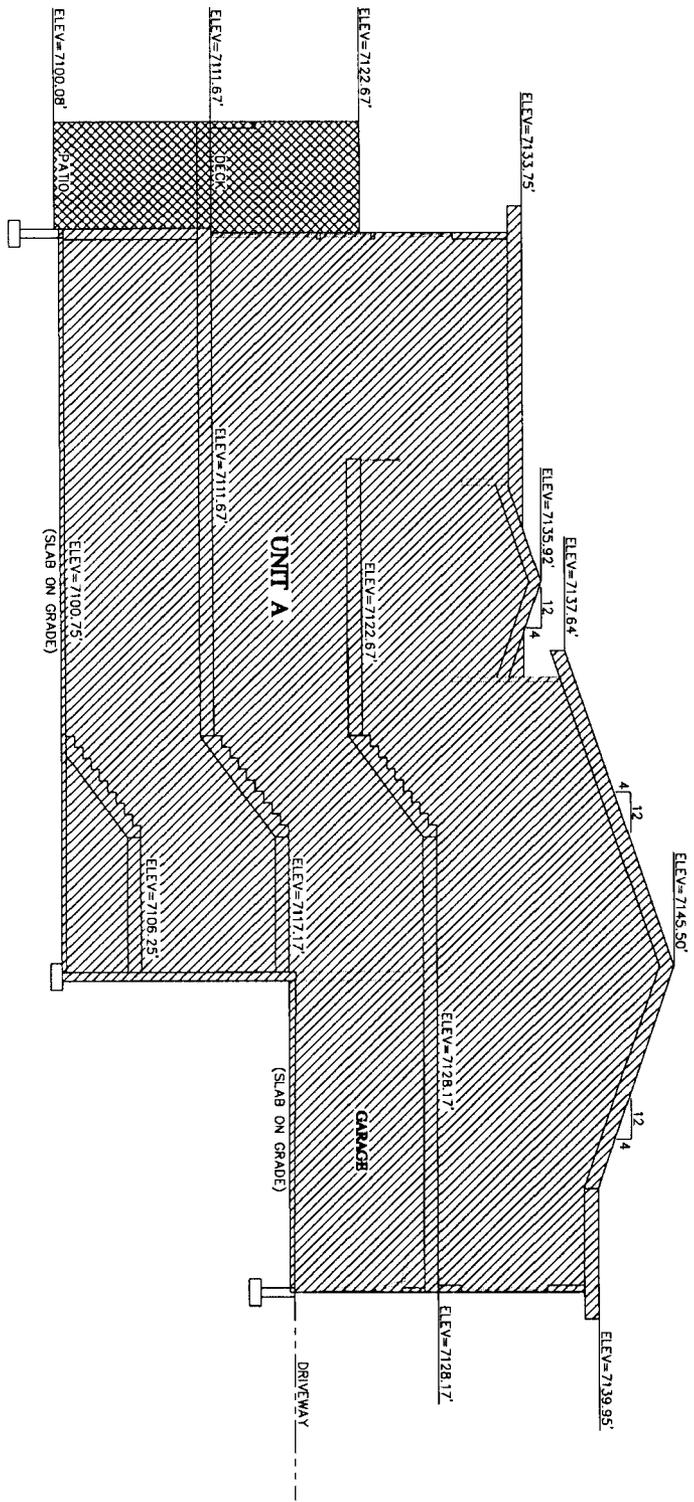
AREA TABULATIONS

UPPER LEVEL - UNIT A	
PRIVATE AREA	1,244.50 SF
LIMITED COMMON AREA	206.22 SF

UPPER LEVEL - UNIT B	
PRIVATE AREA	1,244.50 SF
LIMITED COMMON AREA	204.89 SF

UPPER LEVEL -	
COMMON AREA	1,839.30 SF

DATE RECORDED _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
BY _____

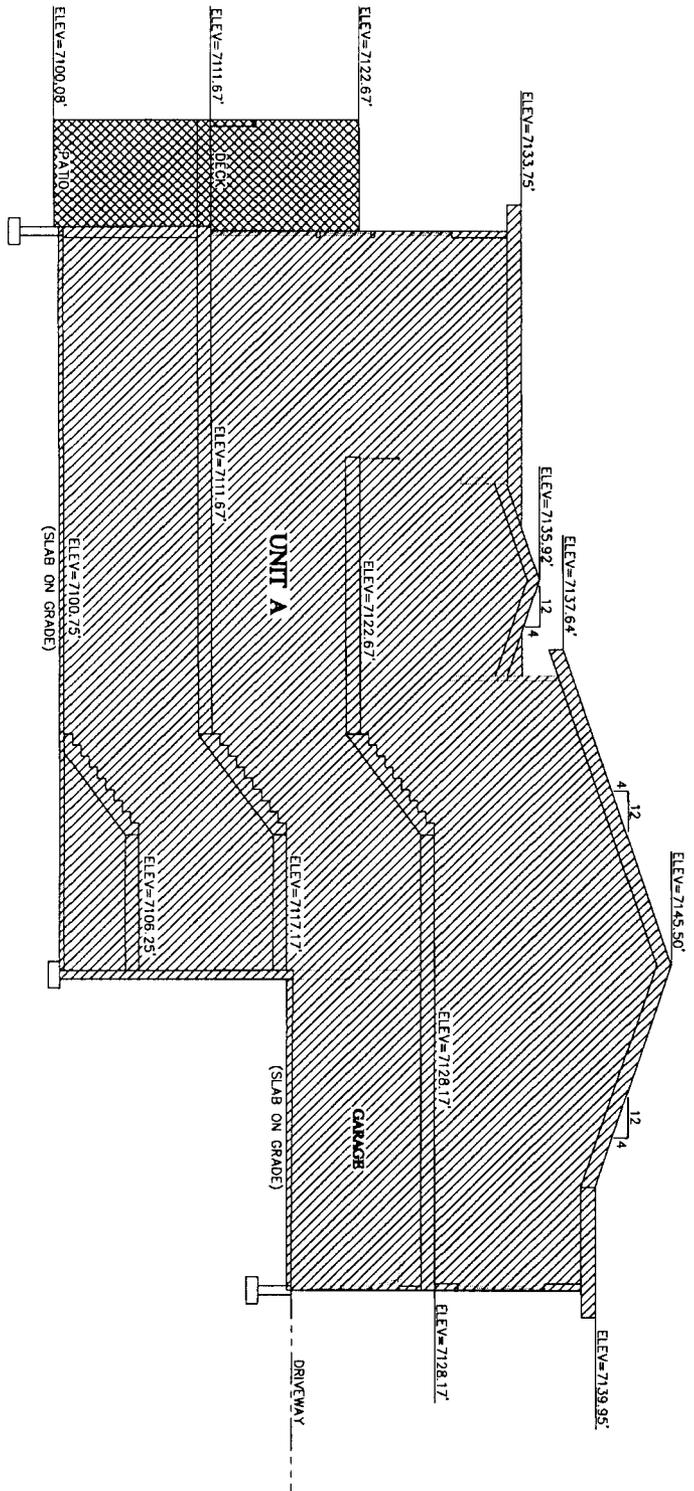


BUILDING SECTION A-1
 SCALE: 1/4" = 1'-0"

HATCHING LEGEND

- COMMON AREA
- UNIT COMMON ARE
- PRIVATE AREA

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 RECORDED AT THE OFFICE OF _____
 RECORDED _____
 DATE _____

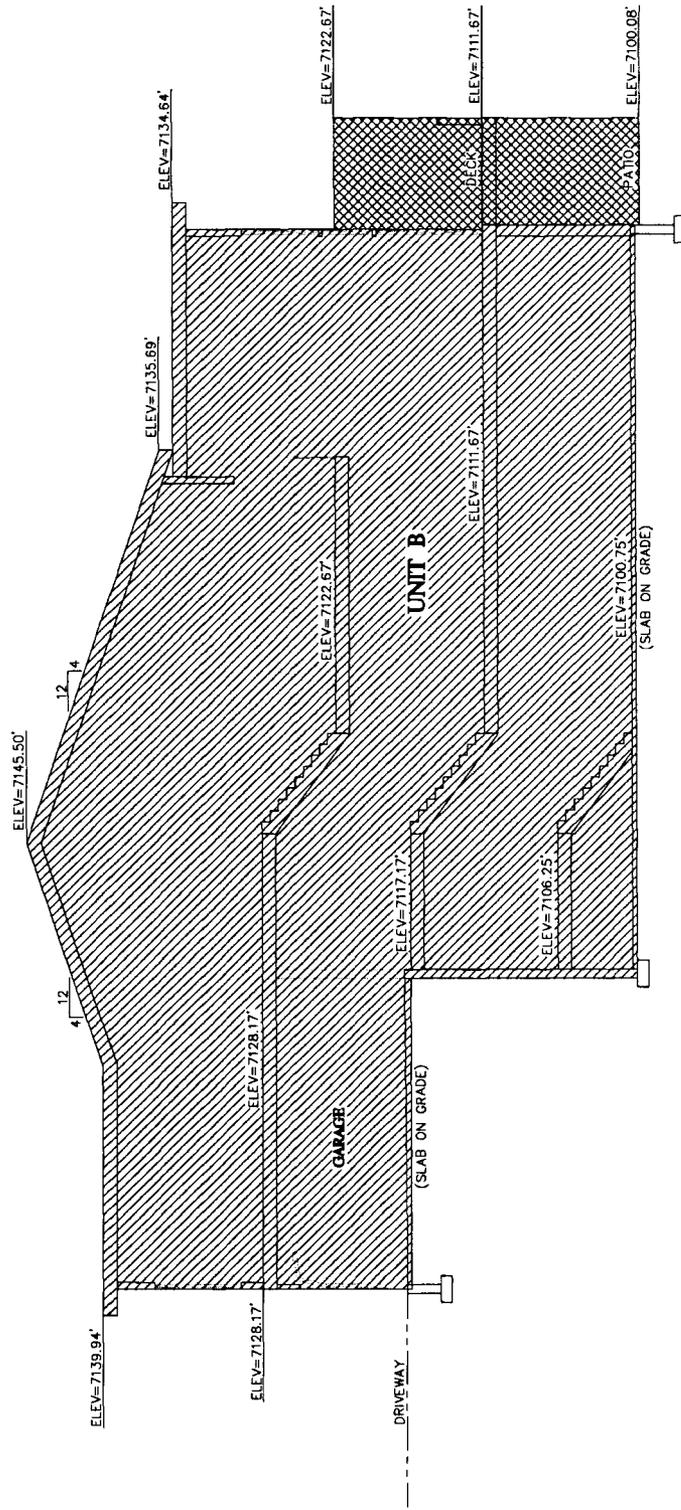


BUILDING SECTION A-1
 SCALE: 1/4" = 1'-0"

HATCHING LEGEND

- COMMON AREA
- UNITED COMMON ARE
- PRIVATE AREA

NO. _____ RECORDED
 STATE OF _____
 RECORDED AT THE REQUEST OF _____
 DATE _____ CITY/STATE _____



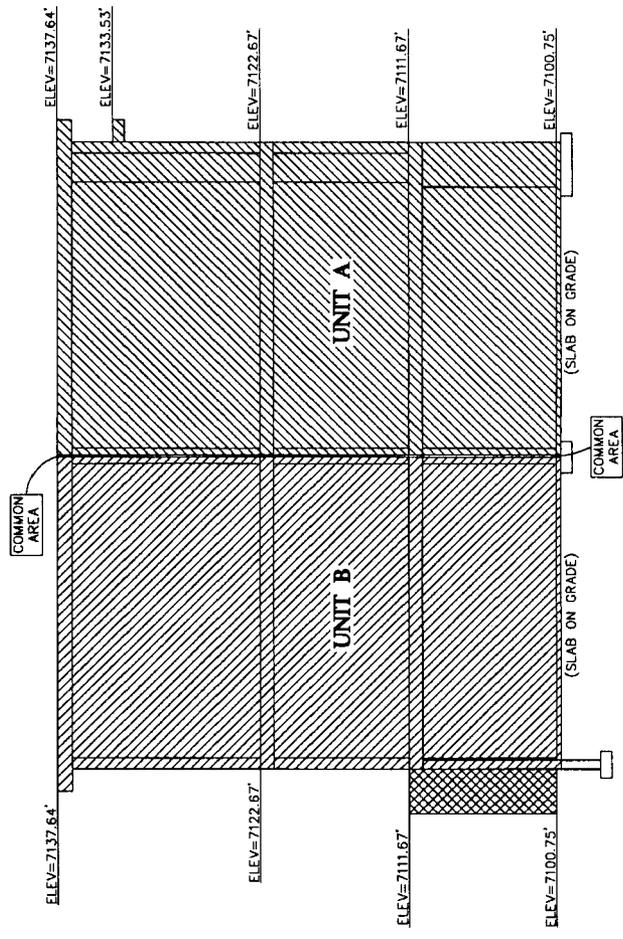
HATCHING LEGEND

-  COMMON AREA
-  LIMITED COMMON AREA
-  PRIVATE AREA

BUILDING SECTION B-1
SCALE: 1" = 4'



NO. _____ RECORDED
 DATE _____
 CITY OF _____
 RECORDED AT THE REQUEST OF _____
 FIG. _____ CITY RECORDS



HATCHING LEGEND

-  COMMON AREA
-  LIMITED COMMON AREA
-  PRIVATE AREA

BUILDING SECTION A-B
SCALE: 1" = 4'

APPROVED: [Signature]

DATE OF RECORDING: _____
 DATE OF REVISION: _____
 CITY OF: _____
 RECORDED AT THE REQUEST OF: _____
 TITLE: _____
 CITY RECORDER: _____

Exhibit B
PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-

vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 06-78

**AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE
RESIDENCES AT KINGS CROWN CONDOMINIUMS,
LOCATED AT 1243 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as the Residences at Kings Crown 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 October 25, 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 November 9, 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 3 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 subject property is located at 1243 Empire Avenue within the Recreation Commercial (RC) Zone.
2. A building permit application for a triplex structure on the property was received by the City on May 6, 2005.
3. Triplex structures are allowed uses in the RC Zone.
4. The applicant is proposing a 3 unit development on a parcel 50' wide and 150' deep.
5. The entire site is approximately 7,500 square feet in size.
6. The location and design of the proposed structures is consistent with the approved administrative building permit.
7. No additional units are created by this record of survey amendment.
8. 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.

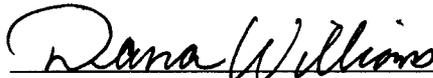
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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 from the July 14, 2005 building permit continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 9th day of November 2006.

PARK CITY MUNICIPAL CORPORATION

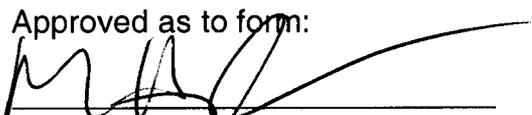


Mayor Dana Williams

Attest:

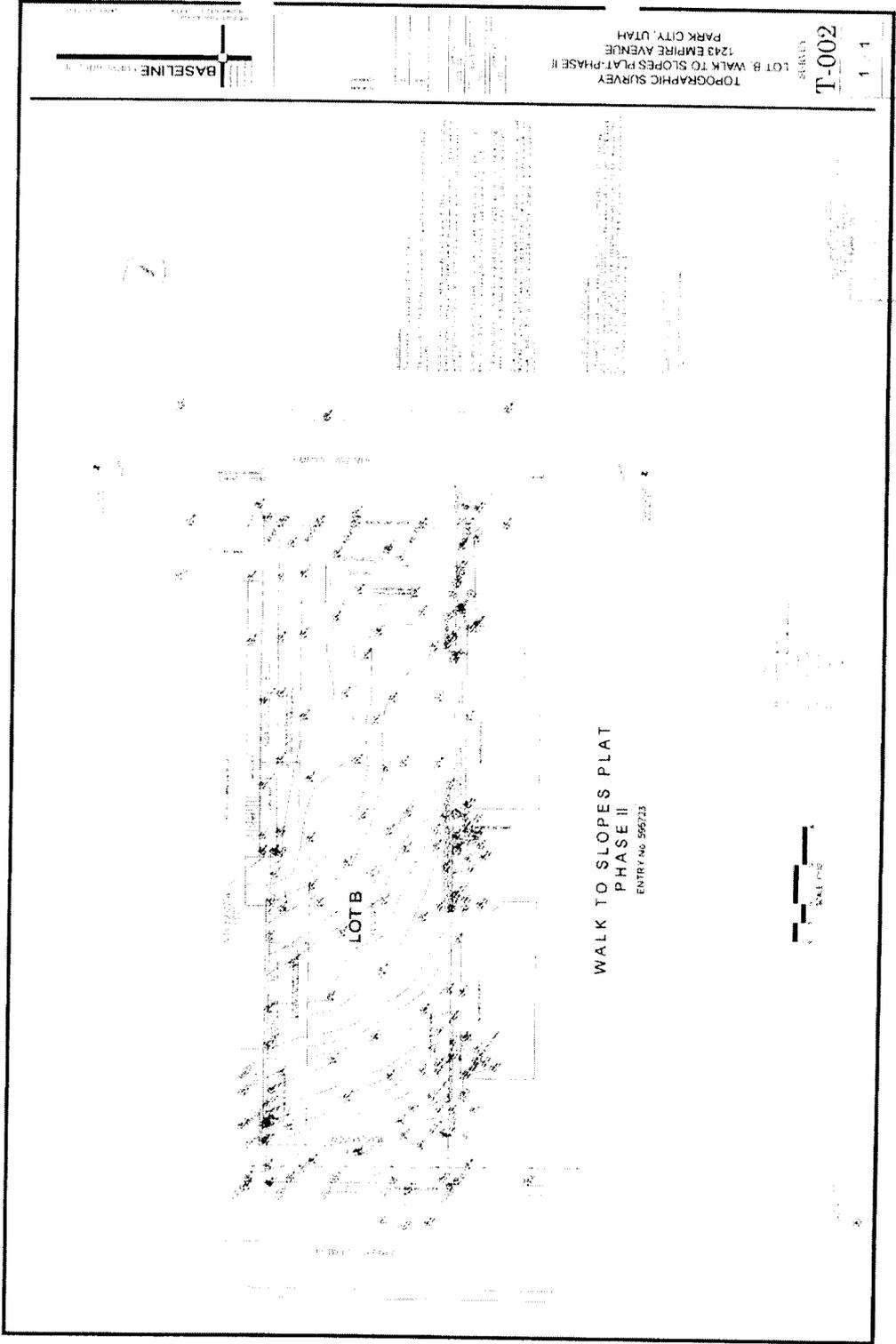


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney





MAY 19 2005

T-002
1:1

TOPOGRAPHIC SURVEY
LOT B WALK TO SLOPES PLAT PHASE II
1243 EMPIRE AVENUE
PARK CITY, UTAH

BASELINE

REFERENCE NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND ALARM CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
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ELLIOTT-MARONEY
 ARCHITECTS
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 DENVER, CO 80202
 TEL: 303.555.1234
 FAX: 303.555.5678
 WWW.ELLIOTT-MARONEY.COM

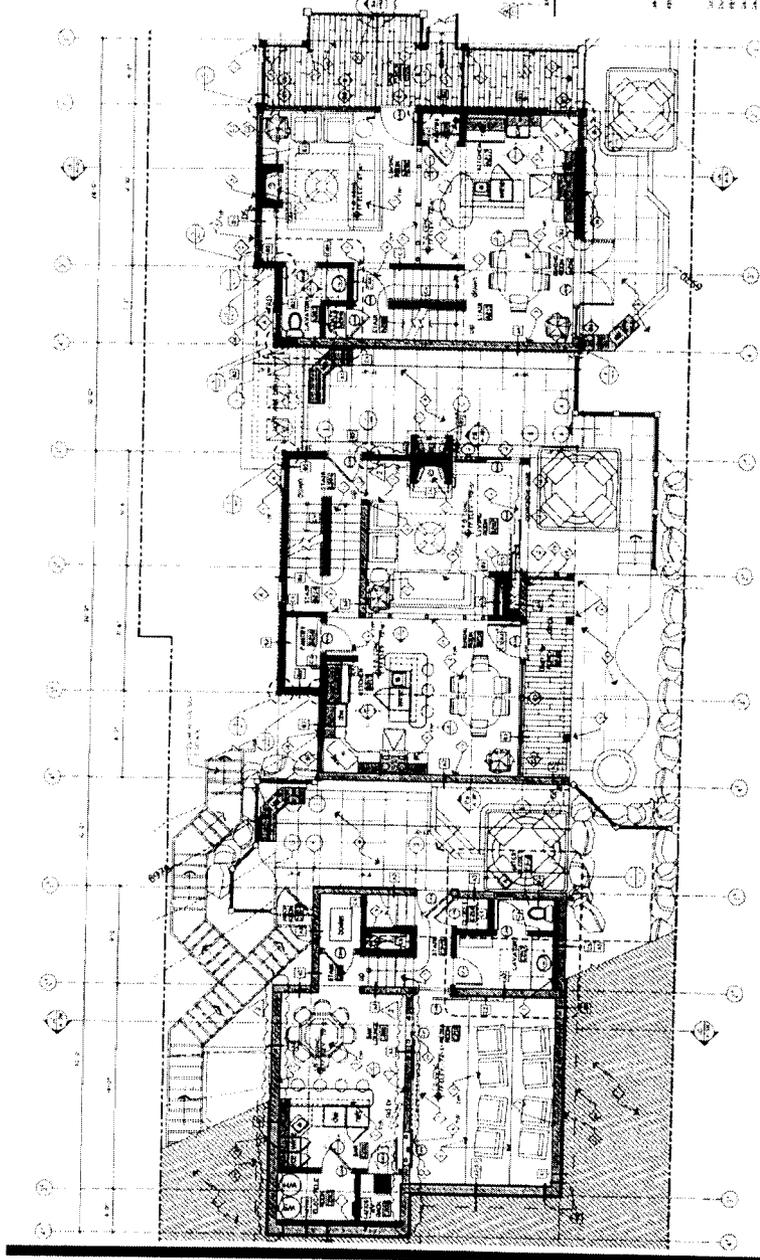
DATE: 05/10/06
 DRAWN: JMM
 CHECKED: JMM
 APPROVED: JMM
 PROJECT NO: 06-001
 SHEET NO: 01

Legacy Dev. Group LLC
The Residences at KING'S CROWN
 1234 E. MAIN AVENUE
 PARK CO., COLO. 80130
 ARCHITECTURAL
 LEVEL TWO FLOOR PLAN

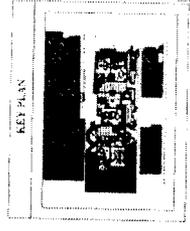
A-102

MAY 10 2006

FOR OFFICE USE ONLY
 PROJECT NO. 06-001



2 FLOOR PLAN LEVEL TWO
 SCALE: 1/4" = 1'-0"



ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC) AS ADOPTED BY THE CITY OF BOSTON.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BOSTON AND THE MASSACHUSETTS DEPARTMENT OF CONSTRUCTION.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY TO ACCOMMODATE THE PROPOSED CONSTRUCTION.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF BOSTON.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.

8. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

10. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF BOSTON.

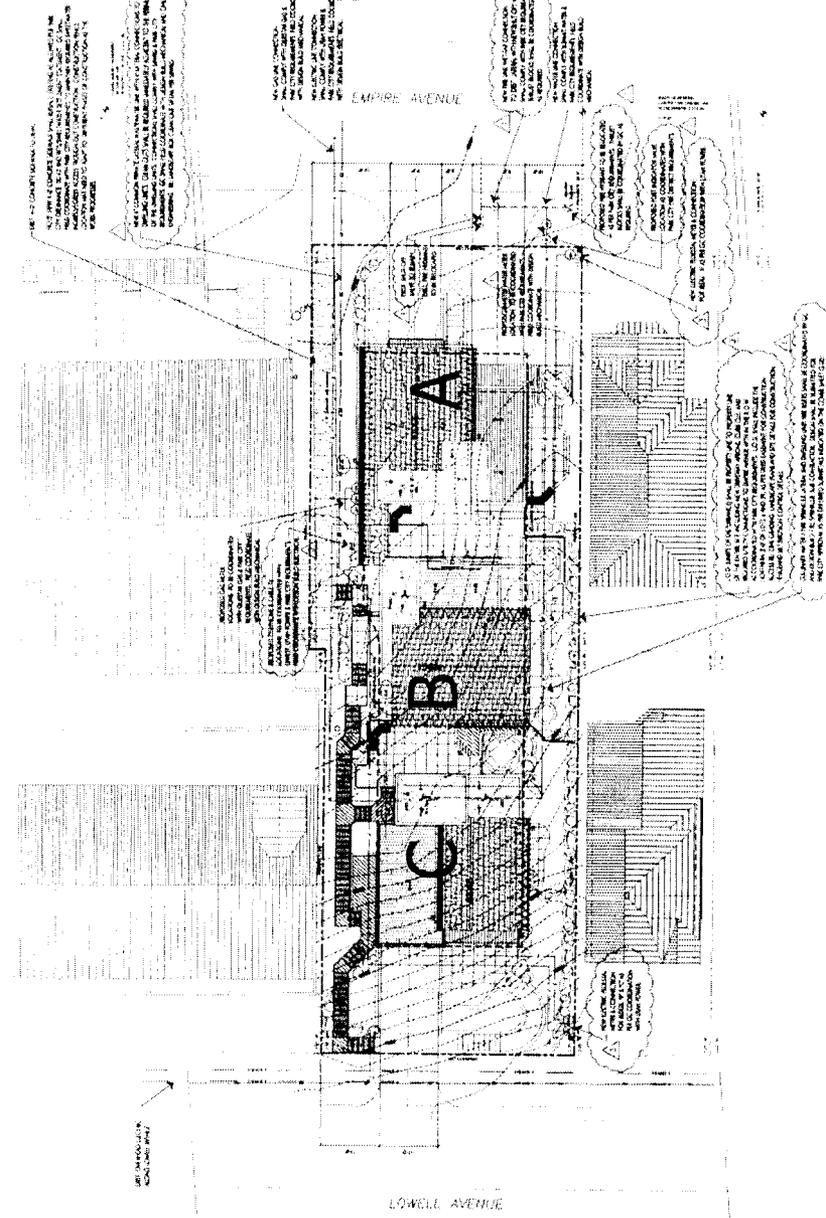
ELLIOTT MAHONEY
ARCHITECTS

1215 Empire Avenue
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Boston, MA 02127
Tel: 617-552-1100
Fax: 617-552-1101
www.elliottmahoney.com

Legacy Devl. Group LLC
The Residences at
KING'S CROWN
1215 Empire Avenue
Park Ave. South Boston

CSA
SITE ARCHITECT
C-001

PROCLAIM
MAY 10 2006



LEVEL SITE PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).

LEGEND



ELLIOTT-MARONEY
ARCHITECTURE

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Fax: (212) 486-1001
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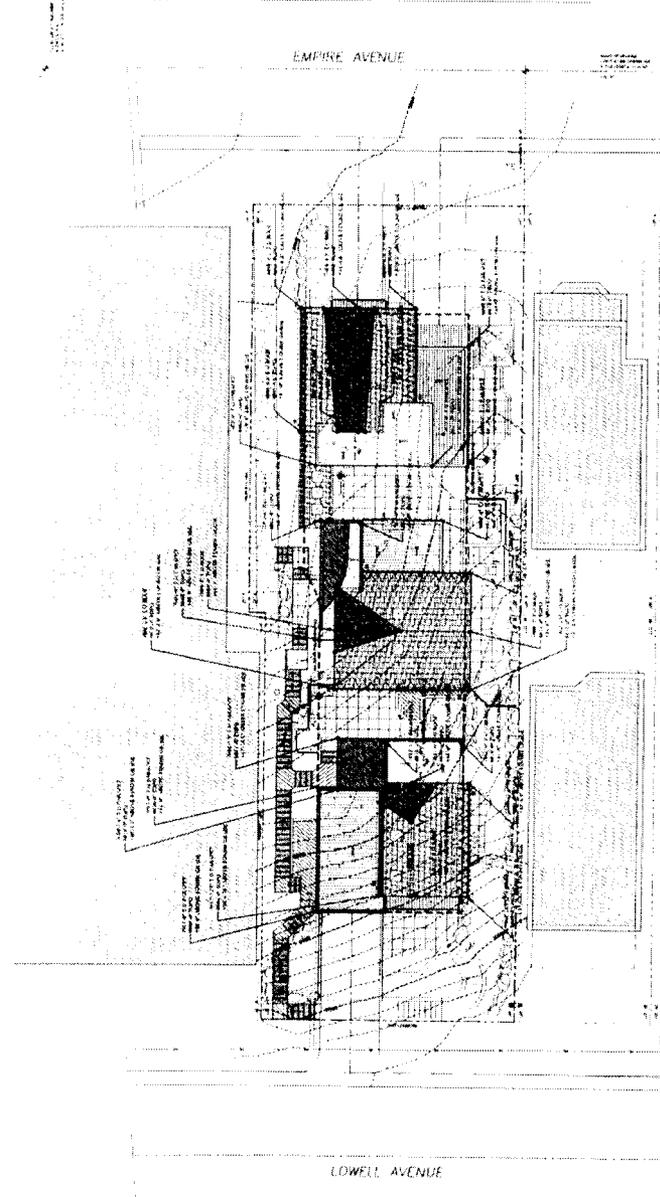
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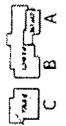
MAY 10 2006

PLANNED



H11 HEIGHT/IDRBE SITE PLAN
SCALE: 1/8" = 1'-0"

KEY PLAN



1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).

REFERENCE NOTES

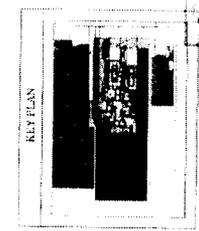
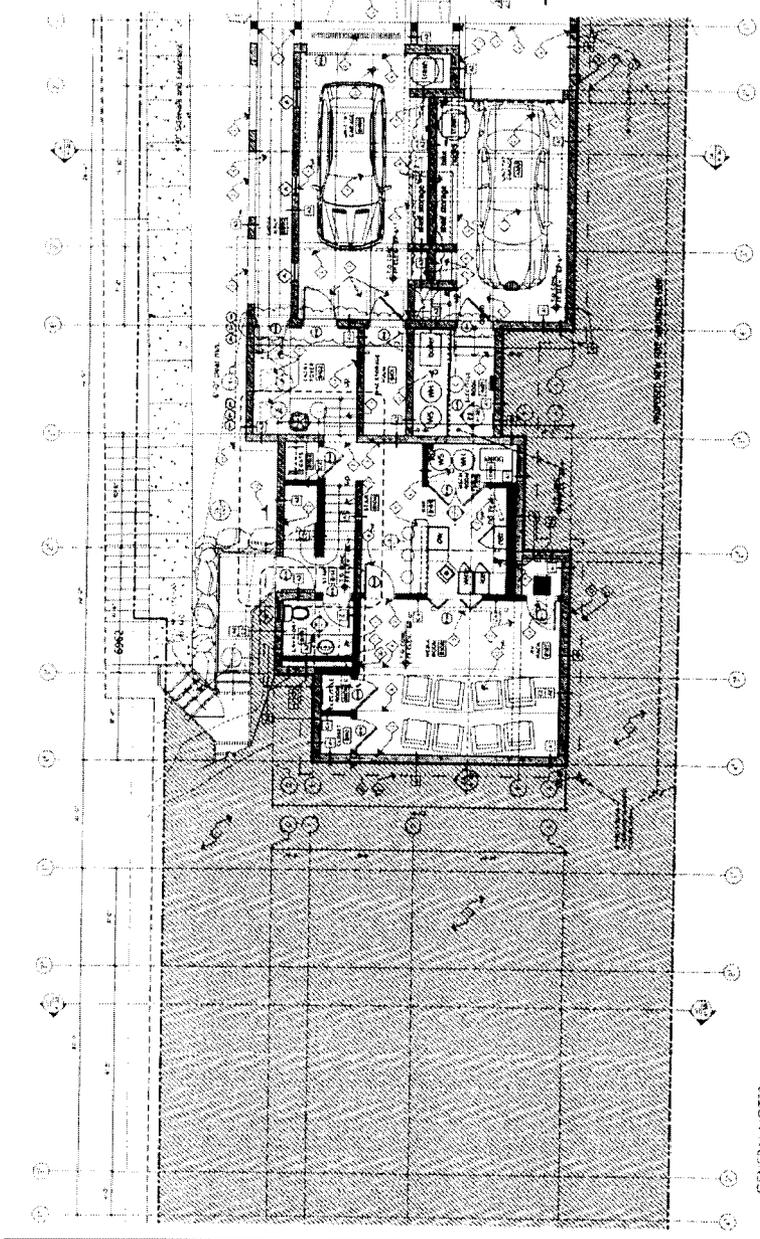
1. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
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Legacy Dev'l. Group LLC
The Residences at
KING'S CROWN
 1245 S. Broadway
 Park City, Utah 84302
 ARCHITECTURAL
 LEVEL ONE FLOOR PLAN
A-101

MAY 10 2006



1 FLOOR PLAN LEVEL ONE
 SCALE 1/8" = 1'-0"

LEGEND

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24. SEE SPECIFICATIONS FOR CONCRETE AND MASONRY.

Ordinance No. 06-77

**AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY
MAP FOR THE CRESCENT RIDGE CONDOMINIUMS.**

WHEREAS, the home owners association of the Crescent Ridge Condominiums has petitioned the City Council for approval of 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 October 25, 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 November 9, 2006 the City Council held a public hearing to receive public input on the proposed record of survey amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner reconfigure existing common areas into private area; and

WHEREAS, evidence of a ballot representing 66.6 percent of the ownership of the project desire to amend the record of survey; and

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Crescent Ridge Condominiums Second Amended 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. Since the inception of the Crescent Ridge Condominiums in 1972, a number of unit owners have made alterations to their units by converting common areas under roof overhangs and decks into private unit space.
2. Consistent with the Condominium Ownership Act, Staff has prohibited any further conversions to private ownership of these common areas without an amendment to the record of survey to allow them.
3. At this time, the applicant proposes modifications to the existing condominium record of survey to bring into compliance existing and any future privatization of these common areas.
4. Through this amendment to the record of survey, these areas, if not already converted, can be subsequently enclosed at the discretion of the individual owner subject to HOA approval.
5. The members of the Homeowners Association received a vote of 66.66% or more for approval of the amendment. A record of the individual ballots confirming this vote has been received by the Planning Department.
6. There are 5 types of buildings and 60 individual units. The typical unit sizes range from 1283 sf, to 1743 s.f. The proposed additions range from 116 sf – 561 sf. The

- largest unit size after conversion will not exceed 1953 sf.
7. Type A Upper units are currently 1290 sf. This proposal allows conversion of an additional 199 sf of common area to be privatized for a total of 1489. Type A Lower units are currently 1339 sf. This proposal allows conversion of an additional 561 sf of common area to be privatized for a total of 1898. Type C Upper units are currently 1743 sf. This proposal allows conversion of an additional 210 sf of common area to be privatized for a total of 1953. Type C Lower units are currently 1283 sf. This proposal allows conversion of an additional 250 sf of common area to be privatized for a total of 1533. Type D units are currently 1185 sf. This proposal allows conversion of an additional 116 sf of common area to be privatized for a total of 1301.
 8. The LMC parking requirement for multi-unit dwellings stipulates that any unit between 1,000 - 2,499 s.f. requires two parking spaces per dwelling. Adding the convertible space to each unit does not result in a unit size in excess of 2,500 sf and therefore does not trigger the need for additional parking.
 9. The condominium association has submitted to the City amended CC&R's. The most recent declarations (Corrected First Supplement to Amended and Restated Condominium Declaration were recorded on June 5, 2000. These updated CC&R's describe and allow conversion of these common areas.
 10. The HOA has also provided confirmation of a homeowners' vote exceeding 2/3 majority to support this application. In all cases, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations. A Condition of Approval will reflect this.
 11. Staff finds good cause for this record of survey amendment as it will address a number of non-complying buildings and allow them to be consistent with an updated record of survey
 12. The Planning Commission reviewed this item at the October 25, 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

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.

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, this approval and the plat will be void.
3. All other conditions of approval of the Crescent Ridge Condominiums project continue to apply.
4. In all cases where necessary in the opinion of the Planning Department, a certified survey can be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

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

PASSED AND ADOPTED this 9TH day of October, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



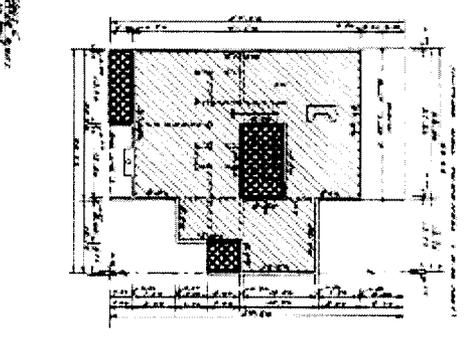
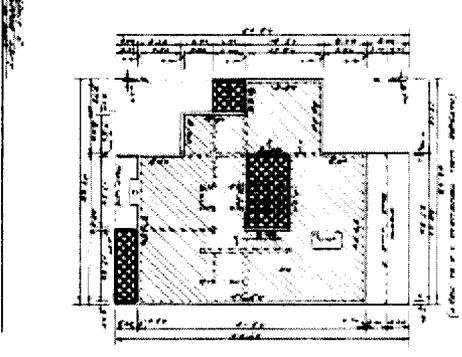
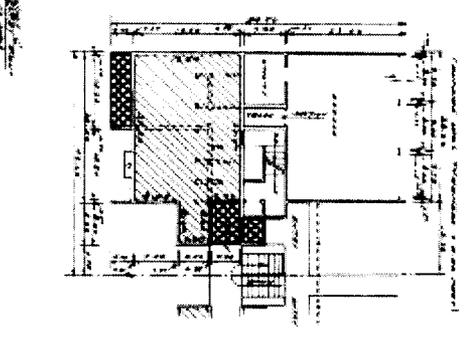
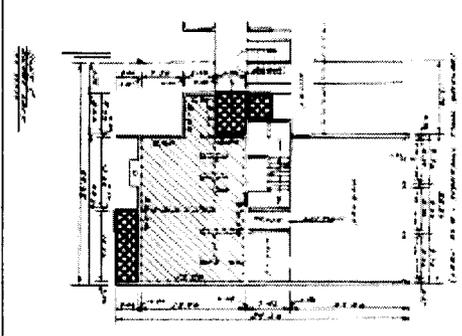
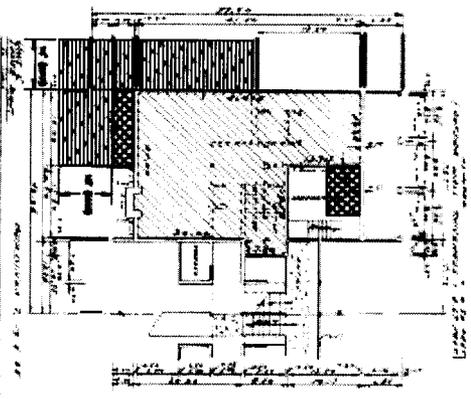
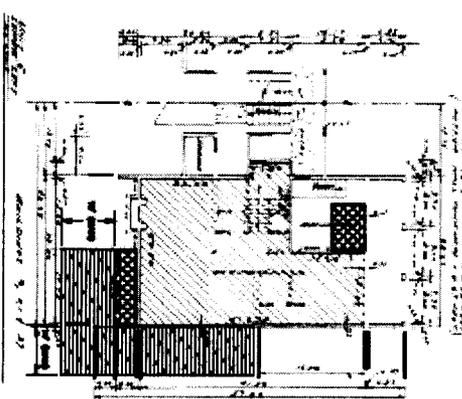
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



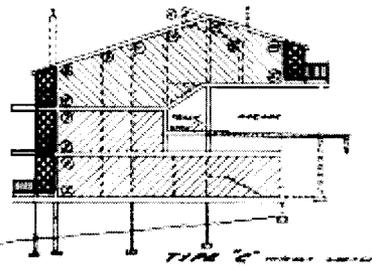


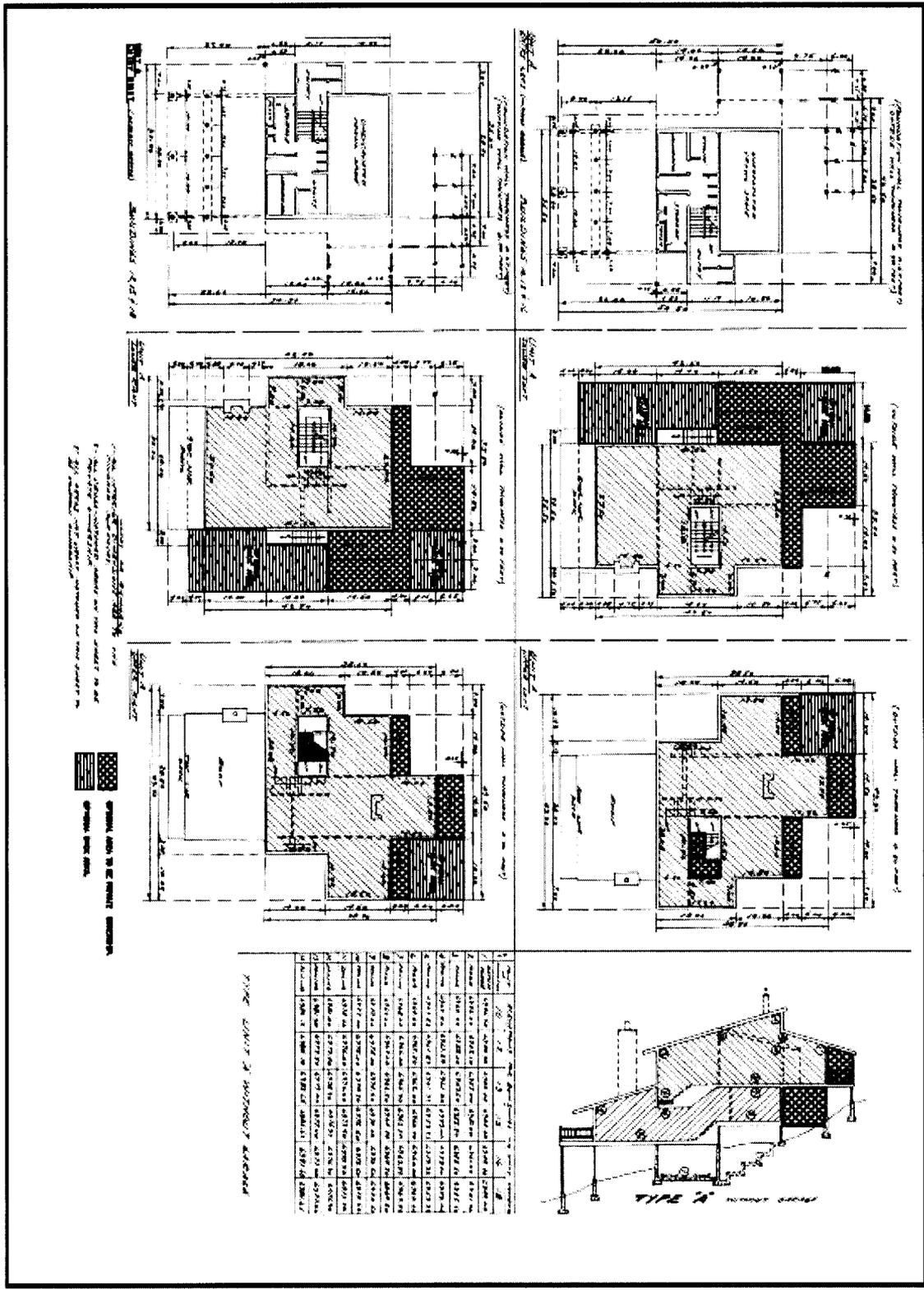
1. ALL FINISHES TO BE AS SHOWN ON SHEETS 101-104.
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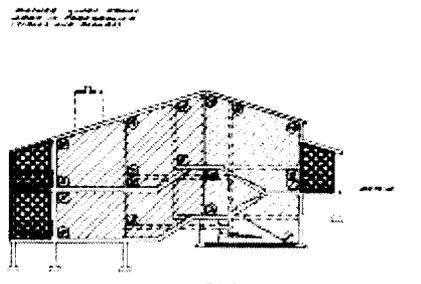
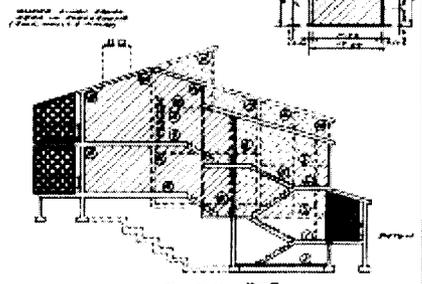
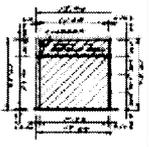
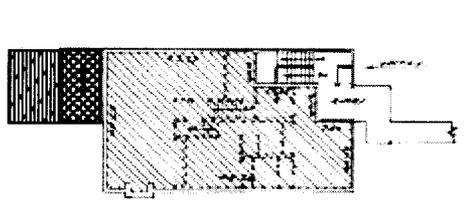
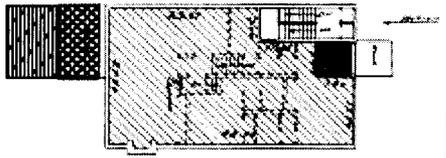
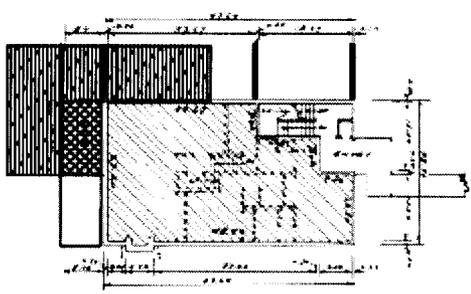
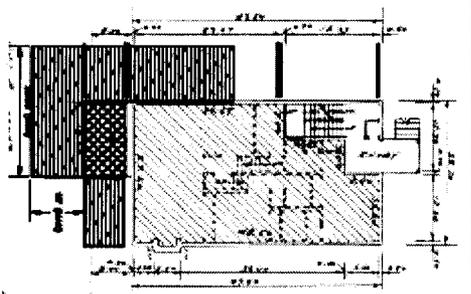
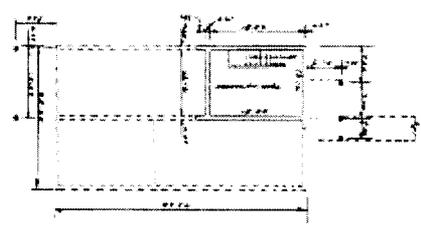
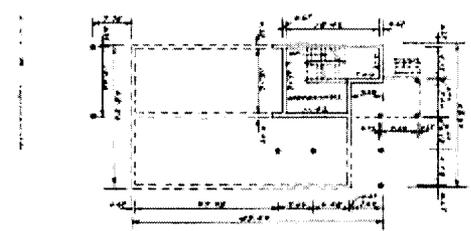


TABLE 1 - FINISH SCHEDULE

NO.	DESCRIPTION	QTY	UNIT	AMOUNT	DATE
1	CONCRETE	100	SQ. YD.	100.00	10/10/10
2	FINISH	200	SQ. YD.	200.00	10/10/10
3	PAINT	50	GAL.	50.00	10/10/10
4	ROOFING	150	SQ. YD.	150.00	10/10/10
5	MECHANICAL	10	HR.	10.00	10/10/10
6	ELECTRICAL	20	HR.	20.00	10/10/10
7	PLUMBING	15	HR.	15.00	10/10/10
8	LANDSCAPE	5	HR.	5.00	10/10/10
9	CONCRETE	100	SQ. YD.	100.00	10/10/10
10	FINISH	200	SQ. YD.	200.00	10/10/10
11	PAINT	50	GAL.	50.00	10/10/10
12	ROOFING	150	SQ. YD.	150.00	10/10/10
13	MECHANICAL	10	HR.	10.00	10/10/10
14	ELECTRICAL	20	HR.	20.00	10/10/10
15	PLUMBING	15	HR.	15.00	10/10/10
16	LANDSCAPE	5	HR.	5.00	10/10/10
17	CONCRETE	100	SQ. YD.	100.00	10/10/10
18	FINISH	200	SQ. YD.	200.00	10/10/10
19	PAINT	50	GAL.	50.00	10/10/10
20	ROOFING	150	SQ. YD.	150.00	10/10/10
21	MECHANICAL	10	HR.	10.00	10/10/10
22	ELECTRICAL	20	HR.	20.00	10/10/10
23	PLUMBING	15	HR.	15.00	10/10/10
24	LANDSCAPE	5	HR.	5.00	10/10/10
25	CONCRETE	100	SQ. YD.	100.00	10/10/10
26	FINISH	200	SQ. YD.	200.00	10/10/10
27	PAINT	50	GAL.	50.00	10/10/10
28	ROOFING	150	SQ. YD.	150.00	10/10/10
29	MECHANICAL	10	HR.	10.00	10/10/10
30	ELECTRICAL	20	HR.	20.00	10/10/10
31	PLUMBING	15	HR.	15.00	10/10/10
32	LANDSCAPE	5	HR.	5.00	10/10/10
33	CONCRETE	100	SQ. YD.	100.00	10/10/10
34	FINISH	200	SQ. YD.	200.00	10/10/10
35	PAINT	50	GAL.	50.00	10/10/10
36	ROOFING	150	SQ. YD.	150.00	10/10/10
37	MECHANICAL	10	HR.	10.00	10/10/10
38	ELECTRICAL	20	HR.	20.00	10/10/10
39	PLUMBING	15	HR.	15.00	10/10/10
40	LANDSCAPE	5	HR.	5.00	10/10/10







TYPE 'B'
BUILDINGS 2, 3, 11, 12, 13, 14, 15

TYPE 'D'
BUILDINGS 8, 10, 16



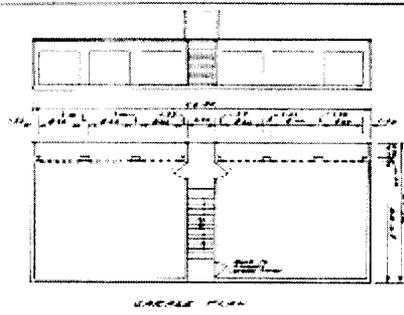






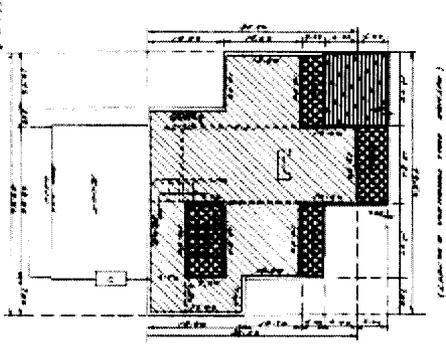
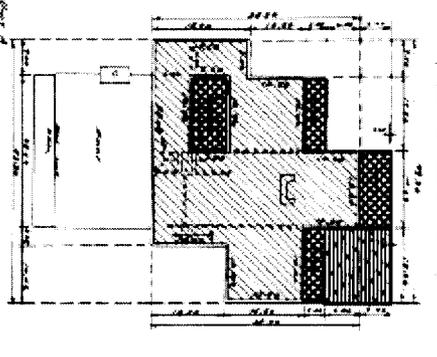
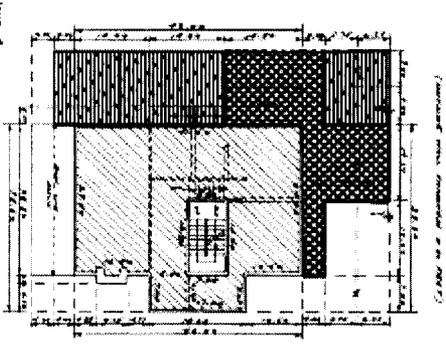
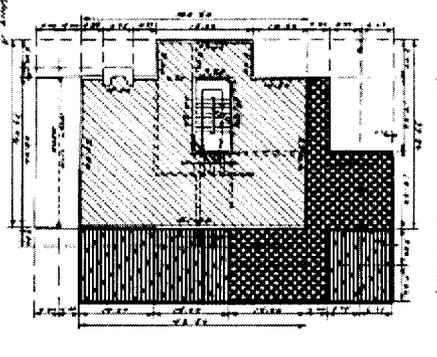
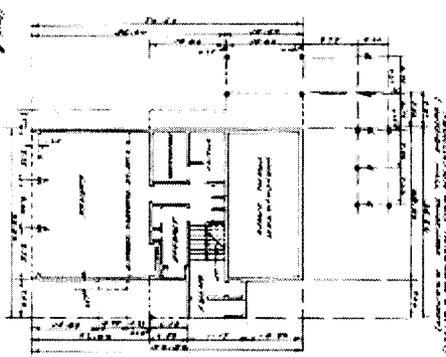
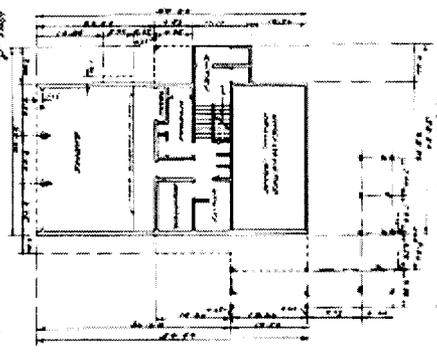


NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
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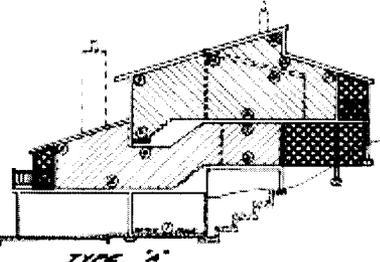
SCALE PLAN

THE ARCHITECT HAS PREPARED THESE PLANS TO BE CONSIDERED AS A GENERAL GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS.



DIMENSIONS AND FINISHES

NO.	DESCRIPTION	UNIT	FINISH
1	CEILING	8'-0"	PLASTER
2	FLOOR	4'-0"	CONCRETE
3	WALL	8'-0"	PLASTER
4	DOOR	3'-0"	WOOD
5	WINDOW	3'-0"	WOOD
6	STAIR	8'-0"	CONCRETE
7	BATH	5'-0"	PLASTER
8	KITCHEN	8'-0"	PLASTER
9	LIVING	12'-0"	PLASTER
10	BEDROOM	10'-0"	PLASTER
11	HALL	6'-0"	PLASTER
12	CLOSET	4'-0"	PLASTER
13	BREAKFAST	6'-0"	PLASTER
14	PORCH	8'-0"	CONCRETE
15	SCREENED	8'-0"	CONCRETE
16	STAIR	8'-0"	CONCRETE
17	BATH	5'-0"	PLASTER
18	KITCHEN	8'-0"	PLASTER
19	LIVING	12'-0"	PLASTER
20	BEDROOM	10'-0"	PLASTER
21	HALL	6'-0"	PLASTER
22	CLOSET	4'-0"	PLASTER
23	BREAKFAST	6'-0"	PLASTER
24	PORCH	8'-0"	CONCRETE
25	SCREENED	8'-0"	CONCRETE
26	STAIR	8'-0"	CONCRETE
27	BATH	5'-0"	PLASTER
28	KITCHEN	8'-0"	PLASTER
29	LIVING	12'-0"	PLASTER
30	BEDROOM	10'-0"	PLASTER
31	HALL	6'-0"	PLASTER
32	CLOSET	4'-0"	PLASTER
33	BREAKFAST	6'-0"	PLASTER
34	PORCH	8'-0"	CONCRETE
35	SCREENED	8'-0"	CONCRETE
36	STAIR	8'-0"	CONCRETE
37	BATH	5'-0"	PLASTER
38	KITCHEN	8'-0"	PLASTER
39	LIVING	12'-0"	PLASTER
40	BEDROOM	10'-0"	PLASTER
41	HALL	6'-0"	PLASTER
42	CLOSET	4'-0"	PLASTER
43	BREAKFAST	6'-0"	PLASTER
44	PORCH	8'-0"	CONCRETE
45	SCREENED	8'-0"	CONCRETE
46	STAIR	8'-0"	CONCRETE
47	BATH	5'-0"	PLASTER
48	KITCHEN	8'-0"	PLASTER
49	LIVING	12'-0"	PLASTER
50	BEDROOM	10'-0"	PLASTER
51	HALL	6'-0"	PLASTER
52	CLOSET	4'-0"	PLASTER
53	BREAKFAST	6'-0"	PLASTER
54	PORCH	8'-0"	CONCRETE
55	SCREENED	8'-0"	CONCRETE
56	STAIR	8'-0"	CONCRETE
57	BATH	5'-0"	PLASTER
58	KITCHEN	8'-0"	PLASTER
59	LIVING	12'-0"	PLASTER
60	BEDROOM	10'-0"	PLASTER
61	HALL	6'-0"	PLASTER
62	CLOSET	4'-0"	PLASTER
63	BREAKFAST	6'-0"	PLASTER
64	PORCH	8'-0"	CONCRETE
65	SCREENED	8'-0"	CONCRETE
66	STAIR	8'-0"	CONCRETE
67	BATH	5'-0"	PLASTER
68	KITCHEN	8'-0"	PLASTER
69	LIVING	12'-0"	PLASTER
70	BEDROOM	10'-0"	PLASTER
71	HALL	6'-0"	PLASTER
72	CLOSET	4'-0"	PLASTER
73	BREAKFAST	6'-0"	PLASTER
74	PORCH	8'-0"	CONCRETE
75	SCREENED	8'-0"	CONCRETE
76	STAIR	8'-0"	CONCRETE
77	BATH	5'-0"	PLASTER
78	KITCHEN	8'-0"	PLASTER
79	LIVING	12'-0"	PLASTER
80	BEDROOM	10'-0"	PLASTER
81	HALL	6'-0"	PLASTER
82	CLOSET	4'-0"	PLASTER
83	BREAKFAST	6'-0"	PLASTER
84	PORCH	8'-0"	CONCRETE
85	SCREENED	8'-0"	CONCRETE
86	STAIR	8'-0"	CONCRETE
87	BATH	5'-0"	PLASTER
88	KITCHEN	8'-0"	PLASTER
89	LIVING	12'-0"	PLASTER
90	BEDROOM	10'-0"	PLASTER
91	HALL	6'-0"	PLASTER
92	CLOSET	4'-0"	PLASTER
93	BREAKFAST	6'-0"	PLASTER
94	PORCH	8'-0"	CONCRETE
95	SCREENED	8'-0"	CONCRETE
96	STAIR	8'-0"	CONCRETE
97	BATH	5'-0"	PLASTER
98	KITCHEN	8'-0"	PLASTER
99	LIVING	12'-0"	PLASTER
100	BEDROOM	10'-0"	PLASTER



Ordinance No. 06-76

**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 SUBTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.11 SF ZONING DISTRICT, 2.12 R-1 ZONING DISTRICT, 2.13 RD
ZONING DISTRICT, CHAPTER 2.14 RDM DISTRICT, CHAPTER 2.15 RM DISTRICT,
CHAPTER 2.16 RC DISTRICT, CHAPTER 2.17 RCO DISTRICT, CHAPTER 2.18 GC,
CHAPTER 2.19 LI, CHAPTER 2.20 FPZ, CHAPTER 2.22 PUT**

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 regarding lot width determination for unusual lot configurations, allowing a back-out area on a driveway to be within the side setback, add the HR-1 maximum building footprint language to the RC District for single family and duplex lots, allow sidewalks and trails within setback areas in the FPZ.

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on October 25, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 9, 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 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2. 11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, and 2.22) is hereby amended as attached hereto as Exhibits A-K. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

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

PARK CITY MUNICIPAL CORPORATION



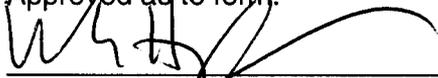
Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.11 - SINGLE FAMILY (SF) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.11-1. PURPOSE.

The purpose of the Single Family SF District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

15-2.11-2. USES.

Uses in the SF District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling¹
- (3) Secondary Living Quarters²
- (4) Accessory Apartment³
- (5) Nightly Rental⁴
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting⁵
- (8) Child Care, Family⁵
- (9) Child Care, Family Group⁵
- (10) Accessory Building and Use
- (11) Conservation Activity

¹Permitted only on Lots designated for Duplexes on the official Subdivision Plat.

²Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments. Accessory Apartments in detached Structures are not allowed within Holiday Ranchettes Subdivision.

⁴Allowed only within Prospector Village Subdivision. ~~Commercial uses are not allowed within Nightly Rental units.~~

⁵See LMC Chapter 15-4-9 for Child Care Regulations.

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- (12) Agriculture
- (13) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House⁶
- (2) Group Care Facility
- (3) Child Care Center²
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁷
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁸
- (8) Raising, grazing of horses
- (9) Bed and Breakfast Inn
- (10) Parking Area or Structure with five (5) or more spaces⁹
- (11) Temporary Improvements⁹
- (12) Outdoor Event⁹
- (13) Recreation Facility, Public or Private

⁶Detached Guest Houses and detached Secondary Living Quarters are not allowed as a Conditional or Allowed Use within Holiday Ranchettes Subdivision.

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Requires an Administrative Conditional Use permit.

- (14) Master Planned Development with moderate income housing Density bonus
- (15) Fences greater than six feet (6') in height from Final Grade⁹

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

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15-2.11-3. 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 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 must comply with the following:

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(A) **DENSITY.** The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.

(B) **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. See Section 15-2.11-3(D) for Yard exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.

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(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

(D) **FRONT YARD EXCEPTIONS.**

(1) The Planning Commission may designate specific Single Family Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for a new Front Facing Garage or garage element, including any habitable space above the garage. This exception may be granted to:

- (a) solve Access problems with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,
- (d) promote Clustered Development, and
- (e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) See Section 15-2.11-3(I) for Setback exceptions for Thaynes Canyon Subdivision I and II,

Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.

(3) The Front Yard must be open and free of any Structure except:

(a) ~~Fences, walls, and retaining walls~~ not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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(b) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(c) ~~Decks, porches, and Bay Windows~~, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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(d) ~~Roof overhangs, eaves, and cornices~~ projecting not more than three feet (3') into the Front Yard.

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(e) Sidewalks, patios, and pathways.

(f) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(g) Circular driveways meeting all requirements stated in Section 15-3-4.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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(E) **REAR YARD.** The minimum Rear Yard is fifteen feet (15').

(F) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

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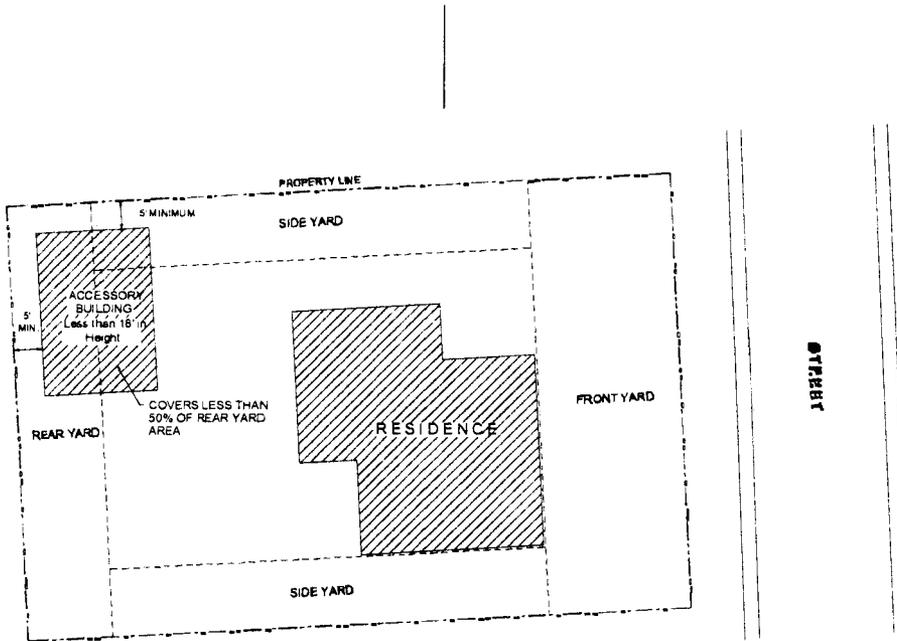
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(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front

face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at

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¹⁰A Fence or wall greater than six feet (6') in height requires an administrative Conditional Use permit.

least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is twelve feet (12').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six

inches (6") beyond the window or main structure to which it is attached.

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(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

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(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Sections 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

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(8) Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out area, to aid in backing a vehicle out of a garage or parking area, is allowed, but may not be used for parking, and must

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¹¹A Fence or Wall greater than six feet (6') in height requires an administrative Conditional Use permit.

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maintain a one foot (1') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **OTHER EXCEPTIONS.**

(1) In Thaynes Canyon Subdivision I and II, and Prospector Village Subdivision, minimum required Yards are as follows:

(a) FRONT YARD. The minimum Front Yard for Main Buildings is twenty feet (20') and the Front Yard for garages is ten feet (10');

(b) SIDE YARD. The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10'). In Thaynes Canyon Subdivision 1, the minimum Side Yard is ten feet (10').

(c) REAR YARD. The minimum Rear Yard is ten feet (10').

(2) In Prospector Park Subdivisions 1, 2, and 3, minimum required Yards are as follows:

(a) FRONT YARD. The minimum Front Yard is twenty feet (20').

(b) SIDE YARD. The minimum Side Yard is ten feet (10'). On Corner Lots the Side Yard that faces the Street must not be less than fifteen feet (15').

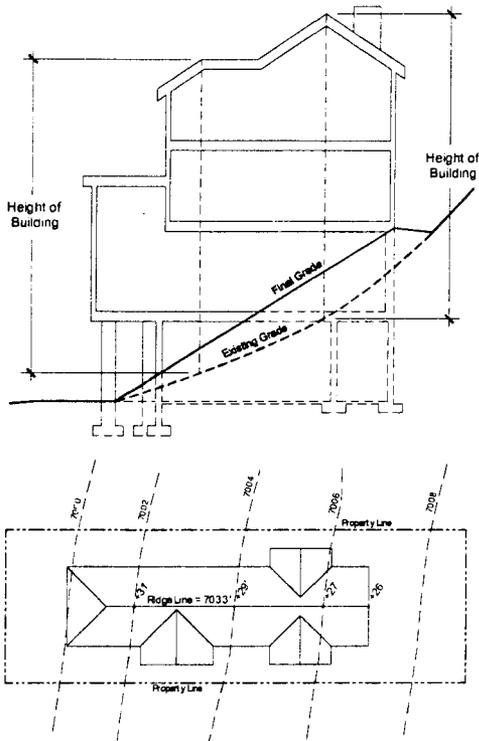
(c) REAR YARD. The minimum Rear Yard is ten feet (10').

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15-2.11-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height. Accessory Structures in the SF District shall not exceed a maximum height of eighteen feet (18').

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(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

- (1) A gable, hip, gambrel, or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(Amended by Ord. No. 05-65)

15-2.11-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.11-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development,

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or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Planning Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = \frac{(hsLot1 + hsLot2 \dots hsLotn)}{n} \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination. For example: if two (2) Lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two Lots is 3500 square feet. $3500 \times 150\% = 5250$ square feet, i.e.

$$\frac{(4000 + 3000)}{2} \times 1.5 = 5250 \text{ sq. ft.}$$

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Planning Director based upon neighborhood

Compatibility, Lot size, visibility from Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$$\%IHS = \frac{(PHS - AMHS)}{AMHS} \times 100$$

$$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$$\%IHS = \frac{(5,250 - 3,500)}{3,500} \times 100 = 50\%$$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent (50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$$MSB = 12' + (12' \times 50\%) = 18'$$

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Therefore:

Minimum Setback (Side)= 12' + (12'X50%)
= 18' if zone Setback is 12'.

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Planning Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15-7, Subdivisions.

15-2.11-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in a 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 a Historic Structure, 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 room(s).

(H) Parking on-Site is required at a rate of one (1) space per rentable room.

(I) The use complies with Section 15-1-10, Conditional Use review.

15-2.11-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require 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.

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- (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.

15-2.11-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an

Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.11-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(D) and Title 14.

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15-2.11.11. SIGNS.

Signs are allowed in the SF District as

provided in the Park City Sign Code, Title 12.

15-2.11.12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11
- Park City Sign Code. Title 12
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.12 - RESIDENTIAL (R-1) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.12-1. PURPOSE.

The purpose of the Residential R-1 District is to:

- (A) allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- (E) encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- (F) provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and

(G) encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

15-2.12-2. USES.

Uses in the R-1 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Commercial Uses are not allowed within Nightly Rentals Units.

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- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

- (11) Ski tow rope, ski lift, ski run, and ski bridge⁹
- (12) Outdoor Event⁸
- (13) Master Planned Development with moderate income housing Density bonus¹⁰
- (14) Master Planned Development with residential and transient lodging Uses only¹⁰
- (15) Recreation Facility, Private
- (16) Fences greater than six feet (6') in height from Final Grade⁸

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁵
- (2) Guest House, on Lots one (1) acre or larger
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public or Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (9) Bed & Breakfast Inn
- (10) Temporary Improvement⁸

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

15-2.12-3. 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 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 must comply with the following:

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⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Must comply with special parking requirements, see Section 15-3.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸Subject to administrative Conditional Use permit.

⁹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹⁰Subject to provisions of LMC Chapter 15-6, Master Planned Development

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(A) **LOT SIZE.** The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet; Duplex Dwelling is 3,750 square feet; and Triplex Dwelling is 5,625 square feet. The minimum width of a Lot is thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(B) **FRONT YARD.**

(1) The minimum Front Yard is fifteen feet (15').

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least than twenty feet (20') from the Front Property Line.

(3) Parking Spaces are allowed within the required Front Yard, but not within five feet (5') of Side Lot Lines.

(C) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

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(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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(4) Roof overhangs, eaves, and cornices projecting not more than two feet (2') into the Front Yard.

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(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

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(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is ten feet (10').

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(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not

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more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental feature projecting not more than six inches (6") beyond the window or structure to which it is attached.

(6) A detached Accessory Building, not more than eighteen feet

(18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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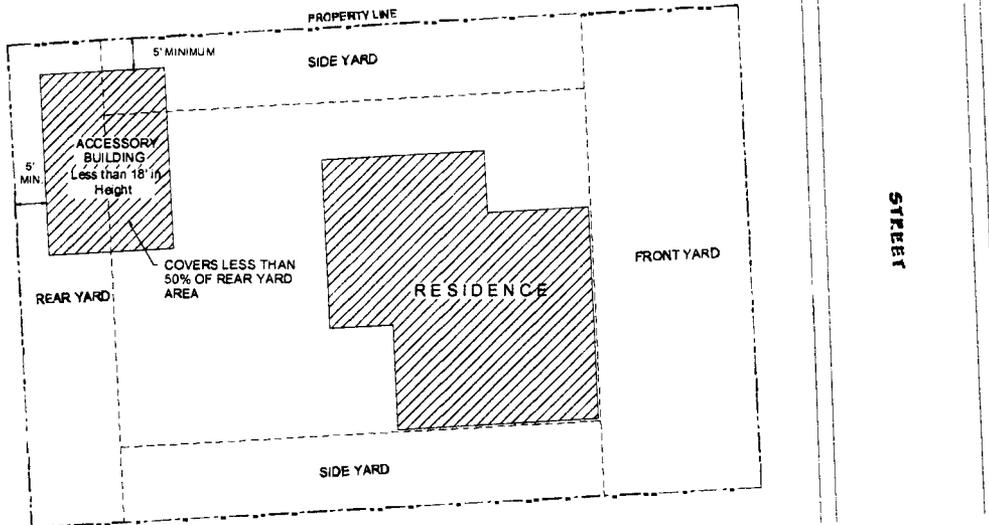
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(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(10) Patios, decks, pathways, steps or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

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(3) The minimum Side Yard 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 is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

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(4) On a Corner Lot, the minimum Side Yard that faces a Street is ten feet (10') for both the Main and Accessory Buildings.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

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¹¹Fences greater than six feet (6') in height require an administrative Conditional Use permit.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

requirements based on Site specific review.¹²

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(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out area, to aid in backing a vehicle out of a garage or parking area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped setback to the Side Lot Line.

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(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

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(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

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(9) Paths and steps connecting to a City stairway or path.

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(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade located at least a one foot (1') from the Side Lot Line.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

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(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping

(H) SNOW RELEASE. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

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(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

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¹²A Fence greater than six feet (6') in height requires an administrative Conditional Use permit.

provision must not require changes in the Natural Grade on the Site.

15-2.12-4. SPECIAL SETBACK REQUIREMENTS FOR CONDITIONAL USES.

Conditional Uses in the R-1 District must maintain the following Setbacks:

(A) **SIDE YARD.** The minimum Side Yard is ten feet (10').

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) **EXCEPTIONS.** Front, Rear, and Side Yard Exceptions as stated in Section 15-2.12-3 apply.

15-2.12-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up

to five feet (5') above the Zone Height.

(2) ~~Antennas, chimneys, flues, vents, and similar Structures~~ may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) ~~Church spires, bell towers, and like architectural features,~~ subject to the Architectural Design Guidelines, LMC Chapter ~~15-5,~~ 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.

(5) An Elevator Penthouse may extend up to eight feet (8') feet above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

15-2.12-6. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit,

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Comment [k1]: As this use is a conditional use, it should probably say Planning Commission, not Planning Department.

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the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.12-7. PARKING REQUIREMENTS FOR TRIPLEXES.

All required parking for triplexes within the R-1 District shall be completely enclosed and located on the Site such that at least fifty percent (50%) of the Parking Structure mass is below Natural Grade.

The Parking Structure may serve one or more Developments as long as ownership of the Structure is tied to ownership of the dwellings through easements or Condominium ownership.

15-2.12-8. CRITERIA FOR BED AND BREAKFAST INN.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) If the Use is in a 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 a Historic Structure, 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 rooms.

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures only, 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.

(I) The Use complies with Chapter 15-1-10, Conditional Use review.

15-2.12-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The use must also comply with Section 15-1-10. An 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.

15-2.12-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 (D) and Title 14.

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15-2.12-11. SIGNS.

Signs are allowed in the R-1 District as provided in the Park City Sign Code, Title 12.

15-2.12-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3 -3.(D).
- Lighting. LMC Chapters 15-3 -3(C); 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3 -3(E)

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**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces
- (15) Recreation Facility, Private
- (16) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling⁶
- (2) Multi-Unit Dwelling⁶
- (3) Guest House
- (4) Group Care Facility
- (5) Child Care Center⁴
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁷
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13,

- (10) Raising, grazing of horses
- (11) Cemetery
- (12) Bed and Breakfast Inn
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹⁰
- (16) Office, General^{6,9}
- (17) Office, Moderate Intensive^{6,9}
- (18) Office, Medical^{6,9}
- (19) Financial Institution without drive-up window^{6,9}
- (20) Commercial Retail and Service, Minor^{6,9}
- (21) Commercial Retail and Service, personal improvement^{6,9}
- (22) Commercial, Resort Support^{6,9}
- (23) Café or Deli^{6,9}
- (24) Restaurant, Standard^{6,9}
- (25) Restaurant, Outdoor Dining¹⁰
- (26) Outdoor Event¹⁰
- (27) Bar^{6,9}
- (28) Hospital, Limited Care Facility^{6,9}
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement¹⁰

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Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential developments.

¹⁰Requires an administrative Conditional Use permit.

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- (31) Passenger Tramway Station and Ski Base Facility¹¹
- (32) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial⁶
- (35) Entertainment Facility, Indoor^{6,2}
- (36) Commercial Stables, Riding Academy¹²
- (37) Master Planned Development with moderate income housing density bonus¹²
- (38) Master Planned Development with residential and transient lodging Uses only¹²
- (39) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (40) Heliport¹²
- (41) Vehicle Control Gate¹³
- (42) Fences greater than six feet (6') in height from Final Grade¹⁰
- (43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹¹As part of an approved Ski Area Master Plan, See LMC Chapter 15-4-18

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

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

(Amended by Ord. No. 02-38; 04-08; 04-39)

15-2.13-3. LOT AND SITE REQUIREMENTS.

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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 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 must comply with the following:

(A) **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.

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(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.

in an Area other than the original location set forth in the services agreement and/or Master Festival License

(C) **FRONT YARD EXCEPTIONS.**

(1) Within any subdivision, the Planning Commission may designate specific Single Family and Duplex Dwelling Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element, including any Habitable Space above the garage. This exception may be granted to:

- (a) solve Access problems to Lots with relatively steep Grades,
- (b) preserve Significant Vegetation,
- (c) eliminate or minimize cut and fill Areas,
- (d) promote Clustered Development, and
- (e) preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

(2) **EXCEPTIONS FOR STRUCTURES.** The Front Yard must be open and free of any Structure except:

- (a) Fences, walls, and retaining walls not more than

four feet (4') in height, or as permitted in Section 15-4-2.

On Corner Lots Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(b) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(c) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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(d) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

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(e) Sidewalks, patios, and pathways.

(f) Driveway leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, patios, allowed Parking Areas, and sidewalks

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may be Hard-Surfaced or graveled.

(g) Circular driveways, meeting all requirements stated in Section 15-3-4 herein.

(D) **REAR YARD.** The minimum Rear Yard is fifteen feet (15') for Main Buildings and ten feet (10') for Accessory Buildings and detached garages.

(E) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

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(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

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(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

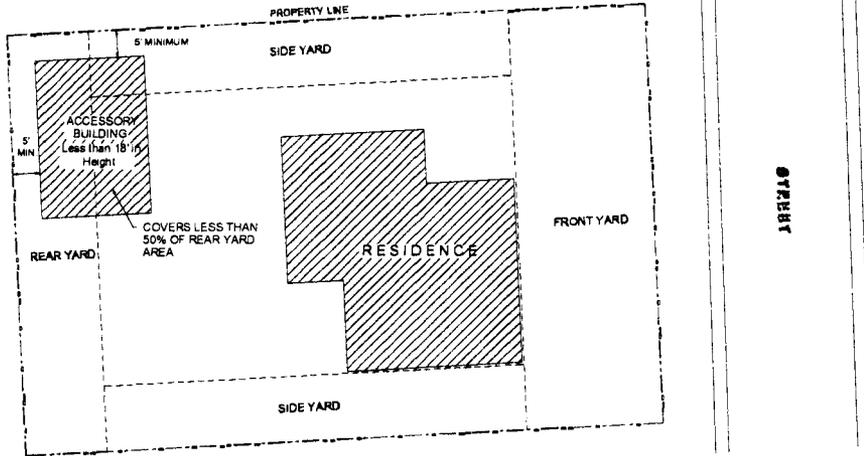
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(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

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(6) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(F) SIDE YARD.

(1) The minimum Side Yard is twelve feet (12').

¹⁵A Fence greater than six feet (6') in height requires an administrative Conditional Use permit.

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(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(G) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in

height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

(8) Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out area, to aid in backing a vehicle out of a garage or parking area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped setback to the Side Lot Line.

(9) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar

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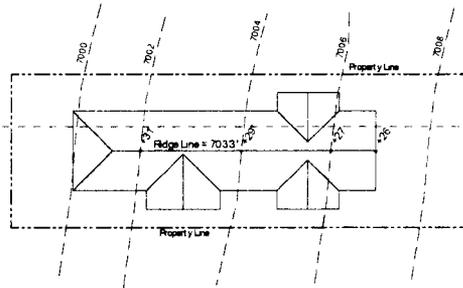
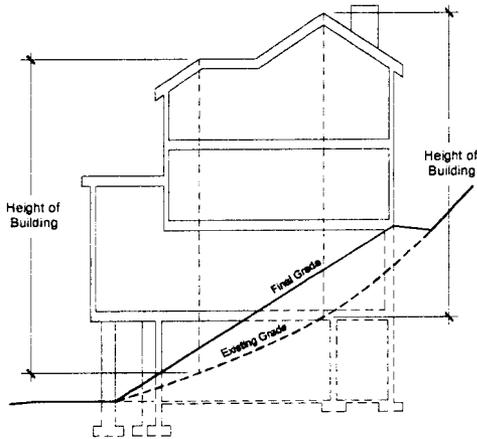
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Structures located a minimum of five feet (5') from the Side Lot Line.

(H) **OTHER EXCEPTIONS.** The Planning Commission may vary Side Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(E)(2).

15-2.13-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height. (1)



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(B) OTHER HEIGHT EXCEPTIONS.

The Planning Commission may designate and condition a recorded Subdivision Plat to restrict Building Height to less than twelve feet (12') above Natural Grade for uphill Lots between the ten foot (10') Setback allowed for garages, Section 15-2.13-3(C) (1) Front Yard Exceptions, and the normal twenty-five foot (25') Setback.

(Amended by Ord. No. 02-38)

15-2.13-5. 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 the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the

Planning Commission.

15-2.13-6. MAXIMUM HOUSE SIZE AND SETBACKS ON COMBINED LOTS.

As part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility. An Owner may combine Lots with designated maximum house sizes and achieve approximately 150% of the maximum house size attributed to a particular Lot. The Owner must request an increase in maximum house size prior to or concurrent with, the Lot combination plat. The request must be made on forms provided by the Planning Department for review by the Planning Director for compliance with the following:

(A) **HOUSE SIZE.** The maximum house size may not exceed 150 percent (150%) of the house size allowed on each single Lot when those maximums are combined and averaged. The following formula must be used to calculate the maximum house size (MHS):

$$MHS = ((hsLot1 + hsLot 2...hsLotn) \div n) \times 1.50$$

*where n is the number of Lots being combined, and hsLot1, hsLot2, hsLotn are the allowed house sizes in square feet, for the individual Lots in the Lot combination.

For example: if two (2) Lots, one with a 4000 square foot maximum house and one with a 3000 square foot maximum, are combined the maximum house size would be 5250 square feet. The average of the two

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Lots is 3500 square feet. $3500 \times 150\% = 5250$ square feet, i.e.

$((4000 + 3000) \div 2) \times 1.5 = 5250$ sq. ft.

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Planning Director based upon neighborhood Compatibility, Lot size, visibility from Public Streets, and visual analysis.

(B) **SETBACKS.** The allowed minimum Setbacks (MSB) for the proposed house size (PHS) on combined Lots must increase in proportion to the percentage of increase in the house size (%IHS) over the average maximum house size (AMHS) for the Lots being combined, according to the following formulas:

$\%IHS = ((PHS - AMHS) \div AMHS) \times 100$

$MSB = \text{Zone Setback} + (\text{Zone Setback} \times \%IHS)$

For example: Using the previous example, where two Lots, one with a 4,000 sq. ft. maximum house size and one with a 3,000 sq. ft. maximum, are combined yielding a proposed house size (PHS) of 5,250 sq. ft., the percent increase in house size (%IHS) is fifty percent (50%).

$\%IHS = ((5,250 - 3,500) \div 3,500) \times 100 = 50\%$

If the increased house size (%IHS) is fifty percent (50%) greater than the average maximum house size (AMHS) on any of the Lots being combined, the allowed minimum Setbacks (AMSB) must be fifty percent

(50%) greater than the standard Setbacks of the zone.

For example: If the zone Setback for Side Yards is twelve feet (12') and the percent increase in house size is fifty percent (50%) then the minimum Setback for the combined Lot is eighteen feet (18'), as follows:

$MSB = 12' + (12' \times 50\%) = 18'$

Therefore:
Minimum Setback (Side) = $12' + (12' \times 50\%) = 18'$ if zone Setback is 12'.

Lots with unusual configurations, topography, Access, or Significant Vegetation may have the Setbacks shifted upon approval of the Planning Director but in no case may they be less than the required Setbacks.

(C) **EASEMENT VACATIONS.** If an easement must be vacated to allow construction on a combined Lot, the Applicant must show evidence that the easement can be vacated or relocated without affecting service to the adjacent Lots. The easement relocation agreement must be recorded and/or shown on the plat amendment for the Lot combination.

(D) **PLAT AMENDMENT.** The Lots must be legally combined through plat amendment or administrative approval as provided in LMC Chapter 15-7, Subdivisions.

15-2.13-7. CRITERIA FOR BED AND BREAKFAST INNS.

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A Bed and Breakfast Inn is a Conditional Use. No Conditional Use Permit may be issued unless the following criteria are met:

- (A) If the Use is in a 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 a Historic Structure, 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 on-Site is required 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.

- (I) The Use complies with Section 15-1-10, Conditional Use review.

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15-2.13-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. An 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.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.13-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay

15-2.13-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3 and Title 14.

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15-2.13-11. SIGNS.

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

15-2.13-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.

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- Landscaping. LMC Chapter 15-3-3(D); Title 14.
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.14 - RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY
(RDM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.14-1. PURPOSE.

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) allow Development in accordance with the Sensitive Lands Ordinance;
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and between adjacent

Areas; and

- (G) minimize impacts of the automobile on architectural design.

(Amended by Ordinance No. 02-24)

15-2.14-2. USES.

Uses in the RDM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²,
- (7) Nightly Rental³
- (8) Home Occupation

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¹Nightly Rental of Lockout Units requires a Conditional Use permit.

²See LMC Chapter 15-4, Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Use.

- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Parking Area or Structure with four (4) or fewer spaces
- (16) Recreation Facility, Private
- (17) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (9) Raising grazing of horses
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Boarding House, Hotel
- (13) Hotel, Minor⁶
- (14) Hotel, Major⁶
- (15) Private Residence Club Project and Conversion¹¹
- (16) Office, General^{6,9}

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(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling⁶
- (2) Guest House
- (3) Group Care Facility
- (4) Child Care Center
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁷

⁷See LMC Chapter 15-4-14, Telecommunication Facilities.

⁸See LMC Chapter 15-4-13, Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing building or Property. In addition to meeting the necessary criteria in the LMC Chapter 15-6 MPD~~s~~, the Planning Commission must find that: a) the redevelopment of an existing building or Property to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other more specific neighborhood plans; b) it has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval; c) it will not result in an intensification of use incompatible with neighboring developments; and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

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⁴See LMC Chapter 15-4, Child Care and Child Care Facilities.

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development.

- (17) Office, Moderate Intensive^{6,10}
- (18) Office and Clinic, Medical^{6,10}
- (19) Financial Institution, without drive-up window^{6,10}
- (20) Commercial Retail and Service, Minor^{6,10}
- (21) Commercial Retail and Service, personal improvement^{6,10}
- (22) Commercial, Resort Support^{6,10}
- (23) Cafe or Deli^{6,10}
- (24) Restaurant, Standard^{6,10}
- (25) Restaurant, Outdoor Dining¹¹
- (26) Outdoor Event¹¹
- (27) Bar^{6,10}
- (28) Hospital, Limited Care Facility^{6,9}
- (29) Parking Area or Structure with five (5) or fewer spaces
- (30) Temporary Improvement¹¹
- (31) Passenger Tramway Station and Ski Base Facility¹²
- (32) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial⁶
- (35) Entertainment Facility, Indoor^{6,9}

- (36) Commercial Stables, Riding Academy^{6,10}
- (37) Master Planned Development with moderate income housing Density bonus⁶
- (38) Master Planned Development with residential and transient lodging Uses only⁶
- (39) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (40) Fences greater than six feet (6') in height from Final Grade¹¹
- (41) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

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

(Amended by Ord. No. 02-24; 02-38; 04-39)

15-2.14-3. 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 required, and Frontage on a Street shown as a private or Public Street on the

¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Development.

¹¹Requires an administrative Conditional Use permit.

¹²As part of an approved Ski Area Master Plan.

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

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Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **DENSITY.** The maximum Density allowed is five (5) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum Density of eight (8) units per acre.

Development must be clustered to preserve common Open Space, and protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **LOT SIZE.** For non-Residential Uses, the minimum Lot size is 14,000 square feet with 1,000 square feet of land required for each 1,000 square feet of floor Area. The Maximum Floor Area Ratio is one (1).

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line. Open Parking Spaces may be allowed within required Front Yards, but not within five feet (5') of the Side Lot Lines.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in Height, or as permitted in Section

15-4-2. Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required hand rails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, approved driveways, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). On Corner Lots that

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back upon the Side Yard of another Lot, the minimum Rear Yard is ten feet (10').

The Rear Yard must be open and free of any Structure except:

(F) **REAR YARD EXCEPTIONS.**

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

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(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

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(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

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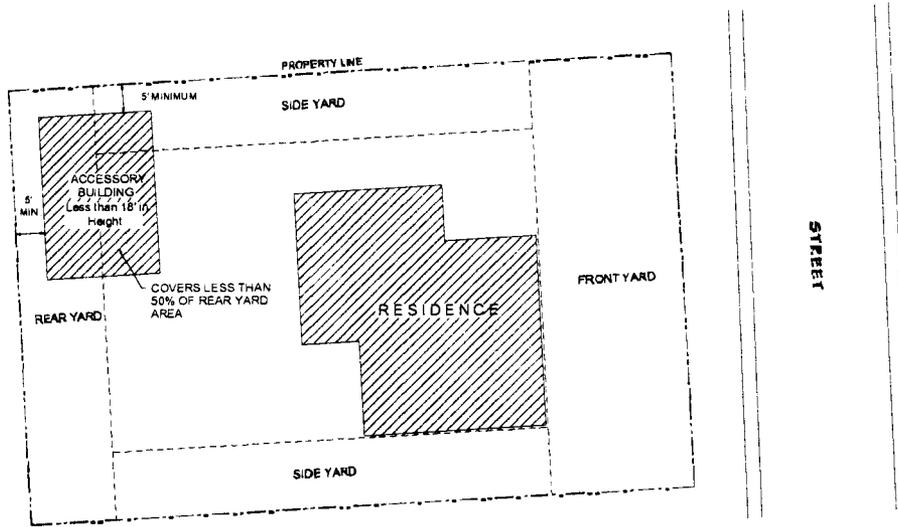
(5) Window sills, belt courses, cornices, trim, and other ornamental feature projecting not more than six inches (6") into the Rear Yard.

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(6) A detached Accessory Building not more than eighteen (18') feet in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

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(7) A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

least three feet (3') and planted with approved vegetation.

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(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear lot Line.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review¹⁴.

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(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between walls, front face to rear face, must be at

(10) Patios, decks, pathways, steps, and similar Structure not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

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(G) **SIDE YARD.**

¹⁴ A Fence greater than six feet (6') in height requires an Administrative Conditional Use permit.

(1) The minimum Side Yard for any Structure is ten feet (10').

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) On Corner Lots, the Side Yard that faces a Street may not have a Side Yard that is less than fifteen feet (15').

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6'') beyond the window or structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30'') in Height above Final Grade, located at least a minimum of one foot (1') from the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in Height, or as permitted in Section 15-4-2. Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁵

(8) Driveways leading to a garage or approved Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not more than eighteen feet

¹⁵ A Fence greater than six feet (6') in height requires an administrative Conditional Use permit.

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(18') in height, located a minimum of five feet (5') behind the Front façade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side Yards in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side Yards to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

15-2.14-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 02-38)

15-2.14-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the

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proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.14-6. FINDINGS REQUIRED FOR GENERAL OFFICE USE.

In addition to meeting the necessary criteria in the LMC Chapter 15-6, Master Planned Developments, the Planning Commission must find that the redevelopment to a General Office Use:

(A) will substantially advance the objectives of Economic Element of the General Plan or more specific neighborhood plans.

(B) has minimized and/or eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection Zone through careful planning and conditions of approval.

(C) will not result in an intensification of Use incompatible with neighboring Developments.

(D) will not substantially increase the number of vehicle trips to and from the site, including trips generated for service and deliveries.

(Amended by Ordinance No. 02-24)

15-2.14-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use 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.

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(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 an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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(D) The rooms are available for Nightly Rental only.

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(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.

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(G) No Kitchen is permitted within rental rooms.

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(H) Parking on-Site is required 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.

(I) The Use complies with LMC Chapter 15-1-10, Conditional Use Review.

15-2.14-8. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Use.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.14-9. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with LMC Chapter 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, Municipal Code 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.

15-2.14-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation.

15-2.14-11. SIGNS.

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

15-2.14-12. RELATED PROVISIONS.

- (A) Fences and Walls. LMC Chapter 15-4.
- (B) Accessory Apartment. LMC Chapter 15-4.
- (C) Satellite Receiving Antenna. LMC Chapter 15-4.

- (D) Telecommunication Facility. LMC Chapter 15-4.
- (E) Parking. LMC Chapter 15-3.
- (F) Lighting. LMC Chapters 15-3-3(C) and 15-5.
- (G) Historic Preservation Board. LMC Chapter 15-11.
- (H) Park City Sign Code. Municipal Code Title 12.
- (I) Architectural Review. LMC Chapter 15-5.
- (J) Snow Storage. LMC Chapter 15-3-3(E).
- (K) Parking Ratio Requirements. LMC Chapter 15-3-6(A)(B).

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.15 - RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.15-1. PURPOSE.

The purpose of the Residential Medium Density RM District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage affordable housing,
- (F) encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas,

15-2.15-2. USES.

Uses in the RM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹
- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Accessory Building and Use

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

- (13) Conservation Activity
- (14) Agriculture
- (15) Bed & Breakfast Inn
- (16) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Guest House, on Lot greater than one (1) acre
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶
- (9) Boarding House, Hostel
- (10) Hotel, Minor⁷
- (11) Outdoor Event⁸
- (12) Parking Area or Structure with five (5) or more spaces
- (13) Temporary Improvement⁸

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁸Requires an administrative Conditional Use permit

- (14) Recreation Facility, Public and Private
- (15) Master Planned Development with moderate income housing density bonus⁷
- (16) Master Planned Development with residential and transient lodging Uses only⁷
- (17) Master Planned Development with Support Retail and Minor Service Commercial Uses⁷
- (18) Fences greater than six feet in Height from Final Grade⁸

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

15-2.15-3. 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 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 must comply with the following:

(A) **LOT SIZE.** Minimum Lot Area for residential Uses is as follows:

Single Family Dwelling-	2,812 sq. ft.
Duplex Dwelling-	3,750 sq. ft.
Triplex Dwelling-	4,687 sq. ft.
Four-plex Dwelling-	5,625 sq. ft.

Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-1-10, Conditional Use permit review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director. The Planning Commission may reduce the minimum Lot Width during review of a Master Planned Development.

(C) **FRONT YARD.**

(1) The minimum Front Yard for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). See 15-2.13-3 (C) (3) for exception for Lots with a depth of seventy-five feet (75') or less.

(2) New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

(3) The minimum Front Yard for Lots seventy-five feet (75') deep or less is ten feet (10').

(4) See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.**
The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and or retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

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(2) Uncovered steps leading to the Main Building, provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

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(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or approved Parking Area. No portion of a Front Yard, except for approved driveways, patios, allowed Parking Areas, and sidewalks, may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.**

(1) The minimum Rear Yard for Single Family and Duplex Dwellings is ten feet (10').

(2) See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

(F) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

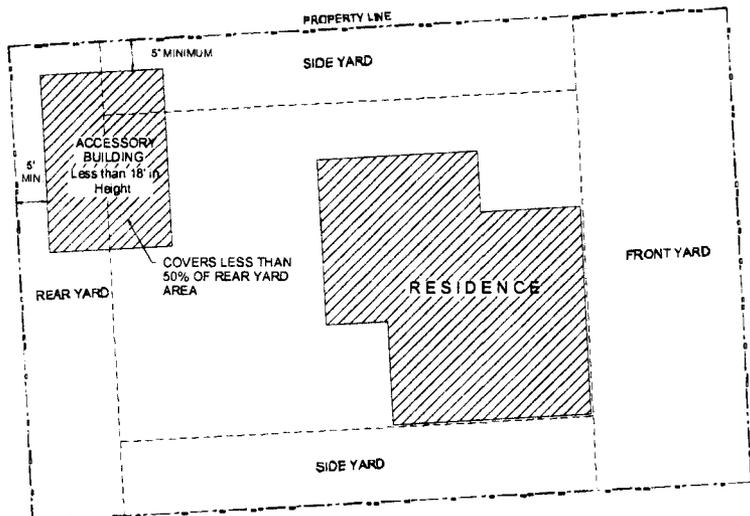
(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) A detached Accessory Building, not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in

height, or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site

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specific review.⁹

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(5) See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

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(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

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(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(1) Bay windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

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(2) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

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(3) The minimum Side Yard 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 is three feet (3').

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

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(4) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

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(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

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(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

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⁹A Fence greater than six feet (6') in height requires an administrative Conditional Use permit.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps, however; each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

(8) A driveway leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths or steps connecting to a City stairway or path.

(10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) SNOW RELEASE. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) CLEAR VIEW OF INTERSECTION. No visual obstruction

¹⁰A Fence greater than six feet (6') in height requires an administrative Conditional Use permit

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.

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15-2.15-4. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

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(A) FRONT YARD. The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty feet (20'). All new Front Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining Setbacks. See Front Yard Exceptions, Section 15-2.15-3(D).

(B) REAR YARD. The Rear Yard for a Triplex, or Multi-Unit Dwelling is fifteen feet (15'). See Rear Yard Exceptions, Section 15-2.15-3(F).

(C) SIDE YARD. The minimum Side Yard for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Side Yard Exceptions, Section 15-2.15-3(H).

(D) OPEN SPACE. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. This Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.15-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

15-2.15-6. 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 the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.15-7. 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 to its original condition.

(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 an Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

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(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 on-Site is required at a rate of one (1) space per rentable room. The Planning Director 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.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.15-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an administrative Conditional Use permit. The Use must also comply with Section 15-1-10,

Conditional Use review. An 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.

15-2.15-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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

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certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapters 15-3-3(D) and Title 14.

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15-2.15-10. SIGNS.

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

15-2.15-11. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4.
 - Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. Section 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D)
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation Board, LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Design. LMC Chapter 15-5.
- X Snow Storage. Section 15-3-3.(E)
- X Parking Ratio Requirements. Section 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

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Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

- (A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- (B) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- (C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- (D) limit new Development on visible hillsides and sensitive view Areas,
- (E) provide opportunities for variation in architectural design and housing types,
- (F) promote pedestrian connections within Developments and to adjacent Areas,

(G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

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(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Secondary Living Quarters
- (5) Lockout Unit¹

¹Nightly Rental of Lockout Units requires a Conditional Use permit

- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Child Care Center⁴
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling
- (2) Group Care Facility

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Private Residence Club Project and Conversion⁹
- (13) Office, General⁸
- (14) Office, Moderate⁸
- (15) Office and Clinic, Medical⁸
- (16) Financial Institution without drive-up window⁸
- (17) Minor Retail and Service Commercial⁸
- (18) Retail and Service Commercial, personal improvement⁸

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⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

- (19) Transportation Service⁸
- (20) Neighborhood Market, without gasoline sales⁸
- (21) Café or Deli⁸
- (22) Restaurant, General⁸
- (23) Restaurant, Outdoor Dining^{8, 9}
- (24) Bar⁸
- (25) Hospital, Limited Care Facility⁸
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement¹⁰
- (28) Passenger Tramway Station and Ski Base Facility¹¹
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹¹
- (30) Outdoor Event¹⁰
- (31) Recreation Facility, Public and Private¹²
- (32) Recreation Facility, Commercial¹²
- (33) Entertainment Facility, Indoor¹²
- (34) Commercial Stables, Riding Academy¹²
- (35) Master Planned Developments
- (36) Heliport¹²
- (37) Fences greater than six feet

⁹Requires an Administrative Conditional Use permit

¹⁰Subject to an Administrative Conditional Use permit

¹¹As part of an approved Ski Area Master Plan

¹²As support uses, subject to provisions of Chapter 15-6, Master Planned Development

- (6') in height from Final Grade⁹
- (38) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³

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

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

15-2.16-3. 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 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 must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival license and placed in an Area other than the original location set forth in the services agreement and/or Master Festival license.

maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, wall, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves and cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5 for Rear Yard requirements for Single Family and Duplex Dwellings.

(F) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six

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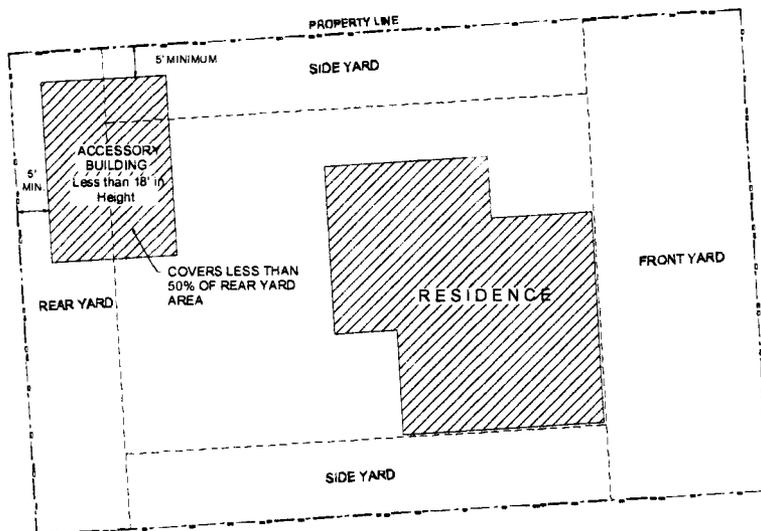
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inches (6") beyond the window or main structure to which it is attached.

of the Rear Yard. See the following illustration:

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(6) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%)



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with

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(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁴

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5 for Side Yard requirements for Single Family and Duplex Dwellings.

(2) A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side

¹⁴A Fence greater than six feet (6') in height requires an administrative Conditional Use permit

Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, wall, or retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping

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requirements based on Site specific review.¹¹

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tub, and similar Structures provided it is located a minimum of five feet (5') from the Side Lot Line.

(I) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE.** On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Transferred Development Right (TDR) Open Space. This is in addition to any Open Space required as part of a Master Planned Development. TDR Open Space may be either Natural or Landscaped Open Space.

15-2.16-4. BUILDING HEIGHT.

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

See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski Lift or Tramway towers may extend above the Zone Height

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subject to a visual analysis and approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 02-38)

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has 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.

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE - RC DISTRICT.** The Building Pad, Building

Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by this Section 2.16.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic

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Comment [k1]: Since these are conditional use permits, this should say Planning Commission.

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District Design Guidelines
 (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(C) BUILDING PAD - RC DISTRICT.

The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(D) BUILDING FOOTPRINT - RC DISTRICT.

The maximum Building Footprint of any Single Family or Duplex Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.16.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

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MAXIMUM FP = (A/2) x 0.9^{A/1875}

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: (3,750/2) x 0.9^(3750/1875) = 1,875 x 0.81 = 1,519 sq. ft.

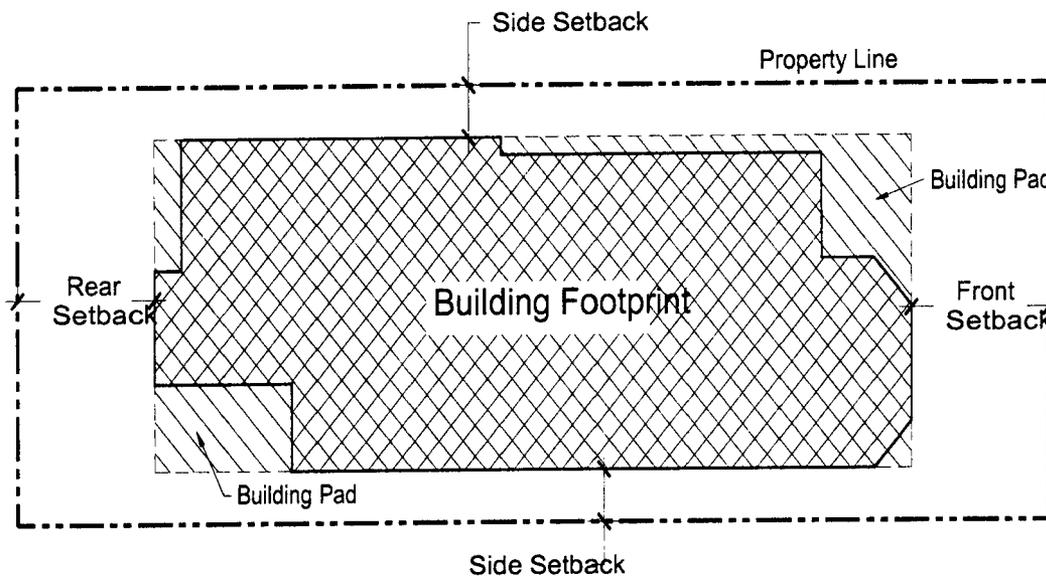
See the following Table 15-2.16- below for a schedule equivalent of this formula.

TABLE 15-2.16

Lot Depth, <= ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
		3 ft.	6 ft.			
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial (RC) District **15-2.16-10**

75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

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(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (4) Roof overhangs, eaves and cornice projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks, patios, and pathways.
- (6) A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced

or graveled.

(G) **REAR YARD EXCEPTIONS.**

The Rear Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
- (3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.
- (5) Window sills, belt courses, cornices, trim and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.
- (6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure may not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:

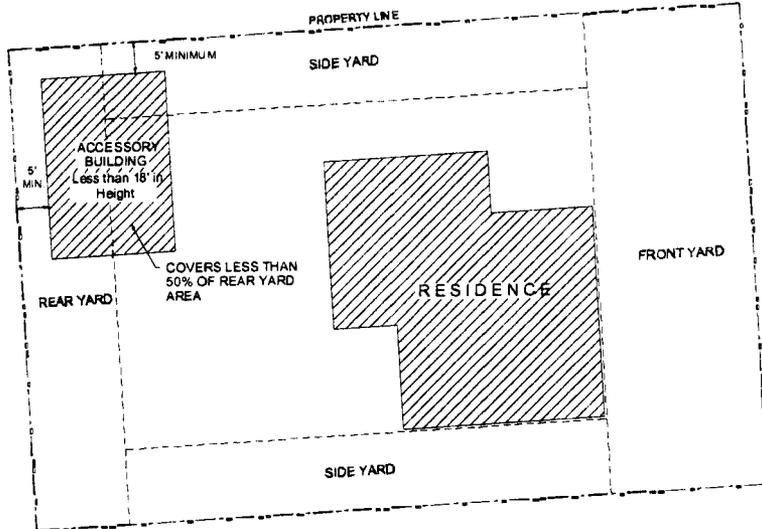
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(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls and retaining walls not more than six feet (6') in height.¹⁵

¹⁵Requires an administrative Conditional Use permit

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways and steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table

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15-2.16 above.

- (2) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
- (3) On Corner Lots, any Yard which faces on a Street may not have a Side Yard less than five feet (5').

(1) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹⁶
- (2) Window sills, belt courses, trim, cornices, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.
- (3) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹⁶
- (4) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

- (5) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹⁶
- (6) Window wells and light wells projecting not more than four feet (4') into the Side Yard.¹⁶
- (7) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹⁶
- (8) Window sills, belt courses, trim, cornices, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.
- (9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.
- (10) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Fences and Walls.¹⁵
- (11) Driveways leading to a garage or approved Parking Area.
- (12) Pathways and steps connecting to a City staircase or pathway.
- (13) A detached Accessory

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¹⁶ Applies only to Lots with a Side Yard of five feet (5') or greater.

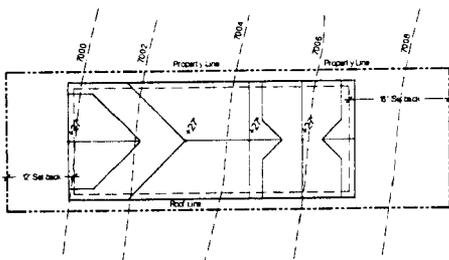
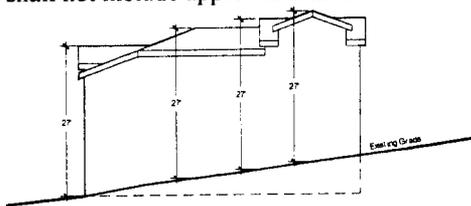
Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of three feet (3').

(14) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **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.

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.



(M) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the Zone Height.

(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement.

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15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and

Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings;

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE

HISTORIC AREAS.

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

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(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

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(b) Any residential Development that is located along or Accessed off of Park Avenue.

(2) The Planning Department shall review the proposed plans for Compatibility with the Historic District Design Guidelines.

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(3) Appeals of departmental determinations of compliance with the Historic District Design Guidelines are heard by the Historic Preservation Board.

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15-2.16-8. PARKING REGULATIONS.

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(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of such a shared drive.

(C) 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.

(D) A Parking Structure may occupy below Grade Side and Rear Yards if the Structure maintains all Yards above Grade.

(E) 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. The minimum width for a driveway is twelve feet (12'). The driveway shall lead to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

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(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.

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(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.

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(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 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 scooters, 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.

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(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 or motorized scooters, 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 require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An 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's 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.

(Amended by Ord. No. 05-49)

15-2.16-10. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(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 room(s).

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director 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.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.16-11. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the

nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.16-12. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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. The Planning Director

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shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.16-13. SIGNS.

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

15-2.16-14. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. Section 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D)
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X ~~Historic Preservation Board. LMC Chapter 15-11.~~
- X Park City Sign Code. Title 12.
- X Architectural Design. LMC Chapter 15-5.
- X ~~Snow Storage. Section 15-3-3_(E)~~
- X Parking Ratio Requirements. Section 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.17 - REGIONAL COMMERCIAL OVERLAY (RCO)
DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.17-1. PURPOSE.

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.

15-2.17-2. USES.

Uses in the RCO District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Lockout Unit¹
- (3) Accessory Apartment²

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Accessory Building and Use
- (10) Conservation Activity
- (11) Agriculture
- (12) Parking Area or Structure with four (4) or fewer spaces
- (13) Recreation Facility, Private
- (14) Allowed Uses in the Underlying Zoning District
- (15) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁴

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³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

(B) CONDITIONAL USES.

- (1) Multi-Unit Dwelling⁵
- (2) Group Care Facility⁵
- (3) Child Care Center⁵
- (4) Public and Quasi-Public Institution, Church and School⁵
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
- (6) Telecommunication Antenna⁶
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (8) Plant and Nursery stock products and sales⁵
- (9) Bed and Breakfast Inn⁵
- (10) Boarding House, Hostel⁵
- (11) Hotel, Minor⁵
- (12) Hotel, Major⁵
- (13) Private Residence Club Project and Conversion⁹
- (14) Timeshare Sales Office, off-site⁵
- (15) Office, General⁵
- (16) Office, Moderate Intensive⁵
- (17) Office, Intensive⁵
- (18) Office and Clinic, Medical⁵

- (19) Financial Institution, with and without drive-up window^{5, 8}
- (20) Retail and Service Commercial, Minor⁵
- (21) Retail and Service Commercial, personal improvement⁵
- (22) Retail and Service Commercial, Major⁵
- (23) Transportation Service⁵
- (24) Retail Drive-Up Window⁸
- (25) Neighborhood Convenience Commercial⁵
- (26) Commercial, Resort Support⁵
- (27) Gasoline Service Station⁵
- (28) Cafe, Deli⁵
- (29) Restaurant, General⁵
- (30) Restaurant, Outdoor Dining⁹
- (31) Outdoor Event⁹
- (32) Restaurant, Drive-up window⁸
- (33) Bar⁵
- (34) Hospital, Limited Care Facility⁵
- (35) Hospital, General⁵
- (36) Parking Area or Garage with five (5) or more spaces⁸
- (37) Temporary Improvement⁹
- (38) Passenger Tramway Station and Ski Base Facility⁵
- (39) Ski tow rope, ski lift, ski run, and ski bridge⁵
- (40) Recreation Facility, Public⁵
- (41) Recreation Facility, Commercial⁵

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

⁹Requires an Administrative Conditional Use permit

- (42) Entertainment, Indoor⁵
- (43) Master Planned Developments⁵
- (44) Heliport⁵
- (45) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁰

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

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

15-2.17-3. PROCEDURE FOR COMMERCIAL DEVELOPMENT OPTION.

An Applicant may apply for the commercial Development option by submitting an application to the Planning Department. Application for the commercial Development option will be reviewed by the Planning Commission as a Master Planned Development (MPD). The Planning Commission shall consider all factors set forth in LMC Chapter 15-6, and shall also consider the criteria listed below in Section 15-2.17-4 to determine whether implementation of the commercial Development option is warranted.

¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Appeals of Planning Commission decisions are heard by the City Council.

15-2.17-4. CRITERIA FOR COMMERCIAL DEVELOPMENT OPTION.

An Application for the commercial Development option under this section must meet the following minimum standards:

- (A) The minimum Lot size is five (5) acres. Each proposal must include one commercial anchor, a minimum of 30,000 square feet in size, and a maximum of 65,000 square feet.
- (B) The Planning Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable Building Height of some or all of the Buildings in the Development by up to twenty-five percent (25%) of the Zone Height of the underlying zone.

The City Council may grant a height exception upon recommendation from the Planning Commission.

Standards for review of any height exception Areas follows:

- (1) The visual impacts of the Structure on existing Structures.
- (2) Potential shadows, loss of solar Access, air circulation, view corridors, or ridge line intrusion.
- (3) Traffic, circulation, and adjacent Open Space.

- (4) Compatibility of the proposed Building with adjacent Buildings.
- (5) Landscaping, buffer Areas, and other physical separations to mitigate and buffer the Building from adjacent Uses.
- (6) The Side Yard between Building(s), adjacent Streets and alleys and their relationship to pedestrian traffic and Open Space.
- (7) Provision of more than the required sixty percent (60%) Transferred Development Right (TDR) Open Space within the project.
- (8) Reduction of the height of other Buildings or portions of a Building to a point that is lower than the underlying Zone Height.
- (9) Provision of exemplary architecture, high quality materials and finishes, and in general, a superior plan and project results.
- (10) No net increase in the allowable square footage or Building volume above Grade over what is possible under the Zone Height.
- (C) An anchor of at least 30,000 square feet is required to be built first.
- (D) Good internal circulation with limited Access to arterial Streets.

- (E) Buffering the Frontage Protection Zone with extensive landscaping and berms.
- (F) Screened parking.
- (G) An extensively landscaped buffer is required between commercial Development and adjacent residential Uses.

The Planning Commission may determine the size of buffer depending on proposed Uses and proposed buffer design. The Planning Commission may require the buffer be constructed and landscaped prior to the remainder of the construction.

- (H) Compliance with all requirements of LMC Chapter ~~6~~ Master Planned Development (MPD) review process and criteria.

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- (I) Architecture that is consistent with the Park City Architectural Design Guidelines in LMC Chapter 15-5 and is Compatible with the community and neighborhood.
- (J) Submission of a sign plan at the time of Master Planned Development Application in accordance with the City Sign Code, Title 12.
- (K) The Site plan for the Master Planned Development must take into consideration significant natural features such as existing vegetation, wetlands, Stream channels and ridge lines. Development must occur outside of these sensitive Areas.

(L) Submission of a lighting plan at the time of Master Planned Development Application in accordance with LMC Chapter 15-3.

(M) Enhanced pedestrian and bicycle circulation.

(N) Enhanced public plazas and Open Space Areas.

(O) Fully Screened service and delivery areas. Fully Screened dumpster locations. No service, delivery, or dumpster activities shall occur adjacent to residential Uses.

15-2.17-5. PLANNING COMMISSION FINDINGS.

To approve an application for Use of the commercial Development option, the Planning Commission must find that:

(A) The proposal is consistent with the criteria set forth in Section 15-2.17-4, and LMC Chapter 15-6 Master Planned Development.

(B) The proposal is in the best interest of the City and is located in an appropriate location.

(C) The proposal adequately mitigates potential impacts on adjacent Properties and Land Uses.

(D) The proposal complies with all applicable criteria of the Sensitive Lands Ordinance and the Frontage Protection Zone.

15-2.17-6 CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a Conditional Use Permit Review to consider traffic impacts on surrounding Streets and compliance with Section 15-1-10, Conditional Use review. 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.

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15-2.17-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use 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 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.

(I) The Use complies with Section 15-1-10, Conditional Use Review.

15-2.17-8. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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 15-2.17-8(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 Conditional Use 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.

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(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
(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.

the Streetscape.

(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.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, 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 require 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.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(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.

(Amended by Ord. No. 05-49)

15-2.17-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 9.

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15-2.17-10. SIGNS.

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

15-2.17-11. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. Section 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D)
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation Board. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Design. LMC Chapter 15-5.
- X Snow Storage. Section 15-3-3.(E)
- X Parking Ratio Requirements. Section 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

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15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home
Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock
production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without
a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service
Commercial, Minor
- (25) Retail and Service
Commercial, Personal
Improvement
- (26) Retail and Service
Commercial, Major

- (27) Cafe or Deli
- (28) Restaurant, General
- (29) Hospital, Limited Care
Facility
- (30) Parking Area or Structure
with four (4) or fewer spaces
- (31) Parking Area or Structure
with five (5) or more spaces
- (32) Recreation Facility, Private

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(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public
Institution, Church, and
School
- (7) Essential Municipal Public
Utility Use, Facility, Service,
and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna,
greater than thirty-nine inches
(39") in diameter⁵
- (10) Timeshare Project and
Conversion
- (11) Timeshare Sales Office, off-
site within an enclosed
Building
- (12) Private Residence Club
Project and Conversion⁸

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¹Nightly rental of Lockout Units requires Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁸
- (20) Restaurant, Drive-up Window⁹
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public

- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility
- (33) Master Planned Development with moderate housing density bonus²
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁷
- (37) Fences greater than six feet (6') in height from Final Grade⁷

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

(Amended by Ord. No. 04-39)

15-2.18-3. LOT AND SITE REQUIREMENTS.

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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 yards:

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(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an Administrative Conditional Use permit.

⁸See Section 2-18-7 for additional criteria.

⁹Subject to provisions of the LMC Chapter 15-6, Master Planned Development

is at the rear of the Property or under ground. 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.

(B) FRONT YARD EXCEPTIONS.
The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(4) Sidewalks, patios, and pathways.

(5) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(C) REAR YARD. The minimum Rear Yard is ten feet (10').

(D) REAR YARD EXCEPTIONS.
The Rear Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(4) Window sills, belt courses, cornices, trim and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

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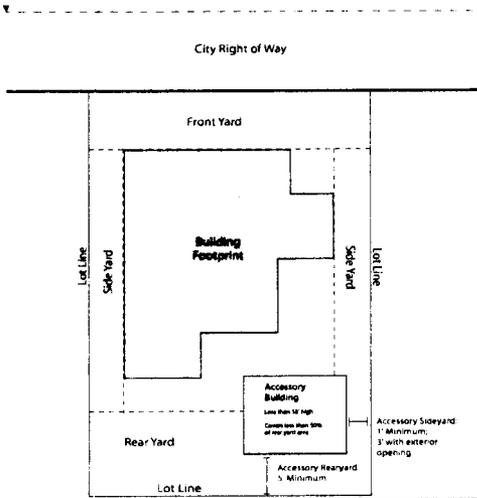
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(5) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(6) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building and meeting all landscaping requirements stated in

Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal

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distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) An enclosed porch, includes a roof and open on three (3) sides, or similar Structure not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form

approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard 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 Yard must be three feet (3').

(4) 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').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows or chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or

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main structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and, similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) An unenclosed porch, includes a roof and open on three (3) sides, or similar Structure not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code and Fire Code requirements.

(G) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **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.

(I) **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, 45, and 46, and parking Lots A through K as shown on the Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR).** The FAR

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must not exceed 2.0. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio. 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, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone. 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 Streets.

(Amended by Ord. No. 04-11)

15-2.18-4. BUILDING HEIGHT.

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

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents, or similar Structures may

extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, 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.

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

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15-2.18-5. 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 the Architectural Design Guidelines, LMC Chapter 15-5.

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.18-6. 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.

15-2.18-7. 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.

15-2.18-8. 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.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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.

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(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.

(Amended by Ord. No. 05-49)

15-2.18-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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. 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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

15-2.18-11. SIGNS.

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

15-2.18-12. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4.
 - Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. Section 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D)
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X ~~Historic Preservation Board.~~ LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Design. LMC Chapter 15-5.
- X Snow Storage. Section 15-3-3.(E)
- X Parking Ratio Requirements. Section 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Child Care Center²
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

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¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 for Child Care Regulations

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

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- (16) Retail and Service Commercial, Personal Improvement
- (17) Retail and Service Commercial, Major
- (18) Commercial, Resort Support
- (19) Hospital, Limited Care
- (20) Parking Area or Structure with four (4) or fewer spaces
- (21) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility
- (3) Child Care Center²
- (4) Public and Quasi-Public Institution, Church, and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna³
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
- (8) Accessory Building and Use
- (9) Raising, grazing of horses
- (10) Bed and Breakfast Inn
- (11) Boarding House, Hostel
- (12) Hotel, Minor
- (13) Private Residence Club Project and Conversion⁶
- (14) Office and Clinic, Medical

³See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (15) Financial Institutions with Drive-Up Window⁵
- (16) Retail and Service Commercial with Outdoor Storage
- (17) Retail and Service Commercial, Auto-Related
- (18) Transportation Services
- (19) Retail Drive-Up Window⁵
- (20) Gasoline Service Station
- (21) Café or Deli
- (22) Restaurant, General
- (23) Restaurant, Outdoor Dining
- (24) Restaurant, Drive-Up Window⁵
- (25) Outdoor Event⁶
- (26) Bar
- (27) Hospital, General
- (28) Light Industrial Manufacturing and Assembly Facility
- (29) Parking Area or Structure with five (5) or more spaces
- (30) Temporary Improvement⁶
- (31) Passenger Tramway Station and Ski Base Facility
- (32) Ski tow rope, ski lift, ski run, and ski bridge
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial
- (35) Entertainment Facility, Indoor
- (36) Commercial Stables, Riding Academy

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to Administrative Conditional Use permit.

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- (37) Master Planned Developments⁷
- (38) Heliports
- (39) Commercial Parking Lot or Structure
- (40) Temporary Sales Office, in conjunction with an active Building permit.
- (41) Fences greater than six feet (6') in height from Final Grade⁶

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

(Amended by Ord. No. 04-39)

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.
- (C) Underground Utilities are provided.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

A landscaped buffer Area is required to separate residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

15-2.19-5. 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 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.

Minimum Lot and Site requirements are as follows:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

15-2.19-4

(A) **OPEN SPACE.** 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.

(B) **LOT SIZE.** The minimum Lot Area is 10,000 square feet. The minimum Lot width is fifty feet (50'). In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(C) **FRONT YARD.** The minimum Front Yard is thirty feet (30').

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, wall, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(4) Sidewalks, patios, and pathways.

(5) Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard except for allowed driveways, patios, Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3.3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(E) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(F) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

(1) Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Light wells and window wells projecting not more than four feet (4') into the Rear Yard.

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

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(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6') beyond the window or structure to which it is attached.

of the Rear Yard. See the following illustration:

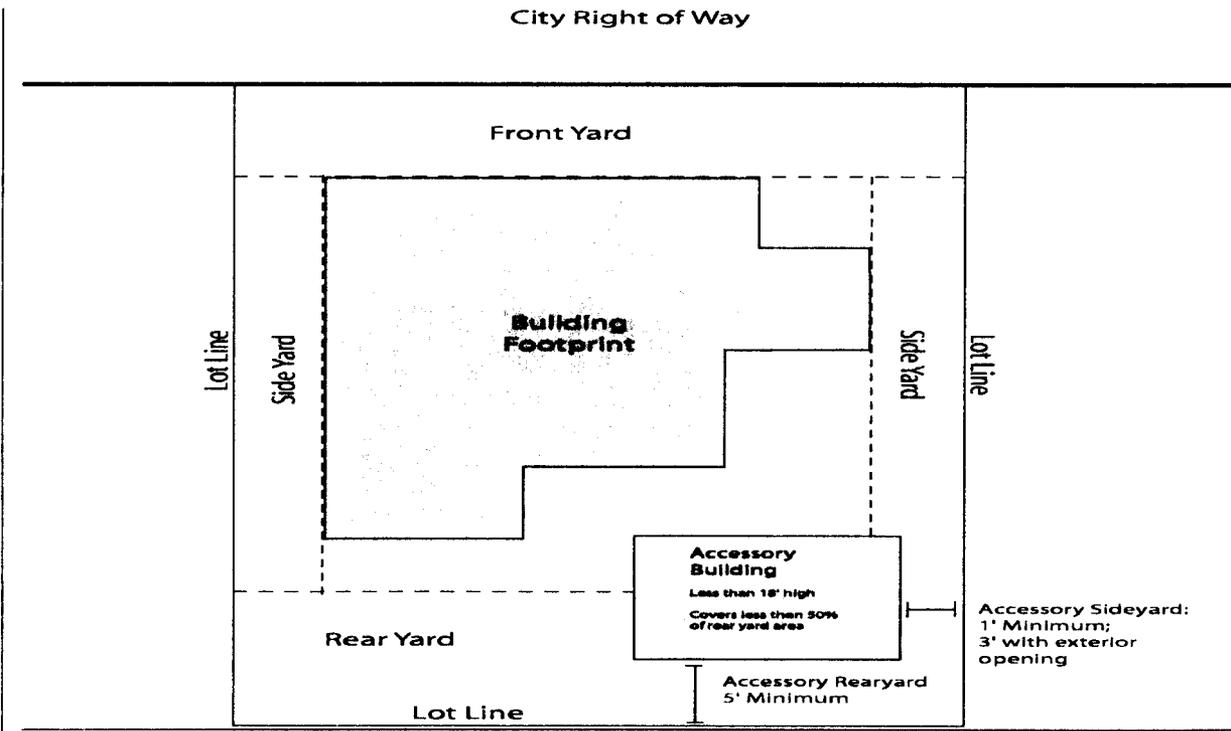
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(5) A detached Accessory Building not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%)

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(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over doorways and windows projecting not more than three feet (3') into the Side Yard.

(7) Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.⁹

⁹A Fence greater than six feet (6') in height requires an administrative Conditional Use permit.

(8) Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.19-6. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty feet (30') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may

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extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Architectural Guidelines in LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exceptions require approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift or tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

15-2.19-7. 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 the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.19-8. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require a 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.

15-2.19-9. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate its view from nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use permit and architectural review. All Structure's 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 Conditional Use permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading Areas must be Screened from general public view. All loading Areas shall be shown on the plans prepared for Conditional Use permit and architectural review.

15-2.19-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use subject to a Conditional Use review. No Conditional Use permit may be issued

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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 provided on-Site at a rate of one (1) space per rentable room.

(I) The Use complies with Section 15-1-10.

15-2.19-11. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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 15-2.19-11(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 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.

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(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 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 or motorized scooters, 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 require 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.

(Amended by Ord. No. 05-49)

15-2.19-12. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

15-2.19-13

(D) The Applicant must submit an Animal Management Plan outlining the following:

- (1) waste removal/odors;
- (2) drainage and runoff;
- (3) bedding materials;
- (4) flies; and
- (5) feed/hay.

15-2.19-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria, LMC Chapter 15-3-3(D) and Title 14.

15-2.19-14. SIGNS.

Signs are allowed in the Limited Industrial (LI) District as provided in the Park City Sign Code, Title 12.

15-2.19-15. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X ~~Accessory Apartment. LMC Chapter 15-4.~~
- X ~~Satellite Receiving Antenna. LMC Chapter 15-4-13.~~
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. Section 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D)
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X ~~Park City Sign Code. Title 12.~~
- X Architectural Design. LMC Chapter 15-5.
- X Snow Storage. Section 15-3-3.(E)
- X Parking Ratio Requirements. Section 15-3-6.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)

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Chapter adopted by Ordinance No. 00-51

15-2.20-1. PURPOSE.

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City's scenic view corridors,
(B) preserve and enhance the rural resort character of Park City's entry corridor,
(C) provide a significant landscaped buffer between Development and highway Uses,
(D) minimize curb cuts, driveways and Access points to highways,
(E) allow for future pedestrian and vehicular improvements along the highway corridors.

15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
(B) Marsac Avenue, SR 224, from its upper intersection with Prospect Street to the south City limits,
(C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
(D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

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15-2.20-3. USES.

All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

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15-2.20-4. LOT AND SITE REQUIREMENTS.

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way, except as provided herein. An exception to this requirement shall be granted for two (2) Municipal Identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).

(Amended by Ord. No. 01-25)

(B) All Construction Activity, including Signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.

(C) Minor remodels and facade improvements for existing Structures within the FPZ may require an administrative Conditional Use permit with approval by the

Planning, Engineering, and Building Departments.

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(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use permit with approval by the Planning, Building, and Engineering Departments.

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(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

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(F) The Planning Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Trails and sidewalks may occupy Setback Areas. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

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All Fences in the FPZ must be one of the following styles:

- (1) Wooden rail,
(2) Architecturally Compatible solid wood and natural stone,
(3) Stock Fences,

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(4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

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15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) INTENT. 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 shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(D) ACCESS/TRAFFIC. Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(B) APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS. The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City city limits including:

(E) SETBACKS.

(1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,

(1) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way.

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(2) Utah State Highway 224 south of Prospect Street, and

In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be more appropriate for Properties currently within the City limits. Upon annexation request, the appropriate Setback will be

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(3) Utah Highway 248 east of Wyatt Earp Way.

(C) APPLICABILITY TO FUTURE ANNEXED PROPERTIES. Upon

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determined based upon a Site specific analysis.

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment.

(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Planning Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS.** Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING.** All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING.** All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,

(2) Architecturally Compatible solid wood and natural stone,

(3) Stock Fences,

(4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

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(I) **BUILDING HEIGHT.** No Building within the ECPO shall exceed the following height limits, as defined in Chapter 15 of this Title:

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(1) Twenty feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').

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(2) Twenty five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').

(3) Up to the maximum height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES.** Trails and sidewalks shall be provided in all ECPO Developments in accordance with the Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

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(K) **LANDSCAPING/VEGETATION PROTECTION.** A landscaping plan shall be required for all ECPO Developments, and all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 15-5.

(L) **DESIGN STANDARDS.** All Development within the ECPO shall comply with the design standards contained in LMC Chapter 15-5.

(M) **TRAILHEAD PARKING.** Trailhead parking of less than twenty-five (25) spaces is allowed within the Setback Area but at least thirty feet (30') outside of the UDOT Right-of-Way. Parking must be adequately screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the Lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular Access to trailhead parking Lots is to be by City Streets if possible or by permission of UDOT if from a State Highway. Any Structure, way finding sign or Use is subject to the Conditional Use permit review.

(N) **OUTDOOR DISPLAY OF ART.** The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way. Outdoor displays of art are subject to the provisions of Title 15-4-15.

(O) **PUBLIC PARK FACILITIES.**

(1) The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(2) Public park Accessory Buildings less than eighteen feet (18') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.22 - PUBLIC USE TRANSITION DISTRICT
REGULATIONS

Chapter adopted by Ordinance No. 05-12

15-2.22-1. PURPOSE.

The purpose of the Public Use Transition (PUT) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental, and residential center;
- (B) allow the Use of land for recreational and institutional purposes with limited commercial support to enhance and foster the economic and cultural vitality of the City;
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City town core;
- (D) encourage the preservation of Historic Structures within the district;
- (E) encourage pedestrian-oriented, pedestrian-scale Development;
- (F) minimize the impacts of new Development on parking constraints of Old Town;

(G) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes;

(H) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces;

(I) allow for community input on Development design within the District through the public Conditional Use permit review process; and

(J) provide a transition between the HCB and the HR-1 Districts for the purpose of providing municipal Uses and public gathering and activity Areas.

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15-2.21-2. USES.

Uses in the Public Use Transition District are limited to the following:

(A) **ALLOWED USES.**

- (1) Municipal/Institutional Accessory Building and Use
600 sf or less
- (2) Conservation Activity

- (3) Parking Lot, Public or Private with four (4) or fewer spaces
- (4) Public Utility or Essential Services
- (5) Public Assembly Uses
- (6) Outdoor Events

- (15) Salt Lake City 2002 Winter Olympic Legacy Displays⁴
- (16) Master Planned Developments
- (17) Passenger Tramways, ski towers, and ski lift facilities.

(B) **CONDITIONAL USES.**

- (1) Public and Quasi-Public Institution, Church, School, Post Office
- (2) Entertainment Facility, Outdoor
- (3) Essential Municipal Public Utility Use, Facility, or Service Structure
- (4) Parking Area or Structure for five (5) or more cars
- (5) Liquor Store
- (6) Commercial Retail and Service, Minor
- (7) Outdoor Recreation Equipment
- (8) Outdoor Grills/Beverage Service Stations
- (9) Restaurant, Outdoor Dining¹
- (10) Restaurant, Café or Deli
- (11) Accessory Building or Use greater than 600 sf
- (12) Telecommunication Antenna²
- (13) Satellite Dish, greater than thirty-nine inches (39") in diameter³
- (14) Temporary Improvement/Outdoor Use

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

15-2.21-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will 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 private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** There is no minimum Lot size in the PUT District.

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the PUT District; however, where new construction abuts a residential zone, the

¹ Required Administrative Conditional Use permit

² See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

³ See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁴ Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

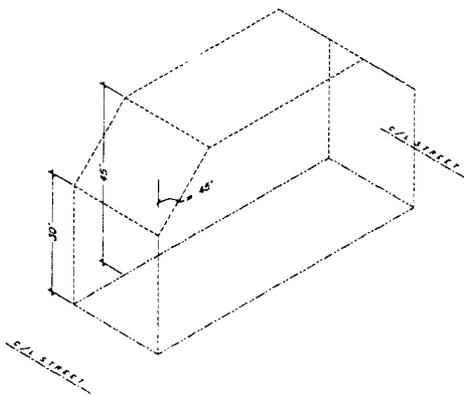
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new construction shall meet the required minimum Setback of the abutting zone.

(C) **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.

15-2.21-4. MAXIMUM BUILDING HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. The maximum Building Height shall be forty-five feet (45') as measured from Existing Grade.



(B) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

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(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features 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 and Building Departments.

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

15.-2.22-5. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. Restorations, rehabilitations, adaptive reuses, and additions to Historic Structures within the PUT shall be reviewed by the Planning Department for compliance with the Historic District Design Guidelines.

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

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

(C) **APEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal staff's determination of compliance to the Planning Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the

Code provisions violated by the staff determination.

15-2.22-6. PARKING REGULATIONS.

Off-Street parking shall be provided per the LMC parking standards set forth in Chapter 15-3. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.

15-2.22-7. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.22-8. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible from a Public Street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use

by the public are exempt from this regulation.

15-2.22-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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, which 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 15-2.6-1(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor Uses may be allowed by the City 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 EVENTS AND MUSIC.** Outdoor events and music require an Administrative 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.

(4) **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.

(Amended by Ord. No. 05-49)

15-2.22-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

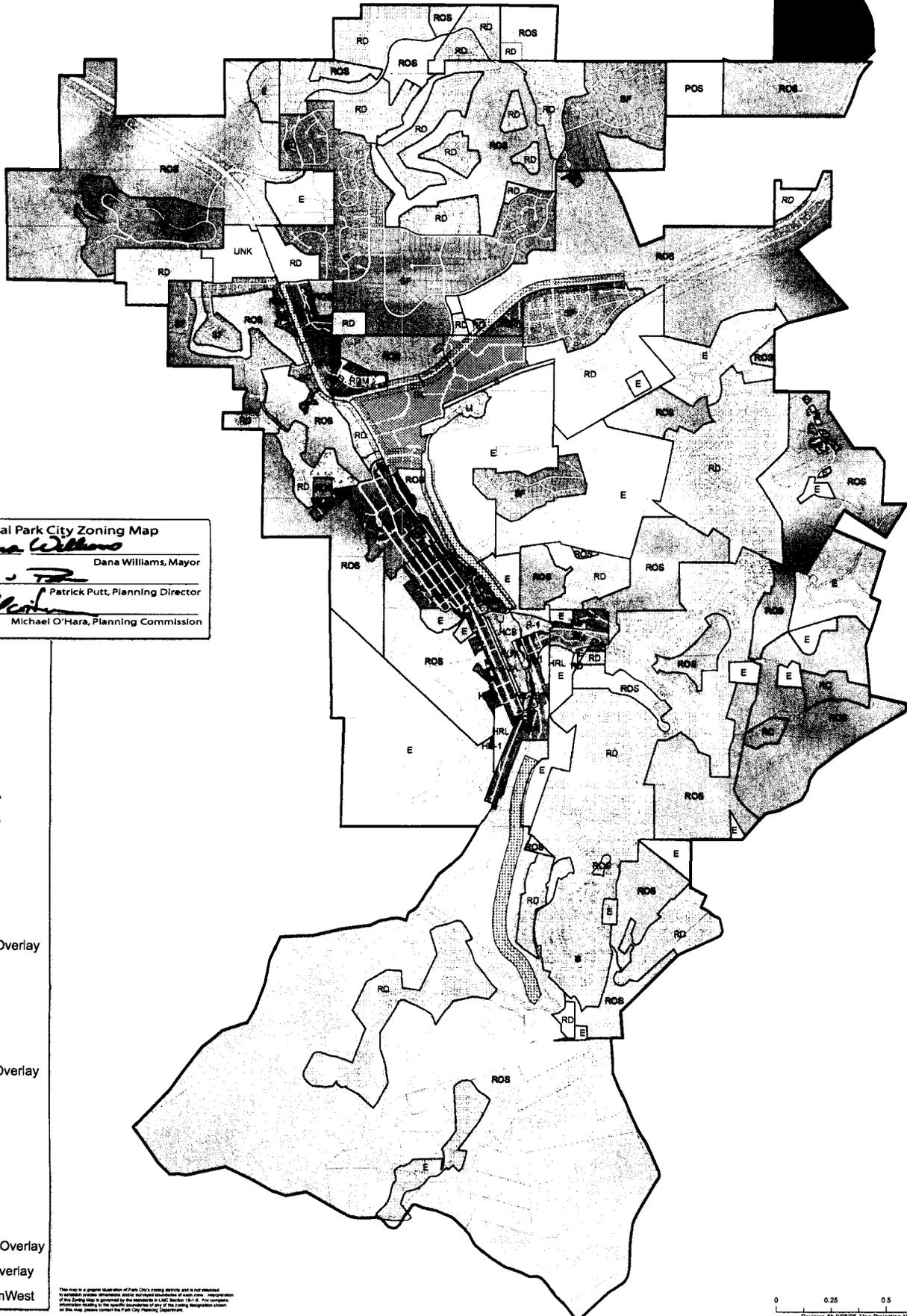
15-2.22-11. SIGNS.

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

15-2.22-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

Park City Zoning Map



Official Park City Zoning Map
Dana Williams
 Dana Williams, Mayor
Patrick Putt
 Patrick Putt, Planning Director
Michael O'Hara
 Michael O'Hara, Planning Commission

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

This map is a graphic illustration of Park City's zoning districts and is not intended to represent any other information. It is not a legal document. The information on this map is provided for informational purposes only. For complete information regarding the specific requirements of any of the zoning regulations shown on this map, please contact the Park City Planning Department.

Ordinance No. 06-75

AN ORDINANCE APPROVING THE POWDER HOUND CONDOMINIUM RECORD OF SURVEY PLAT, LOCATED AT 685 ROSSI HILL DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Powder Hound Condominiums, located on Lot 1 of the Snow Park subdivision, 685 Rossi Hill Drive, have petitioned the City Council for approval of the Powder Hound 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 October 11, 2006, to receive input on the Powder Hound condominium record of survey;

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 26, 2006 the City Council approved the Powder Hound condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Powder Hound condominium record of survey.

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

SECTION 1. APPROVAL. The Powder Hound 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 Powder Hound condominium is located at 685 Rossi Hill Drive on lot 1 of the Snow Park subdivision.
2. The Snow Park subdivision is in the RM-MPD zoning district.
3. Lot 1 is 0.357 acres or 15,551 square feet in size.
4. A duplex is allowed in the RM zone provided the minimum lot size of 3,750 square feet is met.
5. The Conditions of Approval for the MPD requires a minimum of 60% open space, which may include the driveways. The proposed open space is 10,412 square feet which is greater than the 9,330 square feet required.
6. The Conditions of Approval for the MPD requires a maximum Floor Area Ratio of 0.5 plus 500 square feet for each unit garage. The proposed floor area is 7731.5 square feet excluding the garage allowance and under the FAR maximum of 7,775.5 square feet.
7. The Conditions of Approval for the MPD requires a minimum front setback of 25 feet. This standard is met on both legs of Rossi Hill Drive.
8. The yard to the west has been determined by the Planning Director to be a rear yard and meets the 10 foot setback.
9. The Conditions of Approval for the MPD requires two enclosed off street parking spaces for each unit. Each garage can accommodate two parking spaces.

10. The project under construction has been reviewed under the Park City Design Guidelines.
11. The proposed is consistent with the approved Master Planned Development for Snow Park.
12. The two condominium units are 3,735.1 square feet (Unit A) and 4,996.4 square feet (Unit B) including the garages. The square footage over the 500 sf garage allowance is included in the square footage allotted to the unit. These two units total 8,731.5 square feet including the 1,000 square feet allowed for the two garages. Two parking spaces are provided for each unit. The units are under construction.
13. Two parking spaces are provided for each unit.
14. The building conforms to the 28+5 foot height requirement of the RM zone.
15. Per Section 15-4-17 of the LMC this is considered a lot with unusual configuration. The Planning Director has determined it has no side setbacks, two fronts (2 legs of Rossi Hill), and a rear yard to the west.

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 Snow Park Master Planned Development, and the Snow Park subdivision plat shall continue to apply.

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

PARK CITY MUNICIPAL CORPORATION



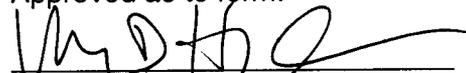
 Mayor Dana Williams

Attest:



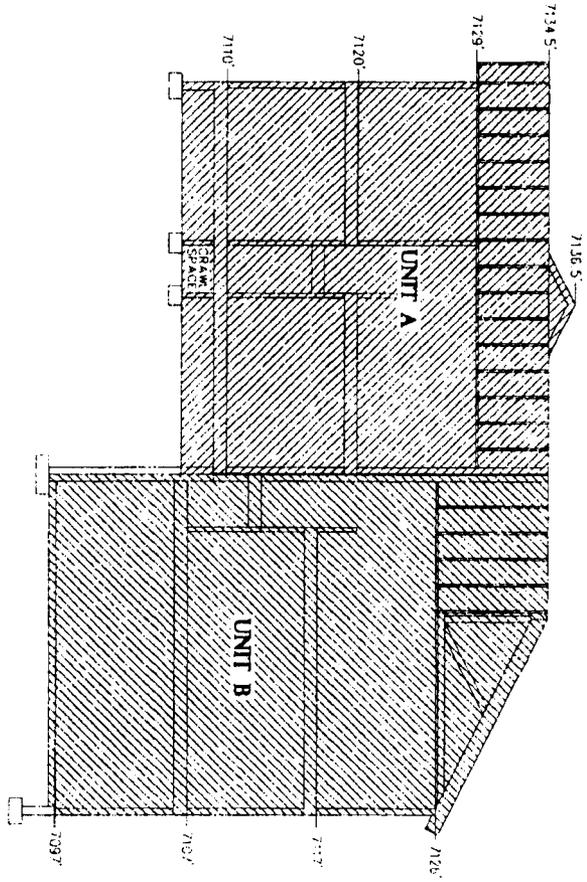
 Janet M. Scott, City Recorder

Approved as to form:



 Mark D. Harrington, City Attorney





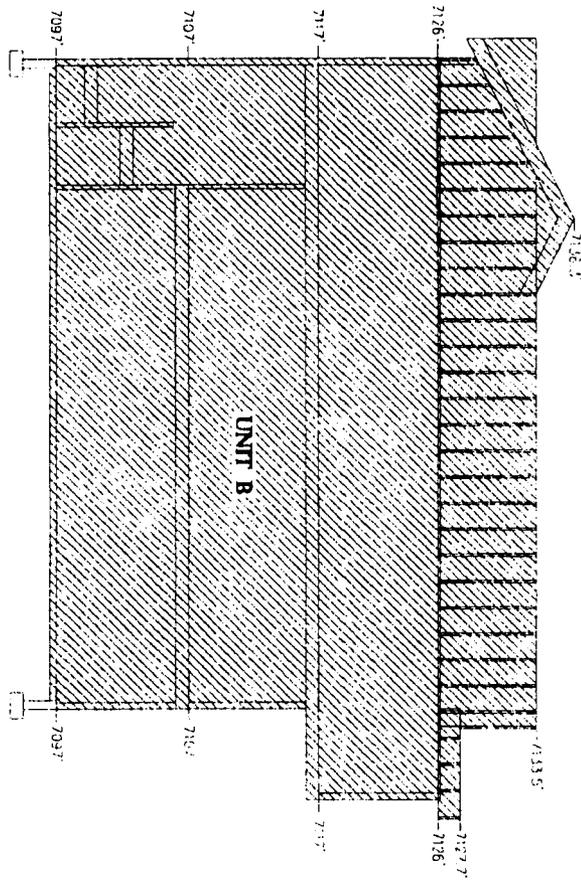
CROSS SECTION C-7
 SCALE: 1/4" = 1'-0"

- HATCHING LEGEND**
- COMMON AREA
 - UNIT C COMMON AREA
 - PRIVATE A-1A

JUN 30 2016

NO. 100 LONG
 RECORDS
 RECORDED
 INDEXED IN THE COUNTY OF
 EVERETT

<p>POWDER HOUND CONDOMINIUMS UNITS A & B BUILDING SECTION C-7</p>	<p>RECORDED BY EVERETT ASSOC. 1000 100TH AVE EVERETT, WA 98203</p>		<p>Evergreen Engineering, Inc.</p> <p>1000 100TH AVE SUITE 100 EVERETT, WA 98203 TEL: (425) 344-8111 FAX: (425) 344-8112 WWW.EVERGREEN-ENG.COM</p>
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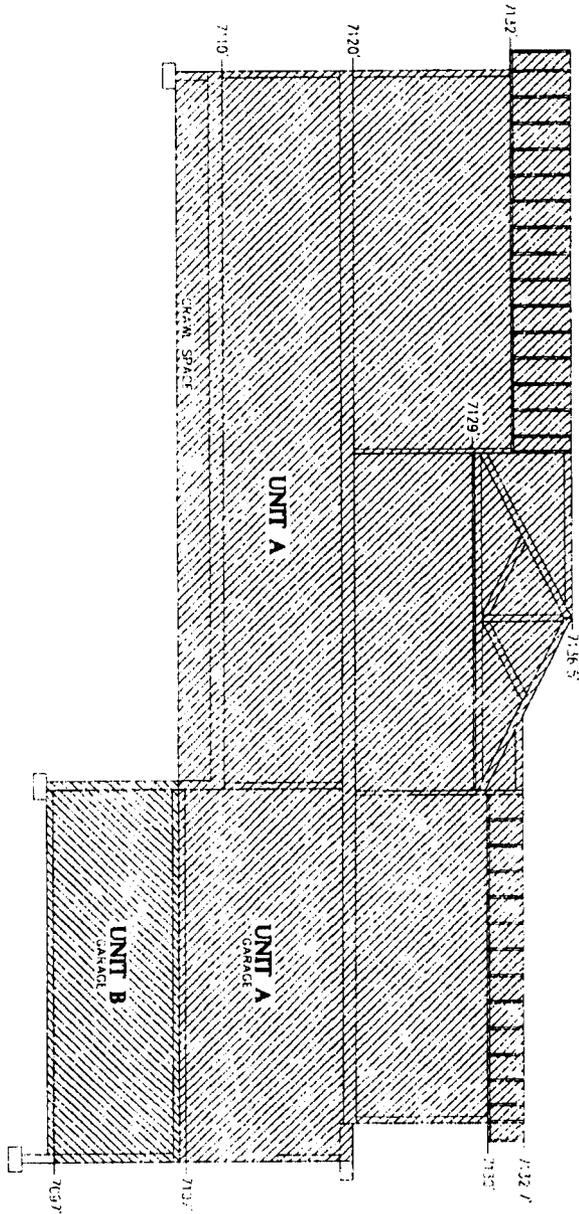
CROSS SECTION B-6
SCALE 1/4" = 1'-0"

- HATCHING LEGEND**
- COMMON AREA
 - UNIT C COMMON AREA
 - PRIVATE AREA

JUN 30 2005

RECORDED
 JUN 30 2005
 THE OFFICE OF THE COUNTY CLERK
 COUNTY OF LOS ANGELES, CALIFORNIA

<p>MR. JOE LONG PROJECT NO. 002</p>	<p>POWDER HOUND CONDOMINIUMS UNITS A & B BUILDING SECTION B-6</p>	<p>DATE: JUN 30 2005 TIME: 10:00 AM BY: [Signature]</p>		<p>EVERGREEN ENGINEERING, INC. 10000 WILSON AVENUE SUITE 100 WEST GARDEN CITY, CA 91301 TEL: (626) 291-1111 FAX: (626) 291-1112 WWW.EVERGREEN-ENG.COM</p>	<p>Evergreen Engineering, Inc. </p>
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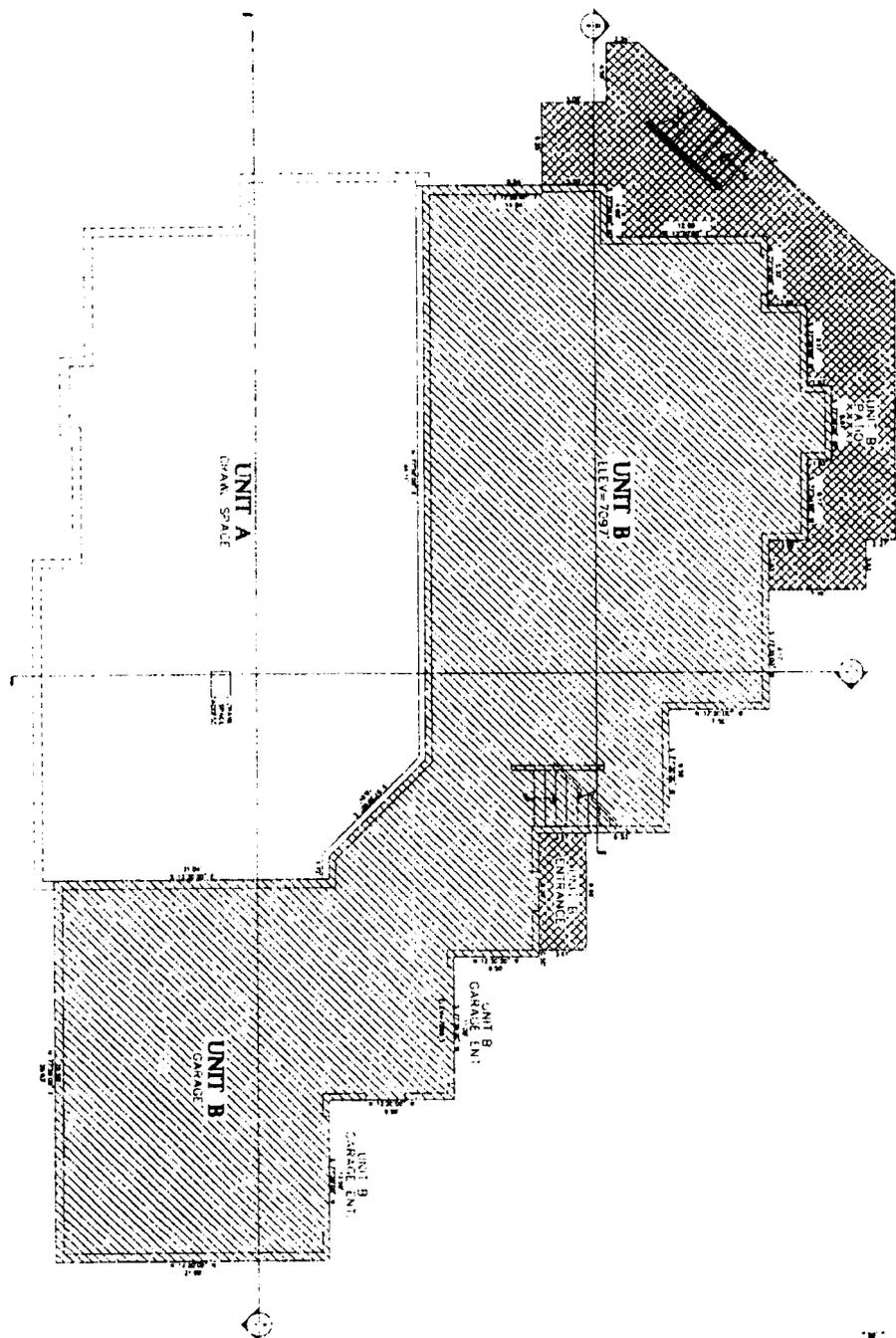
CROSS SECTION A-5
Scale: 1/4" = 1'-0"

- HATCHING LEGEND**
- COMMON AREA
 - UNIT A AND B
 - PRIVATE AREA

UN 3 0 2016

DATE: _____
 UNIT OF: _____
 RETURNED BY: _____
 PROJECT: _____
 SHEET NO. 1

<p>POWDER HOUND CONDOMINIUMS UNITS A & B BUILDING SECTION A-5</p>	<p>DATE: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____</p>		<p>PROJECT NO. _____ SHEET NO. _____</p>	<p>Evergreen Engineering, Inc.</p> <p>Evergreen Engineering, Inc. is a registered professional engineering firm in the State of Florida. Our office is located at 10000 Evergreen Blvd., Suite 100, Jacksonville, FL 32256. Phone: (904) 444-8877. Fax: (904) 444-8878. Website: www.evergreeneng.com</p>
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NO. 10
 DATE 10/1/79
 DRAWN BY J. L. LONG
 CHECKED BY J. L. LONG
 REVISIONS
 NO. 1
 DATE 10/1/79
 BY J. L. LONG
 DESCRIPTION
 REVISIONS TO THE ORIGINAL

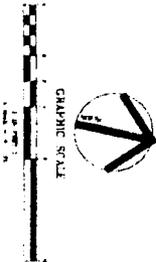
10/1/79

AREA TABULATIONS

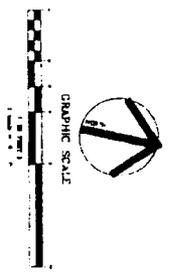
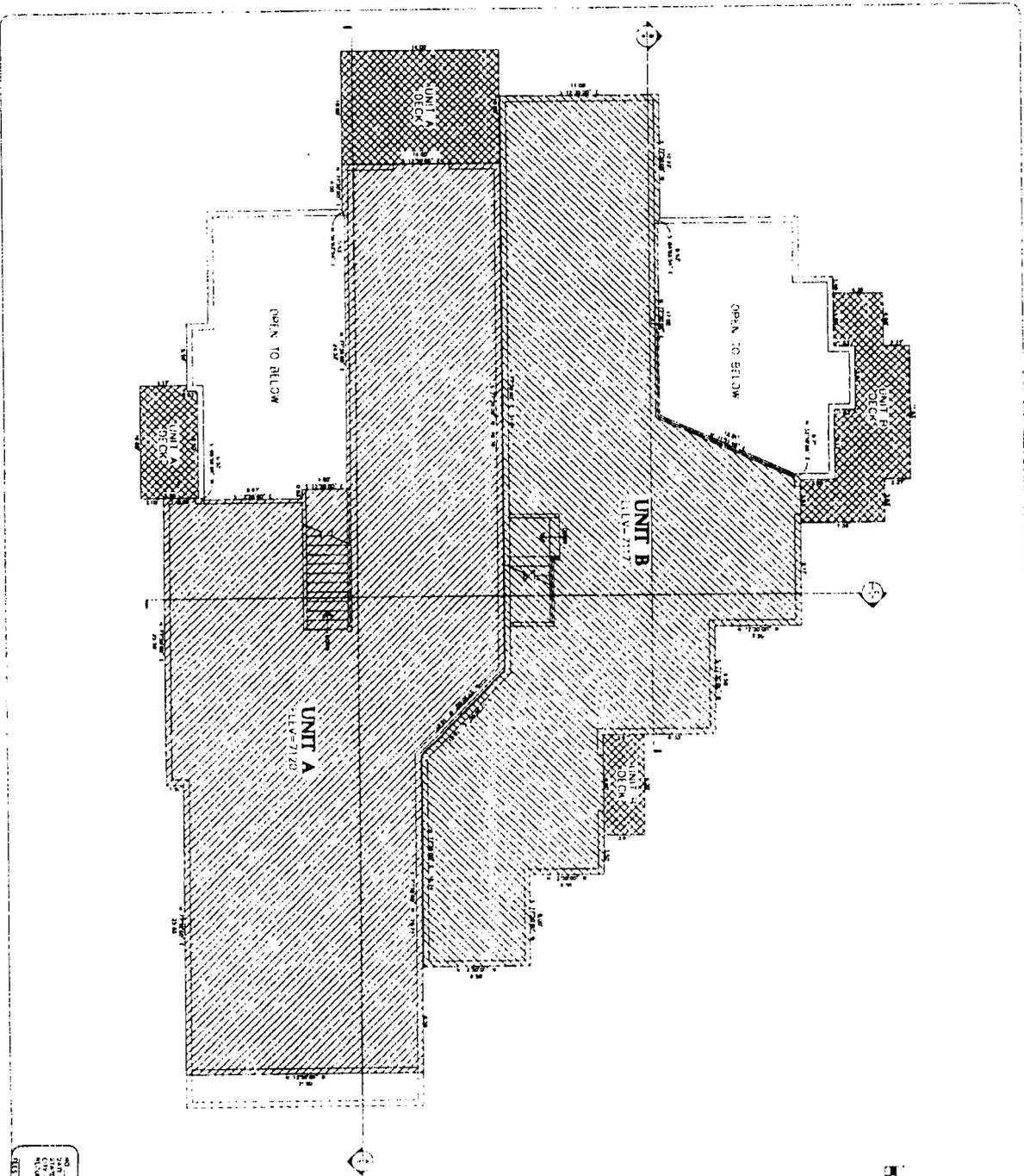
UNIT B LIVING	2,153.34
UNIT B GARAGE	4,123.24
UNIT A LIVING	912.34
UNIT A GARAGE	612.34
COMMON AREA	2,153.34

HATCHING LEGEND

- Common Area
- Unit B Common Area
- Unit A Area



POWDER HOUND CONDOMINIUMS UNITS A & B LOWER LEVEL - FLOOR PLANS			Evergreen Engineering, Inc.
MR. J. L. LONG PROJECT-LL-R	DATE 10/1/79	NO. 10	EVERGREEN ENGINEERING, INC. 1000 N. W. 10th St. Ft. Lauderdale, FL 33304



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

UNIT / LEVEL	UNIT A	UNIT B
UPPER LEVEL	1,213.50 SQ. FT.	1,213.50 SQ. FT.
COMMON AREA	1,213.50 SQ. FT.	1,213.50 SQ. FT.
LIMITED COMMON AREA	1,213.50 SQ. FT.	1,213.50 SQ. FT.
PRIVATE AREA	1,213.50 SQ. FT.	1,213.50 SQ. FT.

DATE: 10/15/04
 DRAWN BY: J. L. LUND
 CHECKED BY: J. L. LUND
 PROJECT: POWDER HOUND CONDOMINIUMS
 SHEET: 104-UB-01

<p>POWDER HOUND CONDOMINIUMS UNITS A & B UPPER LEVEL - FLOOR PLANS</p>		<p>Evergreen Engineering, Inc. 10400 1st Avenue, Everett, WA 98203 Phone: (425) 336-1111 Fax: (425) 336-1112 Website: www.evergreeneng.com</p>
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Ordinance No. 06-74

AN ORDINANCE APPROVING THE PAINTBRUSH HOMES PHASE 2, UNITS 8 AND 9, CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Paintbrush Homes Phase 2, Units 8 and 9, located on Lot 7 of the Empire Pass Phase I subdivision plat have petitioned the City Council for approval of the Paintbrush Homes Phase 2, Units 8 and 9, 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 October 11, 2006, to receive input on the Paintbrush Homes Phase 2, Units 8 and 9, condominium record of survey;

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 26, 2006 the City Council approved the Paintbrush Homes Phase 2, Units 8 and 9, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Paintbrush Homes Phase 2, Units 8 and 9, condominium record of survey.

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

SECTION 1. APPROVAL. The Paintbrush Homes Phase 2, Units 8 and 9, 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. Paintbrush Homes Phase 2, Units 8 and 9, 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 September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. Paintbrush Homes Phase 2, Units 8 and 9 are located on lot 7 of parcel 1. Lot 7 is 86,711 square feet in size.
5. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass.
6. The two condominium units are 4,794 square feet (Unit 8) and 4,903 square feet (Unit 9) with garages over 600 square feet. The square footage over the 600 sf garage allowance is

included in the square footage allotted to the unit. These two units consume **9,697 square feet and 4.9 Unit Equivalents**.

7. Each unit includes additional appurtenant limited common areas to allow for landscaping.
8. Two parking spaces are provided for each unit. This meets LMC requirements.
9. The building conforms to the 28+5 foot height requirement of the RD zone.
10. A private trail easement has been dedicated consistent with the Pod A MPD approval
11. The "additional land" indicated to the east will be the future site of additional density as designated and approved through the Pod A MPD.

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 Phase I subdivision plat shall continue to apply.

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

PASSED AND ADOPTED this 26th day of October, 2006.

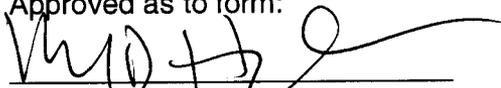
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

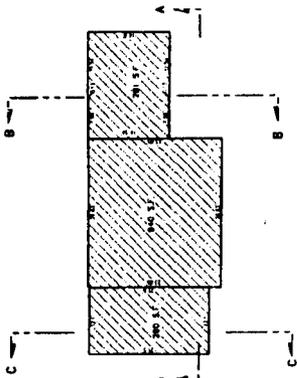
Attest:


Janet M. Scott, City Recorder

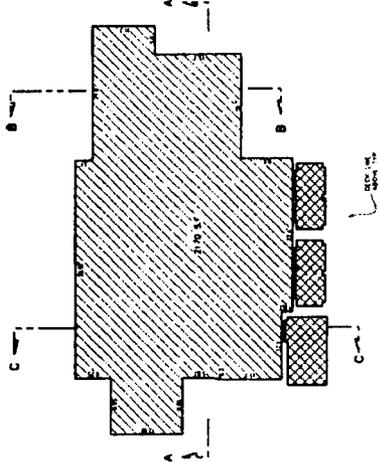
Approved as to form:


Mark D. Harrington, City Attorney

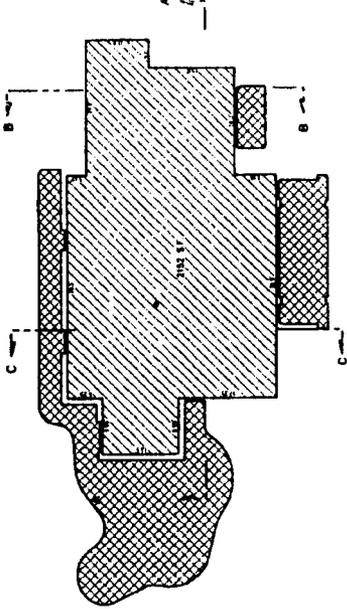




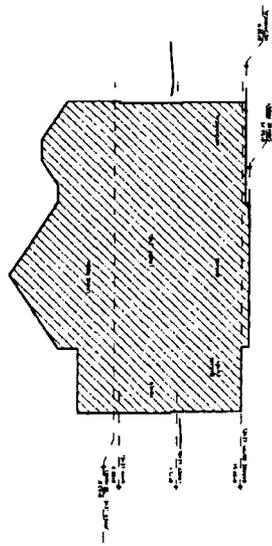
PAINTBRUSH 9
GARAGE LEVEL
SCALE 1"=10'



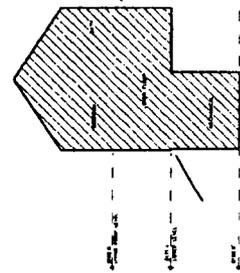
PAINTBRUSH 9
LOWER LEVEL
SCALE 1"=10'



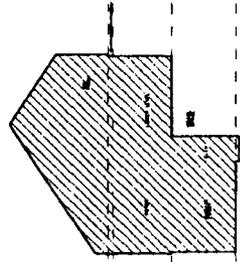
PAINTBRUSH 9
MAIN LEVEL
SCALE 1"=10'



SECTION A
SCALE 1"=10'



SECTION B
SCALE 1"=10'



SECTION C
SCALE 1"=10'

ELEVATION TABLE

NO.	DATE	BY	FOR	SCALE
1	10/15/10	JK	CONCEPT	1"=10'
2	10/22/10	JK	CONCEPT	1"=10'
3	11/02/10	JK	CONCEPT	1"=10'
4	11/02/10	JK	CONCEPT	1"=10'
5	11/02/10	JK	CONCEPT	1"=10'
6	11/02/10	JK	CONCEPT	1"=10'
7	11/02/10	JK	CONCEPT	1"=10'
8	11/02/10	JK	CONCEPT	1"=10'
9	11/02/10	JK	CONCEPT	1"=10'
10	11/02/10	JK	CONCEPT	1"=10'
11	11/02/10	JK	CONCEPT	1"=10'
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15	11/02/10	JK	CONCEPT	1"=10'
16	11/02/10	JK	CONCEPT	1"=10'
17	11/02/10	JK	CONCEPT	1"=10'
18	11/02/10	JK	CONCEPT	1"=10'
19	11/02/10	JK	CONCEPT	1"=10'
20	11/02/10	JK	CONCEPT	1"=10'



CONDOMINIUM PLAT
PAINTBRUSH HOMES
PHASE 2

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 28
TOWNSHIP 2 SOUTH, RANGE 12 EAST, MERIDIAN 11 WEST
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 10-10-10-02 TEL: 801-734-1000 FAX: 801-734-1001
RECORDED
STATE OF UTAH COUNTY OF SUMMIT, WAS FILED
AT THE OFFICE OF THE CLERK OF COURTS
DATE 11/02/10 TIME 1:00 PM BOOK 10000 PAGE 10000
FILE NO. 10-10-10-02 RECORDED



Ordinance No. 06-73

**AN ORDINANCE APPROVING THE 1031 WOODSIDE AVENUE SUBDIVISION
COMBINING ALL OF LOT 8 AND HALF OF LOT 9 BLOCK 9, OF THE SNYDER'S
ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1031 WOODSIDE AVENUE,
PARK CITY, UTAH**

WHEREAS, the owner of the property known as 1031 Woodside 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 October 11, 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 October 26, 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-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 half of another into one lot of record.
4. There is an existing contemporary single family home on the property.
5. Access to the property is from Woodside Avenue.
6. The proposed lot measures 37.5' x 75'.
7. The proposed lot is 2,813 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 1,201.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Minimum setbacks for the house are 3' on the sides, and 10' in the front and rear.
12. Minimal construction staging area is available along Woodside Avenue.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.
14. Due to the existence of the single family home, driveway and landscaping, it is difficult to determine existing grade for the purpose of measuring height.
15. Height for the future building shall be established by interpolating grade from a datum point measured from the center line of the front and rear property lines.

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.

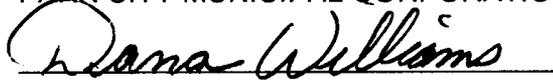
CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

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 Woodside Avenue frontage of the lot.

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

PASSED AND ADOPTED this 26th day of October 2006.

PARK CITY MUNICIPAL CORPORATION



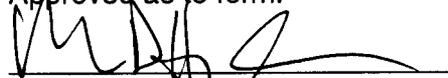
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 06-72

AN ORDINANCE TO CREATE THE 352 MAIN STREET PLAT COMBINING ALL OF LOT 13 AND ALL OF THE FIRST AMENDED 350 ½ MAIN STREET SUBDIVISION INTO ONE LOT OF RECORD LOCATED AT 352 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 352 Main Street and 350 ½ Main Street has petitioned the City Council for approval of the 352 Main Street Plat; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 11, 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 October 25, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record property: and

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

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 352 Main Street Plat as shown in Exhibit B is approved subject to the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact: The following are also adopted by City Council as findings of fact:

- 1 The property is located in the Historic Commercial Business (HCB) zone.
- 2 The HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
- 3 The proposed plat amendment will combine all of Lot 13 and all of the First Amended 350 ½ Main Street Subdivision into one lot of record.
- 4 An existing 8' wide access/utility easement exists from 354 Main through the 350 ½ subdivision of the Park City Survey.
- 5 There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 350 ½ Main to Swede Alley.
- 6 There is an existing 5' wide public sidewalk easement on the eastern side of

- the property running parallel to Swede Alley.
- 7 The plat amendment will not require additional parking for the 350 ½ Main structure.
- 8 The building meets all required setbacks for the HCB zone.
- 9 The plat amendment will not create any remnant lots.

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.

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 record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. All existing easements on the property will remain in effect.
3. The applicant will record the record of survey 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 amendment will be void.

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

PASSED AND ADOPTED this 26th day of October 2006.

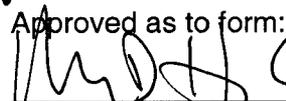
PARK CITY MUNICIPAL CORPORATION

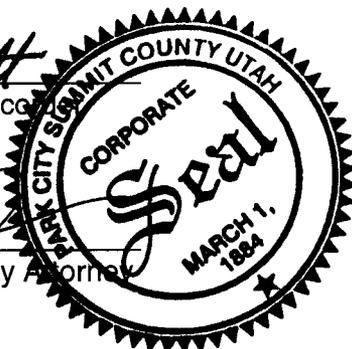

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P. O. Box 1480, Park City, UT 84060

Fee Exempt per Utah Code
Annotated 1953 21-7-2

Ordinance No. 06-71

**AN ORDINANCE APPROVING THE ANNEXATION OF THE WILBURN WEST
PARCEL AND APPROVING AN AMENDMENT TO THE PARK CITY ZONING
MAP TO ZONE THE WILBURN WEST PROPERTY RD AND ROS.**

WHEREAS, the owner of the property known as the Wilburn West Property have petitioned the City Council for approval of an annexation and zoning; and

WHEREAS, the Wilburn West Property parcel will be zoned RD (Residential Density and ROS (Recreation Open Space)); and

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

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

WHEREAS, the Planning Commission held a public hearing on August 9, 2006, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on October 11, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on October 19, 2006, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. ANNEXATION APPROVAL. The annexation of the Wilburn West parcel is hereby approved as shown on Exhibit A. The analysis section of the August 9, 2006 Planning Commission Staff Report is incorporated herein.

SECTION 2. ZONING MAP. The Wilburn West Property amendment to the official Park City Zoning Map is hereby approved as shown in Exhibit B subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

00796588 BK01829 Pg00807-00818
JAN SPRIGGS, SUMMIT CO RECORDER
2006 NOV 14 10:26 AM FEE \$.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

BK1829 PG0807

Findings of Fact:

1. The Wilburn West Property is currently located in unincorporated Summit County and may be annexed to Park City.
2. As part of the annexation petition the petitioner has requested Recreation Open pace (ROS) for 35.73 acres of the property and Residential Density (RD) for 5 acres.
3. The proposed ROS, and RD zoning and existing/proposed land uses are consistent with the Purpose statements of the respective underlying zoning districts.
4. The Property Owner submitted with the annexation and zoning petition an amendment to the Cove At Eagle Mountain Record of Survey Plat that is consistent with the proposed RD zone, in terms of uses.
5. In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The waivers expire on July 20, 2010.
6. The proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development.
7. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services such as police and water that are more easily accessible from the City than the County.
8. Annexation of this parcel will eliminate a potential island, and allow the annexation of the city owned open space parcels.
9. There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space and recreational amenities.
10. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
11. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
12. The proposed development will provide second homes or residential rental properties, and provides open space and preserves existing trails.
13. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, view-shed, and wildlife considerations.

Conclusions of Law:

1. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.
2. Approval of the Zoning Map amendment does not adversely affect

the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The annexation plat map shall delineate the unstable soil area.

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

PASSED AND ADOPTED this 19th day of October 2006.

PARK CITY MUNICIPAL CORPORATION

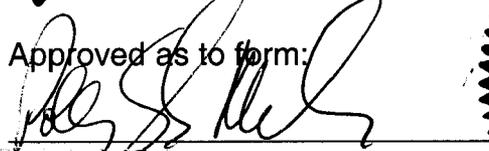


Mayor Dana Williams

Attest.



Janet M. Scott, City Recorder

Approved as to form:


Polly Samuels McLean
Assistant City Attorney



Wilburn West Annexation Agreement

1

October 19, 2006

When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION

City Recorder

P O Box 1480

Park City UT 84060

ANNEXATION AGREEMENT FOR THE WILBURN WEST PROPERTY

This Annexation Agreement is made by and between Park City Municipal Corporation ("Park City") and The Cove at Eagle Mountain L.C. (hereafter collectively referred to as "Petitioner") to set forth the terms and conditions under which Park City will annex land owned by Petitioner into the corporate limits of Park City and extend municipal services to that property. This Agreement is made under authority of Section 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 40.73 acres in size as depicted on the annexation plat, attached as Exhibit A and as more fully described in the legal description, attached as Exhibit B, and incorporated herein by reference (hereafter referred to as the "Property").

2. **Zoning.** Upon annexation, the Property will be zoned RD (Residential Development) and ROS (Recreation Open Space) as shown on Exhibit A. The maximum density allowed by the RD and ROS zoning districts for the parcel is 4 units.

3. **Master Plan, Subdivision plat, and Project Phasing.** Due to the size and intent of future development on the Property of two duplex buildings, a Master Planned Development is not required. The Planning Commission has reviewed a preliminary subdivision plat along with the annexation petition as shown in Exhibit C. A final subdivision plat, utility plan, and construction phasing and mitigation plan shall be reviewed and approved by the City, and the final subdivision plat shall be recorded at the Summit County recorder's office as a condition precedent to issuance of a building permit for the development.

4. **Trails.** Petitioner agrees as a condition precedent to final subdivision plat approval for the Property to dedicate public non-vehicular trail easements.

5. **Open Space.** The Wilburn West property shall feature 35.73 acres of open space as

Wilburn West Annexation Agreement

2

shown on exhibit B. The petitioner and the City shall discuss the possibility of creating a conservation easement for the property.

6. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner agrees to implement a fire protection and emergency access plan, to be submitted prior to issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

7. **Roads and Road Design.** All streets and roads within the Property shall be designed according to the City's road design standards and shall be private. Maintenance of all roads, parking, sidewalks, and pedestrian circulation shall be by the entity holding fee title to the property, or the Homeowner's Association.

8. **Affordable Housing.** Section 4 of Housing Resolution 17-99 in effect at the time of application requires an affordable housing contribution equal to "15 percent of the total residential units constructed" for annexations. The calculation for affordable housing will be based on the final maximum density for the property. The housing mitigation proposed by the Applicant must be approved by the Park City Housing Authority.

9. **Sanitary Sewer.** Alignment of the sanitary sewer shall be determined as a part of the final subdivision plat for the Property. The preferred alignment shall be determined, which results in the least visual impact and site disturbance while meeting site design and construction requirements of the Snyderville Basin Water Reclamation District.

10. **Water Rights and Water Impact Fees.** The Petitioner shall not be required to dedicate water rights as a condition of this annexation. Pursuant to that certain agreement entitled **FIRST AMENDMENT TO NOVEMBER 27, 1996 AGREEMENT BETWEEN EAGLE MOUNTAIN PARTNERS, LLC; KEARNS-TRIBUNE CORPORATION; AND PARK CITY MUNICIPAL CORPORATION**, City will apply a credit against water development and water connection impact fees for each of the four units to be developed within the Property. Said credits are not to exceed \$15,000, and will expire if unused on July 20, 2010. Petitioner acknowledges and agrees that water impact fees in excess of \$15,000 will be charged to development within the Property.

11. **Water Infrastructure and Other Water System Costs.** Except as set forth above, as a condition of this Agreement, the Petitioner shall construct and dedicate all necessary water facilities and easements as determined by the City during the final subdivision and utility plan review process. A financial guarantee for the completion of such facilities shall be a condition precedent to recordation of the final subdivision plat. All such facilities shall be constructed to specifications approved by the City Engineer. Upon completion of such facilities, easements and appurtenances, all to the satisfaction of the City Engineer, the Petitioner shall dedicate the easements and water facilities to the City. The Parties agree that the City will not use Eminent Domain to acquire any necessary

easements.

12. **Planning Review Fees.** Petitioner is responsible for all planning, building, subdivision and construction inspection fees required by the City at the time of application.

13. **Impact and Building Fees.** Petitioner shall pay all generally-applicable fees, such as development impact, park and recreation land acquisition, building permit, and plan check fees due for construction on the Property at the time of application for building permits.

14. **Acceptance of Public Improvements.** Petitioner shall offer to Park City title to those water facilities, easements and appurtenances, upon Petitioner's fulfillment of all Code requirements and Park City's final approval of the infrastructure construction.

15. **Snow Removal and Storage.** Park City is not obligated to remove snow from private streets within the Property.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by Jack Johnson Company, Inc, dated December 6, 2003, and submitted with the Wilburn West Annexation petition, including revenue and cost assumptions related to the annexation and development of this Property, is hereby accepted and approved by the City.

17. **Effective Date.** This Agreement is effective as of the date of the Resolution authorizing its execution.

18. **Governing Law.** The laws of the State of Utah shall govern this Agreement. Jurisdiction and venue are proper in Summit County.

19. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property.

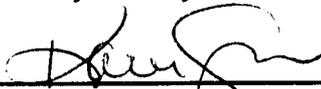
20. **Assignment.** This Agreement is also a personal obligation of the Petitioner. Petitioner may assign its obligations under this Agreement, only upon prior written consent of the City, upon demonstration that the City's rights are adequately secured by the assignment. Consent to assignment shall rest in the sole discretion of the City.

21. **Compliance with City Code.** Notwithstanding paragraph 17 herein, from the time of City Council approval of this agreement, Petitioner and his agents shall comply with all City Codes and Regulations pertaining to the subject Property.

22. **Full Agreement.** This Agreement contains the full and complete agreement of the

Wilburn West Annexation Agreement

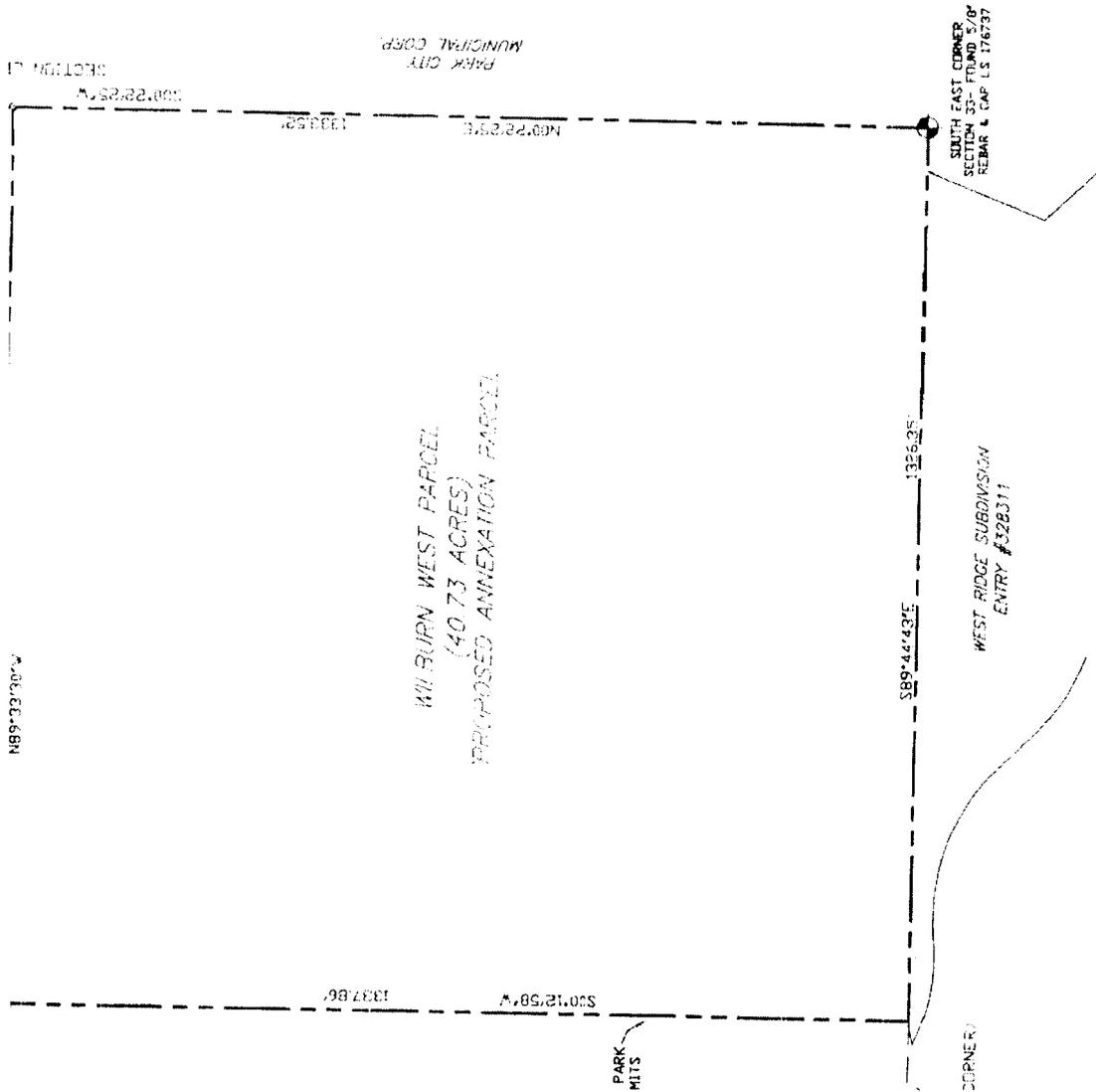
On this 20 day of Oct., 2006, personally appeared before me Nancy Rossman, as Manager of the Cove at Eagle Mountain L.C. whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that she is the owner of the Wilburn West property.



Notary Public



Wilburn West Annexation Agreement



DEED DESCRIPTION

Being the Southeast Quarter of the Southeast Quarter of Section 33, Township 1 North, Range 4 East, Salt Lake and Meridian.

NARRATIVE

The annex was prepared for Park City, Utah, in favor of the Wilburn West Parcel. The parcel is located in the West Ridge Subdivision, Section 33, Township 1 North, Range 4 East, Salt Lake and Meridian. The parcel is bounded by Park City Municipal Corp. to the north and west, and West Ridge Subdivision Entry #328311 to the east. The parcel is 40.73 acres in size.

NOTE

The parcel boundary shown on this map was calculated from a Report of Boundary Survey prepared by Park City Municipal Corp. in December 2004.

SUBJECT MATTER

The parcel is located in the West Ridge Subdivision, Section 33, Township 1 North, Range 4 East, Salt Lake and Meridian. The parcel is bounded by Park City Municipal Corp. to the north and west, and West Ridge Subdivision Entry #328311 to the east. The parcel is 40.73 acres in size.

WILBURN WEST PARCEL
(40.73 ACRES)
PROPOSED ANNEXATION PARCEL

PARK CITY
MITS

- PROPERTY BOUNDARY
- PARK CITY BOUNDARY
- ALIGNMENT BOUNDARY
- SECTION LINE
- SECTION CORNER
- OTHER MARK

RECEIVED
DEC 22 20
PARK CITY
PLANNING DEPT

ANNEXATION PLAT
FOR
WILBURN WEST PROPERTY
LOCATED IN SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN,
SUMMIT COUNTY, UTAH

<p>CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON _____, 2004.</p>	<p>CITY ENGINEER</p> <p>THE ENGINEER SHALL HAVE THE BEST INTEREST OF THE CITY IN MIND AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SET FORTH ON THIS MAP.</p>	<p>CITY COUNCIL APPROVAL</p> <p>APPROVED BY THE PARK CITY COUNCIL ON _____, 2004.</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON _____, 2004.</p>	<p>RECORDED</p> <p>DEED NO. _____ BOOK _____ PAGE _____ FILE NO. _____ LOCAL _____ COUNTY OF _____ DATE RECORDED _____</p>
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Wilburn West Annexation Agreement

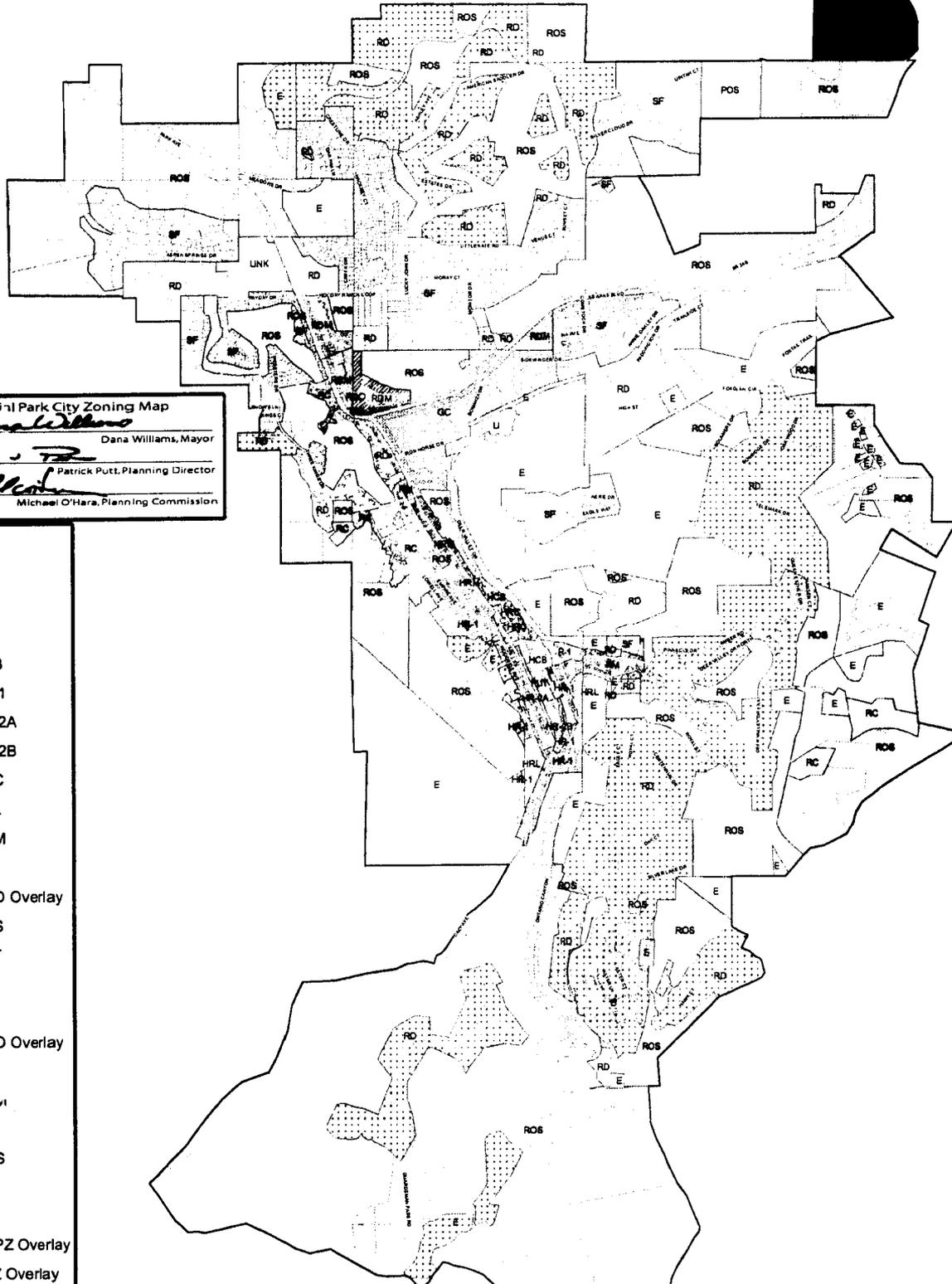
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Legal Description for the Wilburn West Annexation

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

MSL

Park City Zoning Map



Official Park City Zoning Map
Dana Williams
 Dana Williams, Mayor
Patrick Putt
 Patrick Putt, Planning Director
Michael O'Hara
 Michael O'Hara, Planning Commission

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

2

0 0.25 0.5 1 Miles
 Revision 11/10/04/05 Map Projection NAD83 Utah Central State Plane in Feet

Ordinance No. 06-70

AN ORDINANCE APPROVING THE PROSPECT HEIGHTS SUBDIVISION, BEING A REPLAT THE PROSPECT STREET SUBDIVISION, LOCATED AT 101 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 101 Prospect Street have petitioned the City Council for approval of an amendment to the Prospect Street Subdivision to replat Lot One into two lots and revise the plat notes; and

WHEREAS, the new subdivision would be titled "The Prospect Heights Subdivision" being a replat of Lot One of the Prospect Street Subdivision; and

WHEREAS, Lot 1 consists of 19,156 sf with a 10,281 sf platted reserved open space area (ROS- no build area) to preserve the existing vegetation to the east of the existing single family historic house at 101 Prospect and reduce the maximum building footprint for Lot 1; and

WHEREAS, Lot 2 consists of 6,587.46 sf and is restricted to one single family house as the primary use; 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 public hearings on July 12th and September 27, 2006, to receive input on the proposed Prospect Street Subdivision replat;

WHEREAS, the Planning Commission, on September 27, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 19, 2006, the City Council approved the plat amendment to replat Prospect Street Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the replat of Lot One Prospect Street Subdivision to provide a separate lot for a future single family residence with sufficient lot width and depth to provide a minimum of 2 off-street parking spaces; to maintain the allowed density of the property at two units; to provide a separate lot for the existing historic home at 101 Prospect in order to preserve the historic integrity of this home; to provide a reserved open space buffer around this home and reduce the allowable building footprint; to gain necessary easements for snow storage along 319' feet of Prospect Street which is a narrow and steep historic street; and to gain additional fire protection assurances at the subject property.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Prospect Heights Subdivision plat, being a replat of One Prospect Street Subdivision, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 101 Prospect Avenue within the Historic Residential (HR-1) zoning district.
2. The proposed re-plat creates two lots from a 0.59 acres (25,744 sf) platted lot, known as Lot One of the Prospect Street Subdivision, recorded November 3, 1993. The property area is equivalent to 13.7 standard old town lots.
3. Lot 1 is proposed to be 19,156 sf and Lot 2 is proposed to be 6,587 sf in area.
4. The applicant proposes to create a 10,281 sf "no-build", reserve open space area on Lot 1 to be designated on the plat as a platted ROS area.
5. The existing, recorded Prospect Street Subdivision includes plat notes that restrict further subdivision of Lot One, allow up to two units as a duplex to be constructed on the lot, and describe allowable building size, height, and volumetrics.
6. At the time of approval of the Prospect Street Subdivision, duplexes were an allowed use in the HR-1 District.
7. The applicant has petitioned for removal of the plat notes restricting further subdivision, restricting the two units to a duplex configuration, and describing building height and massing. Additional plat notes are identified in the conditions of approval that address specific conditions of the lots that are not already addressed by the Land Management Code or Historic District Design Guidelines or that would mitigate any unusual or specific conditions this plat amendment presents.
8. The applicant proposes to limit development on each lot to one unit; for a total density of 2 units on the 0.59 acres. The existing historic house will remain on Lot 1 and a new single family house is proposed on Lot 2.
9. Historic district grants were provided to the applicant by the City in 1995 and 1996, as reimbursement for approved renovations to 101 Prospect Avenue.
10. Based on the proposed lot area and lot dimensions, and Land Management Code Section 15-2.2-3, the maximum building footprint on Lot 2 is approximately 2,276 sf with required minimum side setbacks of 5' (with a total of 18') and minimum front and rear setbacks of 12' (with a total of 25').
11. Based on the proposed lot area and lot dimensions, and Land Management Code Section 15-2.2-3, the maximum footprint allowed on Lot 1 (excluding the area of reserved open space) is approximately 2,706 sf. Minimum side yard setbacks are 10' (total of 30') and minimum front and rear setbacks are 12' (with a total of 25').
12. The existing house at 101 Prospect Street is a non-complying structure due to an existing front setback of approximately 7'.
13. All new construction, including any additions to the historic house, as well as the design of the future house on Lot 2, will be reviewed according to the Historic District

Design Guidelines, LMC Section 15-4- Historic Preservation, and the requirements of the HR-1 District- LMC Section 15-2.2, as amended.

14. The applicant stipulates to the conditions of approval.
15. The property is located on a hillside with a mixture of native shrubs, grasses, and wildflowers. The eastern portion of the property contains the largest expanse of undisturbed vegetation.
16. The plat amendment preserves a large, contiguous area of vegetation within a platted reserved open space (ROS) area. This ROS area also limits the amount of frontage on Prospect Street.
17. The plat amendment provides necessary 10' wide snow storage easements along the 319' frontage with Prospect Street.
18. Prospect Street is a narrow, steep historic street. Several historic residential houses do not have existing off-street parking spaces.
19. The plat amendment provides snow shedding easements between lots.
20. The plat amendment provides additional fire protection requirements, including requirements for residential fire sprinkler systems and a fire protection plan for all new construction, including any additions or renovations to the historic house.

Conclusions of Law:

1. There is good cause for this plat amendment in that it preserves the integrity of a prominent historic single family house, maintains the originally approved density of up to 2 units, dedicates 10,000 sf of Lot 1 as an undisturbed reserved open space, reduces the maximum allowed building footprint on Lot 1, dedicates a 10' easement along 319' of Prospect Street for snow storage, dedicates snow shed easements between lots, provides for off-street parking in new structures, and provides additional fire protection requirements.
2. The re-plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment, including the platted ROS area, for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A note shall be included on the plat stating that modified 13-D residential fire sprinkler systems are required on all new construction, at the discretion of the Chief Building Official.

4. A note shall be included on the plat stating that a fire protection plan shall be submitted for review and approval by the Building Department prior to issuance of any building permits on all lots.
5. A note shall be added to the plat stating that a landscape plan shall be required with all building permit submittals and shall be approved prior to issuance of a full permit. The landscape plan shall include an irrigation plan.
6. The ROS boundary delineates the area of Lot One that is to remain undisturbed. Only upon specific approval by the City may the ROS area may be used for necessary underground utilities and screened above-ground transformers or junction boxes, or other similar uses generally limited to 3' in height. Additional landscaping may be proposed within the ROS boundary, but shall be specifically approved as part of the landscape plan approval. The ROS area shall not have a permanent irrigation system. The form of the ROS area on the plat shall be dedicated or platted in a form to be determined by the City Attorney.
7. The ROS area shall not be included in the maximum foot print calculations for Lot 1.
8. Five foot snow shedding easements shall be dedicated on the plat, along the side lot lines of all lots for the benefit of adjacent lots and 10' snow storage easements shall be dedicated for snow storage, on the plat along the entire Prospect Street frontage.
9. The applicant's request for a plat note restricting each lot to one single family dwelling only shall remain as noted on the plat submitted by the applicant.

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

PASSED AND ADOPTED this 19th day of October, 2006.

PARK CITY MUNICIPAL CORPORATION

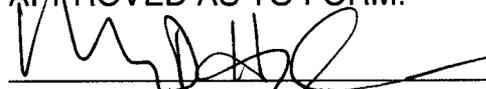

Dana Williams

ATTEST:


Janet M. Scott, City Recorder

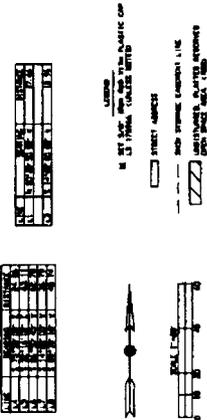
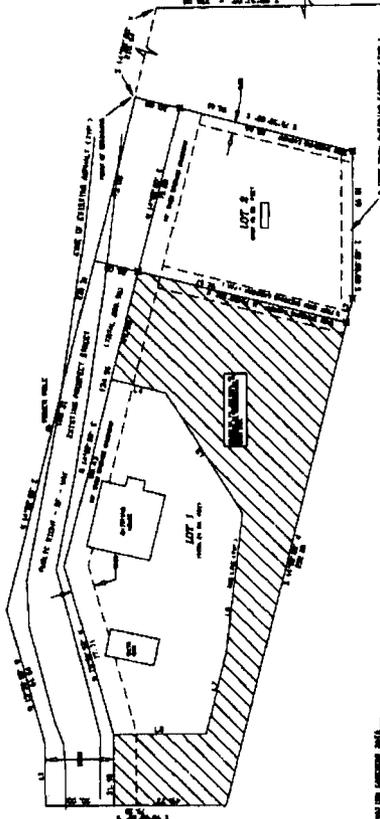


APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

PROSPECT HEIGHTS SUBDIVISION

A REPLAT OF LOT ONE PROSPECT STREET SUBDIVISION
 A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER
 OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT
 LAKE BASE AND MERIDIAN.



- GENERAL NOTES**
1. THE LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE AS PART OF THE CITY CONSTRUCTION PROGRAM.
 2. THE LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE AS PART OF THE CITY CONSTRUCTION PROGRAM.
 3. THE LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE AS PART OF THE CITY CONSTRUCTION PROGRAM.
 4. ALL LOTS ARE TO BE CONVEYED TO THE CITY OF SALT LAKE AS PART OF THE CITY CONSTRUCTION PROGRAM.
 5. THE CITY OF SALT LAKE SHALL BE RESPONSIBLE FOR THE COSTS OF THE CITY CONSTRUCTION PROGRAM.

ADDITIONAL NOTES

THE CITY OF SALT LAKE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY CONSTRUCTION PROGRAM. THE CITY OF SALT LAKE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY CONSTRUCTION PROGRAM.

EXHIBIT DESCRIPTION

THIS PLAN IS A REPLAT OF LOT ONE PROSPECT STREET SUBDIVISION, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE PLAN SHOWS THE LOTS AND THE BUILDING FOOTPRINTS ON LOT ONE. THE CITY OF SALT LAKE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY CONSTRUCTION PROGRAM.

PROSPECT HEIGHTS SUBDIVISION, RE-CONVEY TO RECORD

THE CITY OF SALT LAKE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY CONSTRUCTION PROGRAM. THE CITY OF SALT LAKE HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY ZONING ORDINANCES AND THE CITY CONSTRUCTION PROGRAM.

City Engineer: _____
 Deputy Engineer: _____
 Date: _____

APPROVALS

STATE OF UTAH: _____
 COUNTY OF SALT LAKE: _____
 CITY OF SALT LAKE: _____

RECORDING AS: _____
 CONTRIBUTION EXPENSE: _____

APPROVED FOR RECORDATION BY THE CITY ENGINEER: _____
 APPROVED FOR RECORDATION BY THE COUNTY ENGINEER: _____

<p>PLAT NUMBER: _____ DATE: _____</p>				
<p>PLAT NUMBER: _____ DATE: _____</p>				
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<p>PLAT NUMBER: _____ DATE: _____</p>				

PLAT NUMBER: _____
 DATE: _____

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GENERAL NOTES:

1. MODIFIED 13-D RESIDENTIAL FIRE SPRINKLER SYSTEMS WILL BE REQUIRED ON ANY NEW CONSTRUCTION ON ALL LOTS.
2. A FIRE PROTECTION PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE BUILDING DEPARTMENT PRIOR TO ISSUANCE OF ANY BUILDING PERMITS ON ALL LOTS.
3. 5 FOOT SNOW SHEDDING EASEMENTS DEDICATED ON ALL LOTS AS SHOWN FOR THE BENEFIT OF ADJACENT LOTS.
4. ALL LOTS LIMITED TO ^{ONE} SINGLE FAMILY HOME ONLY.
5. ANY ADDITIONS TO THE EXISTING HOUSE ON LOT 1 SHALL NOT ENCRDACH INTO THE R. O. S. AREA AS SHOWN.

EXHIBIT B

IMPROVEMENTS
 IMPROVEMENTS TO THE PROSPECT STREET SUBDIVISION
 AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.



LEGAL DESCRIPTION

ALLIANCE ENGINEERING, INC., a duly licensed professional engineering firm, has prepared the following legal description of the Prospect Street Subdivision, as shown on the plans heretofore submitted and as approved by the Board of Supervisors of the City of San Jose, California, on the 15th day of September, 1953.

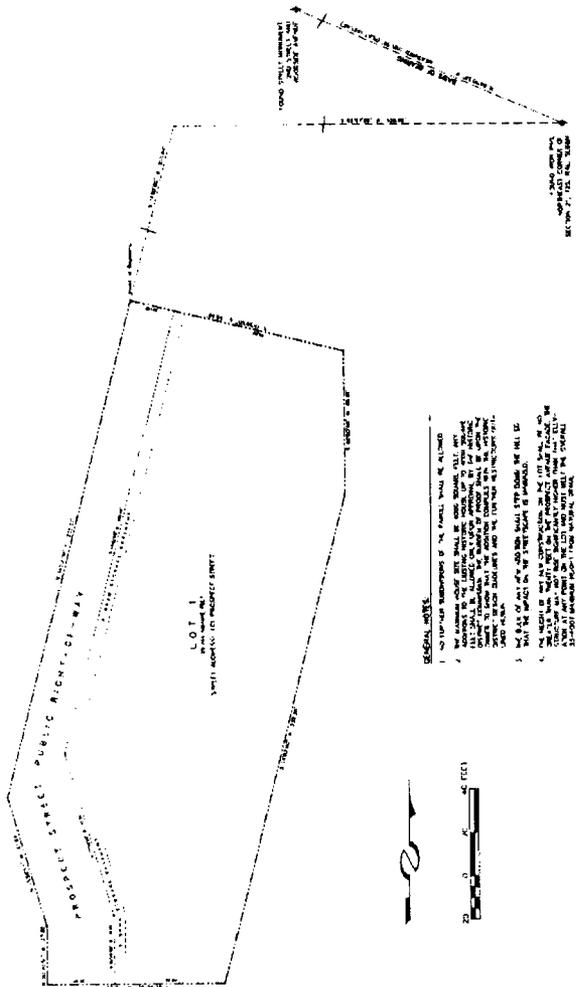
DIMENSIONS AND CORNER RECORD

The dimensions and corner record of the Prospect Street Subdivision, as shown on the plans heretofore submitted and as approved by the Board of Supervisors of the City of San Jose, California, on the 15th day of September, 1953, are as follows:



COMMISSIONER

STATE OF CALIFORNIA
 COUNTY OF SANTA CLARA
 J. D. GALT, Commissioner
 My Comm. Expires 12-31-1954



- GENERAL NOTES
1. NO IMPROVEMENTS OF THE PUBLIC SHALL BE ALLOWED.
 2. THE DIMENSIONS OF THE LOTS SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.
 3. THE PUBLIC RIGHT-OF-WAY SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.
 4. THE DIMENSIONS OF THE LOTS SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.
 5. THE DIMENSIONS OF THE LOTS SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.
 6. THE DIMENSIONS OF THE LOTS SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.
 7. THE DIMENSIONS OF THE LOTS SHALL BE AS SHOWN ON THE PLANS HERETOBY SUBMITTED AND AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953.

PROSPECT STREET SUBDIVISION

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, RANGE 4 EAST, TOWNSHIP 2 SOUTH, SAN JOSE AND BERLIN, CALIF.

<p>ALLIANCE ENGINEERING, INC. 1110 1ST ST. S.F. SAN FRANCISCO, CALIF.</p>	<p>PLANNING COMMISSION APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953. BY: [Signature]</p>	<p>ENGINEERS CERTIFICATE I, ALLAN C. GALT, a duly licensed professional engineer, do hereby certify that the above described subdivision complies with the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California, and the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California, and the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California.</p>	<p>CERTIFICATE OF ATTEST I, J. D. GALT, a duly licensed professional engineer, do hereby certify that the above described subdivision complies with the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California, and the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California, and the provisions of the Subdivision Map Act, Chapter 349, of the Civil Code of the State of California.</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF SEPTEMBER, 1953. BY: [Signature]</p>	<p>RECORDED IN 1953 PAGE 118</p>
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ORDINANCE NO. 06-69

**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 SUBTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.4 HRM ZONING DISTRICT, 2.5 HRC ZONING DISTRICT, 2.6 HCB ZONING
DISTRICT, CHAPTER 2.8 POS DISTRICT, CHAPTER 2.9 E-40 DISTRICT, CHAPTER 2.10 E
DISTRICT, CHAPTER 11- HISTORIC PRESERVATION BOARD, AND CHAPTER 14-
ZONING ADMINISTRATION AND ENFORCEMENT**

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 regarding density requirements in the Estate (E) and Rural Estate (E-40), Planning Director determination of lot width measurements for unusual lot configurations, minimum lot size for single family dwellings in the HRM District, side yard setback exceptions, exceptions to Building setbacks and driveway location standards for additions to Non-complying Historic Buildings in the HRC District, expanding the Historic Preservation Board from 5 to 7 members, and revising LMC violations to a Class C misdemeanor;

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on September 27, 2006 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 19, 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 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.4, 2.5, 2.6, 2.8, 2.9, and 2.10, is hereby amended as attached hereto as Exhibits A-F. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

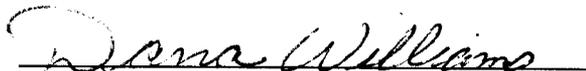
SECTION 2. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11, Section 15-11-1 Establishment of Board, is hereby amended as attached hereto as Exhibit G. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14, Section 15-14-6 Violations, is hereby amended as attached hereto as Exhibits H. Any conflicts or cross-references from other provisions of the LMC to Chapter 14 shall be resolved by the Planning Director.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 19th day of October, 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 2.4 - HISTORIC RESIDENTIAL - MEDIUM DENSITY
(HRM) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.4-1. PURPOSE.

The purpose of the Historic Residential Medium Density (HRM) District is to:

- (A) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- (B) encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- (C) encourage the rehabilitation of existing Historic Structures,
- (D) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- (E) encourage Affordable Housing,
- (F) encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and

minimizes the visibility of Parking Areas, and

- (G) establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

15-2.4-2. USES.

Uses in the HRM District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation

¹Nightly rental of Lockout Units requires a Conditional Use permit.

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

³Nightly Rentals do not include the Use of dwellings for Commercial Uses.

- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Accessory Building and Use
- (12) Conservation Activity
- (13) Agriculture
- (14) Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Group Care Facility
- (4) Child Care Center⁴
- (5) Public and Quasi-Public Institution, Church, and School
- (6) Essential Municipal Public Utility Use, Facility Service, and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶
- (9) Bed and Breakfast Inn⁷
- (10) Boarding House, Hostel⁷
- (11) Hotel, Minor⁷

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷Allowed only in Historic Structures or historically Compatible Structures

- (12) Office, General⁸
- (13) Retail and Service Commercial, Minor⁸
- (14) Retail and Service Commercial, personal improvement⁸
- (15) Neighborhood Market, without gasoline sales⁸
- (16) Cafe, Deli⁸
- (17) Café, Outdoor Dining⁹
- (18) Parking Area or Structure with five (5) or more spaces
- (19) Temporary Improvement¹⁰
- (20) Recreation Facility, Public
- (21) Recreation Facility, Private
- (22) Outdoor Events¹⁰
- (23) Fences greater than six feet (6') in height from Final Grade¹⁰

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

15-2.4-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Historic District Design Guidelines. The

Deleted: Historic District Commission

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⁸Allowed only in Historic Structures

⁹Requires an Administrative Conditional Use permit. Allowed in association with a Café or Deli

¹⁰Requires an Administrative Conditional Use permit

Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as well as the following:

(A) Consistent with the Historic District Design Guidelines, Section 15-4.

(B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.

(C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

(D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1 1/2) Stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

(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.

(G) Required Fencing and Screening between commercial and residential Uses is required along common Property Lines.

(H) All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

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15-2.4-4. 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 Area, Width, and Depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

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(A) **LOT SIZE.** Minimum Lot Areas for residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

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Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, Height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

(B) **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted lots of record, with a minimum width of at least 25', are considered legal lots in terms of Lot Width. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(C) **FRONT YARD.**

(1) The minimum Front Yard for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot Depth is seventy five feet (75') or less, then the minimum Front Yard is 10'

(2) New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.

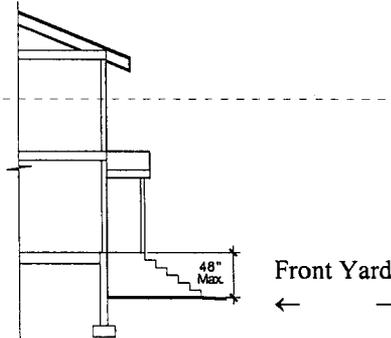
(3) See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

(D) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



(3) Decks, porches, or Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or cornices projecting not more than two feet (2') into the Front Yard.

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(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

(E) **REAR YARD.**

(1) The minimum Rear Yard is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.

(2) See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

(F) **REAR YARD EXCEPTIONS.**

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which they are attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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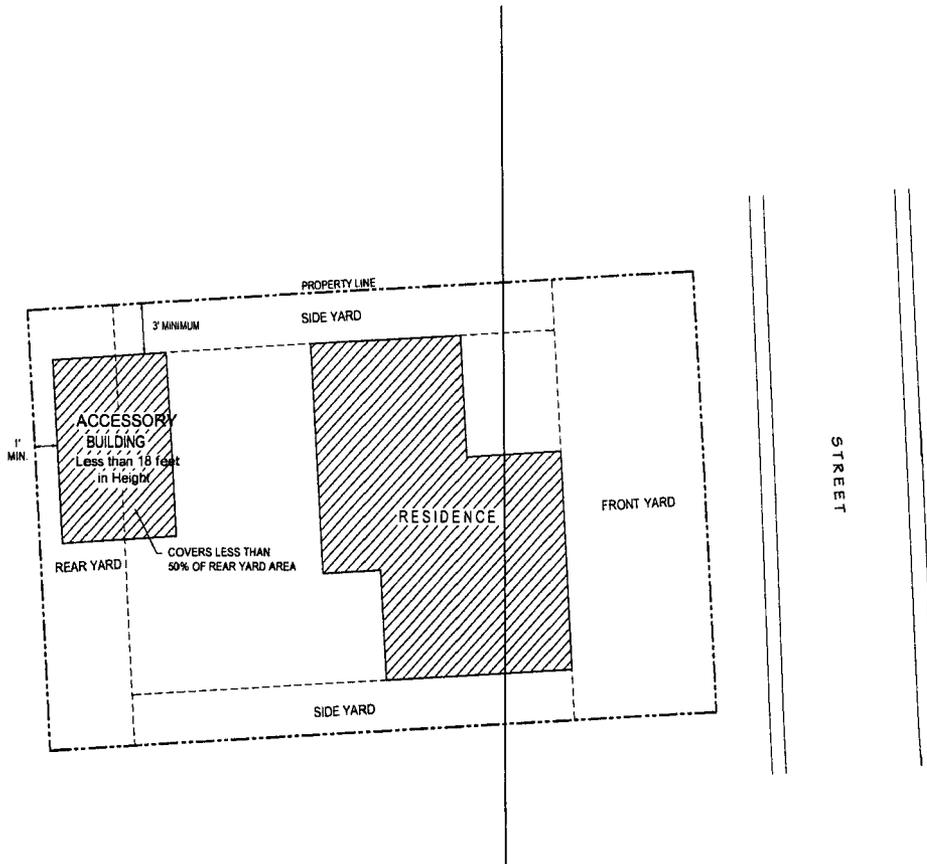
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(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.¹¹

¹¹ A Fence, retaining wall or wall over six feet (6') in height requires an Administrative Conditional Use permit.

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(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(G) **SIDE YARD.**

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

(2) The minimum Side Yard for Lots twenty-five feet (25') wide or less is three feet (3').

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').

(4) The minimum Side Yard 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, is three feet (3').

(5) On Corner Lots, the minimum Side Yard that faces a Street is ten feet (10') for both Main and Accessory Buildings.

(6) See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

(H) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹²

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹²

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.¹²

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which they are attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in Height above Final Grade, provided

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¹² Applies only to Lots with a minimum Side Yard of five feet (5').

there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.¹³

(8) A driveway leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City staircase or pathway.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(I) SNOW RELEASE. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(J) 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.

¹³ A Fence over six feet (6') in height requires an Administrative Conditional Use permit.

15-2.4-5. SPECIAL REQUIREMENTS FOR MULTI-UNIT DWELLINGS.

(A) FRONT YARD. The Front Yard for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

(B) REAR YARD. The Rear yard for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear Yard Exceptions.

(C) SIDE YARD. The Side Yard for any Tri-plex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side Yard Exceptions.

(D) OPEN SPACE. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Tri-plex and Multi-Unit Dwellings. Parking is prohibited within the Open Space. The Transferred Development Right (TDR) Open Space must be Natural or Landscaped Open Space.

15-2.4-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street

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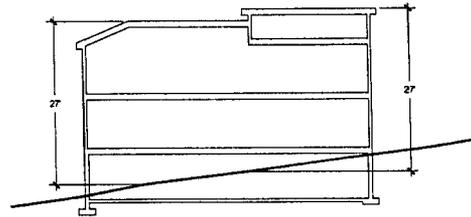
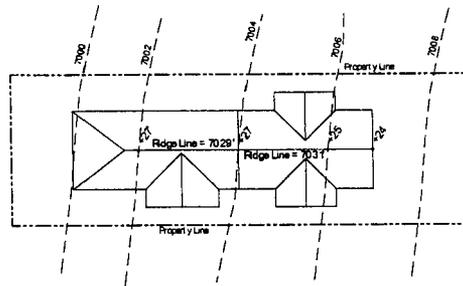
parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

15-2.4-7. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) ~~Antennas, chimneys, flues, vents, and similar Structures~~ may extend up to five feet (5') above the highest point of the Building to comply with ~~International Building Code (IBC)~~ requirements.
- (2) Mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) ~~Church spires, bell towers, and like architectural features~~ as allowed under the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone

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Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director,

(4) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirements.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

15-2.4-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:

- (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.

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Section 15-1-10.

(E) 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.

(F) Turning radii are subject to review by the City Engineer as to function and design.

15-2.4-9. SULLIVAN ROAD ACCESS.

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road ("Driveway"). "Limited Access" allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial 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.

(A) **CRITERIA FOR CONDITIONAL USE REVIEW FOR LIMITED ACCESS.** Limited Access is allowed only when an

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Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone.

(B) NEIGHBORHOOD MANDATORY ELEMENTS

CRITERIA. The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

(1) UTILITY

CONSIDERATIONS. Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.

(2) ENHANCED SITE PLAN

CONSIDERATIONS. These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

(a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.

(b) Increased Front Yard Setbacks.

(c) Increased snow storage.

(d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant

landscape elements.

(e) Elimination of Multi-Unit or Triplex Dwellings.

(f) Minimized Access to Sullivan Road.

(g) Decreased Density.

(3) DESIGN REVIEW UNDER THE HISTORIC DISTRICT GUIDELINES.

Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue.

(4) INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE.

Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.

(5) PARKING MITIGATION.

Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

(6) PRESERVATION OF HISTORIC STRUCTURES AND

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LANDSCAPE FEATURES. This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan.

15-2.4-10. ARCHITECTURAL REVIEW.

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

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

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

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the

Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

15-2.4-11. CRITERIA FOR BED AND BREAKFAST INNS.

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

(A) The Use is in a Historic Structure, addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) 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.

(D) In a Historic Structure, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management

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and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Bed and Breakfast Inn. The Planning Director 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.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.4-12. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must 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.

15-2.4-13. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

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. The Planning Director shall determine the Limits of Disturbance

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and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

15-2.4-14. SIGNS.

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

15-2.4-15. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-5-13.
- Telecommunication Facility. LMC Chapter 15-5-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3.3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

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

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³

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¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁵
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁶

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

⁵See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions
- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁷
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor

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⁷If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

(30) Fences greater than six feet (6') in height from Final Grade⁴.

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

(Amended by Ord. No. 04-39)

15-2.5-3. 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 Lot and Site requirements:

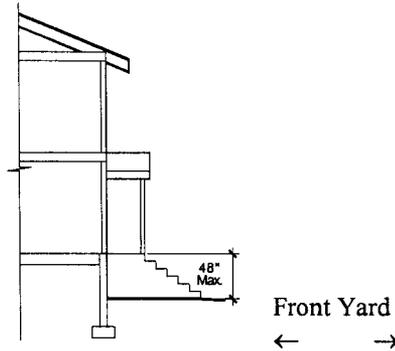
(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

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(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

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(4) Roof overhangs, eaves, and cornices, projecting not more than two feet (2') into the Front Yard.

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(5) Sidewalks, patios, and pathways.

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(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

the following illustration:

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) **REAR YARD EXCEPTIONS.**
The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

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(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

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(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

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(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

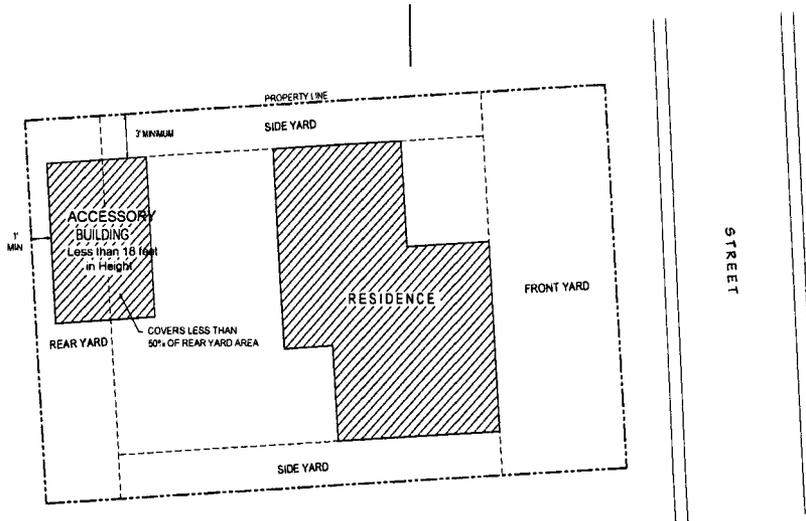
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(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See



(7) A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.⁸

(10) Patios, decks, steps, pathways, and similar Structures not

⁸A Fence greater than six feet (6') in height requires an administrative Conditional Use permit

more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

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(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

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(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the

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Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, and other ornamental features, projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-

4-2.⁸

(8) A driveway leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.**

Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT**

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PRIOR TO OCTOBER 1, 1985. Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

(H) **SNOW RELEASE.** Site plans and Building designs 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.

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from

Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT**

EXCEPTIONS. The following height exceptions apply:

(1) A gable, hip, gambrel, and similarly pitched roof may extend up to five feet (5') above the Zone Height.

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(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design 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.

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

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15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings.

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

15-2.5-7. ARCHITECTURAL REVIEW.

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

with the Historic District Design Guidelines,

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

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

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Comment [K3]: This language is consistent with the other Historic Zones.

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

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15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

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All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Building, and Engineering Departments. The Staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Main Street, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

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(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.

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(C) Common Parking Structures are allowed where such a grouping 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.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

(E) Driveways between Structures are allowed 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.

(F) Turning radii are subject to review

by the City Engineer as to function and design.

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) 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.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

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(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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- (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.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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 15-2.5-13(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 increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

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(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 Building 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 scooters, or 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 a Historic Structure if sufficient Site Area is not available, provided the display does not impact of 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 storage Areas may be considered for rental bicycles or motorized scooters, 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 require 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) Impact on adjacent residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, sign, 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 of Building Official.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49)

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. 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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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15-2.5-15. SIGNS.

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

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.

- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

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

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

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(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

15-2.6-2. USES.

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

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Multi-Unit Dwelling
 - (3) Secondary Living Quarters
 - (4) Lockout Unit¹

¹Nightly Rental of Lock Units requires a Conditional Use permit

- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family⁴
- (10) Child Care, Family Group⁴
- (11) Child Care Center⁴
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁵
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office and Clinic, Medical
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Requires an Administrative Conditional Use permit

- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁶

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(B) **CONDITIONAL USES.**

- (1) Group Care Facility
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major

⁶Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (8) Timeshare Projects and Conversions
- (9) Timeshare Sales Office, Off-Site within an enclosed Building
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁵
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹

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

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

15-2.6-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will 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 private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts.

Comment [k1]: Add footnote to reference section 15-4-18 Passenger Tramways and Ski Base Facilities

Comment [k2]: Add footnote to reference section 15-4-18 see above note

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

The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES.** No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED.** No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner

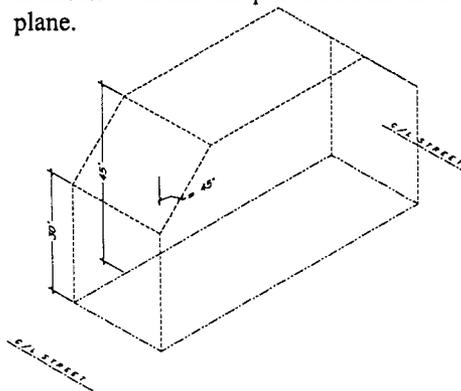
Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

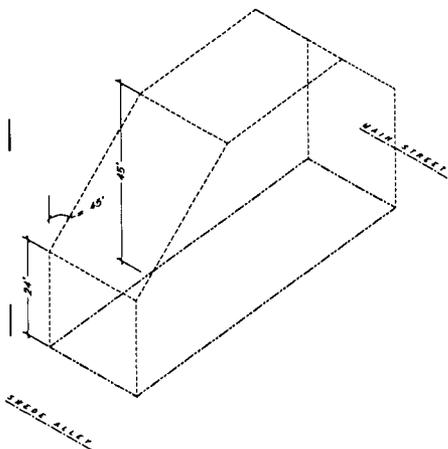
15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.

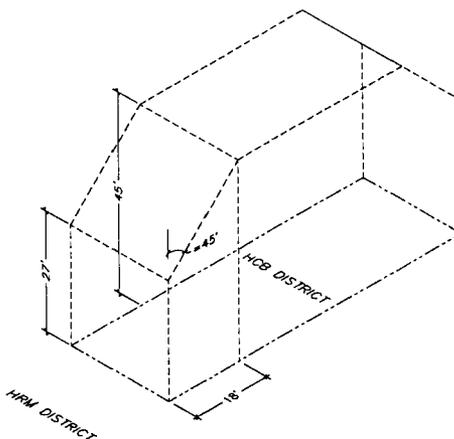


(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

Deleted: To allow for pitched roofs and to provide usable space within the Structure,

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(2) ~~Antennas, chimneys, flues, vents, and similar Structures~~ may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

review the proposed plans for compliance with the Historic District Design Guidelines, LMC Chapter 15-5.

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

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

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(4) ~~Church spires, bell towers, and like architectural features,~~ subject to the Historic District Design 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.

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

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

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

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(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(D) Building Facades facing residential Property must be designed in such a manner that their presence is minimized through the Use of sound proofing, limited openings, and landscaping. No loading docks, service yards, detached mechanical equipment or

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(Amended by Ord. No. 03-38)

15-2.6-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must

trash dumpsters or compounds are permitted to be oriented towards residential Properties.

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45B) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are

strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) APPROVAL. No awning or Canopy may be erected, enlarged, or altered

over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the

¹⁰Mechanical and storage spaces must be in accordance with ~~JBC~~ requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

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parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) PRE 1984 PARKING EXCEPTION. Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including

those Properties located above the roof tops of Structures in the HCB District.

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All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

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15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

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All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of

durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)
(Amended by Ord. No. 01-28)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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, which 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 15-2.6-12(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.

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(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 scooters, 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.

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(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 require an Administrative 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.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

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

- (A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) 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.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.
- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

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- (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.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') 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.

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. The Planning Director shall determine the Limits of Disturbance

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and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.6-15. SIGNS.

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

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and

(G) provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Conservation Activity
- (B) **ADMINISTRATIVE CONDITIONAL USE PERMIT (CUP).**
 - (1) Parking Area or Structure for four (4) or fewer spaces.
 - (2) Fences greater than six feet (6') in height from existing Grade
- (C) **CONDITIONAL USES.**
 - (1) Trail and Trailhead Improvement
 - (2) Essential Municipal Public Utility Use, Service, or Structure
 - (3) Accessory Building, less than 600 sq. ft.

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- (4) Ski-related Accessory Building, less than 600 sq. ft.
- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

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

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) Antennas, chimneys, flues, vents and similar Structures may

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.

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(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the Height of the Building.

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15-2.8-5. ARCHITECTURAL REVIEW.

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

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

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15-2.8-6. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and

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maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. 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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

15-2.8-7. SIGNS.

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

15-2.8-8. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 3.
- X Landscaping. Municipal Code Title 14; LMC Chapter 15-3 -3.(D).
- X Lighting. LMC Chapters 3 and 5.
- X Historic Preservation Board. LMC Chapter 11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 5.
- X Snow Storage. LMC Chapter 15-3 -3(E)

- X Parking Ratio Requirements. LMC Chapter 15-3 -6.
- X Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.9 - RURAL ESTATE (E-40) DISTRICT

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Chapter adopted by Ordinance No. 00-51

15-2.9-1. PURPOSE.

The purpose of the Rural Estate (E-40) District is to:

- (A) preserve and enhance the natural environment and resources of Park City, to protect the health and welfare of the residents of the community,
- (B) provide a zone for rural and agricultural Uses that require large Lot sizes,
- (C) mitigate geologic and flood hazards, and
- (D) preserve Open Space.

15-2.9-2. USES.

Uses in the E-40 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Secondary Living Quarters

- (3) Lockout Unit¹
- (4) Accessory Apartment²
- (5) Nightly Rental³
- (6) Home Occupation
- (7) Child Care, In-Home Babysitting
- (8) Child Care, Family⁴
- (9) Child Care, Family Group⁴
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Raising, grazing of horses
- (14) Residential Parking Area or Structure, with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4 Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9 for Child Care Regulations

- (3) Child Care Center⁴
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (6) Telecommunication Antenna⁵
- (7) Satellite Dish, greater than thirty-nine inches (39") diameter⁶
- (8) Plant and Nursery Stock Production and Sales
- (9) Raising, grazing of livestock
- (10) Cemetery
- (11) Bed and Breakfast Inn
- (12) Parking Lot or Structure with five (5) or more space
- (13) Temporary Improvement⁷
- (14) Passenger Tramway Station and Ski Base Facility
- (15) Ski Rope Tow, Ski Lift, Ski Run, and Ski Bridge
- (16) Outdoor Event⁷
- (17) Recreation Facility, Public and Private
- (18) Recreation Facility, Commercial
- (19) Commercial Stables, Riding Academy
- (20) Mines and Mine Exploration

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷Requires an Administrative Conditional Use permit.

- (21) Fences greater than six feet (6') in height from Final Grade⁷
- (22) Vehicle Control Gates⁸

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

(Amended by Ord. No. 04-08)

15-2.9-3. 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 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 must comply with the following:

Comment [k1]: Add footnote to reference Section 15-4-18

Comment [k2]: Add footnote to reference Section 15-4-18

(A) **LOT SIZE AND DENSITY.** The minimum Lot size for all Uses is forty (40) acres. The maximum density is one (1) unit per forty (40) acres.

Comment [k3]: Staff requests discussion on whether minimum Lot size should be deleted and replaced with a maximum density to allow development to cluster on smaller lots with the remainder of the property as dedicated open space.

(B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100'). In the case of Unusual Lot Configurations, Lot Width measurements shall be determined by the Planning Director.

⁸See Section 15-4-19 for specific review criteria for gates

(C) **SETBACKS.** The minimum Front, Side, and Rear Yards for all Structures are thirty feet (30').

15-2.9-4. BUILDING HEIGHT.

No Structure may be erected to a height of greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) 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) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Architectural Guidelines, LMC Chapter 15-5, may extend up to fifty percent (50%) above the Zone Height, but shall not contain Habitable Space above the Zone Height. Such exceptions

require approval by the Planning Director.

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(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski Lift and Tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis, and compliance with requirements as stated in LMC Section 15-4-18.

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15-2.9-5. 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 the Architectural Design Guidelines, LMC Chapter 15-5.

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Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.9-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate-40 (E-40) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the following materials with a Conditional Use Application:

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(A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation;

(B) A map showing Access routes, both existing and proposed, showing the Grade of Rights-of-Way and private and Public Roads, widths, curve data, and similar information for evaluation of emergency vehicle Access;

(C) A soils analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.

(D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project.

(E) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

15-2.9-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) If the Use is in a 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.

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(C) In a Historic Structure, 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 on-Site is required 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:

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(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.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.9-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require 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) There is 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.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.9-9. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination as to whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;

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(4) flies; and

(5) feed/hay

15-2.9-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

15-2.9-11. SIGNS.

Signs are allowed in the E-40 District as provided in the Park City Sign Code, Title 12.

15-2.9-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-5-2.

- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

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PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE

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**TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.10- ESTATE (E) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.10-1. PURPOSE.

The purpose of the Estate (E) District is to:

(A) allow very low density, environmentally sensitive residential Development which:

- (1) preserves ridge tops, meadows, and visible hillsides,
- (2) preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
- (3) preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
- (4) mitigates geologic and flood hazards,
- (5) protects views along the City's entry corridors, and
- (6) decreases fire risk by keeping Development out of sensitive wild land interface Areas.

(B) incorporate pedestrian trail linkages between and through neighborhoods; and

(C) encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

15-2.10-2. USES.

Uses in the Estate (E) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment³
- (6) Nightly Rental^{1,2}

Comment [k1]: Add a footnote to state that a duplex requires a minimum property area of 6 acres.

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¹Nightly rental of Lockout Units requires a Conditional Use permit. ²Nightly Rentals do not include the Use of dwellings for Commercial Uses.

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³See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments.

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- (7) Home Occupation
- (8) Child Care, In-Home Babysitting³
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Accessory Buildings and Uses
- (12) Conservation Activity
- (13) Agriculture
- (14) Raising, grazing of horses
- (15) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Guest House
- (2) Group Care Facility
- (3) Child Care Center³
- (4) Public and Quasi-Public Institution, Church and School
- (5) Essential Municipal Public Utility Use, Facility, Services, and Structure
- (6) Telecommunication Antenna⁴
- (7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (8) Plant and Nursery stock products and sales
- (9) Raising, grazing of livestock

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (10) Cemetery
- (11) Bed & Breakfast Inn
- (12) Hotel, Minor⁶
- (13) Hotel, Major⁶
- (14) Parking Area or Structure with five (5) or more spaces
- (15) Temporary Improvement⁷
- (16) Passenger Tramway Station and Base Facility⁹
- (17) Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge⁹
- (18) Outdoor Event⁷
- (19) Recreation Facility, Public and Private
- (20) Recreation Facility, Commercial
- (21) Commercial Stables, Riding Academy
- (22) Master Planned Development with moderate income housing density bonus⁶
- (23) Master Planned Development with residential and transient lodging Uses only⁶
- (24) Master Planned Development with Support Retail and Minor Service Commercial⁶
- (25) Mines and Mine Exploration
- (26) Vehicle Control Gates⁸

⁶Subject to regulations of LMC Chapter 15-6, Master Planned Developments

⁷Requires an Administrative Conditional Use permit

⁸See Section 15-4-19 for specific review criteria for gates

⁹See Section 15-4-18 Passenger Tramways and Ski Base Facilities

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(27) Fences greater than six feet (6') in height from Final Grade⁷.

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use. (Amended by Ord. No. 04-08)

15-2.10-3. 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 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 must comply with the following:

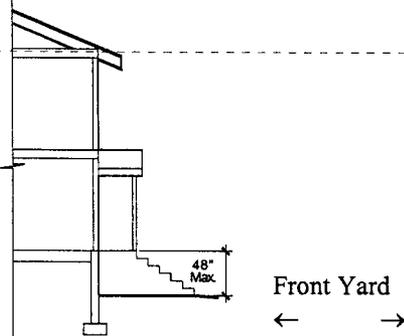
(A) **LOT SIZE AND DENSITY.** The minimum Lot size for all Uses is three (3) acres, except that a Duplex requires a minimum Lot size of six (6) acres. The Planning Commission may reduce the minimum Lot size during review of a Master Planned Development or Subdivision plat to encourage clustering of density. The maximum density is one (1) unit per three (3) acres.

(B) **LOT WIDTH.** The minimum Lot Width is one hundred feet (100'). In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director. The Planning Commission may reduce the minimum Lot Width during review of a Master Planned Development or Subdivision plat.

(C) **REQUIRED SETBACKS.** The minimum Front, Side and Rear Yard for all Structures is thirty feet (30'). The Planning Commission may vary required Yards in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side Yards to allow less than 10 feet (10') between Structures.

(D) **FRONT YARD EXCEPTIONS.** The required Front Yard must be open and free of any Structure except for the following:

- (1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



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Comment [k2]: Staff requests discussion on whether minimum Lot size should be deleted and replaced with a maximum density to allow development to cluster on smaller lots with the remainder of the property as dedicated open space.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.

(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(E) **REAR YARD EXCEPTIONS.**

The required Rear Yard must be open and free of any Structure except for the following:

(1) Bay Windows not more than ten feet (10') long projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet

(4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) A detached Accessory Building not more than eighteen (18') feet in height and maintaining a minimum Setback of five feet (5'). Such Structure must not cover over twenty-five percent (25%) of the Rear Yard.

(7) Hard-Surfaced Parking Areas subject to the same location requirements as a Detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted

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with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹⁰

(10) Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade provided it is located at least five feet (5') from the Rear Lot Line.

(F) **SIDE YARD EXCEPTIONS.** The required Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(5) Window sills, belt courses, cornices, trim, and other ornamental

features, projecting not more than six inches (6") beyond the window or main structure to which it is attached.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade provided there is a five foot (5') Setback to the Side Lot Line.

(7) Fences, walls, and retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2 Fences and Walls. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹¹

(8) Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) A detached Accessory Building not greater than eighteen

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¹⁰A Fence greater than six feet (6') in height requires an Administrative Conditional Use permit.

¹¹A Fence greater than six feet (6') in height requires an Administrative Conditional Use permit.

feet (18') in height located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side Yard Setback of five feet (5').

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.10-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject

to the Architectural Guidelines, LMC Section 15-5, 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.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski Lift and Tramway towers may extend above the Zone Height subject to a Conditional Use Permit, a visual analysis and compliance with requirements as stated in LMC Section 15-4-18.

15-2.10-5. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

15-2.10-6. SENSITIVE LANDS REVIEW.

All Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay (SLO) Zone and to an additional review for hillside stabilization and flood control. The Developer must submit the

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following materials with a Conditional Use permit application:

- (A) A map of the Site showing the contours in intervals of no more than five feet (5') in elevation.
- (B) A map showing Access routes, both existing and proposed, showing the Grade of public and private Rights-of-Way, widths, curve data, and similar information for evaluation of emergency vehicle Access.
- (C) A soil analysis from a qualified engineer, showing that there are no serious geologic, hydrologic, or mining hazards, and that Development on the Site will not create or exacerbate such hazards.
- (D) A report from a qualified engineer showing the availability of water service and adequacy of pressure from existing facilities, and/or the costs of constructing and operating new facilities necessary to deliver adequate pressures, including fire flows to the project.
- (E) Graphic materials sufficient to show the location of the project and the visual impact of the project from various locations within the City.

15-2.10-7. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) If the Use is in a 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 a Historic Structure, 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 room.
- (H) Parking on-Site is required 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~~

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(2) The Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.10-8. OUTDOOR EVENTS AND MUSIC.

Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. An 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.

(Amended by Ord. No. 04-08, Criteria for Vehicle Control Access Gates Deleted)

15-2.10-9. CRITERIA FOR RAISING

AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination as to whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

- (A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.
- (B) There shall be a maximum of two (2) horses per acre.
- (C) Terrain and Slope of the Property must be suitable for horses.
- (D) The Applicant must submit an Animal Management Plan outlining the following:
 - (1) waste removal/odors;
 - (2) drainage and runoff;
 - (3) bedding materials;
 - (4) flies; and
 - (5) feed/hay

15-2.10-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches

(6") in diameter or greater measured four and one-half feet (4 1/2') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.10-11. SIGNS.

Signs are allowed in the Estate (E) District as provided in the Park City Sign Code, Title 12.

15-2.10-12. RELATED PROVISIONS.

- X Fences and Walls. LMC Chapter 15-4-2.
- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. Chapter LMC 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation Board. LMC Chapter 15-11.

- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-5.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. LMC Chapter 15-3-6.

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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 seven (7) 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.

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EXHIBIT G.

PARK CITY MUNICIPAL CODE
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EXHIBIT H.



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.

(Amended by Ord. No. 06-35)

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.

(Amended by Ord. No. 06-35)

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, and 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.

(Amended by Ord. Nos. 06-20; 06-20)

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.

(Amended by Ord. No. 06-35)

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 Title are Class "C" 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. 06-68

**AN ORDINANCE APPROVING THE PLAT AMENDMENT FOR
LOT 5 OF THE IRON CANYON SUBDIVISION, LOCATED AT
2414 IRON CANYON DRIVE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 2414 Iron Canyon Drive has petitioned the City Council for approval of the Plat Amendment for Lot 5 of the Iron Canyon 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 September 13, 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 September 28, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to amend the platted building pad of the property: 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 Residential Density (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences, and condominiums.
3. The applicant is requesting a modification to the location and configuration of the platted building pad for lot 5 Iron Canyon Subdivision, addressed as 2414 Iron Canyon Drive.
4. The existing platted building pad for lot 5 is 4,000 square feet in size.
5. The applicant is requesting a modified building pad of 4,203 square feet.
6. There is an existing stand of trees in the current location of the building pad.
7. If the building pad is relocated, the existing stand of trees will be preserved.
8. The proposed amendment will not result in any further changes to the Iron Canyon Subdivision plat. This plat amendment will enable the applicant to build a single family home that is similar in size, scale, and design to other existing homes in the neighborhood.
9. The proposed plat amendment is be consistent with the pattern of development in the neighborhood.
10. The property has frontage on Iron Canyon Drive.
11. 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 amendment.
2. The 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 amendment.
4. As conditioned the 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 are a condition precedent to recording the plat.
2. All other conditions of approval and platted requirements for the Iron Canyon Subdivision will continue to apply.
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 28th day of September 2006.

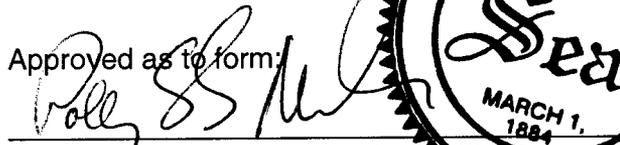
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Polly Samuels McLean, Assistant City Attorney



Ordinance No. 06-67

**AN ORDINANCE APPROVING THE SILVER BARON LODGE, PHASE II,
CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 2800 DEER VALLEY
DRIVE EAST, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Silver Baron Lodge, located at 2800 Deer Valley Drive East, have petitioned the City Council for approval of the Silver Baron Lodge, phase II, record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 23, 2006, to receive input on the Silver Baron Lodge, phase II, record of survey;

WHEREAS, the Planning Commission, on August 23, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 14, 2006, the City Council approved Silver Baron Lodge, phase II, condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Baron Lodge, phase II, record of survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Silver Baron Lodge, phase II, record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On April 5, 1996, the Planning Commission approved a Conditional Use Permit for 125 residential condominium units utilizing 108 Unit Equivalents. This project is called The Lodges at Deer Valley. It is part of the Deer Valley Master Plan.
2. Buildings B, C, D, E and F have been completed and occupied. Building F is Silver Baron Lodge, phase I.
3. In 2001 the Planning Commission approved a CUP amendment and Deer Valley MPD amendment to transfer of 7 UEs from neighboring Courcheval.
4. With the completion of building F, there are 109 units utilizing 94.66 Unit Equivalents (UEs). A total of 20.34 UEs were remaining for what would be Building A.

5. The City amended the CUP and Record of Survey for The Lodges in March and April of 2005. The amendments separated The Silver Baron Lodge (Building F) from The Lodges and platted the condominium record of survey for the Silver Baron Lodge. The new project includes the Silver Baron Lodge (Building F) with the remaining 20.34 Unit Equivalents from Building A and Courcheval. The previous location of Building A on the north (Queen Esther) side of The Lodges project is now included in the Silver Baron Lodge condominium plat and will remain as open space.
6. On November 9, 2005 the Planning Commission amended the Silver Baron Lodge CUP to add 24 units encompassing 20.25 Unit Equivalents (UEs) to the Silver Baron Lodge. The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project. The CUP also included a small exercise room (711 sf) for owners and guests and a conference room of approximately 3,500 square feet.
7. The City received a completed Condominium Conversion application on June 7, 2006, for Phase II of the Silver Baron Lodge. Phase II is currently under construction. This application creates 25 condominium units (total of 124 out of 125 allowed) utilizing 20.25 Unit Equivalents (total of 114.91 UEs of 115 allowed). The remnant 0.09 UEs (180 square feet) cannot be transferred to any other project.
8. The Silver Baron Lodge meets the minimum setback requirements.
9. The units range in size from 998 square feet to 2,000 square feet.
10. Parking is provided at the Code requirement.
11. The proposed record of survey is consistent with the approved Deer Valley Master Planned Development, as amended, and the Lodges/Silver Baron Lodge CUP, as amended.
12. Courcheval has notified the City that they dispute applicant's ownership of the seven transferred units and the applicant has not complied with the Courcheval CC&Rs. That matter is beyond the jurisdiction of the City.

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 Deer Valley Master Planned Development and the Silver Baron Conditional Use Permit shall continue to apply.
4. Should a court of competent jurisdiction invalidate ownership of or the transfer of the

seven units of density from Courchevel, this approval is null and void. Developer is proceeding at their own risk.

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

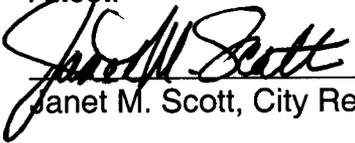
PASSED AND ADOPTED this 14th day of September, 2006.

PARK CITY MUNICIPAL CORPORATION



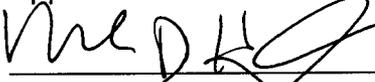
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

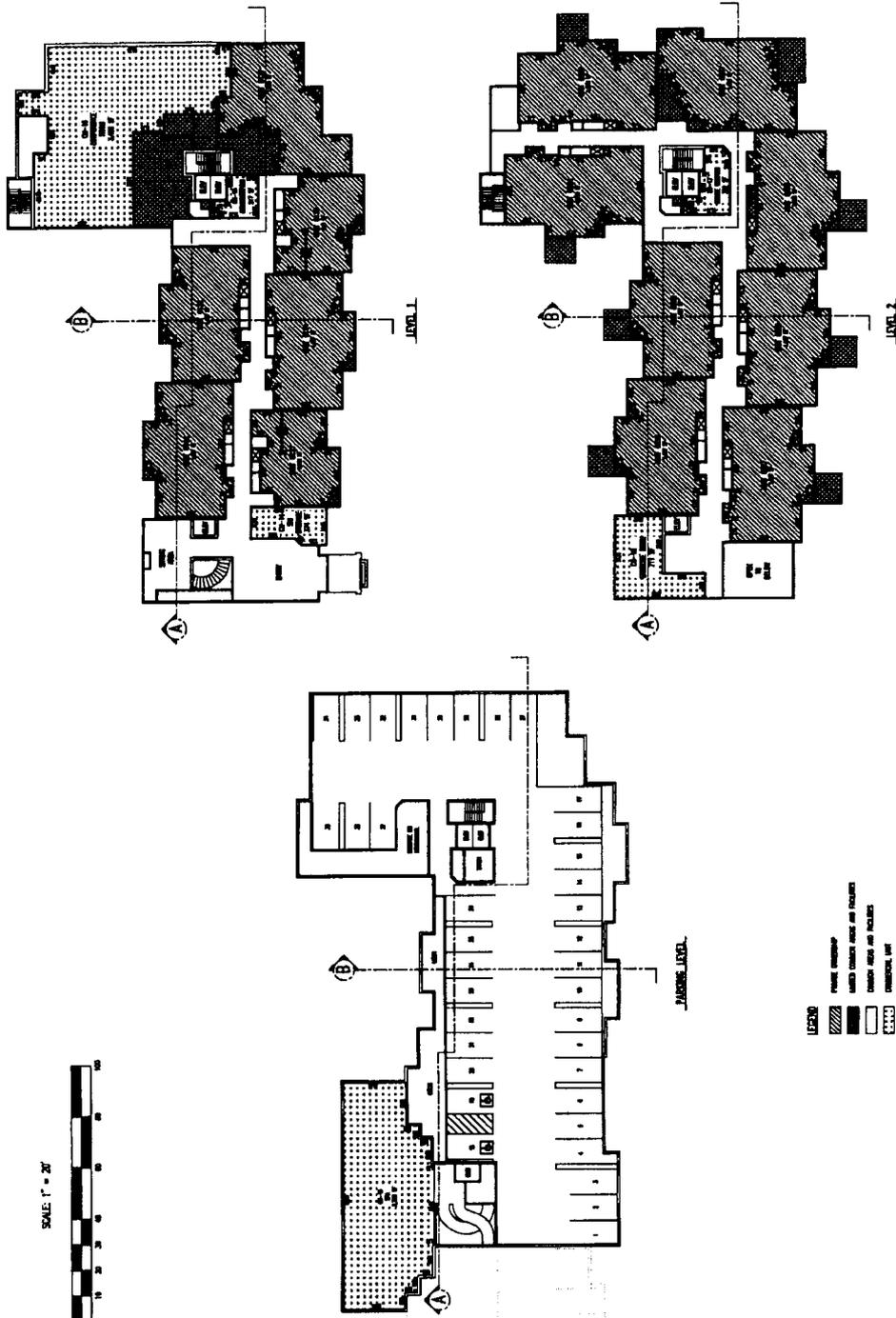


THE SILVER BARON LODGE AT DEER VALLEY

PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, 4, IN THE NORTHWEST QUARTER OF TOWNSHIP 2 SOUTH, RANGE 4 EAST, 3RD 1/4 SEC. 15 IN SECTION 15

SCALE: 1" = 20'



- LEVEL 1
- LEVEL 2
- PARKING LEVEL
- FINISH FLOORING
- UNIT FLOOR SLAB AND FLOORING
- CONCRETE FLOOR AND FLOORING
- CONCRETE SLAB

SHEET 2 OF 4

RECORDED & INDEXED
DATE: _____ TIME: _____
BY: _____

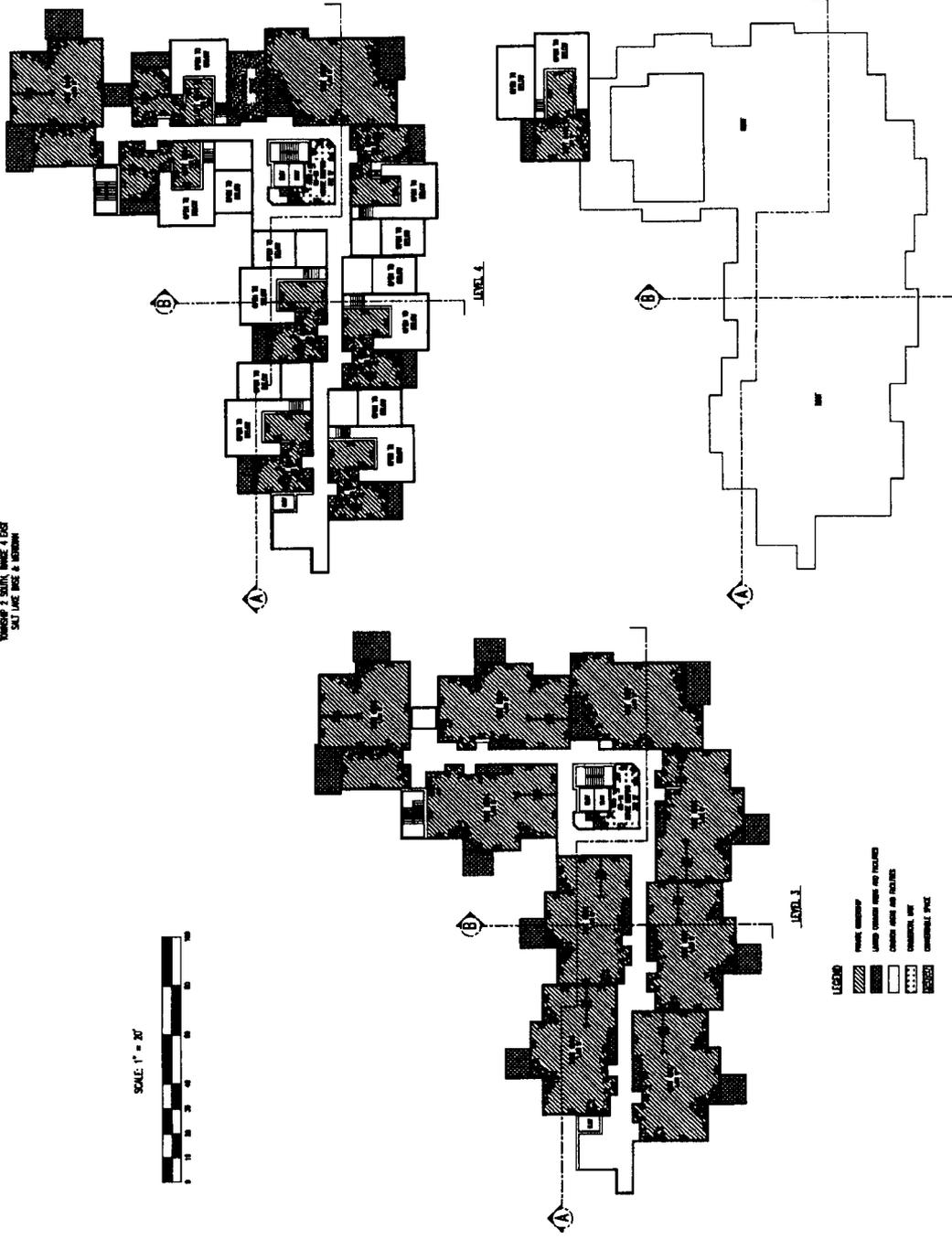
AUG 14 2006

**M&L ENGINEERING
AND LAND SURVEYING, L.C.**
1000 SOUTH MAIN STREET, SUITE 100
SALT LAKE CITY, UTAH 84143

THE SILVER BARON LODGE AT DEER VALLEY

PHASE II AN EXPANDABLE UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 12, T4S, R6E, SOUTHWEST QUARTER OF SECTION 11,
TOWNSHIP 4S, RANGE 6E, COUNTY OF GARFIELD,
STATE OF UTAH



SHEET 3 OF 4

RECORDED

DATE OF FILE, COUNTY OF DEPOSIT, RECORDING AND FILED IN THE OFFICE OF

FILE NO. DATE TIME

FILE NO. DATE TIME

FILE NO. DATE TIME

AUG 14 2006

**MEHEL ENGINEERING
AND LAND SURVEYING, L.C.**

1000 SOUTH 200 WEST, SUITE 1000, UTAH VALLEY
P.O. BOX 2700, P.O. BOX 2700, UTAH VALLEY

Ordinance No. 06-66

**AN ORDINANCE APPROVING THE
LOT 4 OF THE IRON CANYON SUBDIVISION PLAT AMENDMENT,
LOCATED AT 2409 IRON MOUNTAIN DRIVE, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 2409 Iron Mountain 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 August 23, 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 September 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 4000 sf building pad indicated on the plat. The building pad is not tied in to the survey with exact dimensions and bearings.
5. The existing home was built outside of the platted building pad.
6. The applicant seeks to construct a 360 sf addition for a garage bay onto the home. The house currently has a two-car garage.
7. The amendment will adjust the platted building pad of the residence.
8. The proposed building pad is 3990 square feet.
9. The proposed building pad complies with the setback requirements.
10. The Planning Commission forwarded a positive recommendation for the

Plat Amendment to the City Council on August 23, 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. 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.

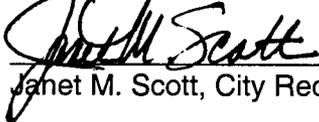
PASSED AND ADOPTED this 14th day of September, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

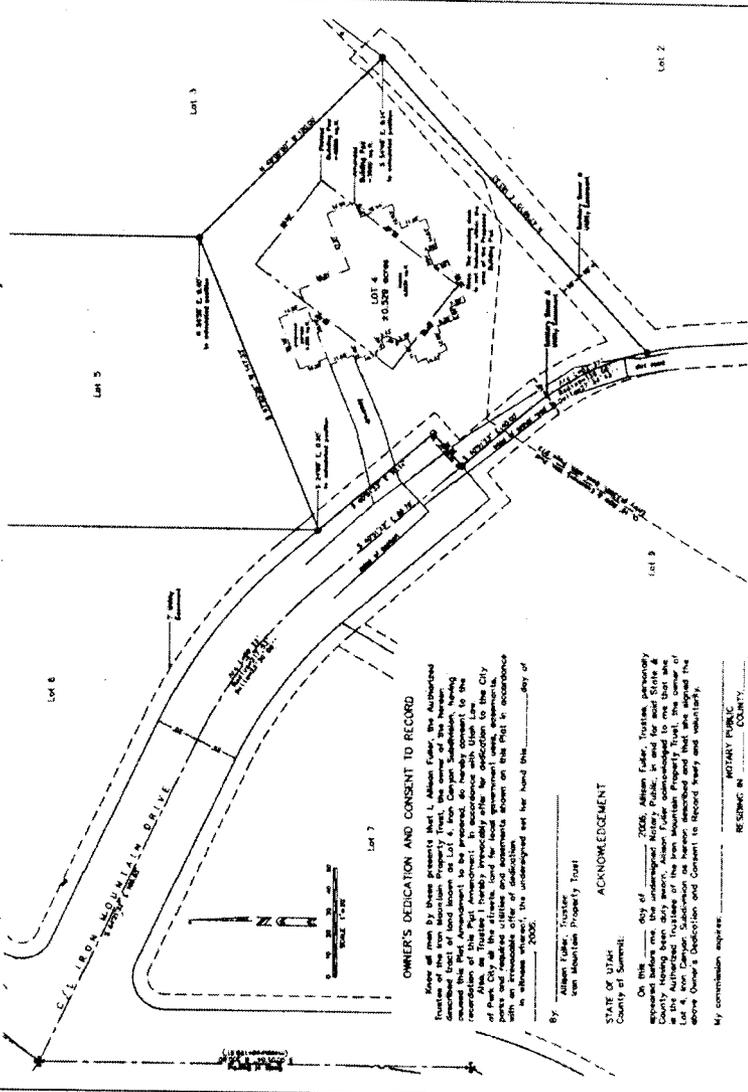
Approved as to form:



Mark D. Harrington, City Attorney



Iron Canyon Subdivision Lot 4 Plat Amendment



NARRATIVE

- Survey requested by Allison Fuler.
- Purpose of survey: building and adjustment.
- Boundaries of survey: Bound Street Monuments as shown.
- Location of survey: Lot 4, Iron Canyon Subdivision, Nevada County, California.
- Location in the Settlement Order of Section 5, Township 36N, Range 12E, S. 1/4, Lot 4, Block 2, Mountain View.
- Boundaries of survey: Bound Street Monuments as shown.
- Boundaries of survey: Bound Street Monuments as shown.
- Boundaries of survey: Bound Street Monuments as shown.
- Boundaries of survey: Bound Street Monuments as shown.
- The Street address of Lot 4 is 2408 Iron Mountain Drive.

LEGAL DESCRIPTION

All of Lot 4, Iron Canyon Subdivision, according to the official plat thereof, recorded in the office of the Summit County Recorder, containing 10.028 acres, more or less.

SURVEYOR'S CERTIFICATE

I, D. G. [Name], Registered Land Surveyor, as presented by the owner of the above described property, have surveyed the same and hereby certify that I have made a true and correct survey of the above described property and that this plat is a true representation of said property.

ENGINEER'S CERTIFICATE

I, [Name], Registered Professional Engineer, as presented by the owner of the above described property, have examined the above described plat and hereby certify that it is a true and correct representation of the above described property and that it conforms to the requirements of the Nevada State Board of Professional Engineers and Architects.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, Allison Fuler, Trustee of the Iron Mountain Property Trust, the owner of the above described property, do hereby dedicate and consent to the recording of this Plat Amendment in accordance with the laws of the State of Nevada and the City of Park City, Utah, and I hereby authorize the City of Park City to take any action necessary to carry out the above described dedication and consent to record.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit

On this [Date] day of [Month], 2006, Allison Fuler, Trustee, personally appeared before me, [Notary Name], a Notary Public in and for the County of Summit, State of Utah, and acknowledged to me that she is the owner of the above described property and that she is executing the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires [Date].

<p>Alpine Survey, Inc. 19 Franklin St. Park City, Utah 84303 (435) 833-8010</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PARK CITY, UTAH, ON [Date] 2006.</p> <p>BY: [Signature]</p>	<p>ENGINEER'S CERTIFICATE</p> <p>APPROVED BY THE REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEVADA, ON [Date] 2006.</p> <p>BY: [Signature]</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM BY THE CITY CLERK OF THE CITY OF PARK CITY, UTAH, ON [Date] 2006.</p> <p>BY: [Signature]</p>	<p>CERTIFICATE OF ATTEST</p> <p>I, [Name], City Clerk of the City of Park City, Utah, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the office of the City Clerk of the City of Park City, Utah, on [Date] 2006.</p> <p>BY: [Signature]</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON [Date] 2006.</p> <p>BY: [Signature]</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE OFFICE OF THE COUNTY CLERK ON [Date] 2006.</p> <p>FILE NO. [Number] BOOK [Number] PAGE [Number]</p>
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Ordinance No. 06-65

**AN ORDINANCE APPROVING THE 5th AMENDED
CONDOMINIUM RECORD OF SURVEY FOR
THE KNOLL AT SILVER LAKE PHASE I,
LOCATED AT 7915 AND 7895 ROYAL STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 7915 and 7895 Royal Street have petitioned the City Council for approval of the 5th Amended The Knoll at Silver Lake Phase I 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 August 23, 2006, to receive input on the 5th Amended The Knoll at Silver Lake Phase I Condominium Record of Survey;

WHEREAS, the Planning Commission, forwarded a positive recommendation on August 23, 2006 to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 5th Amended Condominium Record of Survey at The Knoll at Silver Lake Phase I; and

WHEREAS, on September 14, 2006, the City Council held a public hearing on the 5th Amended Condominium Record of Survey at The Knoll at Silver Lake Phase I; and

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 5th Amended The Knoll at Silver Lake Phase I 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 property is located at 7915 and 7895 Royal Street.
2. The zoning is Residential Development (RD-MPD).
3. The Condominium lot is 27,965 square feet in size.
4. Height for this lot is 33 feet.
5. Setback requirements of 20' front, 12' side, and 15' rear.
6. The Knoll at Silver Lake Phase I Condominium is a 4-unit condominium.
7. No significant vegetation is affected as a result of this plat amendment.

8. The area added to Unit 2 is 35 square feet.
9. The area added to Unit 4 is 114 square feet.
10. Open space in this condominium with the proposed changes is 60.085%.

Conclusions of Law:

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

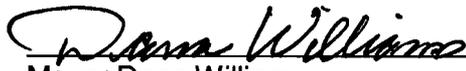
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

PASSED AND ADOPTED this 14th day of September, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

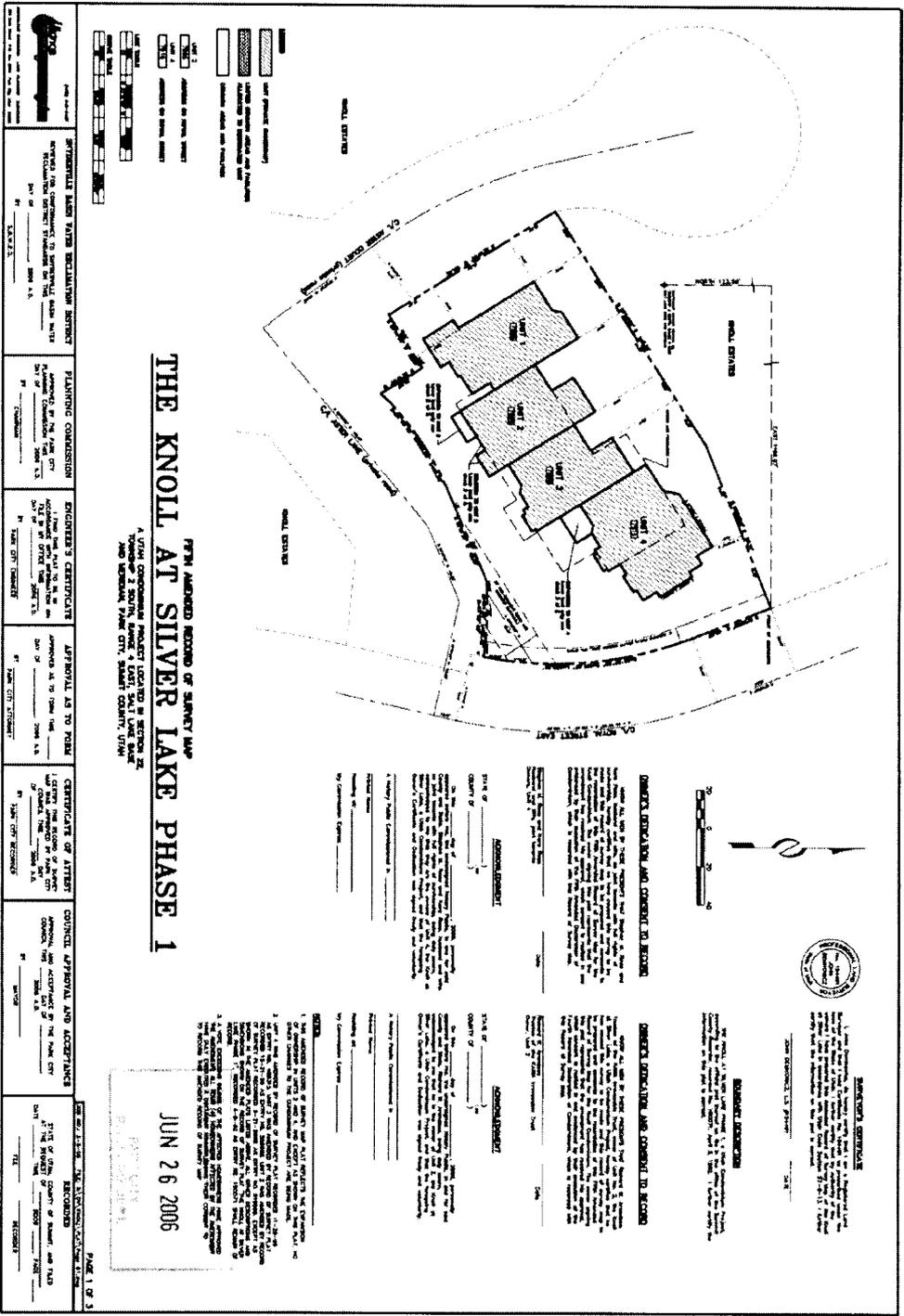


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



THE KNOLL AT SILVER LAKE PHASE 1

FROM AMENDED RECORD OF SURVEY MAP
 A URBAN COMMERCE PROJECT LOCATED IN SECTIONS 26
 THROUGH 28 SOUTH, RANGE 4 EAST, SALT LAKE COUNTY,
 AND NEBORAL PARK CITY, SALT LAKE COUNTY, UTAH

APPROVALS	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE	RECORDING
APPROVED AND FORWARDED: _____ CITY CLERK	APPROVED AND FORWARDED: _____ PLANNING COMMISSION	I, _____, ENGINEER, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	APPROVED AS TO FORM: _____ CITY CLERK	I, _____, ATTORNEY AT LAW, HEREBY CERTIFY THAT I AM A MEMBER OF THE BAR OF THE STATE OF UTAH AND AM A RESIDENT OF THE STATE OF UTAH.	APPROVED AND ACCEPTED: _____ CITY CLERK	FILED FOR RECORDING: _____ COUNTY CLERK
JUN 26 2006						



NOTICE TO CONTRACTORS
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD

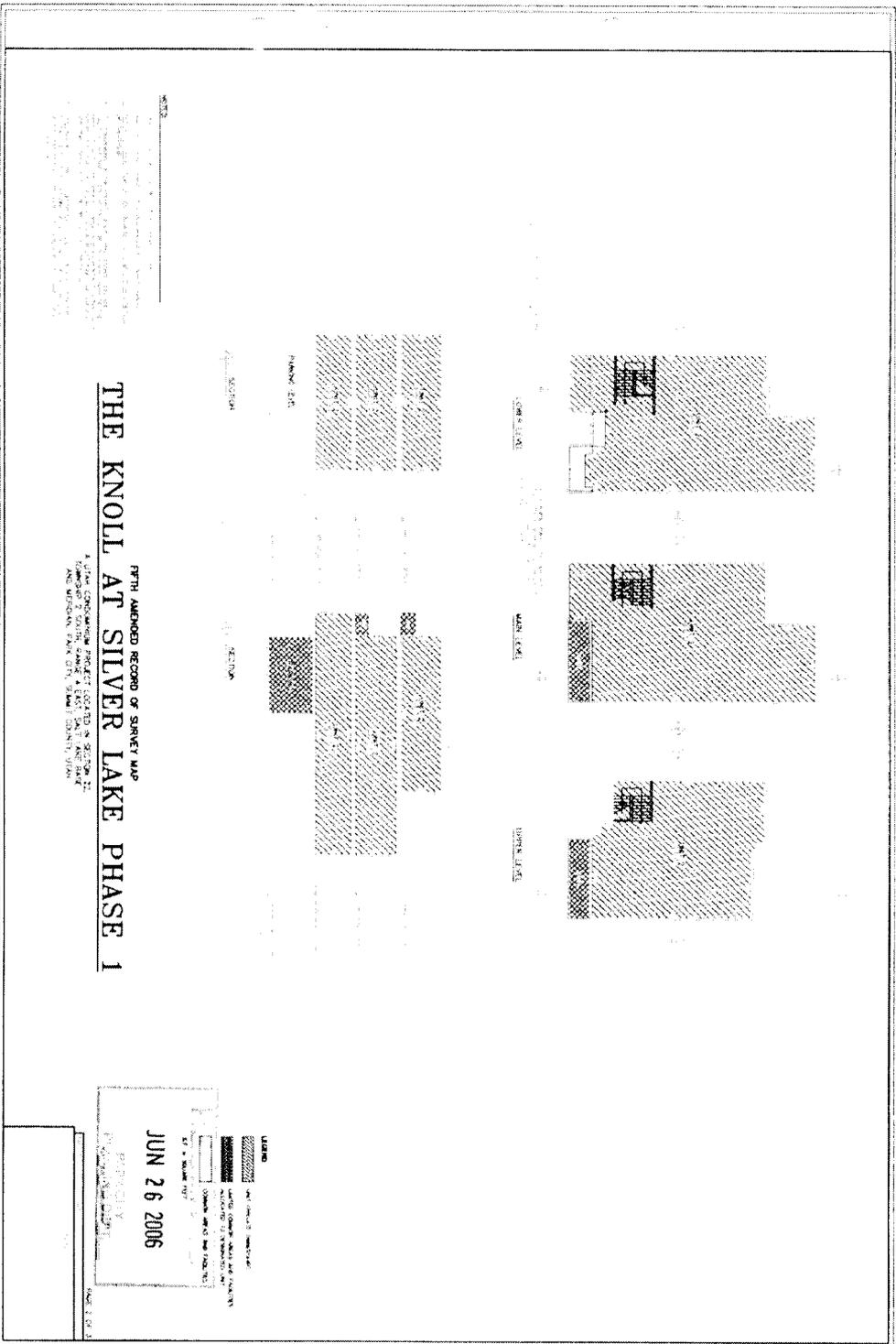
CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD

CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

CONTRACTOR'S OBLIGATION AND CONSENT TO RECORD
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

NOTICE TO CONTRACTORS
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES OF THE STATE OF UTAH.

JUN 26 2006



THE KNOLL AT SILVER LAKE PHASE 1

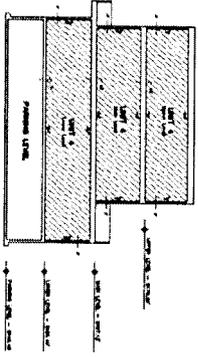
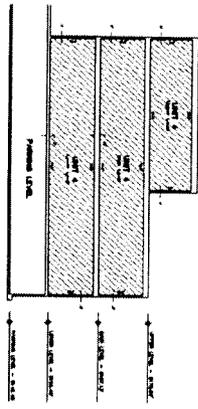
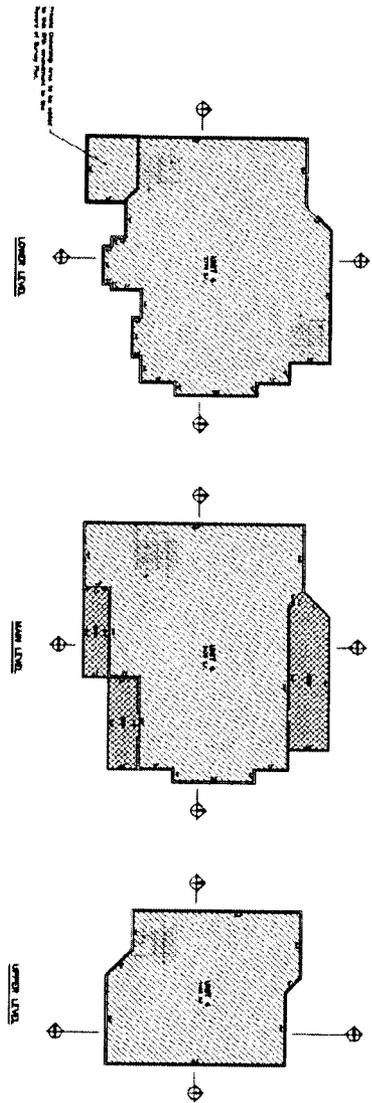
FIFTH AMENDED RECORD OF SURVEY MAP
 A SURVEY CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEY ACT, R.S. 48:151-157, AND THE MEASUREMENT ACT, R.S. 48:181-187, BY THE MEASUREMENT SERVICE, STATE OF LOUISIANA.

LEGEND

EXISTING IMPROVEMENTS
 PROPOSED IMPROVEMENTS
 UNIMPROVED

JUN 26 2006

STATE OF LOUISIANA
 MEASUREMENT SERVICE



NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. ALL DIMENSIONS UNLESS OTHERWISE NOTED SHALL BE IN FEET AND INCHES.
 3. ALL FINISHES, MATERIALS AND METHODS SHALL BE AS SHOWN ON THE DRAWINGS.
 4. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

LEGEND:
 UNIT 2 (Hatched pattern)
 UNIT 3 (Hatched pattern)
 UNIT 4 (Hatched pattern)
 COMMON AREAS AND FEATURES (White)
 ALL DIMENSIONS IN FEET

THE KNOLL AT SILVER LAKE PHASE 1

PHASE 1 - CONCEPTUAL DESIGN
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED SHALL BE IN FEET AND INCHES.
 2. ALL FINISHES, MATERIALS AND METHODS SHALL BE AS SHOWN ON THE DRAWINGS.
 3. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.



RECORDED
 JUN 26 2006

DATE: 06/23/06
 DRAWN: JAMES W. WILSON
 TITLE: ARCHITECT
 PROJECT: THE KNOLL AT SILVER LAKE PHASE 1
 SHEET: 1 OF 2

Ordinance No. 06-64

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A PLAT AMENDMENT TO COMBINE LOTS 1-3 IN BLOCK 30 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD AT 819 EMPIRE AVENUE.

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

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

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

WHEREAS, on September 8, 2006, the City Council approved a one year extension to the plat amendment; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

Findings of Fact

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

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

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

Conclusions of Law

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

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

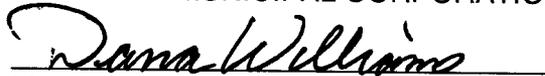
Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on September 30, 2004.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 14th day of September 2006.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



REPEALED

Ordinance No. 06-63

AN ORDINANCE APPROVING THE ANNEXATION OF THE WILBURN WEST PARCEL AND APPROVING AN AMENDMENT TO THE PARK CITY ZONING MAP TO ZONE THE WILBURN WEST PROPERTY RD AND ROS.

WHEREAS, the owner of the property known as the Wilburn West Property have petitioned the City Council for approval of an annexation and zoning; and

WHEREAS, the Wilburn West Property parcel will be zoned RD (Residential Density and ROS (Recreation Open Space); and

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

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

WHEREAS, the Planning Commission held a public hearing on August 9, 2006, to receive input on the proposed annexation and zoning; and

WHEREAS, the Planning Commission, on August 9, 2006, forwarded a positive recommendation on the proposed annexation and zoning to the City Council; and

WHEREAS, on August 24, 2006, the City Council held public hearings to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map.

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

SECTION 1. ANNEXATION APPROVAL. The annexation of the Wilburn West parcel is hereby approved as shown on Exhibit A. The analysis section of the August 9, 2006 Planning Commission Staff Report is incorporated herein.

SECTION 2. ZONING MAP. The Wilburn West Property amendment to the official Park City Zoning Map is hereby approved as shown in Exhibit B subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Wilburn West Property is currently located in unincorporated Summit County and may be annexed to Park City.
2. As part of the annexation petition the petitioner has requested Recreation Open pace (ROS) for 35.73 acres of the property and Residential Density

- (RD) for 5 acres.
3. The proposed ROS, and RD zoning and existing/proposed land uses are consistent with the Purpose statements of the respective underlying zoning districts.
 4. The Property Owner submitted with the annexation and zoning petition an amendment to the Cove At Eagle Mountain Record of Survey Plat that is consistent with the proposed RD zone, in terms of uses.
 5. In 1980, the applicant and the City signed an agreement to exchange water development impact and water connection fee waivers for water rights to develop the Park Meadows water system. The waivers expire on July 20, 2010.
 6. The proposed annexation meets the above stated purposes in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City by providing open space and recreation for both community-based and tourism-based recreational development.
 7. The annexation will bring the property into the Park City Municipal Corporation boundary and enable services such as police and water that are more easily accessible from the City than the County.
 8. Annexation of this parcel will eliminate a potential island, and allow the annexation of the city owned open space parcels.
 9. There is a net benefit to the City as a result of this annexation, due to the community benefits of passive open space and recreational amenities.
 10. This property is within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
 11. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
 12. The proposed development will provide second homes or residential rental properties, and provides open space and preserves existing trails.
 13. Annexation of this property will allow the city to establish a needed community open space/recreation area by master planning the site to address entry corridors, view-shed, and wildlife considerations.

Conclusions of Law:

1. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.
2. Approval of the Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The annexation plat map shall delineate the unstable soil area.

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

PASSED AND ADOPTED this 24th day of August 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Dana Williams, MAYOR

ATTEST:

Janet M. Scott
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney



Ordinance No. 06-62

AN ORDINANCE AMENDING SECTION 4-4-16(k) OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO ALLOW LIQUOR LICENSED ESTABLISHMENTS TO ALLOW LIMITED USE OF THEIR DECKS AND PATIOS AFTER 10:00 PM.

WHEREAS, the Land Management Code places limitations on outdoor activity, noise after 10:00 p.m., and outdoor dining uses; and other decks and patios associated with liquor licensed establishments; and

WHEREAS, the City Council finds that it is in the public interest to regulate the use of decks and patios of liquor licensed establishments, in certain commercial districts that are adjacent to residential neighborhoods in order to reduce noise impacts; and

WHEREAS, public hearings were duly held before the Planning Commission on August 23, 2006, and before the City Council on August 17 and August 24, 2006; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Municipal Code; and

WHEREAS, the City Council finds and determines that, allowing limited uses of outdoor decks and patios associated with liquor licensed establishments can enhance the pedestrian appeal and vitality of certain commercial areas, while limiting potential noise related impacts; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 4, Section 4-4-16(k) of the Municipal Code is amended to read as follows:

(K) **EXCESS HOURS OUTSIDE.** To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 PM *except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12*

a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication; expire on November 24, 2006; automatically renew for an additional 3 months unless called up and repealed by City Council before November 24, 2006; and in any event expire no later than February 24, 2007.

PASSED AND ADOPTED this 24th day of August, 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. 06-61

**AN ORDINANCE APPROVING THE SILVER STRIKE LODGE CONDOMINIUM
RECORD OF SURVEY PLAT LOCATED AT 8902 EMPIRE CLUB DRIVE,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Silver Strike Lodge, located at 8902 Empire Club Drive, Lot 14 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the Silver Strike Lodge record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 9, 2006, to receive input on the Silver Strike Lodge record of survey;

WHEREAS, the Planning Commission, on August 9, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 24, 2006, the City Council approved Silver Strike Lodge condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Strike Lodge record of survey.

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

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

Findings of Fact:

1. The property is located at 8902 Empire Club Drive.
2. The Silver Strike Lodge is located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. Silver Strike Lodge is Building 6.
5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The City Council approved the Village West Side plat on May 26, 2005. The Silver Strike project is located on Lot 14.
6. On January 25, 2006, the Planning Commission approved a Conditional Use Permit for the Silver Strike Lodge. The Conditional Use Permit approved 34 units totaling approximately 71,200 square feet for approximately 35.6 Unit Equivalents. In addition, 2 ADA units, one Employee Housing Unit, and 1,106 square feet of retail commercial space were proposed within the building.
7. The record of survey is for 34 residential units ranging in size from 1,647 square feet to 3,386 square feet. The previously proposed retail space has been eliminated.
8. The Silver Strike Lodge meets the minimum setback requirements.
9. A height exception has been granted for this building for a total height of 92 feet above existing grade.
10. The total residential square footage is 69,941 square feet or 35 Unit Equivalents.
11. An Employee Housing Unit (EHU) of 1,364 square feet (Unit #203) and two ADA accessible units (#701 and 702) are provided. The EHU unit is platted as private space, the ADA units as common space.
12. Parking is provided at 75% of the Code requirement consistent with the Development Agreement.
13. The proposed record of survey is consistent with the approved Master Planned Development for the Village at Empire Pass.
14. The Planning Commission heard this application at its regular meeting of August 9, 2006, and forwards a positive recommendation. There was no public input at the hearing.

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, the Village at Empire Pass West Side subdivision plat, and the Silver

Strike Conditional Use Permit shall continue to apply.

4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction.
5. The plat will note the Employee Housing Unit and the ADA accessible units.

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

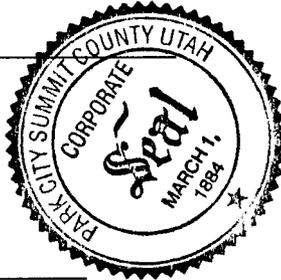
PASSED AND ADOPTED this 24th day of August, 2006.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

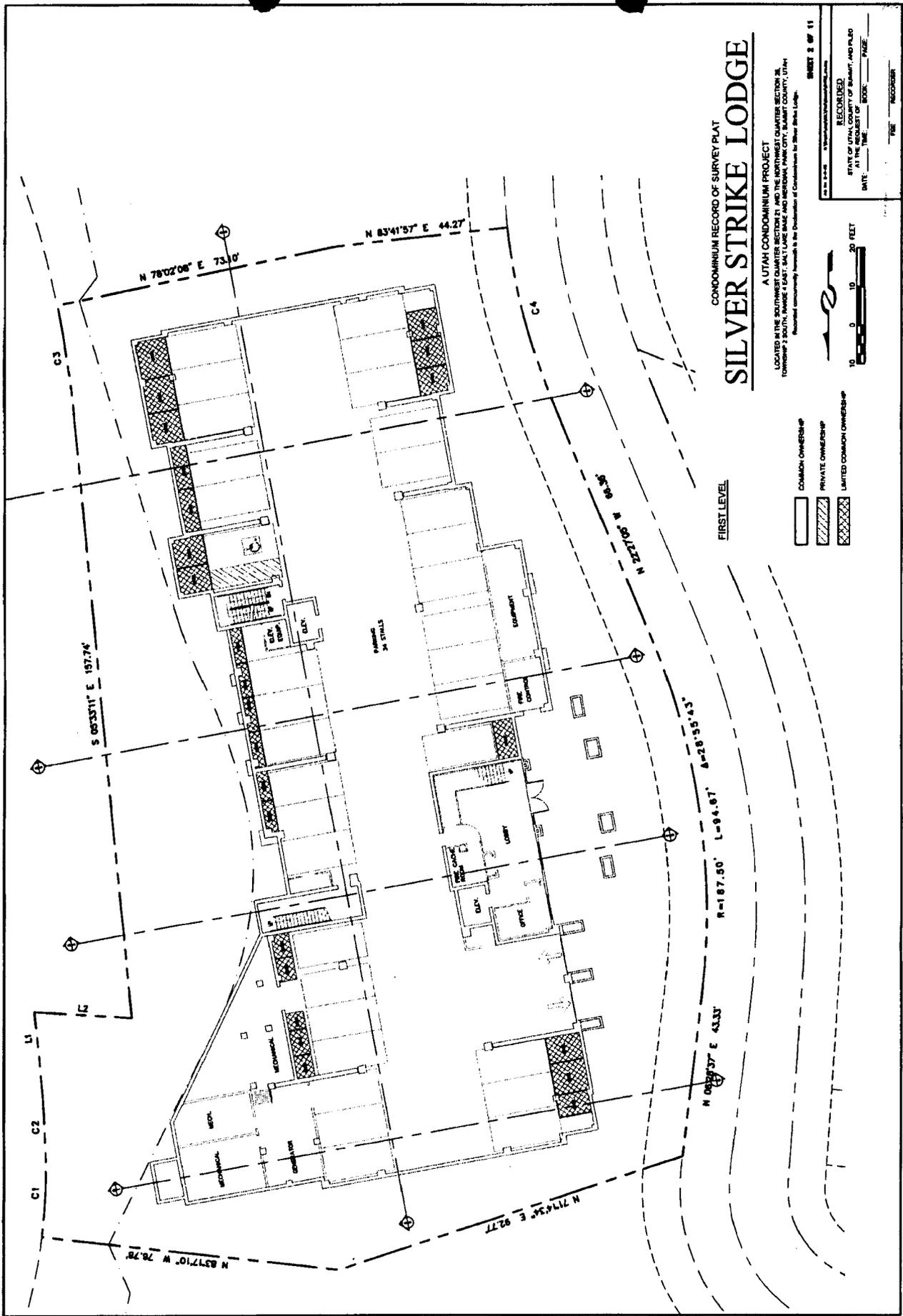
ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark D. Harrington, City Attorney



CONDOMINIUM RECORD OF SURVEY PLAT
SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHEAST QUARTER SECTION 22,
 TOWNSHIP 3 SOUTH, RANGE 7 EAST, SALT LAKE BASIN AND BENDISH PARK CITY, BLAINE COUNTY, UTAH
 Assisted electronically furnished by the Declaration of Condominium for Silver Strike Lodge.

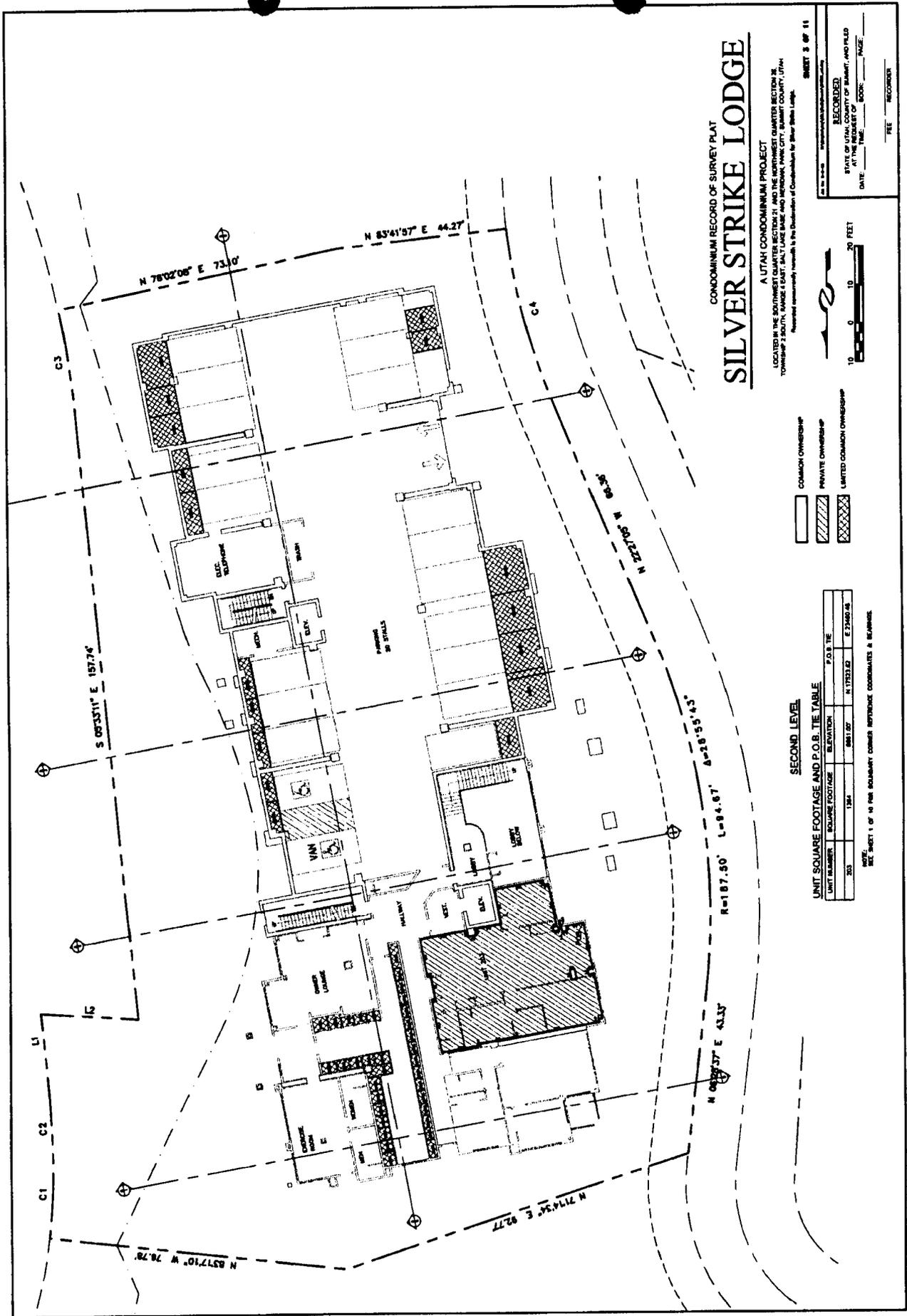
RECORDED
 STATE OF UTAH, COUNTY OF BLAINE, AND PLAT
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 SHEET 8 OF 11

FIRST LEVEL

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21, AND THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, 10 NORTH AND WEST, COUNTY OF GARFIELD, UTAH.
Reference is made to the plat of the subdivision of the above described land.

RECORDED
STATE OF UTAH, COUNTY OF GARFIELD, AND FILED
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
BY: _____



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

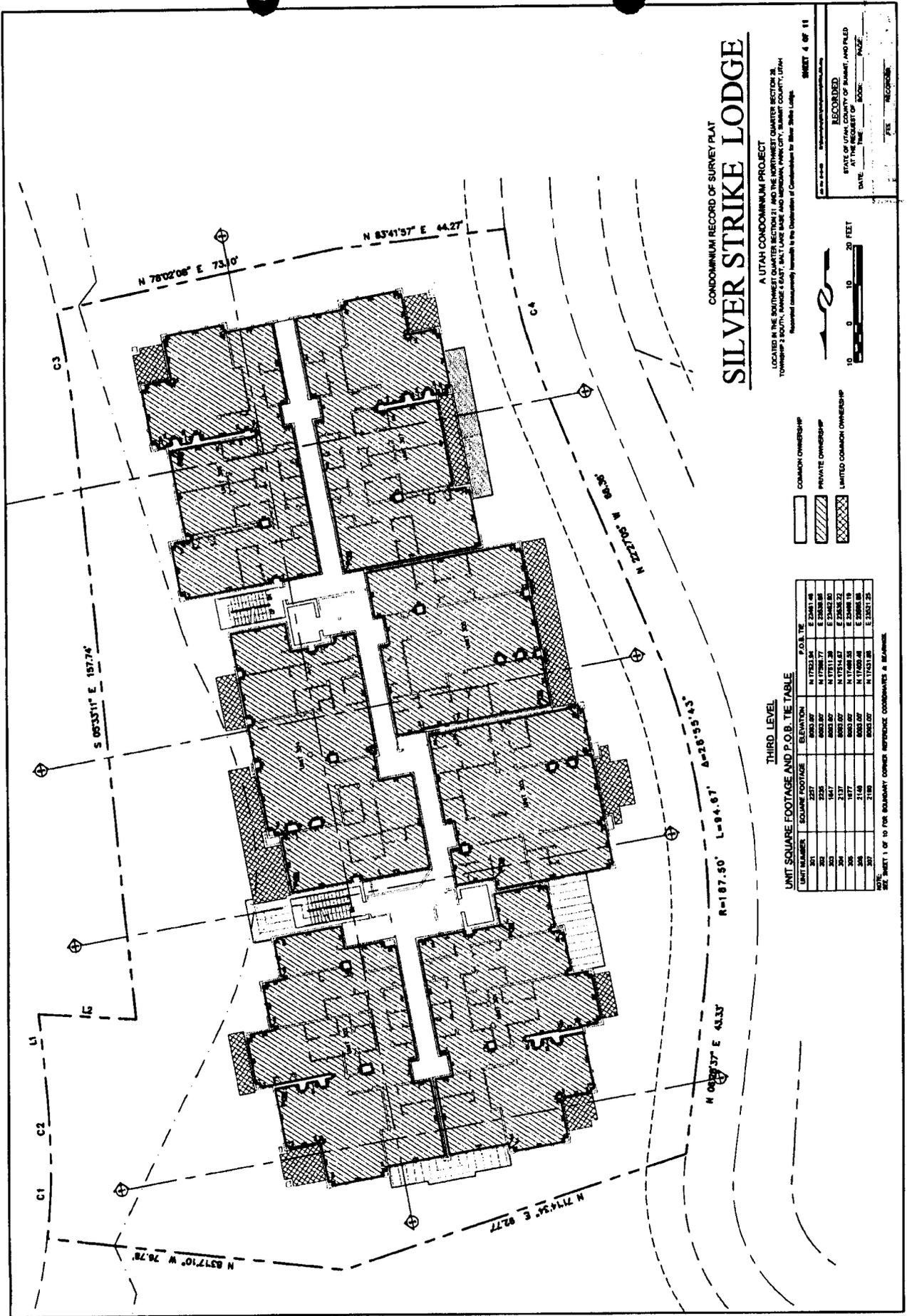
SECOND LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TIE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE
203	1394	6841.00'	N 17°33.82' E 23440.14'

NOT SUBJECT TO 10 PER SQUARE CORNER REFERENCE COORDINATES & BEARINGS

JUL 12 2000



CONDOMINIUM RECORD OF SURVEY PLAT
SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 22
 TOWNSHIP 2 NORTH, RANGE 10 EAST, COUNTY OF KANE, STATE OF UTAH

Prepared in accordance with the Uniform Condominium Act as amended by the Utah Condominium Act.



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

THIRD LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	Z.O.B. TABLE	
301	2257	8903.07	N 17523.84	E 23481.48
302	2225	8903.07	N 17288.77	E 23628.85
303	1647	8903.07	N 17511.28	E 23462.81
304	2137	8903.07	N 17334.42	E 23408.74
305	2148	8903.07	N 17403.48	E 23608.88
307	2190	8903.07	N 17431.88	E 23521.25

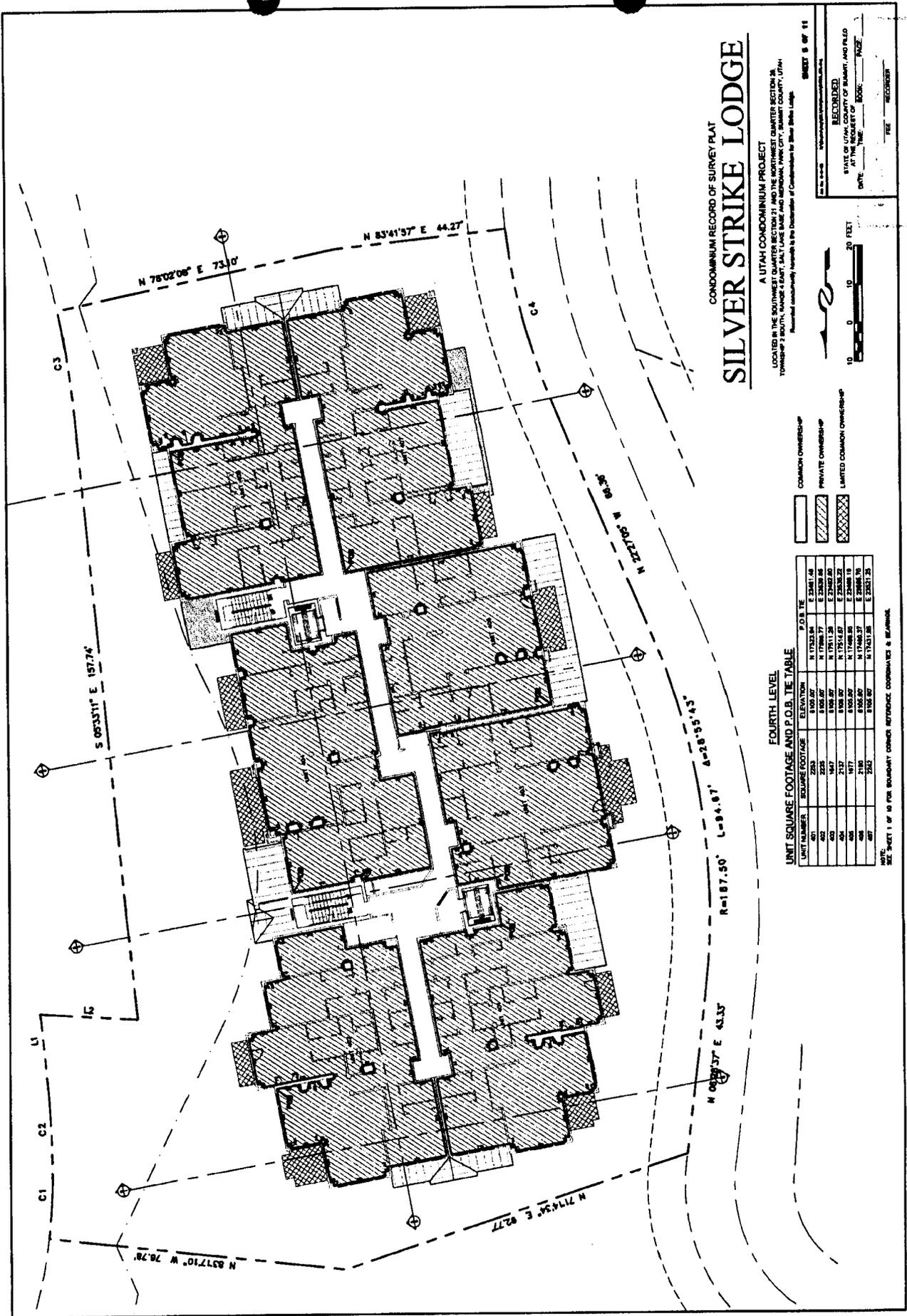
NOTE: SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.

RECORDED
 AT THE REQUEST OF BOOK: 0000 PAGE: 0000
 DATE: _____

STATE OF UTAH, COUNTY OF KANE, AND FILED
 BY: _____

REC'D JUN 12 2006

JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT
SILVER STRIKE LODGE
 A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 10 WEST, COUNTY OF SARASOTA, FLORIDA
 Prepared in accordance with the Florida Condominium Act, Chapter 718, Florida Statutes, and the
 National Condominium Institute's Uniform Declaration of Condominium for Silver Strike Lodge.

COMMON OWNERSHIP
 PRIVATE OWNERSHIP
 LIMITED COMMON OWNERSHIP

FOURTH LEVEL
 UNIT SQUARE FOOTAGE AND P.O.B. TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. TIE
401	2253	8100.07	N 17543.84 E 23481.48
402	2225	8100.07	E 23429.26
403	1647	8100.07	N 17511.29 E 23482.20
404	2127	8100.07	N 17543.87 E 23481.15
405	2171	8100.07	N 17468.37 E 23466.70
406	2242	8100.07	N 17431.08 E 23531.25
407	2242	8100.07	N 17431.08 E 23531.25

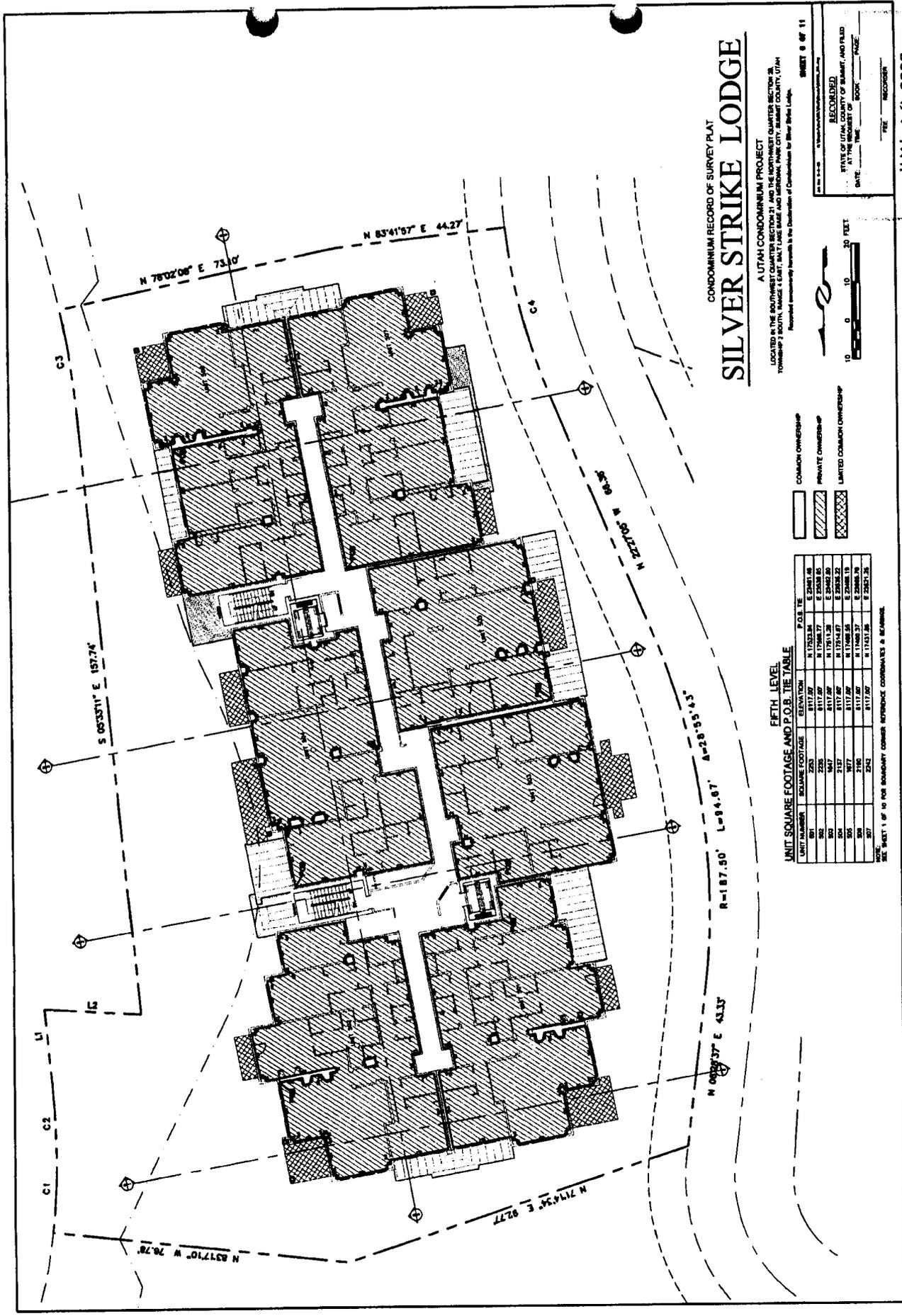
NOTE: SEE SHEET 1 OF 10 FOR BOUNDARY CORNER REFERENCE COORDINATES & BEARINGS.

RECORDED
 AT THE REQUEST OF SARASOTA, FLORIDA
 DATE: _____ FILE NO: _____ PAGE: _____

JUN 12 2006



SHEET 8 OF 11



SILVER STRIKE LODGE

CONDOMINIUM RECORD OF SURVEY PLAT

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21, AND THE NORTHWEST QUARTER SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASIN AND MERRICK PLAIN CITY, SALT LAKE COUNTY, UTAH

Prepared in accordance herewith by the Commissioner of State Lands.

SHEET 8 OF 11

RECORDED
 AT THE REQUEST OF
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 FILE: _____ RECORDER: _____

JUN 12 2006

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE AND P.O.B. TABLE

UNIT NUMBER	BEARING	FOOTAGE	SECTION	P.O.B. N	P.O.B. E
101	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
102	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
103	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
104	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
105	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
106	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	
107	N 170°23.8'	1111.00'	N 170°23.8'	E 2261.04'	

NOTE: SEE SHEET 1 OF 10 FOR BOUNDARY CORNER INFORMATION & BEARING.



N 78°02'08" E 73.10'

N 83°41'57" E 44.27'

S 09°33'11" E 157.74'

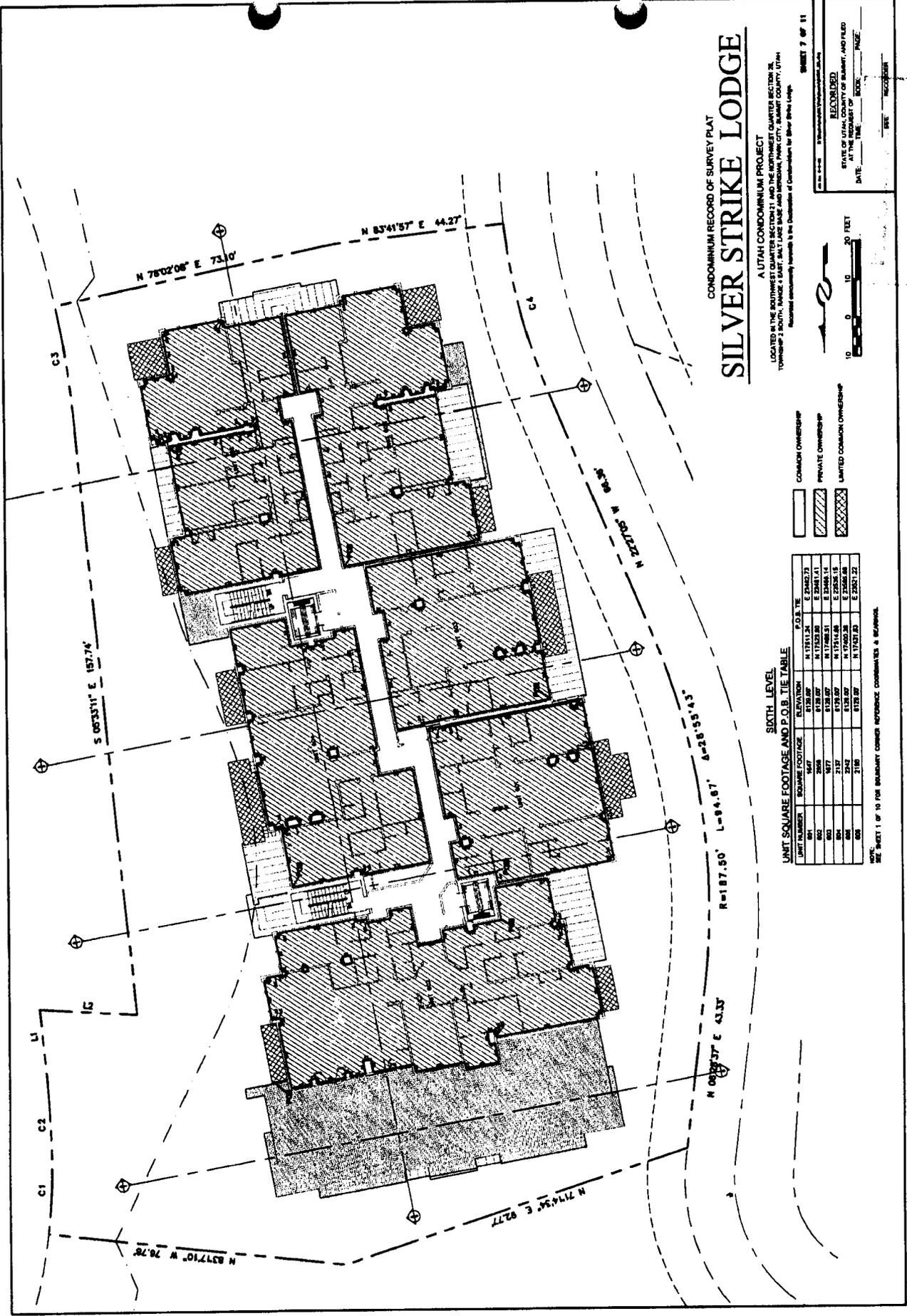
N 08°37' E 43.33'

N 71°45' E 92.77'

N 187.90' L=84.81' A=28°55'43.5"

N 50°22'22" N

C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C29, C30, C31, C32, C33, C34, C35, C36, C37, C38, C39, C40, C41, C42, C43, C44, C45, C46, C47, C48, C49, C50, C51, C52, C53, C54, C55, C56, C57, C58, C59, C60, C61, C62, C63, C64, C65, C66, C67, C68, C69, C70, C71, C72, C73, C74, C75, C76, C77, C78, C79, C80, C81, C82, C83, C84, C85, C86, C87, C88, C89, C90, C91, C92, C93, C94, C95, C96, C97, C98, C99, C100



SILVER STRIKE LODGE

CONDOMINIUM RECORD OF SURVEY PLAT

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE EAST QUARTER SECTION 36,
 TOWNSHIP 2 NORTH, RANGE 5 EAST AND MERIDIAN 10 WEST, BLAINE COUNTY, UTAH

Recorded electronically pursuant to the Distribution of Condominiums for Blaine Strike Lodge.

SHEET 7 OF 11

RECORDED
 AT THE COUNTY OF BLAINE, AND FILED
 DATE: _____ TIME: _____ PAGE: _____

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

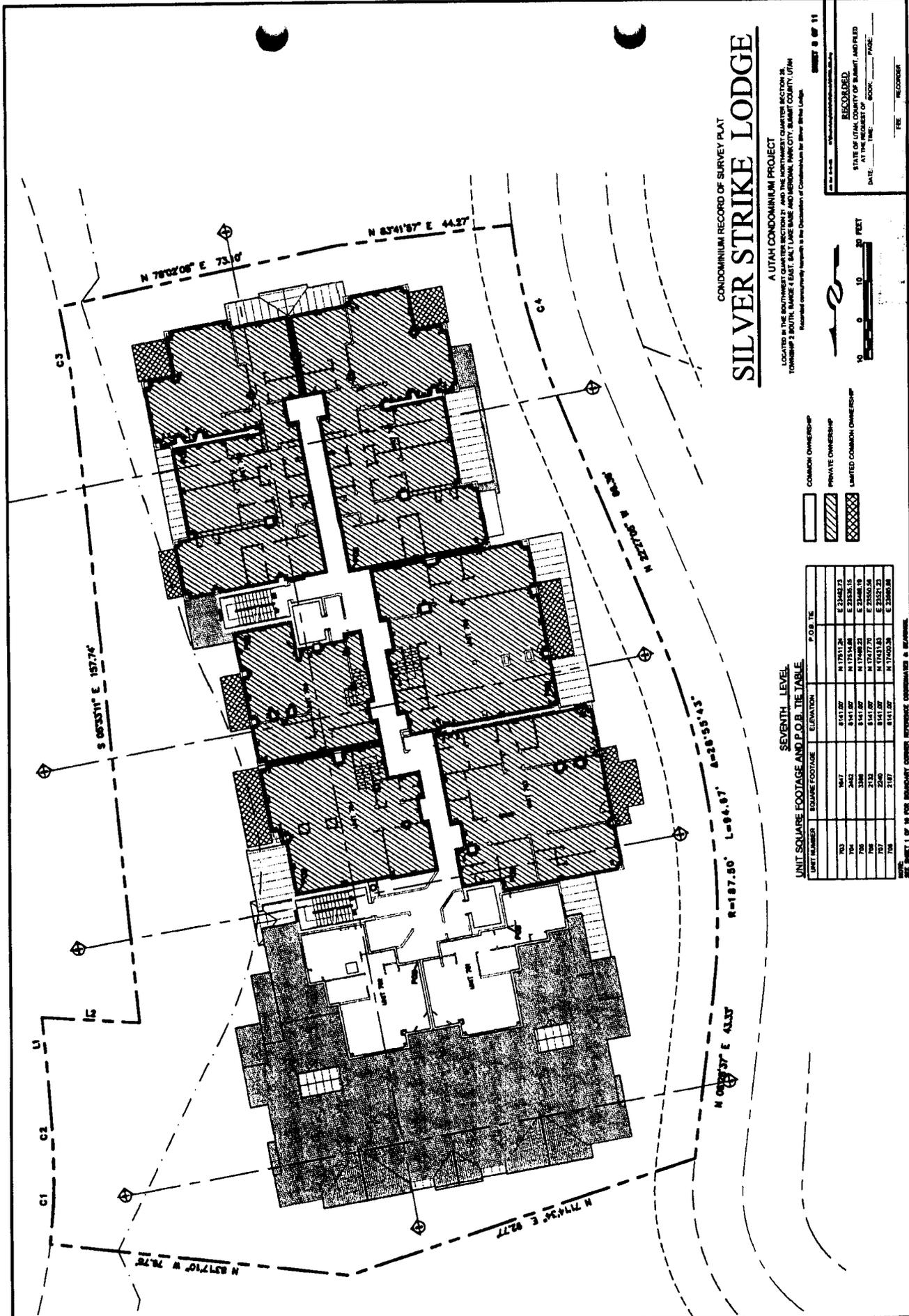
SIXTH LEVEL
 UNIT SQUARE FOOTAGE AND P.O.B. TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P.O.B. X	P.O.B. Y
001	3427	8128.87	N 17511.24	E 23462.72
002	3508	8128.87	N 17528.85	E 23461.14
003	3717	8128.87	N 17511.68	E 23252.18
004	2242	8128.87	N 17462.38	E 23246.68
005	2186	8128.87	N 17427.82	E 23071.22

NOTE: SEE SHEET 1 OF 10 FOR REMAINING OWNER REFERENCES & BEARINGS.

JUN 12 2006

7:10 AM '06



SILVER STRIKE LODGE

CONDOMINIUM RECORD OF SURVEY PLAT

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE EAST PART OF THE SEVENTH QUARTER SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, MOUNTAIN PARK CITY, BLAINE COUNTY, UTAH

Recorded pursuant to the provisions of the Utah Condominium Act, Utah Code, Title 66, Chapter 2, Part 1.

SHEET 8 OF 11

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

STATE OF UTAH COUNTY OF BLAINE, UTAH

FILE _____



COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

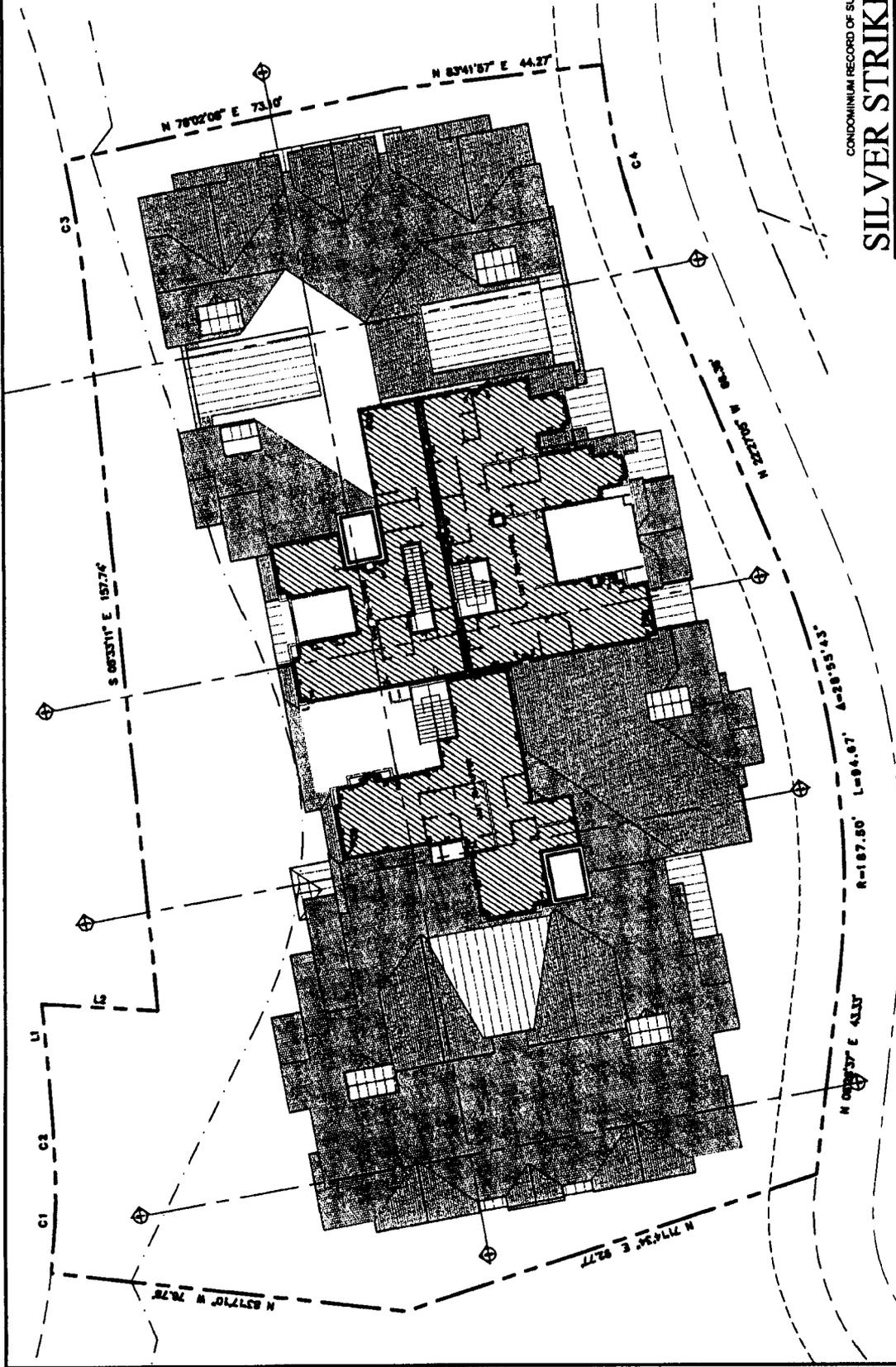
SEVENTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. THE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	P. O. B. T.E.
703	2447	8141.00'	N 17811.26' E 23442.73'
704	2442	8141.00'	N 17814.08' E 23255.15'
705	2448	8141.00'	N 17809.22' E 23440.14'
706	2445	8141.00'	N 17811.26' E 23442.73'
707	2442	8141.00'	N 17814.08' E 23255.15'
708	2448	8141.00'	N 17809.22' E 23440.14'

SEE SHEET 1 OF 10 FOR BALCONY COMMON REPRESENTATIVE CONDOMINIUM & ELEVATIONS.

JUN 12 2006



CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE 2ND DISTRICT OF THE 2ND JUDICIAL CIRCUIT OF THE STATE OF UTAH, COUNTY OF SUMMIT, AND FILED IN THE OFFICE OF THE CLERK OF COURTS, COUNTY OF SUMMIT, UTAH, AT THE REQUEST OF _____

Recorded electronically pursuant to the Distribution of Condominiums for Silver Strike Lodge

NUMBER 8 OF 11

RECORDED	DATE	BOOK	PAGE



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

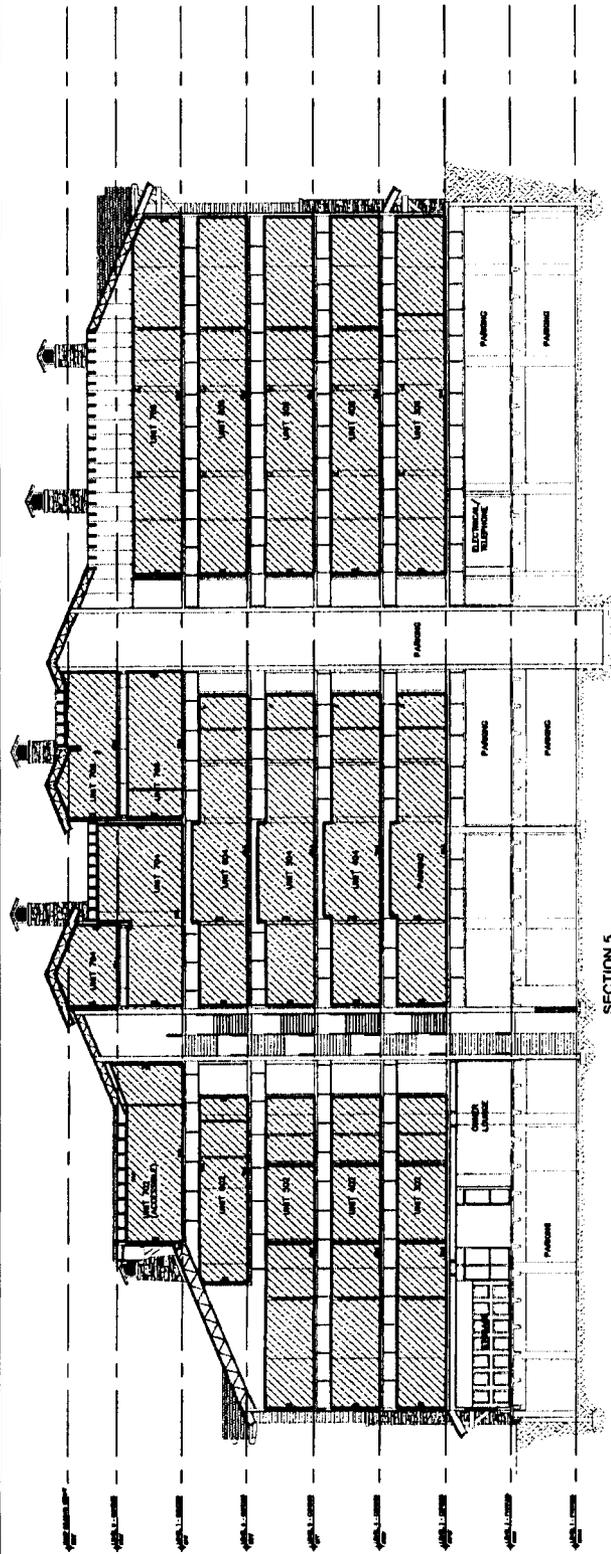
EIGHTH LEVEL

UNIT SQUARE FOOTAGE AND P.O.B. TABLE

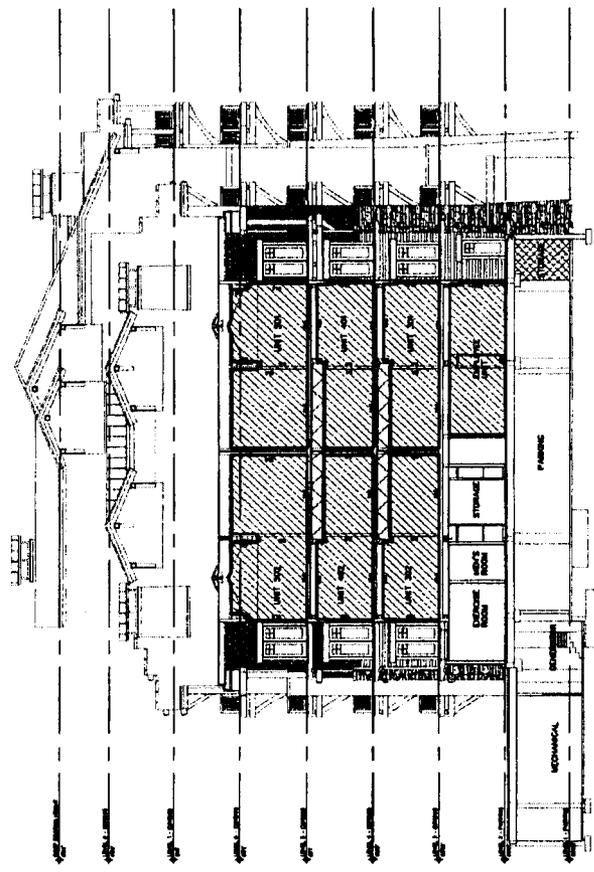
UNIT NUMBER	AREA	PERCENTAGE	COMMON	P.O.B.	AREA
701	1,174.46	13.17%	N 1741.46	E 2324.15	
702	1,141.78	12.70%	N 1741.78	E 2324.15	
703	1,142.78	12.71%	N 1742.78	E 2324.15	

SEE SHEET 1 OF 11 FOR BOUNDARY CORNER INFORMATION, COORDINATES & BEARINGS

JUN 12 2006



SECTION 5



SECTION 1

CONDOMINIUM RECORD OF SURVEY PLAT
SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 21 AND THE NORTHWEST QUARTER SECTION 26,
 TOWNSHIP 3 SOUTH, RANGE 2 EAST, SALT LAKE BASIN AND MERIDIAN, WASHINGTON COUNTY, UTAH

Recorded electronically pursuant to the Declaration of Condominium for Silver Strike Lodge

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP



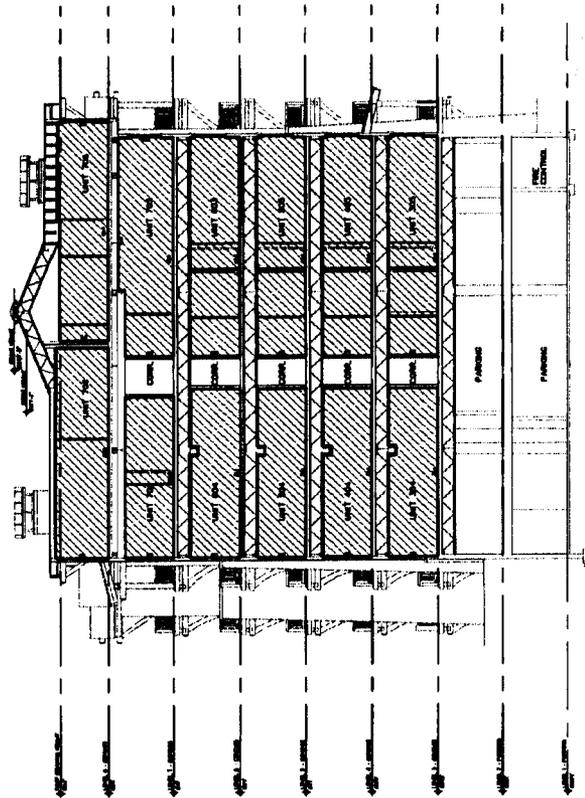
RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED

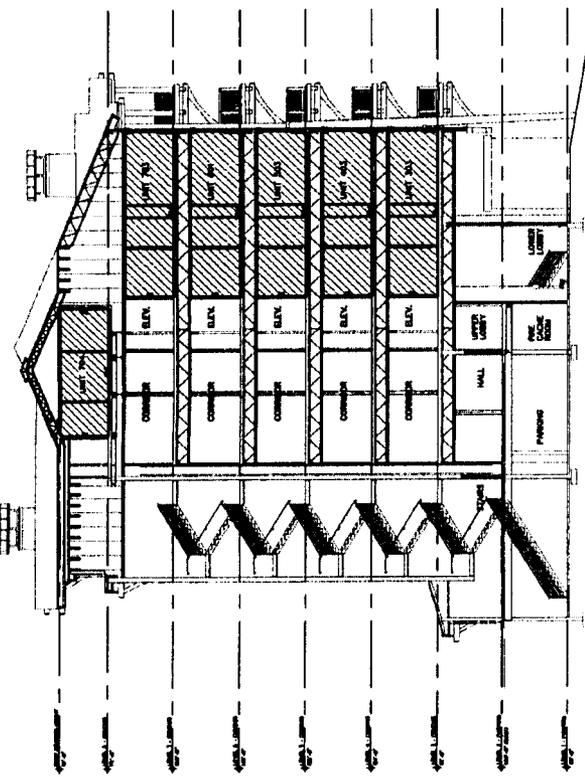
DATE _____ TIME _____ BOOK _____ PAGE _____

FILE RECORDED

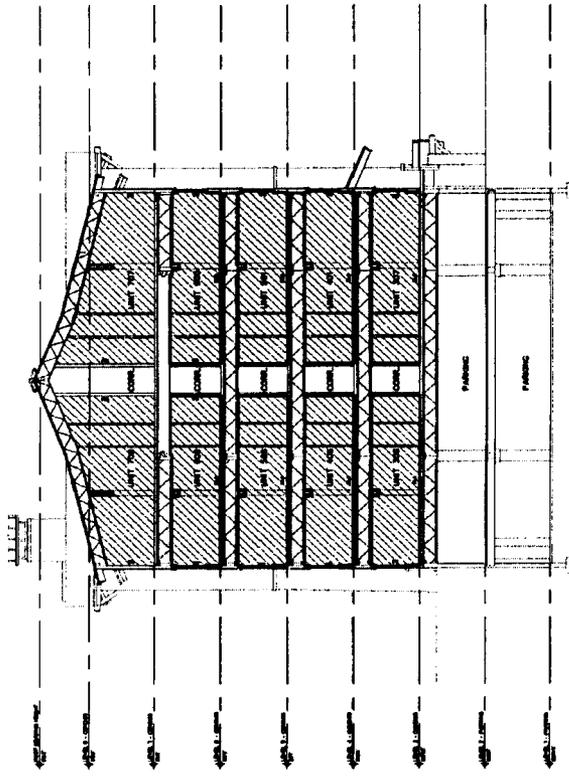
JUN 12 2006



SECTION 3



SECTION 2



SECTION 4

CONDOMINIUM RECORD OF SURVEY PLAT

SILVER STRIKE LODGE

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER SECTION 27, AND THE NORTHWEST QUARTER SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, 101 T.14E AND 101 T.15E, SAN JUAN COUNTY, UTAH

Revised approximately pursuant to the Declaration of Condominium for Silver Strike Lodge.

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP



RECORDED
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

SHEET 11 OF 11

JUN 12 2006

Ordinance No. 06-60

AN ORDINANCE APPROVING A PART OF BLOCK 72 OF THE MILLSITE RESERVATION TO THE PARK CITY SURVEY KNOWN AS THE HUGHES SUBDIVISION LOCATED AT 156 SANDRIDGE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 156 Sandridge Avenue has petitioned the City Council for approval of the Hughes 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 August 9, 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 August 24, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to subdivide the 156 Sandridge property: 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 property is currently platted as a portion of lot 24 and two parcels located in Block 72 of the Millsite Reservation of the Park City Survey.
4. There is a historic single family home on site.
5. The Sandridge Avenue prescriptive right-of-way runs along the front of the property.
6. The applicant is proposing a right-of-way dedication of existing Sandridge Avenue.
7. The subdivision would create a lot of approximately 2,991 square feet, and a possible building footprint of 1,264 square feet.
8. There is an existing 14' x 21' encroachment onto the property from an adjacent historic single family home.
9. The applicant is dedicating a 531 square foot section of the Sandridge Avenue prescriptive R-O-W to the City as part of the application.
10. Page A-28 of the 1984 Streets Master Plan lists the Sandridge Avenue as "obtain R-O-W" meaning it is of significant value to the City.
11. The proposed dedication would measure approximately 9.04 feet in width at its narrowest and 9.17 feet at it's widest with approximately 8 feet of pavement.
12. Access to the property is from Sandridge Avenue.

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 record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. A perpetual encroachment and maintenance easement shall be recorded on the plat for the adjacent historic home that encroaches onto the property. The maintenance easement shall be ten feet in width.
3. The encroachment of the historic home onto the lot shall be included in the footprint calculations of the property.
4. The applicant will record the record of survey 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 amendment will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

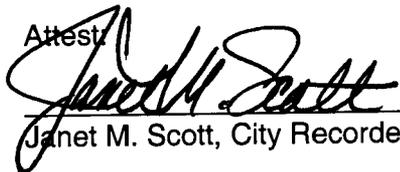
PASSED AND ADOPTED this 24TH day of August 2006.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

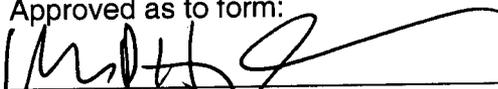
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney



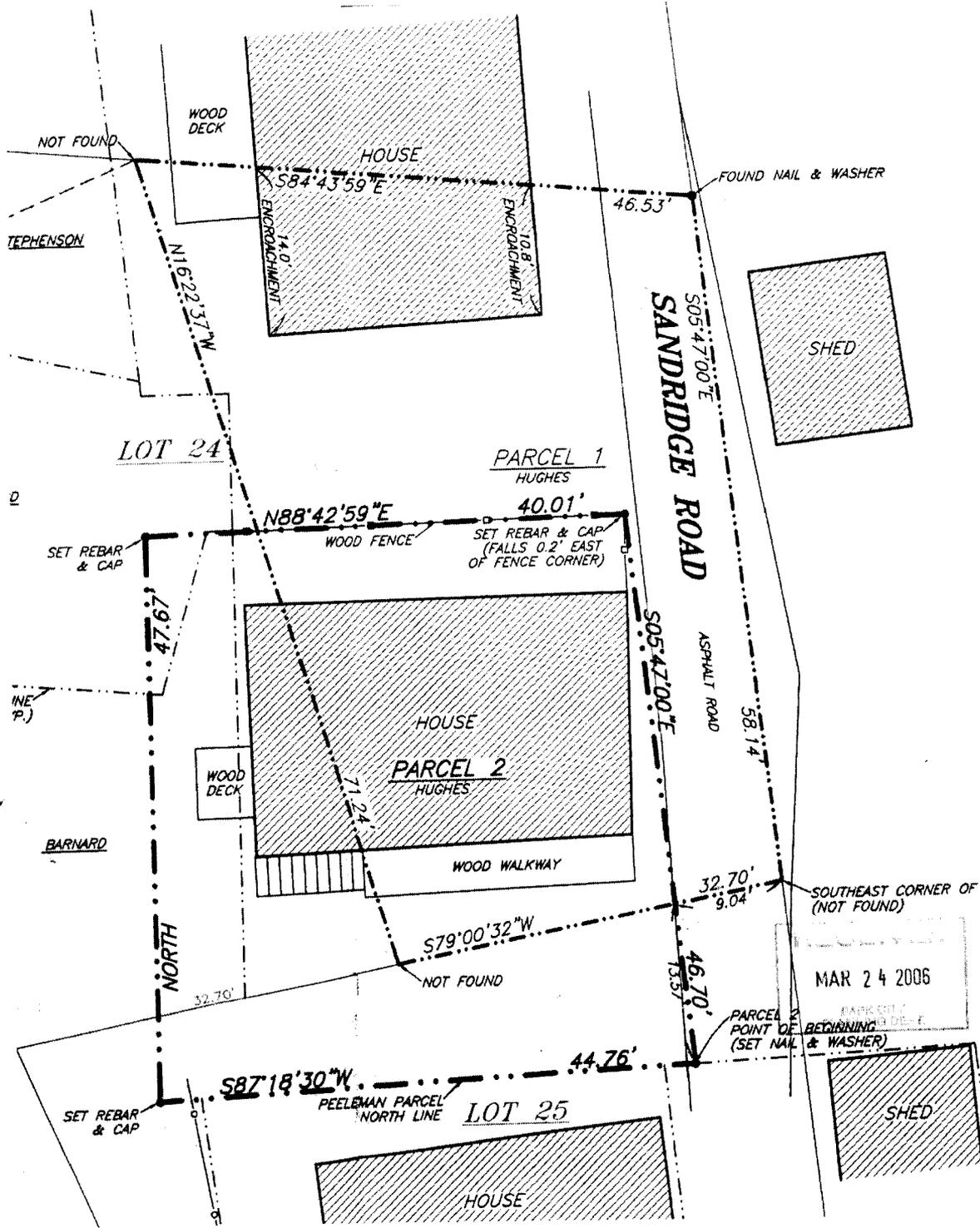
© 2006 Europa Technologies
Image © 2006 DigitalGlobe
© 2006 Navteq

Google

Pointer: 40°38'30.54" N 111°29'37.91" W elev: 7135 ft

Streaming [|||||] 100%

Eye alt: 7716 ft



AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY OF THE GABLES LOCATED AT 1335 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as The Gables Condominiums and formerly known as the Vantage Point Condominiums, has petitioned the City Council for approval of the Second Amended Record of Survey of The Gables; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on August 9, 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 August 24, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to amend the existing The Gables Record of Survey plat: 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 Recreation Commercial (RC) zone.
2. The purpose of the RC zone is to promote the development of buildings with designs that reflect traditional Park City architectural patterns.
3. The amendment will amend the existing The Gables record of survey plat.
4. The proposed application will convert the condominium units into larger units (reducing the density from 20 units to 12).
5. Although it was approved and built as a compliant building, subsequent changes to the LMC, limiting allowed height and setbacks, since 1976 have made the structure a legal non-complying structure.
6. On September 26, 1989, the Board of Adjustment approved an application for the expansion of a non-conforming use enabling the expansion of the decks along the side yard.
7. Staff finds good cause for this record of survey amendment, as it will update the architecture and interior design of an aging building.
8. The proposed changes do not expand the height, or existing footprint of the

- building.
9. Access to the property is from Lowell Avenue.

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

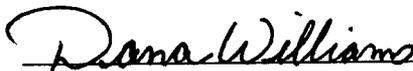
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the record of survey amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amendment.
2. The applicant will record the record of survey 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 amendment will be void.
3. All decks and retaining walls and fences shall be in compliance with LMC criteria prior to plat recordation.

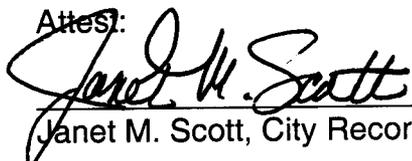
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 24th day of August 2006.

PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

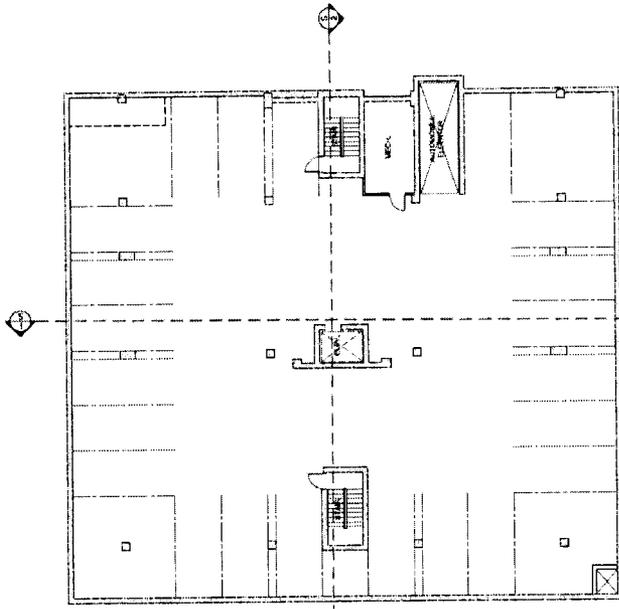
Attest:


Janet M. Scott, City Recorder

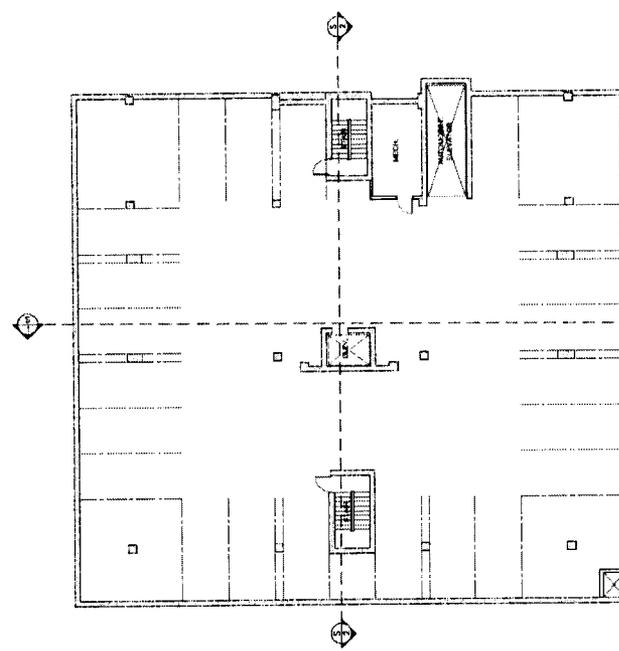
Approved as to form:


Mark D. Harrington, City Attorney





PARKING LEVEL 2



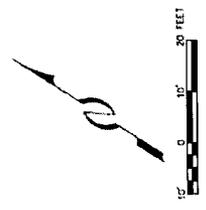
PARKING LEVEL 3

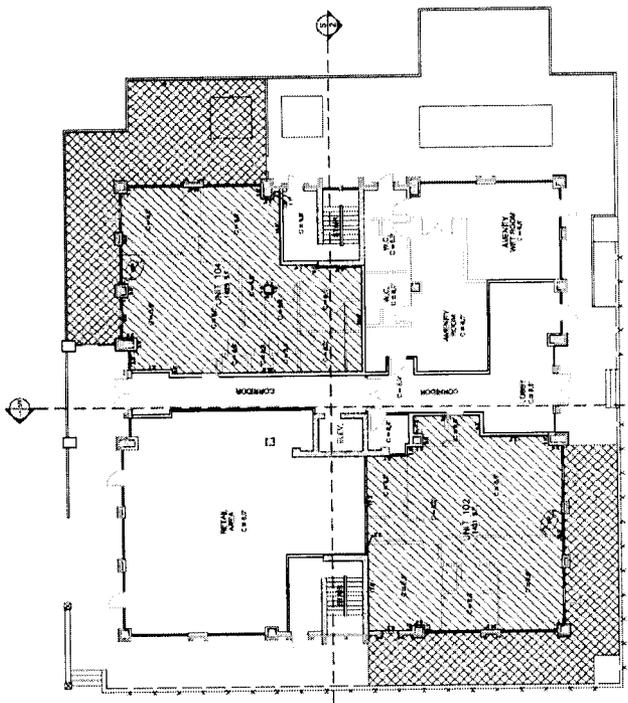
LEGEND
 1. COMMONS (SHOWN WITH
 2. PRIVATE COMMONS (SHOWN WITH
 3. LIMITED COMMONS (SHOWN WITH)

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF
THE GABLES
 FORMERLY THE PLAZA HOTEL CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 6
 JOB NO. 5-4-08
 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FIELD
 AT THE REQUEST OF BOOK: PAGE:
 DATE: REC: REC'D: REC'D:
 FEE REC'D:



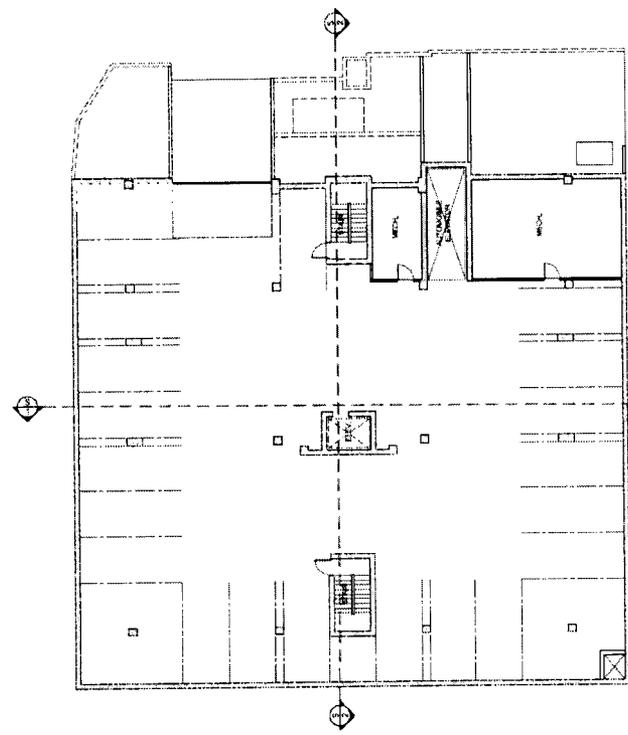


RESIDENTIAL LEVEL 1

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATOR
101	1,451	6 WILD
102	1,451	6 WILD
103	1,451	6 WILD

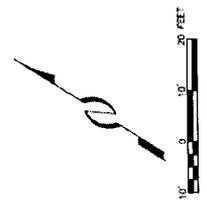
LEGEND
 1. COMMON OWNERSHIP
 2. PRIVATE OWNERSHIP
 3. UNITS COMMON OWNERSHIP

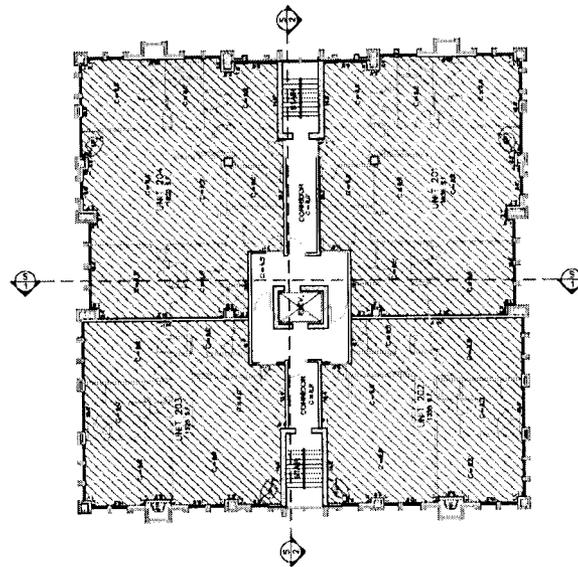


PARKING LEVEL 1

SECOND AMENDED RECORD OF SURVEY OF
THE GABLES
 FORMERLY THE PLAZA HOTEL CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 36N, RANGE 104E,
 SALT LAKE BASIN AND PIEDMONT, FRONT CITY, WASHINGTON COUNTY, UTAH.

JOB NO. 3-4-08
 RECORDED
 DATE: _____ TIME: _____
 BY: _____
 FOR: _____
 SHEET 3 OF 6

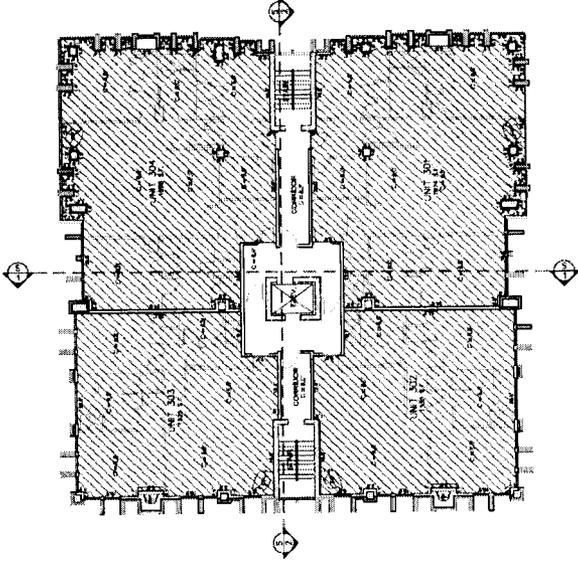




RESIDENTIAL LEVEL 2

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
201	1,835	6.8715F
202	1,526	6.8715F
203	1,525	6.8715F
204	1,835	6.8715F



RESIDENTIAL LEVEL 3

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
301	1,774	6.8813
302	1,525	6.8813
303	1,525	6.8813
304	1,774	6.8813

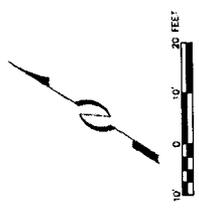
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 2. UNIT ELEVATION
 3. COMMON AREA ELEVATION

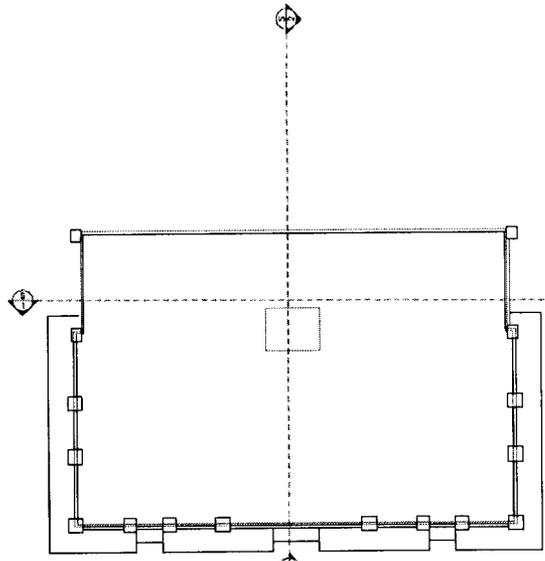
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF
THE GABLES
 FORMERLY THE PLAZA HOTEL CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT

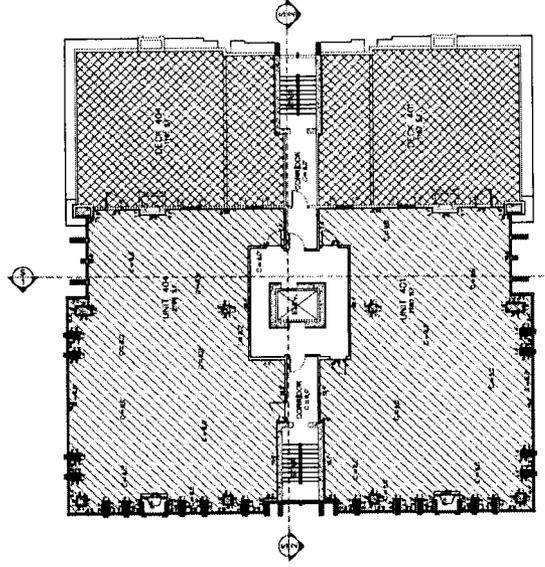
LOCATED IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 6th 11, 12th AND 13th STREETS, SALT LAKE COUNTY, UTAH

RECORDED
 STATE OF UTAH COUNTY OF SALT LAKE DEED
 DATE: _____ BOOK: _____ PAGE: _____
 FILED _____





ROOF LEVEL 5



RESIDENTIAL LEVEL 4

LEGEND
 S.A. HORIZONTAL SCALE: 1/8" = 1'-0"
 P.A. VERTICAL SCALE: 1/8" = 1'-0"
 C. AREA: 1/8" = 1'-0"

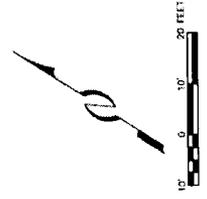
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

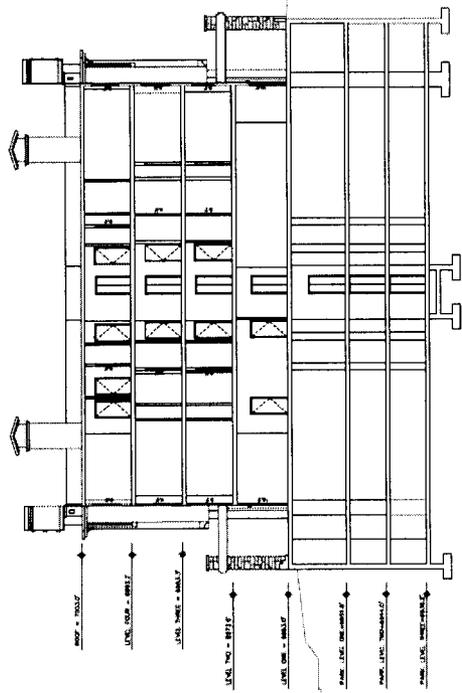
UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
401	2,138	604.2
402	2,138	604.2

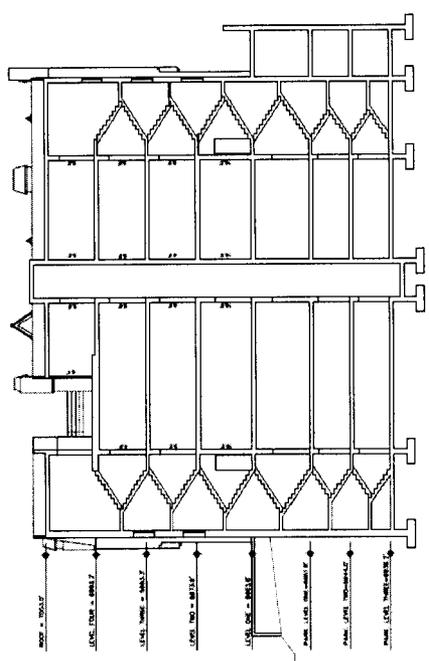
SECOND AMENDED RECORD OF SURVEY OF
THE GABLES
 FORMERLY THE PLAZA HOTEL CONDOMINIUMS
 A LUTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 20S, RANGE 14N,
 3RD PRINCIPAL MERIDIAN, HENRI COUNTY, IOWA.

JOB NO. 5-14-28
 SHEET 5 OF 6
 RECORDED
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 BY: _____





BUILDING SECTION 1



BUILDING SECTION 2

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

SECOND AMENDED RECORD OF SURVEY OF
THE GABLES
 FORMERLY THE PLAZA HOTEL CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
 2ND UTAH PRINCIPAL MERIDIAN, GARFIELD COUNTY, UTAH

JOB NO. 9-4-08
 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT AND DEED
 DATE: _____ BOOK: _____ PAGE: _____
 FILE # 103087



Ordinance No. 06-58

AN ORDINANCE APPROVING THE 'AMENDED PLAT OF THE LOWELL AVENUE SUBDIVISION' ESTABLISHING LOT 1 AND LOT 2, OF THE AMENDED PLAT OF THE LOWELL AVENUE SUBDIVISION IN THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1138 Lowell 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 August 9th, 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 August 24th, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 2 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 addressed as 1138 Lowell Avenue.
2. The 'Amended Plat of the Lowell Avenue Subdivision' will establish Lot 1 and Lot 2, Block 27 of Snyder's Addition to the Park City Survey.
3. The property is located within the HR-1 zoning district.
4. There is an existing house on proposed Lot 1.
5. The existing house on Lot 1 has a complying footprint of approximately 844 square feet.
6. The existing house on Lot 1 has a 17 foot front yard setback, a 13 foot rear yard setback and a 3 foot setback on both sides, which are compliant with LMC Table 2-2.2
7. The proposed lots are 25 feet by 75 feet which is compliant with LMC 15-2.2-3(A), 'Minimum Lot Size Requirements'.
8. The plat amendment will not leave any parcel of land remnant.
9. The proposed Lot 1 and 2 are downward sloping lots with slopes of greater than 30%.

10. Any construction activity on Lot 1 or Lot 2 is subject to Conditional Use Permit review.
11. Proposed Lot 1 and Lot 2 were originally platted as Lot 25 and 26 of the Snyder's Addition to the Park City Survey.
12. Future development on Lot 2 will be consistent with the massing and scale of houses within the neighborhood.
13. The Planning Commission forwarded a positive recommendation to City Council on August 9th, 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 Conditional Use Permit for Construction on a Steep Slope prior to the issuance of a building permit for both Lot 1 and Lot 2.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION

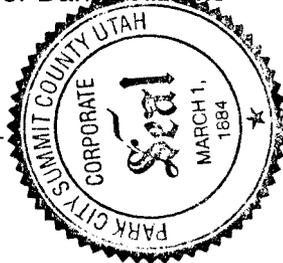


Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

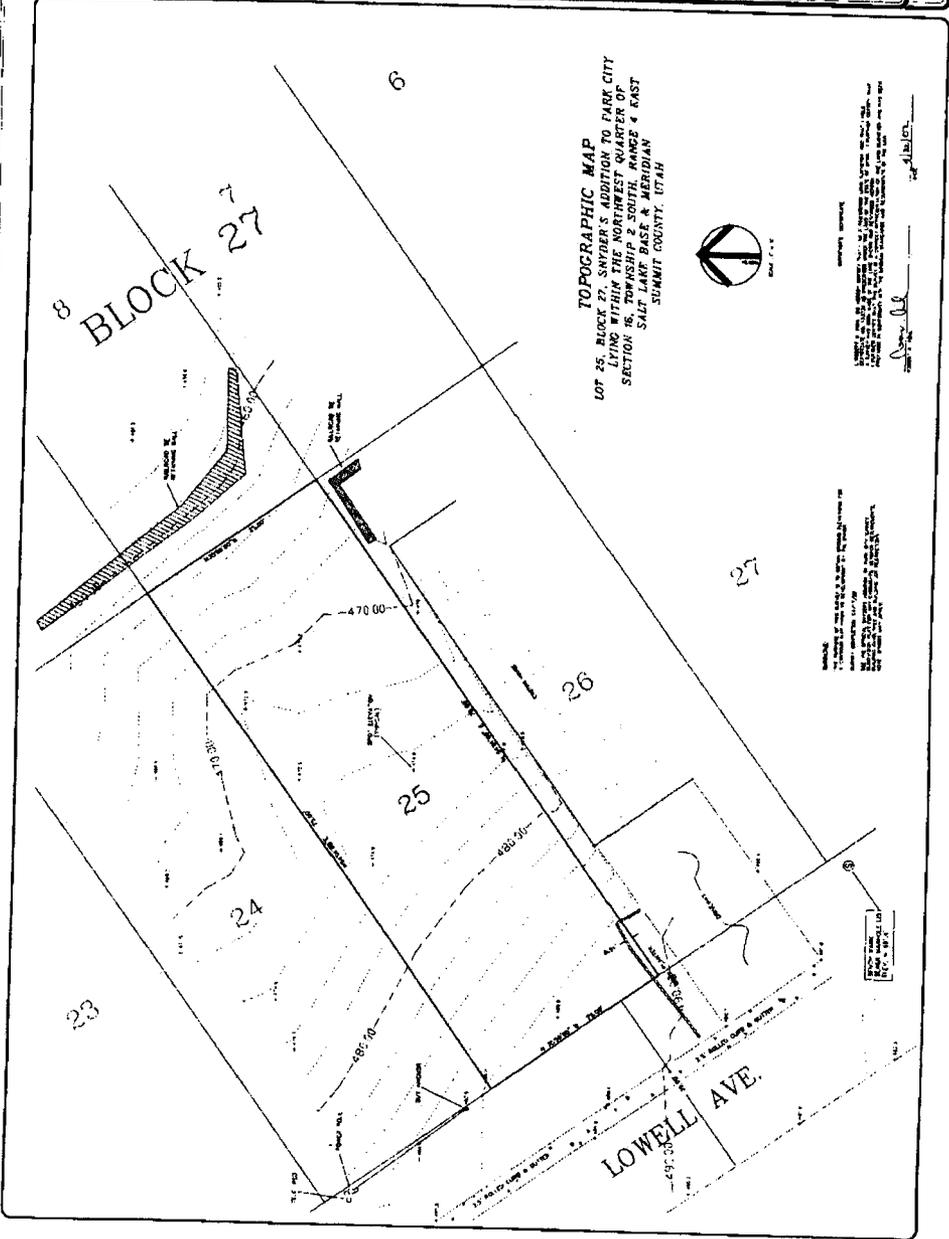


Approved as to form:



Mark D. Harrington, City Attorney

 <p>PARK CITY SURVEYING P.O. BOX 2003 PARK CITY, UTAH 84302 801-734-2244</p>	<table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION											<table border="1"> <tr><td>DATE</td><td>APRIL 27, 2003</td></tr> <tr><td>BY</td><td>DANIEL & SHERRILL BISHAKKI</td></tr> </table>	DATE	APRIL 27, 2003	BY	DANIEL & SHERRILL BISHAKKI	<p>TOPOGRAPHIC MAP LOT 25, BLOCK 27 SNYDER'S ADDITION TO PARK CITY</p>	<table border="1"> <tr><td>SCALE</td><td>AS SHOWN</td></tr> <tr><td>PROJECT NO.</td><td>20-108</td></tr> </table>	SCALE	AS SHOWN	PROJECT NO.	20-108
	NO.	DATE	DESCRIPTION																						
DATE	APRIL 27, 2003																								
BY	DANIEL & SHERRILL BISHAKKI																								
SCALE	AS SHOWN																								
PROJECT NO.	20-108																								



FEB 27 2003

ORDINANCE 06-57

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 9 OF THE MUNICIPAL CODE OF PARK CITY REGULATING SPECIAL EVENTS AND MASTER FESTIVALS

WHEREAS, Section 10-8-84, Utah Code Annotated ("U.C.A.") allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by U.C.A. Title 10, Chapter 8 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, Utah Code Annotated ("UCA") Sections 10-8-69, -73 and -76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order; and

WHEREAS, licensing is a legitimate and reasonable means of time, place, and manner regulation to ensure that sponsors and organizers of Special Events and Master Festivals comply with reasonable regulations; and

WHEREAS, the City Council has determined that it is in the best interest of the City to encourage special events and festivals within Park City; and

WHEREAS, the City Council desires to provide for cost recovery of City services required for Special Events and Master Festivals when such recovery will not unreasonably or unlawfully burden constitutionally protected activities.

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

SECTION 1. AMENDMENT. Pursuant to the findings above, which are hereby incorporated herein, Title 4, Chapter 8 of the Municipal Code of Park City is hereby amended to read as follows:

4-8-9. FEE WAIVERS.

The ~~City Council or~~ City Manager may waive ~~all or a portion of any~~ the following Master Festival or Special Event licensing and associated fees upon a finding of eligibility pursuant to the criteria provided herein.

- application fee,
- facility rentals,
- field rentals, and
- use of public parking spaces and bleachers.

All fee waiver requests shall should be submitted to the Special Events Manager at the time of application but in no case later than the first day of the proposed event. Fee waiver requests shall be reviewed and approved/denied by the ~~City Council for all new Master Festival applications. Fee waiver requests for all Master Festival renewal applications and Special Events shall be reviewed and approved/denied by the~~ City Manager. Fee waiver determinations made by the City Manager may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be determined by the City

~~Council or~~ City Manager pursuant to the following criteria, none of which shall be individually controlling:

- (A) for-profit or non-profit status of the Applicant;
- (B) whether the event will charge admission fees;
- (C) whether the event is youth-oriented;
- (D) the duration of the event;
- (E) whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
- (F) the degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
- (G) the season of occurrence; and
- (H) demonstration of hardship by the Applicant.

Fee waiver requests must be filed annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee waiver for any application shall not create a precedent for future requests.

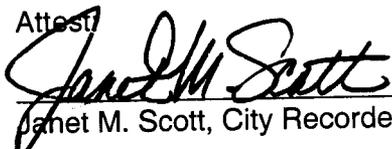
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY
DEVELOPMENT DEPARTMENT, TO INCLUDE REFERENCES TO THE HISTORIC
PRESERVATION BOARD (HPB), TO REPLACE UNIFORM BUILDING CODE WITH
INTERNATIONAL BUILDING CODE, AND TO ADDRESS SUBSTANTIVE AMENDMENTS,
FOR THE FOLLOWING CHAPTERS:
CHAPTER 2.1 HR-L ZONING DISTRICT, 2.2 HR-1 ZONING DISTRICT, 2.3 HR-2 ZONING
DISTRICT, AND CHAPTER 5 ARCHITECTURAL REVIEW**

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 architectural review, exterior lighting, exterior siding materials, height exception criteria for steep slope review in the historic districts, and maximum building footprint for lots greater than 18,750 sf in the HR-1, HR-2, and HR-L Districts.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on July 12, 2006 and forwarded to City Council a positive recommendation on Chapter 2 (Sections 2.1, 2.2, and 2.3) and Chapter 5;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 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:

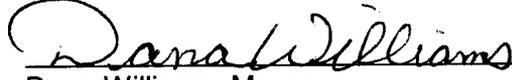
SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2 (Sections 2.1, 2.2, and 2.3) is hereby amended as attached hereto as Exhibits A - C. Any conflicts or cross-references from other provisions of the LMC to Chapter 2 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 5 OF THE LAND MANAGEMENT CODE. Chapter 5 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross-references from other provisions of the LMC to Chapter 5 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 27th day of July, 2006

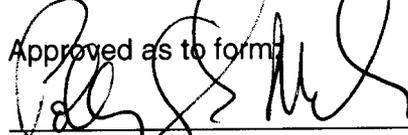
PARK CITY MUNICIPAL CORPORATION


Dana Williams, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark Harrington, City Attorney
POLLY SAHUELS MCLENN





**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower density residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes, and

(G) define Development parameters that are consistent with the General Plan policies for the Historic core.

15-2.1-2. USES.

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

- (1) Nightly Rentals
- (2) Lockout Unit
- (3) Accessory Apartment²

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

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- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (13) Fences greater than six feet (6') in Height from Final Grade^{5,7}

a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and Height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3 (C).

(C) **BUILDING PAD (HRL DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;

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

15-2.1-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative Conditional Use permit

⁶See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷See LMC Chapter 15-4-2, Fences and Walls

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- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;

- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;
- (b) maintains the intent of this section to provide

horizontal and vertical Building articulation.

(D) BUILDING FOOTPRINT (HRL DISTRICT). The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet, with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

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$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

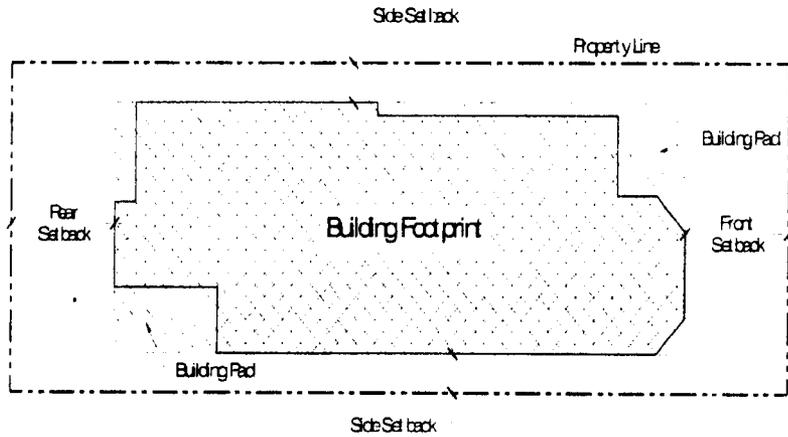
Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth ≤ ft.	Lot Width, ft. Up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences or walls not more than four feet (4') in Height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in Height, from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or cornices projecting not more than

two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

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(G) **REAR YARD EXCEPTIONS.** The

Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

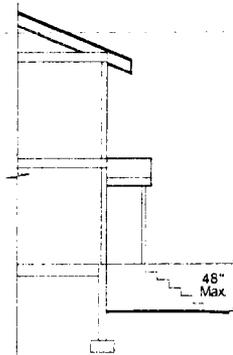
(4) Roof overhangs or eaves

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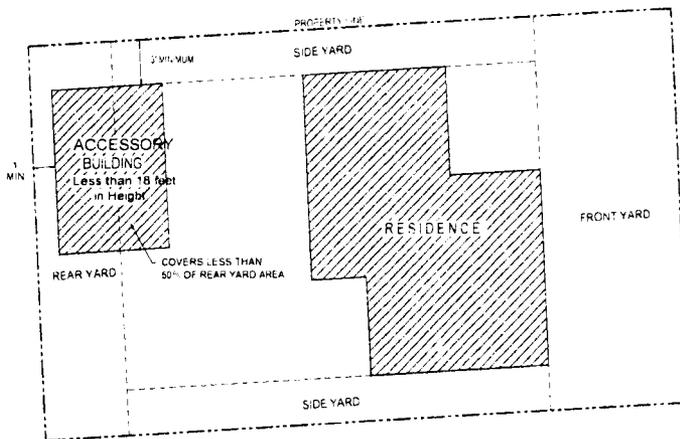
projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

(6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



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(7) Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.

equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

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(8) Screened mechanical

(9) Fences or walls not over six feet (6') in height, or as permitted in

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Section 15-4-2 Fences and Walls,

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) SIDE YARDS.

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1. above.

(2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

(I) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁸

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁸

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁸

(4) Roof overhangs or eaves

projecting not more than two feet (2') into the Side Yard.⁸ A one foot (1') eave overhang is permitted on Lots with a Side Yard less than five feet (5').

(5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.

(7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls.⁷

(8) A driveway leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building, not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures, located a minimum of five feet (5') from the Side Lot Line.

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(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **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.

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

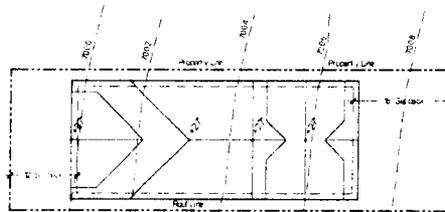
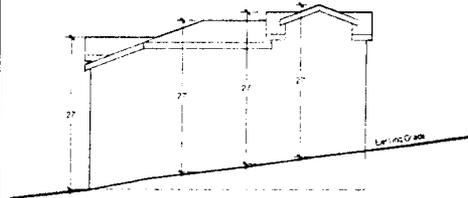
(3) When the addition complies with all other provisions of this Chapter, and

(4) When the addition complies with the International Building and Fire Codes.

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15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation, Final Grade is lower than the Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following Height

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exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement.

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE. A**

Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

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The Planning Director shall review all Conditional Use permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use permit Applications shall be subject to the following criteria:

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(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

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(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director

and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Planning Director and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HRL District is twenty-seven feet (27'). The Planning Director and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS**

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(STEEP SLOPE). The Planning Director and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception does not result in a height in excess of forty feet (40').

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(e) A height reduction in

other portions of the Building and/or increased Setbacks are incorporated.

(f) The height exception is not granted primarily to create additional Building Area.

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(h) The height exception is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

(j) The project conforms to Section 15-1-10, Conditional Use review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the

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Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building, review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply and the Owner is not vested for the maximum.

15-2.1-7. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.
- (C) 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.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Chapter 15-1-10.

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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.

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(F) Turning radii are subject to review by the City Engineer as to function and design.

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15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines, Chapter 15-5.

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

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

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

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 1/2') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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15-2.1-10. SIGNS.

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

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.

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

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

The purpose of the Historic Residential HR-1 District is to:

(A) preserve present land Uses and character of the Historic residential Areas of Park City,

(B) encourage the preservation of Historic Structures,

(C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

(D) encourage single family Development on combinations of 25' x 75' Historic Lots,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core, and

(F) establish Development review criteria for new Development on Steep Sites.

15-2.2-2. USES.

Uses in the HR-1 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure, with four (4) or fewer spaces

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(B) **CONDITIONAL USES.**

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

³See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

- (2) Guest House on Lots one (1) acre or greater
- (3) Secondary Living Quarters
- (4) Accessory Apartment³
- (5) Group Care Facility
- (6) Child Care Center
- (7) Public and Quasi-Public Institution, church and school
- (8) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (9) Telecommunication Antenna⁴
- (10) Satellite Dish, greater than thirty-nine inches (39") diameter⁵
- (11) Bed and Breakfast Inn⁶
- (12) Boarding House, hostel⁶
- (13) Hotel, Minor, (fewer than sixteen (16) rooms)⁶
- (14) Residential Parking Area or Structure with five (5) or more spaces.
- (15) Temporary Improvement⁷

- (1) Duplex Dwelling
- (16) Passenger Tramway Station⁸ and Ski Base Facility
- (17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge⁸
- (18) Recreation Facility, Private
- (19) Fences greater than six feet (6') in Height from Final Grade^{7,9}.

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

15-2.2-3 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.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-1 DISTRICT).** The Building Pad, Building Footprint, and Height Restrictions define the

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only

⁷Subject to Administrative Conditional Use permit

⁸See LMC Chapter 15-4-18, Passenger Tramways and Ski-base Facilities

⁹See LMC Chapter 15-4-2, Fences and Walls

maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3 (C).

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(C) BUILDING PAD (HR-1 DISTRICT). The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(D) BUILDING FOOTPRINT (HR-1 DISTRICT). The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

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MAXIMUM FP = $(A/2) \times 0.9^{A/1875}$

Where FP= maximum Building Footprint and A= Lot Area.

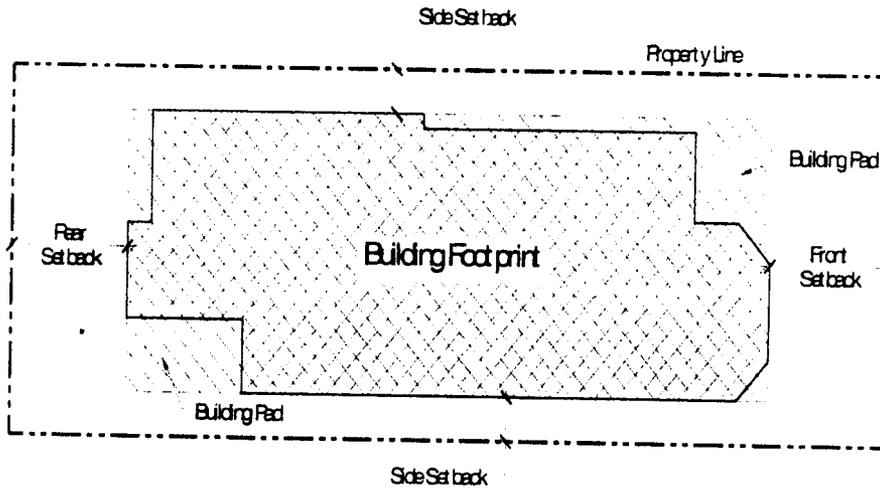
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.2. for a schedule equivalent of this formula.

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TABLE 15-2.2.

Lot Depth, <= ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.2a

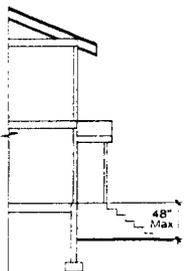
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences or walls not more than four feet (4') in Height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in Height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



Front Yard

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

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(4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.

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(5) Sidewalks and pathways.

(6) A driveway leading to a Garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

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(G) **REAR YARD EXCEPTIONS.**

The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

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(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

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(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

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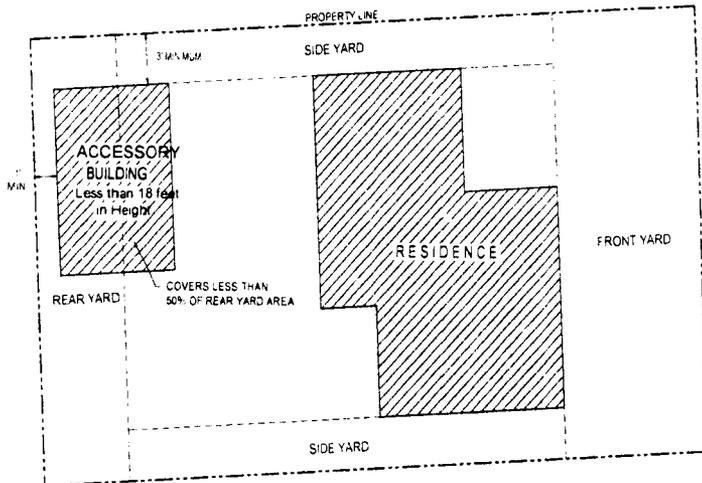
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(5) Window sills, belt courses, cornices, trim, or other ornamental feature projecting not more than six inches (6") into the Rear Yard.

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(6) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard

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(7) Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences or walls not over six feet (6') in Height, or as permitted in Section 15-4-2, Fences and Walls.⁸

(10) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

(1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2. above.

(2) On Corner Lots, any Yard

which faces a Street may not have a Side Yard less than five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.⁹

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.⁹

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.⁹

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard.⁹ A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').

(5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways,

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⁸A Fence over six feet (6') in Height requires a Conditional Use permit .

⁹Applies only to Lots with a minimum Side Yard of five feet (5')

steps, or similar Structures not more than thirty inches (30") in Height above Final Grade, provided there is at least a one foot (1') Setback to the Property Line.⁹

(7) Fences or walls not more than six feet (6') in Height or as permitted in Section 15-4-2, Fences and Walls.¹⁰

(8) Driveways leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in Height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in Height above

¹⁰A Fence over six feet (6') in Height requires a Conditional Use permit.

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.

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and

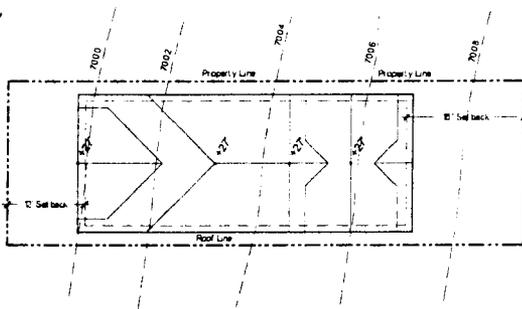
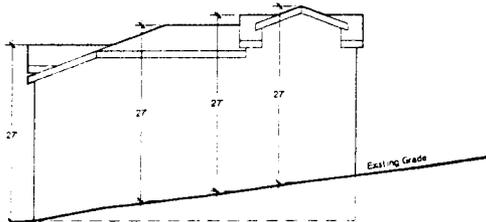
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(4) When the addition complies with the International Building and Fire Codes.

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measure shall not include approved window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) ~~Antennas, chimneys, flues, vents, or similar Structures,~~ may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

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(2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement.

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15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A

Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

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(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the

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main Structure or no garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Department and/or Planning

Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(a) The height exception does not result in a height in excess of forty feet (40').

(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(e) A height reduction in other portions of the Building and/or increased Setbacks are

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incorporated.

(f) The height exception is not granted primarily to create additional Building Area.

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(h) The height exception is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

(j) The project conforms to Chapter 15-1-10, Conditional Use Review.

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

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(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

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(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

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The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

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15-2.2-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

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(C) Common Parking Structures are allowed as a Conditional Use permit where

it facilities:

- (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.

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.

(E) 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.

(F) Turning radii are subject to review by the City Engineer as to function and design.

15-2.2-8. ARCHITECTURAL REVIEW.

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

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

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

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

15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure, or an addition thereto.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of

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the Structure.

(C) 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.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the Inn. The Planning Commission may waive the parking requirement 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.

(J) The Use complies with Chapter 15-1-10, Conditional Use review process.

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

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15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

X Fences and Walls. LMC Chapter 15-4-2.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.2 - HR-1 District

15-2.2-15

- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3.3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.

- X Architectural Review. LMC Chapter 15-5.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. LMC Chapter 15-3-6.

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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

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

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

- (1) Upper Main Street;
- (2) Upper Swede Alley; and
- (3) Grant Avenue,

(B) encourage and provide incentives for the renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB and the HR-1 Districts,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the district,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core; result in Development

Compatible Historic Structures; and comply with the Historic District Design Guidelines and HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling
- (2) Lockout Unit¹
- (3) Nightly Rental²
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting³,
- (6) Child Care, Family³

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¹Nightly Rental of Lockout Units requires a Conditional Use Permit

²Nightly Rental does not include the use of dwellings for Commercial Uses

- (7) Child Care, Family Group³
- (8) Accessory Building and Use
- (9) Conservation Activity
- (10) Agriculture
- (11) Residential Parking Area or Structure with four (4) or fewer spaces
- (12) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling
- 16- Secondary Living Quarters
- (3) Accessory Apartment⁴
- (4) Group Care Facility
- (5) Child Care Center
- (6) Public or Quasi-Public Institution, church or School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁵
- (9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter⁶
- (10) Bed & Breakfast Inn⁷
- (11) Boarding House, Hostel⁷

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁵See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁶See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁷In Historic Structures only

- (12) Hotel, Minor, fewer than sixteen (16) rooms⁷
- (13) Office, General⁸
- (14) Office, Moderate Intensive⁸
- (15) Office and Clinic, Medical⁸
- (16) Retail and Service Commercial, Minor⁸
- (17) Retail and Service Commercial, personal improvement⁸
- (18) Cafe or Deli⁸
- (19) Restaurant, General⁸
- (20) Restaurant, Outdoor Dining⁹
- (21) Outdoor Events
- (22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
- (23) Temporary Improvement
- (24) Passenger Tramway Station and Ski Base Facility¹¹
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹¹
- (26) Recreation Facility, Private
- (27) Fences and walls over six feet (6') in height¹²
- (28) Limited commercial expansion necessary for compliance with Building/

⁸In Historic Structures and within Sub-Zone B only. Subject to requirements of Section 15-2.3-9. Except that these Uses are permitted in Sub-Zone A only when all criteria of Section 15-2.3-8 are met.

⁹Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

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Comment [k1]: Add footnote for 11 See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

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Comment [k2]: Add comment 12 See LMC Chapter 15-4-2, Fences and Walls

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Fire Code egress and Accessibility requirements¹⁰

(C) **PROHIBITED USES.**

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Historic Preservation Board shall review any Conditional Use permit (CUP) Application in the HR-2 District and shall forward a recommendation to the Planning Commission regarding the application's compliance with the Historic District Design Guidelines. The Planning Commission shall review this Application according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Historic District Design Guidelines, Section 15-4, and the Historic Preservation Board's recommendation.

(B) The Applicant may not alter the Historic Structure to minimize the residential character of the Building.

¹⁰ Subject to compliance with the criteria set forth in Section 15-2.3-8(B). Said expansion is limited to the minimum footprint necessary to achieve compliance with Building and Fire Code egress and Accessibility requirements, and may include additional Building Footprint for ADA restrooms.

(C) Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

(D) New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. New Structures and additions must be two (2) stories in height or less. Primary facades should be one (1) to one and a half (1 1/2) stories at the Street. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

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(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

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(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.

(G) Required Fencing and Screening between residential and Commercial Uses is required along common Property Lines.

(H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

15-2.3-4. 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 Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling . The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the conditional review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of Unusual Lot Configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 15-2.3-4 (C).

(C) **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- (a) Porches or decks, with or without roofs;
- (b) At Grade patios;
- (c) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

(2) Exceptions to the Building Pad Area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines; and
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

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(D) **BUILDING FOOTPRINT (HR-2 DISTRICT).** The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following Formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building

footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per dwelling unit, for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 sf.

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$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

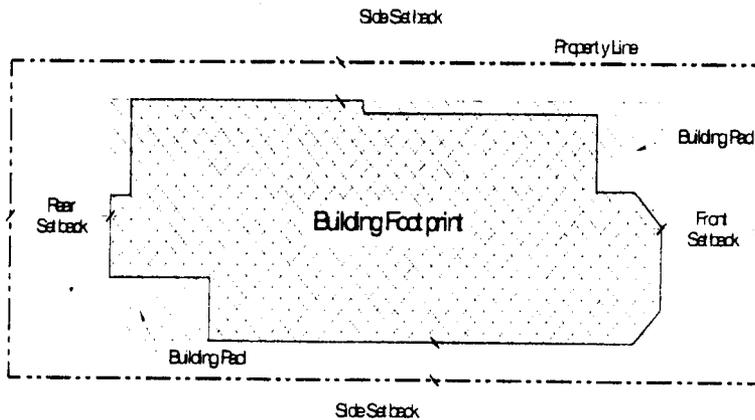
Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

See Table 15-2.3. below for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, \leq ft.	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula



(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.3.a

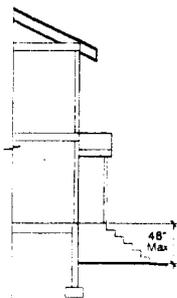
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.

(2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



(3) Decks, porches, or Bay Windows not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.

(5) Sidewalks and pathways.

(6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(G) **REAR YARD EXCEPTIONS.**

The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

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(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

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(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

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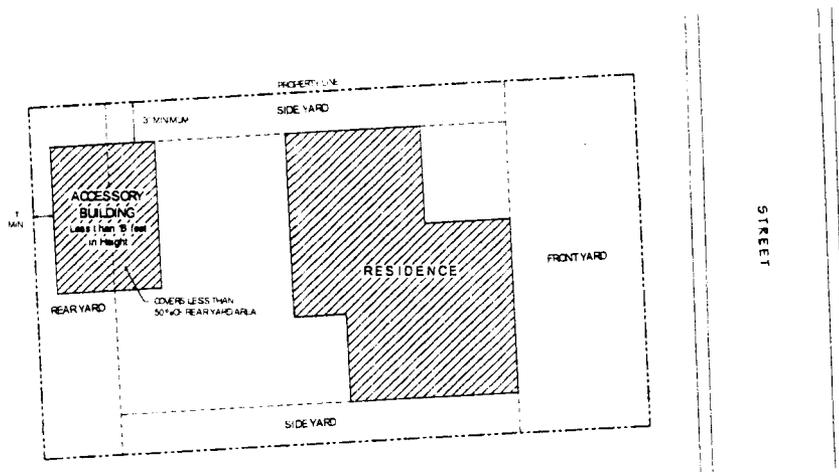
(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

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(5) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

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(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



- (7) Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building. (1)
- (8) Screened mechanical equipment, hot tubs, or similar Structures located at least five feet (5') from the Rear Lot Line.
- (9) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.¹⁰
- (10) Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.
- (11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD.**

- (1) The minimum Side Yard is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table-15-2.3 above.
- (2) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

(I) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any

¹⁰A Fence greater than six feet (6') in height requires a Conditional Use permit.

Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹¹
- (3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹¹
- (4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard.¹¹ A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').
- (5) Window sills, belt courses, trim, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.
- (6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Property Line.
- (7) Fences or walls not more than six feet (6') in height, or as permitted in Section 15-4-2, Fences and

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¹¹Applies only to Lots with a minimum Side Yard of five feet (5')

Walls.¹⁰

(8) Driveways leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.

(J) **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(K) **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.

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and

driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway location is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

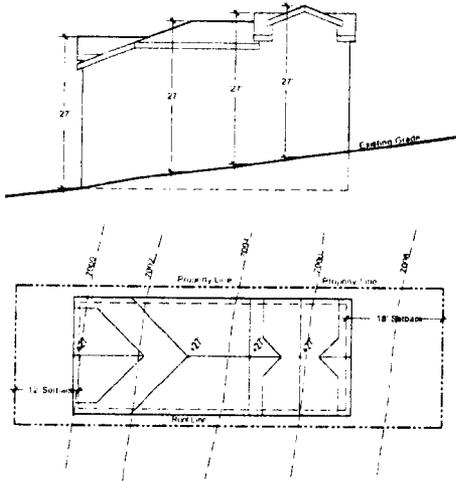
(4) When the addition complies with the International Uniform Building and Fire Codes.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. In cases where due to excavation Final Grade is lower than Existing Grade, Building Height shall be measured from Final Grade around the perimeter of the Building. This measurement shall not include approved

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window wells.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no

more than twenty percent (20%) of the roof ridge line exceeds the Zone Height requirement.

(4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

15-2.3-7. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines, Chapter 15-5.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Planning Department shall review all Conditional Use permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use permit Applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional

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Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure

must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

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(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

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(8) **DWELLING VOLUME.**

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

articulation and Compatibility. The Planning Commission may refer the proposal to the Historic Preservation Board, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

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(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HR-2 District is twenty-seven feet (27'). The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(c) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

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(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

(d) Snow release issues are resolved to the satisfaction of the Chief Building Official.

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(e) A height reduction in other portions of the Building and/or increased Setbacks are incorporated.

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(a) The height exception does not result in a height in excess of forty feet (40').

(f) The height exception is not granted primarily to create additional Building Area.

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(b) The proposed Building includes horizontal and vertical step backs to achieve increased Building

(g) The height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building

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Deleted: (b) The Lot width is greater than twenty-five feet (25').[¶]

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element.

(h) The height exception is Compatible with good planning practices and good Site design.

(i) The height increase will result in a superior plan and project.

(j) The project conforms with Section 15-1-10, Conditional Use review.

Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

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(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

- (1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;
- (2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and
- (3) The conditions of approval or required Plat notes include a requirement for Planning Engineering, and Building

15-2.3-8. SPECIAL REQUIREMENTS FOR SUB-ZONE A.

(A) SUB-ZONE A. Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Plat Amendment approved prior to January 1, 2000 that combined a Main Street, HCB zoned, Lot with a portion of an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, and expanding the Main Street Business into the HR-2 zoned Lot:

- (1) All Commercial Uses extending from Main Street to the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and must be below the Grade of Park Avenue projected across the Lot.

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- (2) All Buildings must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4.
- (3) The height of the Building at the Zone District Boundary, within the HCB District, must be Compatible with the twenty seven foot (27') height restriction on the adjacent HR-2 Lot.
- (4) Existing and new above ground Structures fronting on Park Avenue may not contain Commercial Uses.
- (5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.
- (6) The number of residential units allowed on the HR-2 portion of the Property is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
- (7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner

as to absolutely prohibit non-emergency Use.

- (8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent residential Uses. Impacts include such things as noise, odor, glare, intensity of activity, parking, signs, lighting, and aesthetics.
- (9) No loading docks, service yards, detached mechanical equipment, exterior trash compounds, outdoor storage, or other similar Uses are allowed within the HR-2 portion of the Property.
- (10) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit (CUP).
- (11) The Historic Structure shall be restored or rehabilitated according to the requirements of the LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.
- (12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B.

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10, and must be only in Historic Structures.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.

(3) Adaptive reuse of residential Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be

residential in character and comply with the Historic District Design Guidelines for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual

Use of the shared drive.

(C) 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.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

(E) 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.

(F) Turning radii are subject to review by the City Engineer as to function and design.

15-2.3-11. ARCHITECTURAL REVIEW.

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

Historic District Design Guidelines,

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

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

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

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto.

(B) The Applicant will make every

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attempt to rehabilitate the Historic portion of the Structure.

(C) 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.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. 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 Structures 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.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.3-13. MECHANICAL SERVICE.

No free standing mechanical equipment is allowed in the HR-2 zone. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view or audible from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(Applies to Sub-Zone B only)

(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

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conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(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 outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.
- (b) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The proposed seating Area does not impede pedestrian circulation.
- (d) The proposed seating Area does not impede emergency Access or circulation.
- (e) The proposed

furniture is Compatible with the Streetscape.

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

(g) No Use after 10:00 p.m.

(h) No net increase 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 located within Sub-Zone B only.
- (b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (d) The Use is Compatible with the neighborhood.
- (e) The proposed service station does not impede

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pedestrian circulation.

(f) The proposed service station does not impede emergency Access or circulation.

(g) Design of the service station is Compatible with adjacent Buildings and Streetscape.

(h) No violation of the City Noise Ordinance, Title 6.

(i) 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) Located within the Sub-Zone B only.

(b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(c) 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.

(d) No more than a total of three (3) pieces of equipment may be displayed.

(e) Outdoor display is allowed only during Business hours.

(f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Located in Sub-Zone B only. Outdoor events and music require 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

(c) Impacts on adjacent

residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.

(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.

(g) The display 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.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City

Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. No. 05-49)

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') 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.

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. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 9.

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15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

15-2.3-17. RELATED PROVISIONS.

X Fences and Walls. LMC Chapter 15-4-2.

- X Accessory Apartment. LMC Chapter 15-4-7.
- X Satellite Receiving Antenna. LMC Chapter 15-4-13.
- X Telecommunication Facility. LMC Chapter 15-4-14.
- X Parking. LMC Chapter 15-3.
- X Landscaping. Title 14; LMC Chapter 15-3-3(D).
- X Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- X Historic Preservation Board. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-~~5~~.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. Section 15-3-6.

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**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 5 - ARCHITECTURAL REVIEW

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Chapter adopted by Ordinance No. 02-07

CHAPTER 5 - ARCHITECTURAL REVIEW

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15-5 -1. POLICY AND PURPOSE.

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

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

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

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

Park City's older neighborhoods are a National Register Historic District, which is a point of considerable importance to the tourism industry. New Development, while distinct from the Historic District, should not detract from it. Park City is densely developed due to the shortage of level, buildable land.

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

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15-5 -2. HISTORIC DISTRICT.

All Uses within the Historic District, both permitted and conditional are subject to

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design review by the Planning Department for compliance with the Architectural Guidelines adopted by the City Council in a resolution of June 16, 1983. Those guidelines are incorporated into this Code by reference, but may be revised from time to time by resolution of the City Council. Design review is initially performed by the Planning Department, with a right of appeal to the Historic Preservation Board (HPB). Review by the Historic Preservation Board is limited to matters of design compliance, with all functional review of Conditional Uses performed by the City staff.

15-5 -3. CONDITIONAL USE REVIEW.

Conditional Uses outside the Historic District zones are subject to design review by the Planning Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code and the Park City Design Guidelines.

15-5 -4. PERMITTED USE REVIEW.

Permitted Uses in all zones outside the Historic District are subject to design review by the Planning Department, with a right of appeal to the Planning Commission. The standards of review are set forth in this Code and the Park City Design Guidelines.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(A) PROHIBITED

ARCHITECTURAL STYLES AND MOTIFS. The following architectural styles and motifs are prohibited in Park City

because these styles and motifs have a strong connection or association with other regions:

- (1) A-frame Structures;
- (2) Geodesic dome Structures;
- (3) Mediterranean motifs;
- (4) Tudor or mock Tudor, half timbering;
- (5) Swiss chalets;
- (6) Highly ornate Victorian;
- (7) Rustic frontier;
- (8) Colonial;

(9) Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features and turrets may be allowed if roofs are not Conical and if the roof line is integrated into the main Structure. Round exterior walls are permitted but not as semi-detached round rooms, i.e., a round room may not exceed 270 degrees;

(10) New Structures designed to imitate Historic Structures built in Park City or elsewhere, unless the project complies with the Historic District Architectural Guidelines.

(11) **Exemption.** The above provisions addressing Tudor, Victorian, and colonial styles and

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Deleted: (10) Other historical or period design motifs that have a strong connection or association with other regions, or which have no historical connection with Park City;f

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tower elements shall not apply in the Prospector Park Subdivision.

(B) **PROHIBITED SIDING**

MATERIALS. The following siding, fascia, and soffit materials are prohibited because they have proved to be unsuitable for Use in Park City due to the extreme climate, or because their appearance is such that the values of adjoining or abutting Properties are adversely affected:

- (1) Thick shake shingles;
- (2) Ceramic tiles;
- (3) Slump bloc, weeping mortar;
- (4) Plastic or vinyl siding;
- (5) Used brick;
- (6) Simulated stone or brick, cultured stone or brick, synthetic stone products, pre-cast stone or concrete imbedded with stone fragments;
- (7) Lava rock, clinkers;
- (8) Asphalt siding;
- (9) Plywood siding, except that plywood may be approved by the Planning Director if utilized as a base for Board and Batten siding;

(10) Aluminum siding is generally not considered an appropriate material. The Planning Commission may, however, consider requests for the Use of aluminum siding. The design of the Structure shall be consistent with the Park City Design Guidelines. The Applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Commission. When aluminum siding is approved by the Planning Commission, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard of polystyrene foam;

(11) **Exemption.** Aluminum siding, including soffits and fascia, may be permitted, upon approval by the Planning Director, on Structures, when such Structures are located in Areas predominately developed with Structures utilizing the same type of materials, such as in, Prospector Village, Park Meadows, and Prospector Park Subdivisions. Existing buildings with aluminum or vinyl siding may be resided or repaired using aluminum or vinyl siding with specific approval by the Planning Director.

(C) **DESIGN ORNAMENTATION.**

Architectural design in Park City has

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historically been simple. Highly ornate Buildings are inconsistent with the architectural patterns of the community, and due to the close proximity of one Development to another, inconsistent ornamentation may become unsightly and detract from Property values.

To add architectural interest to Buildings, special ornamental siding materials may be used, provided that no more than twenty five percent (25%) of any facade of the Building is covered with ornamental siding.

Examples of ornamental siding provided for information purposes only and not as a limitation, are as follows:

- (1) Fish scale cut shingles;
- (2) Half-timbered stucco;
- (3) Match-sticked wood or other inlays.

(D) NUMBER OF EXTERIOR WALL MATERIALS.

Different exterior siding materials add interest to a Building, and to the community as a whole, however, the Use of too many exterior materials, like excessive ornamentation, detracts from the values of adjoining Properties. Exterior walls of any Building may be sided with up to three (3) different materials per Building, but no more than three (3) materials may appear on any one (1) wall, including ornamental siding. Trim shall not be counted as a siding material, but ornamentation is counted as a siding material. If trim covers more than ten percent (10%) of a side of the Building, it

shall be counted as a siding material on that side.

(E) ROOFING MATERIALS.

Because of the steep Grade changes within Park City, and the fact that residents and visitors are frequently in a position to look down on the City from the adjoining mountains, the appearance of roofs in Park City is of more significance than in other communities. Some roof types do not perform well in Park City's harsh climate. In addition, the area's dry climate creates a high potential for wild land fires which makes the Use of wood roofs unsafe in some Areas. For these reasons, the following roof types are prohibited in Park City:

- (1) Untreated aluminum or metal, except that copper may be used;
- (2) Reflective materials;
- (3) Brightly colored roofing such as bright red, blue, yellow, green or similar colors are highly visible. Exception: Green is allowed if it is determined that its hue, color, chroma and other attributes of color are similar to other earth tone colors currently approved in Park City. In no case shall the color be determined to be bright or highly reflective or towards the yellow tones of the color spectrum;
- (4) Wood shingles, including fire retardant shingles, prohibited only in wild land interface zones. Wood roofs may be allowed on additions to

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existing Structures with wood roofs, only upon specific approval of the Chief Building Official. In addition, wood roofing may be allowed on later phases, which continue the specific design of existing projects and where the original phase has wood roofing.

Existing non-conforming Structures must comply with this section when the Structure's roof is replaced;

(5) Except on Historic renovations or reconstructions with adequate documentation, roof ornamentation such as scroll work, finials, and bead-and-dowel work are prohibited.

(F) **ROOF SHAPES**. The following roof shapes are prohibited in Park City as the dominant roof form because they either do not perform well in the harsh climate, or tend to detract from the value of adjoining Property. As minor roof elements the following shapes may be allowed if approved by the Planning Director:

- (1) Mansard or fake mansard roofs;
- (2) Gambrel roofs;
- (3) Curvilinear roofs;
- (4) Domed roofs;
- (5) Geodesic domes;
- (6) Conical roofs (greater than 270 degrees around);

(7) A-frame or modified A-frame roofs.

Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby Properties.

(G) **SKYLIGHTS AND SOLAR PANELS**. Any skylight or other translucent roof material, which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:

(1) The feature is limited to no more than twenty-five percent (25%) of the roof Area;

(2) The design shall facilitate the Use of natural light in to the Building and any light emitted from the feature shall be shielded from adjacent Properties;

(3) The feature may not be the highest point of the Structure; and

(4) The feature shall be designed to fit as flush as possible with the roof. In no case shall the feature exceed two feet (2') above the roof plan.

(5) Solar panels shall be designed so as to be incorporated in the roof plan or architectural feature to the best extent possible.

(H) **WINDOW TREATMENTS**. Windows other than rectangular windows may be used as accents and trim, but arched,

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rounded, or Bay Windows as the primary window treatment are prohibited. Untreated aluminum and untreated metal window frames are prohibited. Small pane colonial style windows are not allowed.

(I) **LIGHTING.**

(1) **PURPOSE.** The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in

these Codes exist, the most restrictive shall apply.

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(3) **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.**

The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

- a. The alternative provides approximate equivalence to the applicable specific requirement of this Code;
- b. The alternative is otherwise satisfactory and complies with the intent of this Code; or
- c. The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.**

a. The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

i. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

ii. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

iii. 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 also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

b. **Lamp or Fixture Substitution.** On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval. Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

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(5) **SHIELDING.** All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

a. **Historic District Shielding and Fixture Exemption.** Fixtures in the

HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.

Historic fixtures that are fifty (50) years or older and

contribute to the architectural and cultural character of the Historic District are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

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(6) **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS.** Wattage, fixture and Light Source requirements as outlined in Table 1 below apply to all zones throughout the City:

Table 1

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Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
High Pressure Sodium ¹		x	50
Low Pressure Sodium		x	55
Metal Halide ²	x		1500

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¹ This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

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² Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

Low Voltage/ Halogen ³		x	50
Compact Fluorescent		x	75

Other Sources: As approved by the Planning Director

Note: Ax@ indicates the required standard.

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(7) GAS STATION

CANOPIES. Gas station canopies may not exceed an average horizontal Juminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

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(8) AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED.

Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal Juminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(10) LANDSCAPE LIGHTING.

The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

a. Pathway Lighting.

Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The

Deleted: illuminance

(9) CONSTRUCTION SITES.

All commercial construction Sites shall submit a lighting plan as part of

³ Low voltage/halogen sources are permitted in landscaping lighting only.

maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

b. **Highlighting, Backlighting.** Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

c. **Moonlighting.** Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) **RECREATIONAL LIGHTING.** Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

a. The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

b. All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

c. Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 pm, unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license.

Deleted: in no case shall recreational lighting occur after 11:00 p.m.

(12) RESIDENTIAL LIGHTING.

a. All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

b. Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is shielded and down-directed.

c. Bare bulb light fixtures such as flood or spotlights are not permitted.

d. Lighting exterior Building features for architectural interest is prohibited.

e. Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

f. Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) SEASONAL DISPLAY OF LIGHTS. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March. Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

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(14) OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

Deleted: Compact fluorescent are also permitted.

a. All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

b. The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

c. Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 P.M. shall be security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS.** The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS.**

a. **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter, including City owned or leased street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building

Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

b. **Fossil Fuel Light.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(17) **TEMPORARY EXEMPTION.**

a. **Requests.** Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

- i. Specific exemption or exemption request;
- ii. Type and Use of outdoor light fixtures involved;
- iii. Duration of time for requested exemption;
- iv. Total wattage;
- v. Proposed location on Site;
- vi. Description of event or reason for need of exemption; and

Deleted: Any lighting used after 11 p.m. shall be used as security lighting.

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vii. Other data as deemed necessary to adequately review and made a determination on the request.

b. **Approval; Duration.** The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

c. **Denial/Appeal.** If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

In addition to County health standards, the following trash enclosure design standards shall apply:

(1) Trash and storage Areas shall be Screened by landscaping, Fencing, berms or other devices integral to overall Site and Building design;

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(2) Trash and storage enclosures shall be constructed of materials that are Compatible with the proposed or existing Building and with surrounding Structures;

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(3) Trash and storage Areas shall be well maintained including prompt repair and replacement of damaged gates, Fences and plants;

(4) Openings of trash enclosures shall be oriented away from public view or Screened with sturdy gates wide enough to allow easy Access for trash collection, where practical;

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(5) The consolidation of trash Areas between Businesses and the Use of modern disposal techniques is encouraged.

(6) **Exception.** These standards shall not apply to existing Structures that have been built with zero Setbacks or when such enclosures would negatively impact Access, circulation, or snow removal efforts.

(K) **MECHANICAL EQUIPMENT.**

All electrical service equipment and sub-

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(J) **TRASH ENCLOSURES.**

panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure.

15- 5- 6. PERMITTED DESIGN FEATURES.

Any design, or any material that is not expressly prohibited by this Chapter, or a resolution adopted to supplement it, or by the Historic District Architectural Design Guidelines are permitted.

15-5-7. EXCEPTIONS.

In some cases, the Planning Director may vary from these standards if warranted by unusual or unique circumstances. In Single-Family Subdivisions, the Planning Department will consider the predominant architectural style and materials in the neighborhood to determine Compatibility. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.

15-5-8.FACADE LENGTH AND VARIATIONS.

(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) The special facade and volume requirement of the Historic District are found in LMC Chapter 15-2 and in the Historic District Architectural Design Guidelines.

(D) The facade length and variation requirements apply to all sides of a Building.

15-5-9.SENSITIVE LAND REVIEW.

Any project falling within the Sensitive Lands Area Overlay Zone may be subject to

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| additional architectural review requirements
and regulations as outlined in the Sensitive
Area Overlay Zone regulations, LMC
Chapter 15-2.21.

Ordinance No. 06-55

**AN ORDINANCE APPROVING THE UPPER NORFOLK SUBDIVISION
LOCATED AT 259-263 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 259-263 Norfolk Avenue have petitioned the City Council for approval of the Upper Norfolk Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Upper Norfolk Subdivision;

WHEREAS, the Planning Commission, on July 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved the Upper Norfolk Subdivision; and

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

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

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

Findings of Fact:

1. The property is located at 259-263 Norfolk Avenue.
2. Currently the property is platted as the 'Upper Norfolk Condominiums'
3. There is an existing triplex structure located on the property.
4. The existing structure does not conform to the height and setback requirements of the HR-1 zoning district.
5. The applicant is proposing demolishing the existing structure.
6. The applicant is proposing vacating the existing 'Upper Norfolk Condominiums' plat.
7. The applicant is proposing establishing three lots of record – identified on the proposed plat as Lot 1, Lot 2, and Lot 3.

8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three proposed lots would share one driveway.
12. The proposed lots are for the purposes of building single family houses.
13. The proposed lots have slopes of greater than 30% and are subject to Conditional Use Permit, Construction on a steep slope review.
14. There is not sufficient area on the property to conduct construction staging.
15. Norfolk Avenue and Upper Norfolk Avenue are substandard, narrow streets on steep hillsides.
16. On-street and off-street parking in the Norfolk / Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
17. Snow removal and emergency access to the Norfolk / Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
18. LMC Section 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
19. Accessory apartments are conditional uses in the HR-1 zoning district and require one parking space per bedroom.
20. Accessory apartments will increase the parking demand in the Norfolk / Upper Norfolk Avenue neighborhood.

Conclusions of Law:

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

Conditions of Approval:

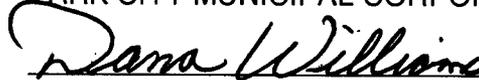
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year

- from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The lots are to be used for the construction of single family houses.
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the City prior to receiving building permits.
 6. A Utility / Grading Plan is required to be reviewed and approved by the City Engineer prior to the issuance of building permits.
 7. A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.

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

PASSED AND ADOPTED this 27th day of July, 2006.

PARK CITY MUNICIPAL CORPORATION



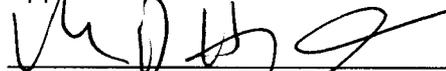
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

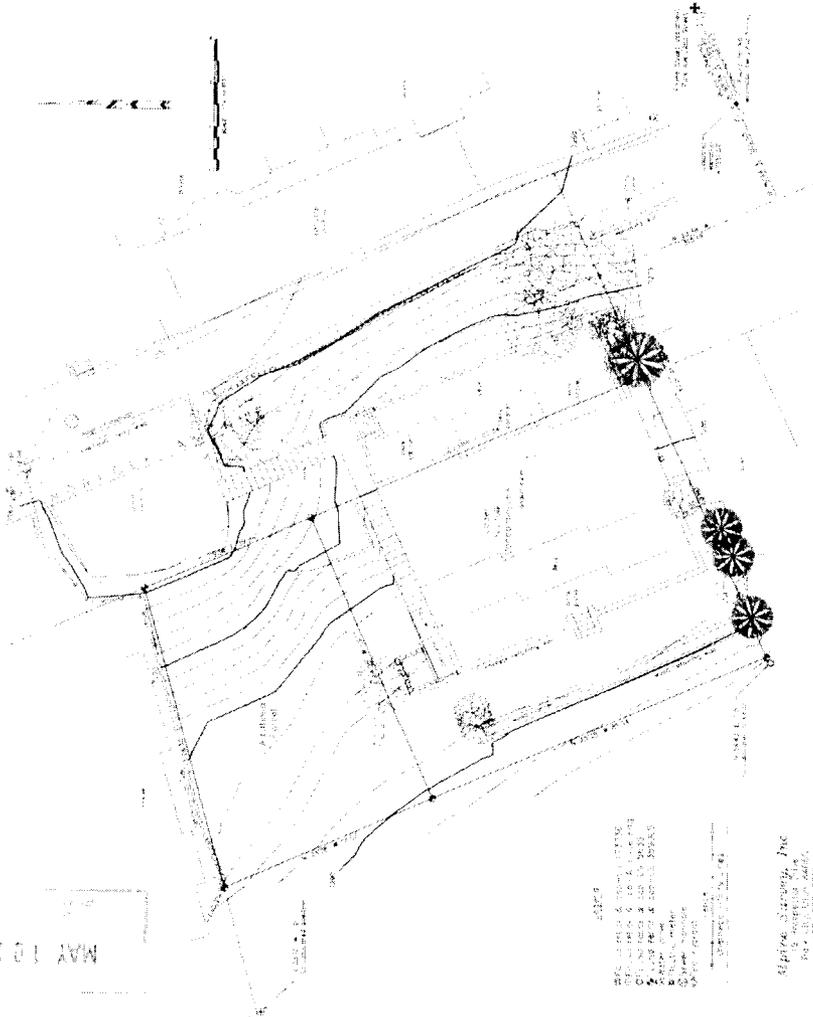
Approved as to form:



Mark D. Harrington, City Attorney



Upper Norfolk Avenue Condominiums



MAY 18 2003

- Notes:
- 1. SEE ALL NOTES TO THE PLAN.
 - 2. SEE ALL NOTES TO THE SPECIFICATIONS.
 - 3. SEE ALL NOTES TO THE CONTRACT.
 - 4. SEE ALL NOTES TO THE DEED.
 - 5. SEE ALL NOTES TO THE PLAT.
 - 6. SEE ALL NOTES TO THE RECORDS.
 - 7. SEE ALL NOTES TO THE TOWN.
 - 8. SEE ALL NOTES TO THE COUNTY.
 - 9. SEE ALL NOTES TO THE STATE.
 - 10. SEE ALL NOTES TO THE FEDERAL GOVERNMENT.

Maple Street, Inc.
 1000 Maple Street
 1000 Maple Street

1. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

2. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

3. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

4. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

5. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

6. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

7. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

8. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

9. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.

10. The owner of the property hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief and that the same is not intended to be used for any other purpose than that for which it is intended.



Scale: 1" = 100'

Ordinance No. 06-54

**AN ORDINANCE APPROVING THE LOT 5 APRIL MOUNTAIN SUBDIVISION PLAT
AMENDMENT LOCATED AT 1315 MELLOW MOUNTAIN DRIVE,
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 1315 Mellow Mountain Drive have petitioned the City Council for approval of the Lot 5 April Mountain Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the Lot 5 April Mountain Subdivision plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27, 2006, the City Council approved Lot 5 April Mountain Subdivision plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 5 April Mountain Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lot 5 April Mountain Subdivision plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1315 Mellow Mountain Drive.
2. The zoning is Residential Development (RD-MPD), subject to the April Mountain Master Planned Development.
3. The property in question is Lot 5 of the April Mountain Subdivision, recorded on October 29, 2002. Lot 5 is 185,644 sf in area.
4. The April Mountain Subdivision plat includes a table that identifies a building zone area (building pad) for Lot 5 as limited to 34,431 sf in area. The subdivision plat also identifies a maximum site disturbance of 58,365 sf of lot area and identifies an approximate location of the building zone area as indicated by a dashed line with a

note stating the following: "approximate building zone area subject to modification by the community development department, whose decision shall be final."

5. The area outside of the disturbance area is platted ROS (undisturbed open space) area. Per the April Mountain MPD this area is undisturbed, with exceptions for trails; the City Water tank and access road; and the construction, maintenance, and use of underground utilities and screened above-ground transformers, junction boxes, or other similar uses generally limited to 3' in height. The area of ROS is currently 127,279 sf.
6. On May 19, 2006, the applicant applied for a plat amendment to shift the platted building area to allow driveway and utility construction to occur at the north end of Lot 5.
7. Construction disturbance for the driveway is within the current platted ROS area of Lot 5, in an area previously disturbed by construction of Mellow Mountain Road, utilities, and a storm drainage outfall.
8. The applicant's contractor started the construction in error prior to approval of a plat amendment.
9. The lot is located on a hillside with a mixture of oak, sagebrush, grasses and wildflowers. The southern and western portions of the lot contain large expanses of non-disturbed native vegetation. The northern and eastern portion of the lot contains areas previously disturbed with construction of Mellow Mountain Road, a utility access road, and a storm drainage outfall area.
10. The plat amendment shifts the disturbance area to the northern and eastern portions of the lot to allow construction of the driveway in an area of the lot that was previously disturbed. The plat amendment preserves a large, contiguous area of native vegetation within the revised platted ROS boundary.
11. The plat amendment corrects mistakes made during construction of the driveway and brings the future lot improvements into compliance with the code by locating all construction disturbances outside of the revised ROS area. The allowed building zone area of 34,431 sf remains unchanged by this amendment.
12. The amendment increases the size of the ROS area from 127,279 sf to 131,257 sf.
13. Maximum building height is 28' (LMC exceptions (5') for a pitched roof are allowed on this lot) and setbacks are as follows: 15' in the front, 12' on the sides, and 15' in the rear, or as otherwise limited by the building zone area and ROS boundary delineation.
14. Construction access and staging for the driveway construction is appropriate on the City's Aerie tank pump house access road, as this area is already disturbed and it would remove some construction activity from Mellow Mountain Road.
15. There is an existing storm water outfall located near the north property line. It is desirable to direct drainage water from Mellow Mountain Road to the natural area of Lot 5, along the north property line.

Conclusions of Law:

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

amendment.

4. Approval of the plat amendment subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the April Mountain Master Planned Development and April Mountain Subdivision plat shall continue to apply and a note shall be added to the Lot 5 April Mountain Subdivision plat amendment stating this.
4. A note shall be included on the plat indicating that the maximum building height is 28' (with LMC exceptions allowed for a pitched roof) and that the front setbacks are 15', side setbacks are 12', and rear setbacks are 15', or as otherwise limited by the building zone area and ROS boundary delineation.
5. Construction access and staging shall be permitted on the City's pump house access road for the driveway construction. Any additional construction use of the access road shall require specific written approval by the City.
6. The scope of the limits of disturbance guarantee shall include the City's pump house access road and shall be available to make any necessary repairs to said access road caused by disturbance due to construction on Lot 5.
7. A 10' wide, non-exclusive drainage easement is required along the entire north property line, to handle drainage from Mellow Mountain Road and adjacent property.

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

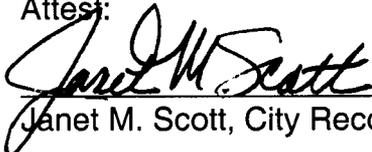
PASSED AND ADOPTED this 27th day of July, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

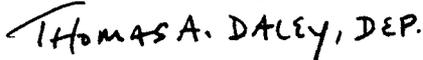


Janet M. Scott, City Recorder

Approved as to form:

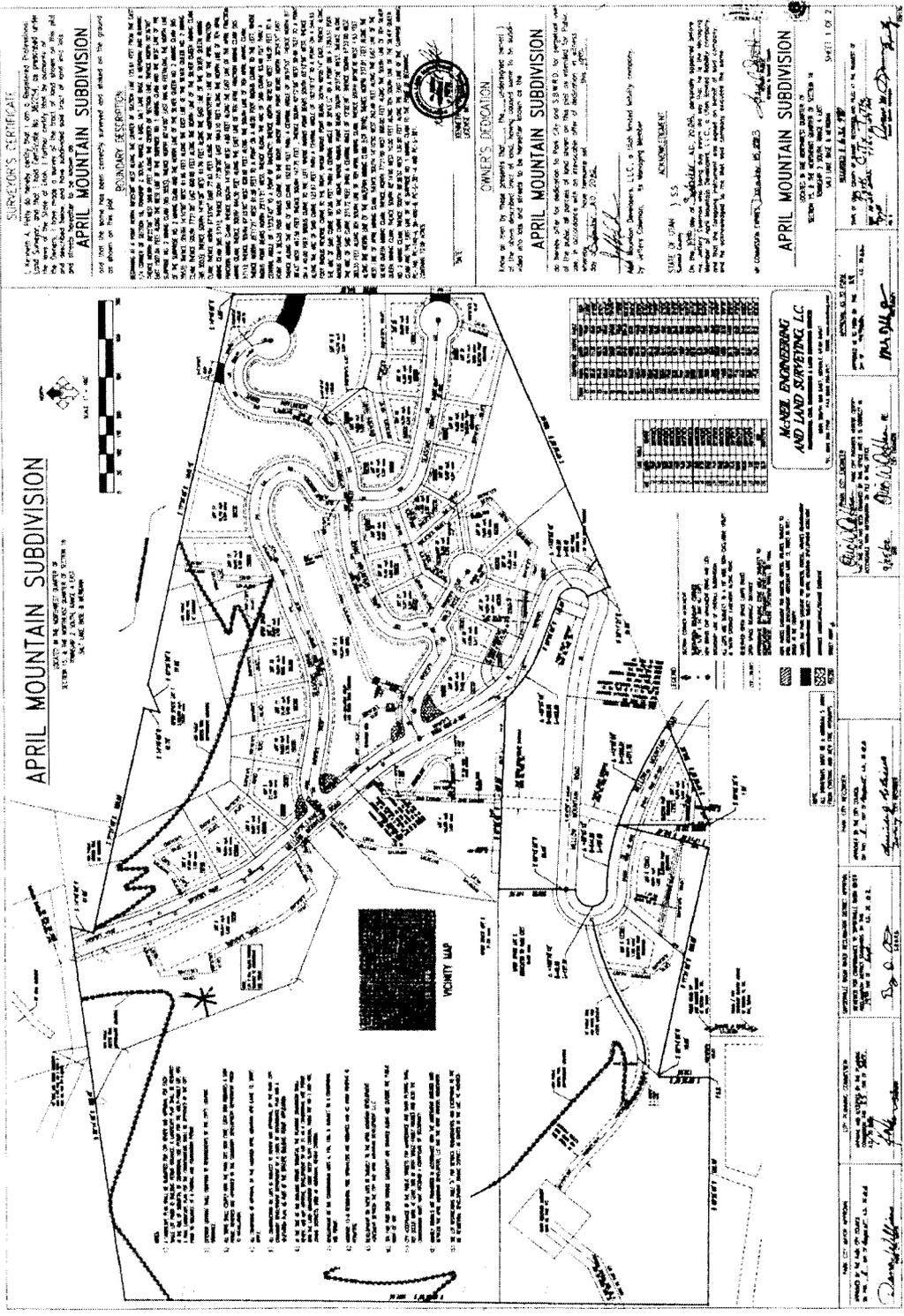


Mark D. Harrington, City Attorney


Thomas A. Daley, DEP.



* Lot 5



SURVEYOR'S CERTIFICATE

I, Matthew A. Kelly, do hereby certify that I am a Registered Professional Land Surveyor, No. 1007, State of North Carolina, and that I have prepared the foregoing plat of the subdivision of the land shown hereon in accordance with the provisions of the laws of the State of North Carolina, and that the same is a true and correct copy of the original as shown on the plat.

APRIL MOUNTAIN SUBDIVISION

SECTION 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

BOUNDARY DESCRIPTION

THE BOUNDARY OF THE ABOVE DESCRIBED TRACT OF LAND IS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE S 89° 15' 00" W 100.00 FEET TO A POINT; THENCE S 00° 00' 00" W 100.00 FEET TO A POINT; THENCE S 89° 15' 00" E 100.00 FEET TO A POINT; THENCE N 00° 00' 00" E 100.00 FEET TO A POINT; THENCE N 89° 15' 00" W 100.00 FEET TO THE POINT OF BEGINNING.

OWNER'S DECLARATION

I, the undersigned, being the owner of the above described tract of land, do hereby declare that the same is to be subdivided into the number of lots shown on the attached plat of subdivision, and that the same is to be subdivided in accordance with the provisions of the laws of the State of North Carolina, and that the same is to be subdivided in accordance with the provisions of the laws of the State of North Carolina, and that the same is to be subdivided in accordance with the provisions of the laws of the State of North Carolina.

APRIL MOUNTAIN SUBDIVISION

SECTION 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

APRIL MOUNTAIN SUBDIVISION

SECTION 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

EXHIBIT B.

Resolution No. 22-06

**RESOLUTION NAMING AND HONORING SALLY ELLIOTT
AS THE MAYOR'S CHOICE FOR THE
2006 MAYORS' AWARDS IN THE HUMANITIES**

WHEREAS, the Mayors' Awards in the Humanities were established to celebrate the Utah Humanities Council's 25th Anniversary, and to honor local champions for their promotion of history, heritage, literacy, literature, and public discussion in their communities; and

WHEREAS, the humanities preserve and promote a deeper understanding of the human condition in our local towns and cities; and

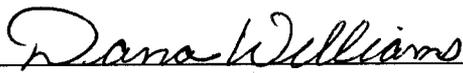
WHEREAS, Sally Elliott has consistently demonstrated her commitment to communicate the importance of diverse traditions, values and ideas through informed open forums; and

WHEREAS, she has always advanced the Utah Humanities Council's mission, philosophy and ethics during her many years of public service as a Park City Councilmember and Summit County Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Mayor, City Council, and Utah Humanities Council that Sally Elliott is hereby named and honored as the Mayor's Choice for the 2006 Mayors' Award in the Humanities.

PASSED AND ADOPTED this 27th day of July, 2006.

PARK CITY MUNICIPAL CORPORATION



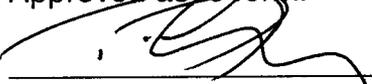
Mayor Dana Williams

Attest:



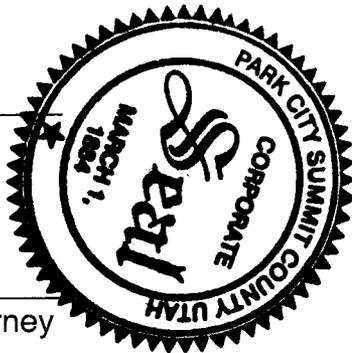
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

THOMAS A. DALE, DEP



Ordinance No. 06-53

**AN ORDINANCE APPROVING THE 586 MAIN STREET PLAT AMENDMENT
LOCATED AT 586 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 586 Main Street have petitioned the City Council for approval of the 586 Main Street plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12, 2006, to receive input on the 586 Main Street plat amendment;

WHEREAS, the Planning Commission, on July 12, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 586 Main Street plat amendment.

WHEREAS, on July 26, 2006, the City Council approved 586 Main Street plat amendment; and

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 586 Main Street plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 586 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 2866.2 square feet in size.
4. Height for this lot is 45 feet and there is no setback requirements.
5. There is an existing historic commercial building on the site.
6. There is a pedestrian easement adjacent to the property (running through the Gateway site on the northern property line).

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. There is a pedestrian easement running through the Gateway Center property, parallel with the northern property line of the subject property. Future site development cannot compromise this easement. The site has no frontage on Swede Alley. It can be accessed via Swede Alley by a pedestrian walkway through the plaza south of the gateway building.

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

PASSED AND ADOPTED this 27th day of July, 2006.

PARK CITY MUNICIPAL CORPORATION



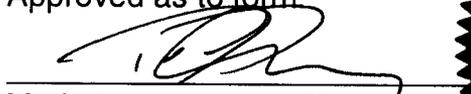
Mayor Dana Williams

Attest:



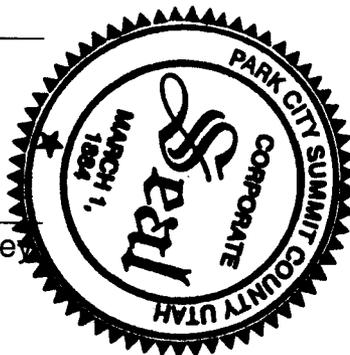
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

THOMAS A. DALEY, D.P.

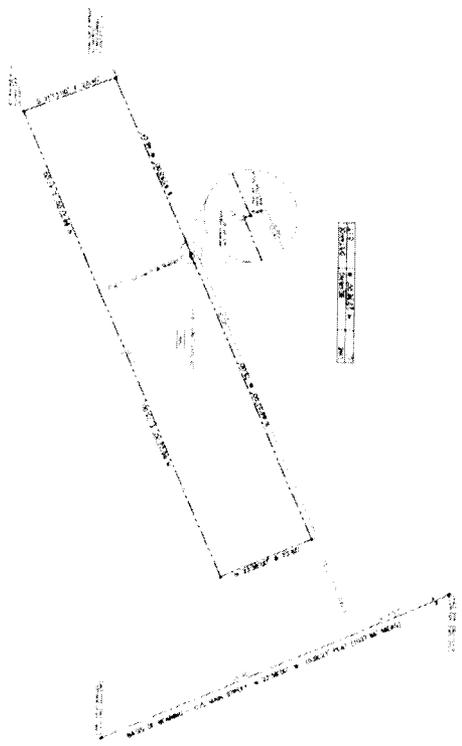


OWNER'S DESIGNATION AND COMMENT TO RECORD:
 THIS PLAN IS A COMBINATION OF THE EXISTING AND PROPOSED LOTS AND IS BEING SUBMITTED FOR RECORD AS SUCH. THE OWNER HAS BEEN ADVISED THAT THE CITY ENGINEER'S OFFICE WILL REVIEW THIS PLAN FOR CONFORMANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S OFFICE WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S OFFICE WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

AGREEMENT:
 I, the undersigned, hereby agree to the terms and conditions of the above described plan and to the fact that the same has been approved by the City Engineer's Office. I further agree to pay the cost of recording this plan and to the fact that the same has been approved by the City Engineer's Office.

SURVEY CERTIFICATE:
 I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.

PLANNING COMMISSION:
 I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.



PLANNING COMMISSION
 MAY 22 2006
 CLACK CITY
 PLANNING DEPT.

586 MAIN STREET PLAT
 A LOT COMBINATION PLAT
 TOWNSHIP 7 SOUTH, RANGE 10 WEST, SECTION 19
 CLACK COUNTY, MISSOURI

<p>APPROVAL BY THE CITY ENGINEER: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>	<p>APPROVAL BY THE PLANNING COMMISSION: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>	<p>APPROVAL BY THE CITY ENGINEER: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>	<p>APPROVAL BY THE PLANNING COMMISSION: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>	<p>APPROVAL BY THE CITY ENGINEER: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>	<p>APPROVAL BY THE PLANNING COMMISSION: I, the undersigned, hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the owner and that the same has been approved by the City Engineer's Office.</p>
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Ordinance No. 06-52

**AN ORDINANCE APPROVING THE LOTS 63 AND 64, THE OAKS AT DEER VALLEY PLAT
AMENDMENT LOCATED AT 3615 & 3605 OAKWOOD DRIVE,
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3615 & 3605 Oakwood Drive have petitioned the City Council for approval of the Lots 63 and 64, the Oaks at Deer Valley plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 12th, 2006, to receive input on the Lots 63 and 64, the Oaks at Deer Valley plat amendment;

WHEREAS, the Planning Commission, on July 26th, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 27th, 2006, the City Council approved Lots 63 and 64, the Oaks at Deer Valley plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lots 63 and 64, the Oaks at Deer Valley plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lots 63 and 64, the Oaks at Deer Valley plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1) The property is located at 3615 & 3605 Oakwood Drive.
- 2) The property is known as Lot 64 and half of Lot 63, The Oaks at Deer Valley subdivision.
- 3) The zoning is Residential Development (RD) with a Master Planned Development (MPD).
- 4) The proposal is to reinstate the original lot lines defining Lot 63 and Lot 64 of The Oaks at Deer Valley, as recorded in August of 1989.
- 5) This plat amendment will eliminate the lot line that was added July 1, 2004 which joined half of Lot 63 to the existing lot 64.
- 6) Lot 63 contains 14,600 square feet and Lot 64 contains 14,312 square feet.
- 7) The property is currently vacant with sage brush.
- 8) There is a limit of disturbance line running roughly parallel with the rear lot line that will concentrate site development away from the rear of the lots.
- 9) All lot and site requirements of the RD zoning district apply to these lots.
- 10) An ordinance approving the combination of Lot 64 and half of Lot 63, The Oaks at Deer Valley was approved July 1st, 2004.
- 11) Planning Commission forwarded a positive recommendation to City Council on July 26th, 2006 for the proposed plat entitled 'The Lots 63 and 64, the Oaks at Deer Valley'.

Conclusions of Law:

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

Conditions of Approval:

- 1) The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2) The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
- 3) All conditions of approval of The Oaks at Deer Valley Subdivision shall continue to apply.

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

PASSED AND ADOPTED this 27th day of July, 2006.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney
Thomas A. Daley, D.E.P.



total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(b) Animal unit - means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(c) Extremely hazardous substances - means those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).

(4) Potential contamination source - means any facility or site which employs an activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(5) Regulatory agency - means any governmental agency with jurisdiction over hazardous waste as defined herein.

(6) Sanitary landfill - means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(7) Septic tank/drain-field systems - means a system that is comprised of a septic tank and a drain-field that accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

(8) Wellhead - means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

(B) Establishment of drinking water source protection zones. There are hereby-established use districts to be known as zones one, two, three, and four of the drinking water source protection area identified and described as follows:

(1) Zone one is the area within a 100-foot radius from the wellhead.

(2) Zone two is the area within a 250-day ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(3) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(4) **Zone four** is the area within a 15-year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(C) **Permitted uses.** The following uses shall be permitted within drinking water source protection zones:

(1) Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(D) **Prohibited uses.** The following uses or conditions shall be and are hereby prohibited within drinking water sources protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of the ordinance.

(1) **Zone one** - The location of potential contamination sources as defined herein, unless they are controlled with design standards.

(2) **Zone two** - The location of pollution sources as defined herein, unless their contaminated discharges are controlled with design standards.

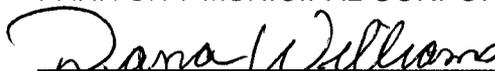
(3) **Zones three and four** - The location of potential contamination sources unless they are controlled through land management strategies.

(E) **Administration.** The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, exception, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for Park City, as the same is presently enacted or may from time to time be amended.

(F) **Effective Date.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13 day of July, 2006.

PARK CITY MUNICIPAL CORPORATION

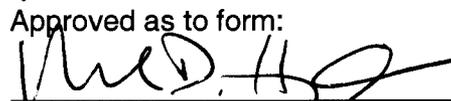


Mayor Dana Williams

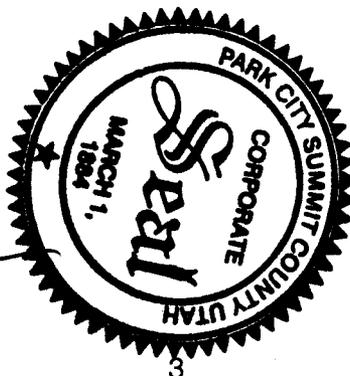
Attest:



Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 06-50

AN ORDINANCE APPROVING THE PHASE 4B STEIN ERIKSEN LODGE AMENDED RECORD OF SURVEY LOCATED AT 7700 STEINS WAY, PARK CITY, UTAH.

WHEREAS, the owners of the Stein Eriksen Lodge located at 7700 Steins Way have petitioned the City Council for approval of the Phase 4B Stein Eriksen Lodge amended record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 28, 2006, to receive input on the Phase 4B Stein Eriksen Lodge amended record of survey;

WHEREAS, the Planning Commission, on June 28, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 6, 2006, the City Council approved Phase 4B Stein Eriksen Lodge amended record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Phase 4B Stein Eriksen Lodge amended record of survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Phase 4B Stein Eriksen Lodge amended record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Steins Way.
2. The zoning is Residential Development (RD) within the Deer Valley Master Planned Development (RD-MPD).
3. The Stein Eriksen Lodge seeks to create 4 hotel rooms in a lower level below where the pool had been and adjacent to one of the parking levels. The total square footage of the four rooms is proposed at 3200 square feet.
4. Six new parking spaces are created under the hotel rooms with access from the Deer Valley maintenance road near the existing loading dock for Stein's.
5. The hotel rooms and parking expansion are platted as Common.
6. There is no increase in height or setback reduction from this application.
7. The City Water Department has confirmed that sufficient capacity exists in this area for this limited application and the future build-out of Silver Lake; however, that excess capacity is limited and future density transfers may be limited by water capacity.
8. The 8th Amended Deer Valley MPD applies to density. Under the 8th Amended MPD, all Snow Park density units utilize the UE formula found in the LMC. Three units are in the 800-1000 square foot range constituting 0.5 UEs each and one unit is 500 square feet or 0.25 UEs for a total of 1.75 UEs.

9. The additional hotel rooms would have an incremental effect on traffic generation.

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.

Conditions of Approval:

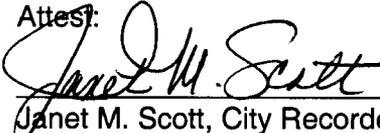
1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Deer Valley Master Planned Development 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:

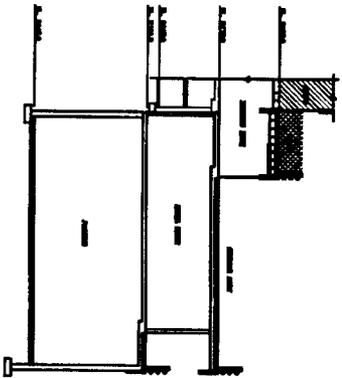


Mark D. Harrington, City Attorney

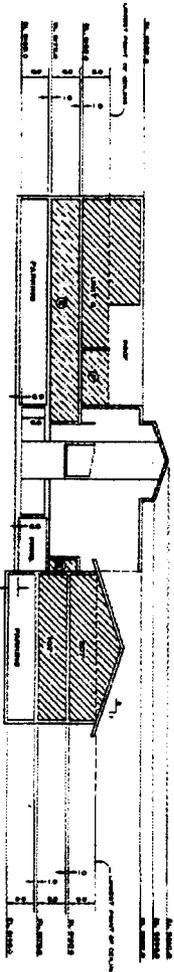


GENERAL NOTES

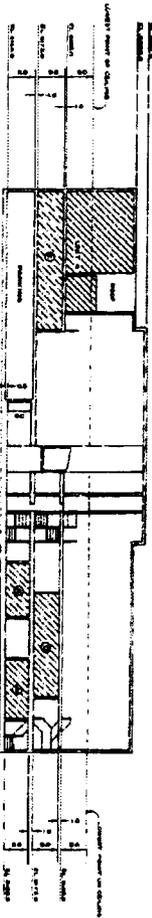
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PARK CITY PLANNING DEPARTMENT SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY.
5. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PARK CITY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
8. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
10. ALL CHANGES TO THE ORIGINAL DESIGN SHALL BE SUBMITTED IN WRITING AND APPROVED BY THE ARCHITECT AND CITY OF PARK CITY.



BUILDING SECTION
SCALE 1/4" = 1'-0"



BUILDING SECTION "A"
SCALE 1/4" = 1'-0"



BUILDING SECTION "B"
SCALE 1/4" = 1'-0"

PHASE 4 SUMMARY

NO.	DESCRIPTION	DATE	STATUS
1	FOUNDATION	2006-02-15	COMPLETE
2	FLOOR SLAB	2006-02-20	COMPLETE
3	WALLS	2006-02-25	COMPLETE
4	ROOF	2006-03-01	COMPLETE
5	MECHANICAL	2006-03-05	COMPLETE
6	ELECTRICAL	2006-03-10	COMPLETE
7	PLUMBING	2006-03-15	COMPLETE
8	INTERIOR FINISH	2006-03-20	COMPLETE
9	EXTERIOR FINISH	2006-03-25	COMPLETE
10	LANDSCAPE	2006-04-01	COMPLETE

RECEIVED
MAR 23 2006
PARK CITY
PLANNING DEPT.

PHASE 4
STEIN ERIKSEN LODGE
SHEET 3 OF 3
FEBRUARY 2006

JACK JOHNSON COMPANY
ARCHITECTS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY.

2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

3. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY.

4. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

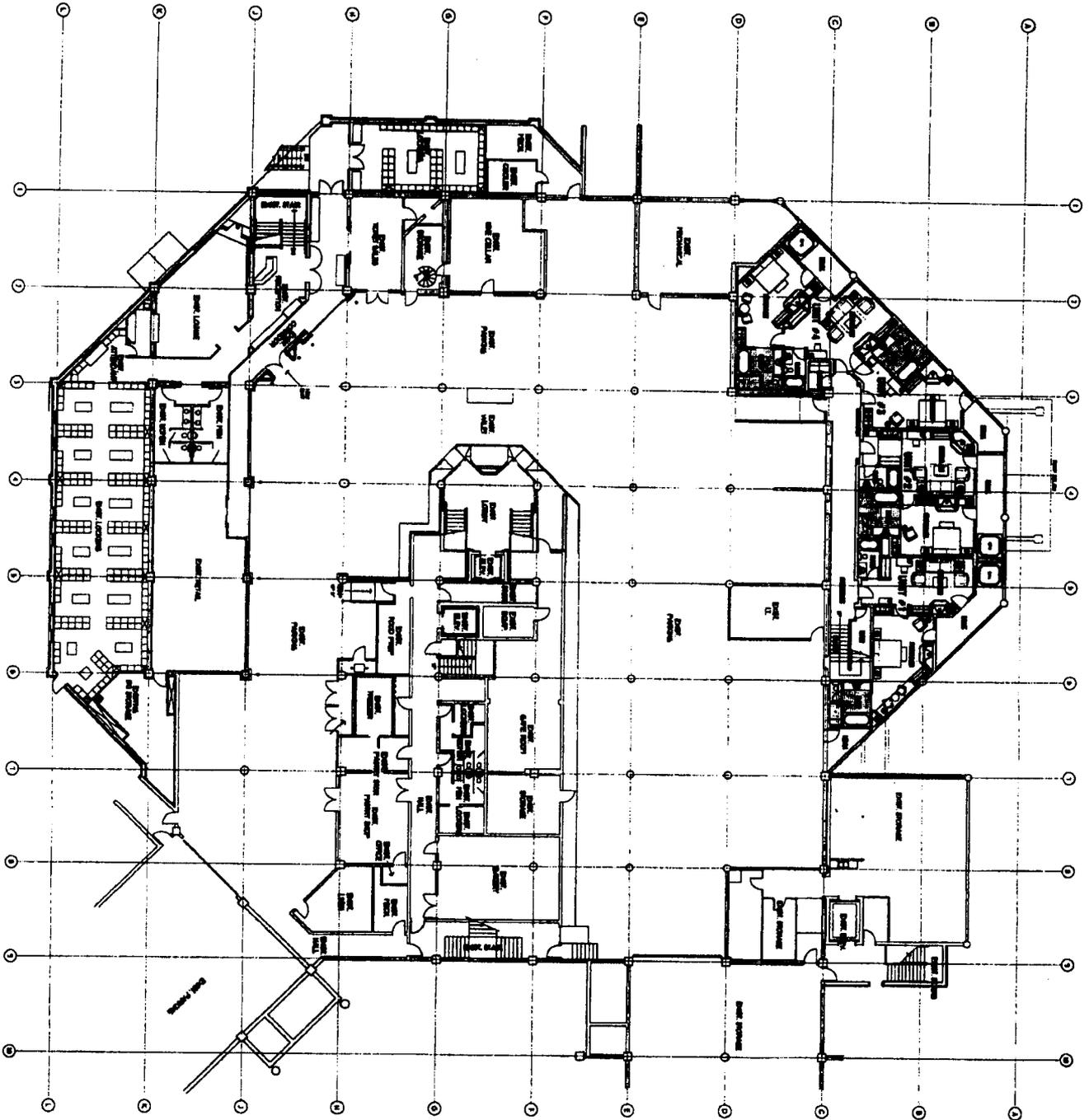
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF PARK CITY.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.

7. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

9. ALL CHANGES TO THE ORIGINAL DESIGN SHALL BE SUBMITTED IN WRITING AND APPROVED BY THE ARCHITECT AND CITY OF PARK CITY.



GARAGE LEVEL FLOOR PLAN



MAR
 53
 1945

Ordinance No. 06-49

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

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for approval of the Nakoma Condominiums record of survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 28, 2006, to receive input on the Nakoma Condominiums record of survey;

WHEREAS, the Planning Commission, on June 28, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 6, 2006, the City Council approved Nakoma Condominiums record of survey; and

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

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

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

Findings of Fact:

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

8. The proposed record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II.
9. Two parking spaces are required for each unit.
10. Each building is required to conform to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

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

Conditions of Approval:

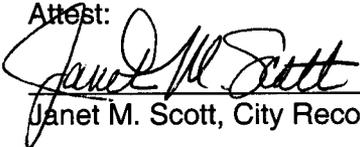
1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.

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

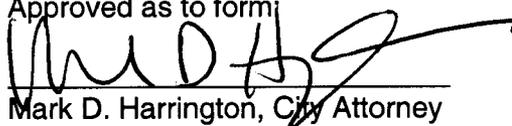
PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



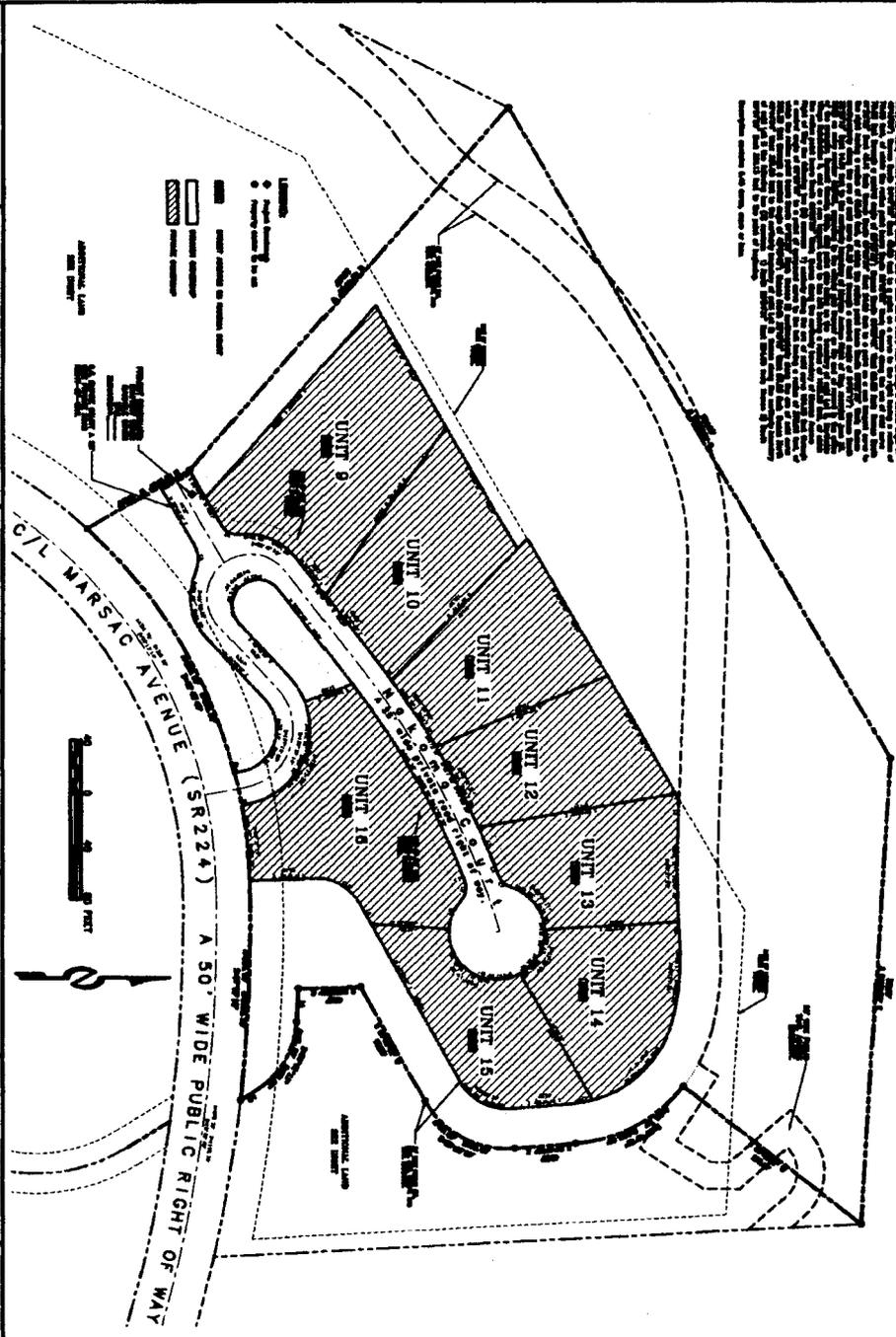


REGISTERED PROFESSIONAL ENGINEER
 STATE OF UTAH
 License No. _____
 Name _____
 Date of Issue _____
 Expiration Date _____

I hereby certify that the above described plat is a true and correct copy of the original as filed in my office and that the same complies with the provisions of the Utah Condominium Act, Chapter 10, Section 30, of the Utah Code, and that the same has been approved by me as a registered professional engineer.

GENERAL DESCRIPTION AND COMMENT TO RECORD
 This is a plat of a condominium project consisting of 15 units, located in the northwest quarter of Section 28, Township 3 South, Range 4 East, Salt Lake Meridian, Park City, Summit County, Utah.

APPROVED FOR RECORD
 Date of _____
 By _____
 Title _____



NAKOMA CONDOMINIUMS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

CONDOMINIUM PLAT

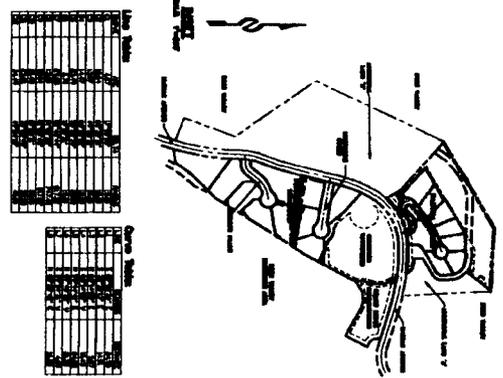
1. The purpose of this plat is to create 15 separate units of real property, each with a separate ownership interest, and to provide for the common use and enjoyment of the units and the common areas of the project.

2. The units are to be owned and used as separate and distinct units, and each unit shall have its own separate entrance and exit.

3. The common areas of the project shall be owned and used for the common use and enjoyment of all the units, and shall include the common areas, common elements, and common facilities.

4. The common areas, common elements, and common facilities shall be owned and used for the common use and enjoyment of all the units, and shall include the common areas, common elements, and common facilities.

5. The common areas, common elements, and common facilities shall be owned and used for the common use and enjoyment of all the units, and shall include the common areas, common elements, and common facilities.



INTERMEDIATE STATE WATER RECLAMATION DISTRICT
 APPROVED FOR CONVEYANCE TO INTERMEDIATE STATE WATER RECLAMATION DISTRICT BY THE _____
 DATE OF _____ 2006 A.S.

PLANNING COMMISSION
 APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PARK CITY ON _____
 DATE OF _____ 2006 A.S.

ENGINEER'S CERTIFICATE
 I, _____, ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE AND THAT THE SAME COMPLIES WITH THE PROVISIONS OF THE UTAH CONDOMINIUM ACT, CHAPTER 10, SECTION 30, OF THE UTAH CODE, AND THAT THE SAME HAS BEEN APPROVED BY ME AS A REGISTERED PROFESSIONAL ENGINEER.

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____
 DATE OF _____ 2006 A.S.
 BY _____

CERTIFICATE OF ATTORNEY
 I, _____, ATTORNEY AT LAW, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE AND THAT THE SAME COMPLIES WITH THE PROVISIONS OF THE UTAH CONDOMINIUM ACT, CHAPTER 10, SECTION 30, OF THE UTAH CODE, AND THAT THE SAME HAS BEEN APPROVED BY ME AS AN ATTORNEY.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____
 DATE OF _____ 2006 A.S.
 BY _____

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REGISTER OF DEEDS OFFICE OF THE COUNTY OF SUMMIT, UTAH.

NOV 28 2006
 PARK CITY
 PLANNING DEPT.

AN ORDINANCE AMENDING TITLE 15 OF THE PARK CITY MUNICIPAL CODE, LAND MANAGEMENT CODE, ESTABLISHING SECTION 15-2-23: COMMUNITY TRANSITION DISTRICT AND SECTION 15-6-8, A UNIT EQUIVALENT MULTIPLIER FOR I-OCCUPANCY USES

WHEREAS, it is in the public interest to create a zoning district is to preserve the character of the area's existing open space, recreation, and institutional land uses; and

WHEREAS, it is in the public interest clustering low-density development in a manner that respects the entry corridor, sensitive lands, and existing open space area; and

WHEREAS, low-density public, quasi-public, and/or institutional uses relating to community open space, recreation, sport training and development, tourism, and community health are land uses consistent with the City's General Plan and Quinns Junction Joint Planning Principles; and

WHEREAS, it in the public interest to prohibit highway service commercial and regional/big-box commercial uses in the community's entry corridor areas; and

WHEREAS, the relative density factors applied to hospitals/I-Occupancy uses is functionally different than residential and commercial uses due to building code requirements for wider hallway corridors, mechanical and air-exchange space, equipment storage, and other requirements for patient safety; and

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

WHEREAS, the City Council adopted Resolution No. 21-05 on July 14, 2005 forming the IHC/USSA/Burbidge Annexation Task Force for purposes of providing a recommendation to the Planning Commission and City Council on the annexation petition elements relating to the proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts; and

WHEREAS, the IHC/USSA/Burbidge Annexation Task Force on October 27, 2005 unanimously recommended Community Transition (CT) District be the zoning designation applied the annexation area;

WHEREAS, the IHC/USSA/Burbidge Annexation Task Force on October 27, 2005 unanimously recommended that Land Management Code be amended to establish a 1666 square foot unit equivalent multiplier for I-Occupancy uses; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2006 to receive public input on the proposed Land Management Code amendments and forwarded a positive recommendation to City Council; and

WHEREAS, on June 29, 2006 the City Council held public hearings to receive input on the proposed Land Management Code amendments; and

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

SECTION 1. LAND MANAGEMENT CODE AMENDMENT. Title 15 of the Park City Municipal Code, Land Management Code is amended as described in Exhibit A to create Section 15-2-23: Community Transition (CT) District and amend Section 15-6-8: Master Planned Developments—Unit Equivalents as described in Exhibit B.

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

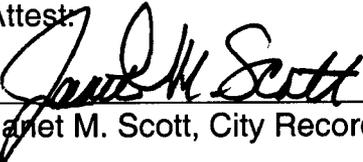
PASSED AND ADOPTED this 29th day of June 2006.

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
TABLE OF CONTENTS
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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.23 - COMMUNITY TRANSITION DISTRICT

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**TITLE 15 - LAND MANAGEMENT ODE
MC)**
**CHAPTER 2.23 - COMMUNITY
TRANSITION (CT) DISTRICT**

Chapter adopted by Ordinance No. ____

15-2.23-1. PURPOSE.

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-density public, quasi-public, and/or institutional uses relating to community open space, recreation, sports training and development, tourism, and community health.
- (B) Encourage low density development designed in a manner so as to cluster uses in the least visually sensitive areas and maximizes open space.
- (C) Enhance and expand public open space and recreation uses compatible with the adjacent public deed-restricted open space;
- (D) Prohibit highway service commercial, regional-commercial, and limit residential land uses;
- (E) Require building and site design solutions that minimize the visual impacts of parking and parking lot lighting from the entry corridor and adjacent neighborhoods and land uses.
- (F) Preserve and enhance environmentally sensitive lands such as wetlands, steep slopes, ridgelines, wooded areas, and stream corridors;

(G) Preserve Park City's scenic entry corridor by providing significant open space and landscape buffers between development and the highway corridor;

(H) Encourage transit-oriented development and uses;

(I) Promote significant linkages to the broader community open space and trail network;

(J) Encourage the development of high quality public places such as parks, trails, and recreation facilities

(K) Encourage development which preserves the natural setting to the greatest extent possible.

(L) Minimize curb cuts, driveways, and access points to the highway.

15-2.23-2. USES.

Uses in the Community Transition District are limited to the following:

(A) **ALLOWED USES.**

(1) Conservation Activities

(B) **CONDITIONAL USES.**

- (1) Master Planned Developments
- (2) Public, Quasi-Public, Civic, Municipal Uses
- (3) General Acute Hospital
- (4) Alternative Professional Health-related Services
- (5) Athletic Training and Testing Offices and Facilities
- (6) Athletic Program Administrative Offices
- (7) Support Short-Term Athlete Housing (within an approved MPD)

- (8) Accredited Physician Office Space
- (9) Accredited Medical & Dental Clinics
- (10) Medical Heliport
- (11) Group Care Facility
- (12) Ancillary Support Commercial (within an approved MPD)
 - a. Gift Shop
 - b. Dispensing pharmacy
 - c. Medical supply
 - d. Restaurant
 - e. Deli
 - f. Outdoor Grills/Beverage Service Stations
 - g. Day Care
- (13) Recreation Facility, Public and Private
- (14) Recreation Facility, Commercial
- (15) Park and Ride Lot
- (16) Municipal/Institutional Accessory Building and Use
- (17) Conservation Activity
- (18) Parking Lot, Public or
- (19) Public Utility or Essential Services
- (20) Single Family Dwelling - with an approved MPD¹
- (21) Duplex Dwelling - with an approved MPD¹
- (22) Multi-Unit Dwelling - with an approved MPD¹

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

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will 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 private easement connecting the Lot to a Street shown on the Streets

¹ Residential uses can not exceed 1 unit/ acre

Master Plan. All Development must comply with the following:

(A) **LOT SIZE**. There is no minimum lot size in the CT District.

(B) **FRONT, REAR AND SIDE YARDS**. Unless otherwise further restricted by Frontage Protection Overlay standards and/or Master Planned Development conditions of approval, all Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(C) **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.

15-2.23-4. DENSITY. The base Density of the CT District is one (1) unit per twenty (20) per acres.

(A) **Density Bonus—One (1) Unit/Acre**: The base Density of the CT District may increased up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development:

(1) **Open Space**: The Master Planned Development shall provide 70% Transfer of Open Space on the project site.

(2) **Frontage Protection Zone No-Build Setback**: The Master

Planned Development shall include a 200 foot Frontage Protection Zone no-build setback measured from the closest edge of the highway right-of-way.

- (3) Parking: Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of 40% of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of parking areas and parking lot lighting. The Planning Commission may consider reducing the 40% minimum structured/tiered parking requirement based on existing site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor areas and/or to achieve optimum site circulation and/or shared parking.

- (4) Public Transit Facilities: The Master Planned Development shall include the development of a public transit hub facility within the development area. The Planning Commission may consider waiving this requirement if a developer/applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a

proposed development.

- (5) Enhanced Public Benefit Dedication: The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional uses reasonably related to the General Plan goals for the Area, and impacts of the development activity.
- (6) Public Trails and Pedestrian Improvements: The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.
- (7) Sensitive Lands Overlay Standards: The Master Planned Development shall comply with all requirements set forth in Section 15-2.21: Sensitive Lands Overlay.
- (8) Affordable Housing: The Master Planned Development shall provide an additional 5% affordable housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of application. The Planning Commission may consider alternative housing uses for the additional 5% affordable

housing commitment.

- (9) Sustainable-Green Development Design: All Development within the proposed Master Planned Development shall implement City-approved sustainable-green building practices and site design practices in effect at the time of application.

(B) Density Bonus—Three (3) Units/Acre:

The base Density of the CT District may increased up to three (3) units per acre provided that all density bonus requirements set forth in Section 15-2.23

(A): Density Bonus—One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development:

- (1) Open Space: The Master Planned Development shall provide 80% Open Space on the project site.
- (2) Frontage Protection Zone No-Build Setback: The Master Planned Development shall include a 300 foot Frontage Protection Zone no-build setback measured from the closest edge of the highway right-of-way. The Planning Commission may consider allowing encroachments into the 300' Frontage Protection Zone requirement based on existing site topography in locating

roads and other infrastructure in order to achieve optimum site circulation.

- (3) Parking: Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of 60% of the Master Planned Development's required project parking shall in structured/tiered parking so as to limit the visibility of parking areas and parking lot lighting. The Planning Commission may consider reducing the 60% minimum structured/tiered parking requirement based on existing site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor areas and/or to achieve optimum site circulation and/or shared parking.

- (4) Additional Enhanced Public Benefit Dedication: The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional uses reasonably related to the General Plan goals for the Area, and impacts of the development beyond that provided to achieve a project density of up to one (1) unit per acre by a factor reasonably related to the density

increase sought.

- (5) Affordable Housing: The Master Planned Development shall provide an additional 5% affordable housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of application. This is in addition to that provided in Section 15-2.23-A.8.

15-2.23-5. MAXIMUM BUILDING HEIGHT. The maximum zone building height is twenty eight feet (28') from existing grade.

(C) **MAXIMUM BUILDING HEIGHT EXCEPTIONS.** To allow for pitched roofs and to provide usable space within the Structure, the following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.
- (2) An antenna, chimney, flue, vent, or similar Structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

15-2.23-6. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to issuance of a Building Permit for any Conditional or Allowed Use, Planning Department must review the proposed plans for compliance with the Architectural Review standards, Chapter 15-9. 3 and compliance with any additional architectural design guidelines approved by the Planning Commission as part of the Master Planned Development.

15-2.23-7. PARKING REGULATIONS.

Off street parking shall be provided per the LMC Parking Standards set forth in Chapter 15-3.

15-2.23-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the adjacent District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

15-2.23-9. ACCESS, SERVICE AND DELIVERY.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible

from a public street. Refuse storage must be fully enclosed and properly ventilated. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

15-2.23-10. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(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, which exceeds a wall-to-window ratio of thirty percent (30%). See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the City 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 EVENTS AND MUSIC. Outdoor events and music require an Administrative 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.

(h) Impacts on emergency Access and circulation.

15-2.23-11. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') 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.

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. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

15-2.23-12. SIGNS.

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

15-2.23-13. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Park City Sign Code. Title 12.
- Architectural Design. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

Exhibit B

LMC MPD Chapter
Draft Ordinance Language
UE Multiplier for I Occupancy

The following language will be added to Section 15-6-8 of the Land Management Code:

(H) IOCCUPANCY. I-Occupancy uses, approved as part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1666 square-foot of gross floor area.

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P. O. Box 1480, Park City, UT 84060
Ordinance No. 06-47

mailed 7/28/06

**Fee Exempt per Utah Code
Annotated 1953 21-7-2**

AN ORDINANCE ANNEXING APPROXIMATELY 157 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE STATE ROUTE 248/US-40 INTERCHANGE IN THE QUINNS JUNCTION AREA KNOWN AS THE INTERMOUNTAIN HEALTHCARE/USSA/BURBIDGE ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH

WHEREAS, on November 3, 2004, Intermountain Healthcare, United States Ski and Snowboard Association (USSA), and Burbs, LLC filed an annexation petition, as shown on the attached Annexation Plat, Exhibit A (Property), requesting Park City to annex the Property to the City subject to the Master Planned Development review process as outlined in the Land Management Code;

WHEREAS, the Property is included within the Park City Annexation Expansion Area; and

WHEREAS, the requested zoning, Community Transition (CT)-MPD is consistent with the Park City General Plan and Quinns Junction Joint Planning Principles; and

WHEREAS, an application for a Master Planned Development was submitted with the annexation petition, that includes a proposal for community hospital and support medical offices; USSA headquarters and training facility; one 15 acre lot deeded to the City upon which the City would contemplate future expansion of its recreation complex; and one 5 acre lot deeded to the City upon which the applicant will construct affordable/employee housing units.

WHEREAS, the proposed maximum density in the Community Transition District is 3 units/acre; and

WHEREAS, the proposed total density at build-out for the annexation area is 535,000 square feet; and

WHEREAS, the proposed maximum density for the annexation area is 2.64 units/acre; and

WHEREAS, the proposed annexation provides over 80% open space; and

WHEREAS, the City Council established the IHC/USSA/Burbidge Annexation Task Force (Resolution No. 21-05) on July 14, 2005 for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economic/fiscal impacts.

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition (CT) District which includes specific provisions addressing affordable housing on October 27, 2005; and

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the annexation's economic impact/fiscal analysis on November 10, 2005; and

WHEREAS, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation on December 8, 2005; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on May 10, 2006, following which the Planning Commission voted to forward a positive recommendation on the proposed annexation and zoning designation to the City Council; and

WHEREAS, the Park City Council accepted the Intermountain Healthcare/USSA/Burbidge petition for annexation on November 18, 2004; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and finds that the petition complies with all applicable criteria of the Utah Code; and

WHEREAS, On December 6, 2004, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests have been filed by any "affected entities" or other jurisdictions; and

WHEREAS, an Annexation Agreement has been negotiated before the City and Petitioner pursuant to the Land Management Code, Section 15-8-5C setting forth further terms and conditions; and

WHEREAS, on June 29, 2006 after proper notice, the City Council conducted public hearings and took public testimony on the matter, as required by law; and

WHEREAS, the Property is not included within any other municipal jurisdiction;

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

SECTION 1. ANNEXATION. The Property is hereby annexed to the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as it attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit B and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement. The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance. The property is not yet, however, annexed into the Park City Water Service District.

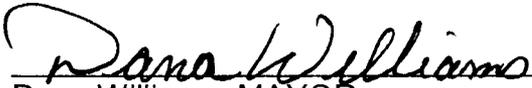
SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit B and as approved by the City Attorney.

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 Land Management Code--Chapter 8: Annexation.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of this Ordinance and annexation plat and filing pursuant to the Utah Code Annotated Section 10-2-425.

DATED this 29th day of June 2006.

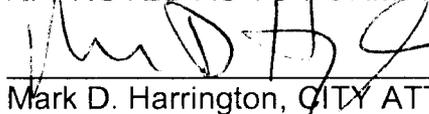
PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Janet M. Scott, CITY RECORDER

APPROVED AS TO FORM:


Mark D. Harrington, CITY ATTORNEY



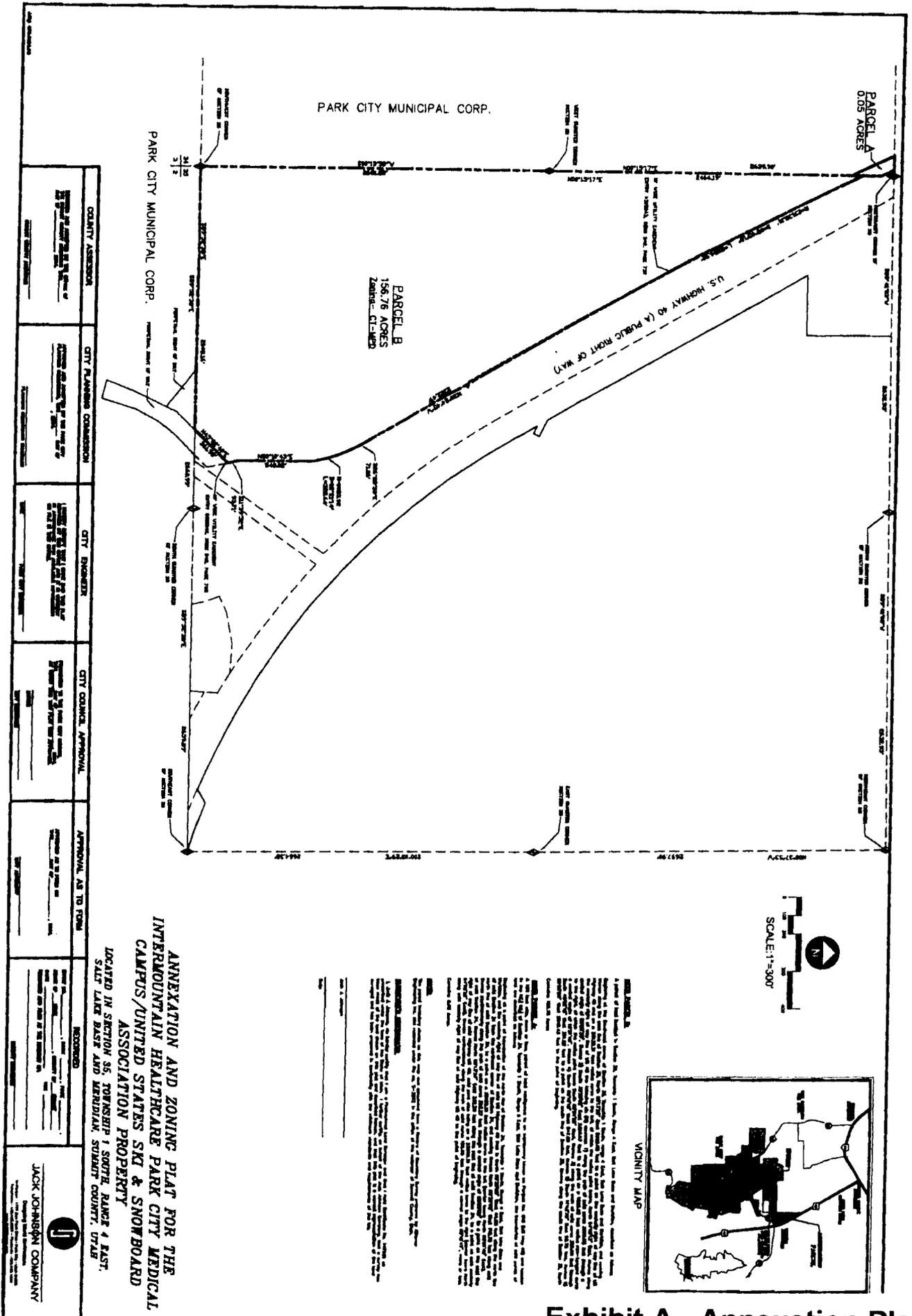


Exhibit A - Annexation Plat

Ordinance No. 06-46

**AN ORDINANCE APPROVING AN AMENDMENT
TO THE OFFICIAL ZONING MAP FOR PARK CITY, UTAH .**

WHEREAS, the Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that the Official Zoning Map for Park City be adopted by the City Council; and

WHEREAS, the Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that upon amendment to the Official Zoning Map, the mayor shall execute a new map, or re-execute the existing map with amendments noted thereon; and

WHEREAS, the City has recently adopted new zoning Districts including the Community Transition (CT) District and the Public Use Transition (PUT) District;

WHEREAS, the City has recently rezoning of portions of Sunnyside Subdivision from Residential Development (RD) to Single Family (SF); annexed the National Abilities Center/City Recreation Complex and Spiro Tunnel properties; and

WHEREAS, the City has approved an ordinance annexing approximately 157 acres of land in the Quinns Junction area known as the Intermountain Healthcare/USSA/Burbidge Annexation and has zoned the property Community Transition (CT)-MPD; and

WHEREAS, the Planning Commission held a public hearing on May 10, 2006, to receive input on the proposed amended Official Zoning Map For Park City, Utah; and

WHEREAS, the Planning Commission, on May 10, 2006, forwarded a positive recommendation on the proposed amended Official Zoning Map for Park City to the City Council; and

WHEREAS, on June 29, 2006, the City Council held public hearings to receive input on the proposed amended Official Zoning Map For Park City, Utah; and

WHEREAS, it is in the best interest of Park City, Utah to approve this amendment to the official Park City Zoning Map for Park City, Utah.

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

SECTION 1. APPROVAL. The official Zoning Map of Park City, Utah is hereby amended as shown in the attached exhibit, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that the Official Zoning Map for Park City be adopted by the City Council.
2. The Land Management Code, Section 15-1-5: Zoning Map Adopted specifies that upon amendment to the Official Zoning Map, the mayor shall execute a new map, or re-execute the existing map with amendments noted thereon.
3. The City has recently adopted new zoning districts, including the Community Transition (CT) District and the Public Use Transition (PUT) District;
4. The City has recently rezoned portions of Sunnyside Subdivision from Residential Development (RD) to Single Family (SF) and annexed the National Abilities Center/City Recreation Complex and Spiro Tunnel properties.
5. The City has approved an ordinance annexing approximately 157 acres of land in the Quinns Junction area known as the Intermountain Healthcare/USSA/Burbidge Annexation and has zoned the property Community Transition (CT)-MPD.
6. The Planning Commission held a public hearing on May 10, 2006, to receive input on the proposed amended Official Zoning Map For Park City, Utah; and
7. The Planning Commission, on May 10, 2006, forwarded a positive recommendation on the proposed amended Official Zoning Map for Park City to the City Council.
8. The City Council held a public hearing on June 29, 2006 to receive input on the proposed amended Official Zoning Map For Park City, Utah.

Conclusions of Law:

1. There is good cause for this Zoning Map amendment.
2. The Zoning Map amendment is consistent with the Park City Land Management Code and General Plan.

Conditions of Approval:

1. This Zoning Map amendment is contingent upon approval by the City Council of the Intermountain Healthcare/USSA/Burbidge Annexation.

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

PASSED AND ADOPTED this 29th day of June 2006.

PARK CITY MUNICIPAL CORPORATION



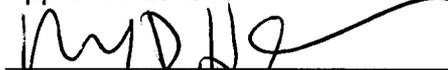
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

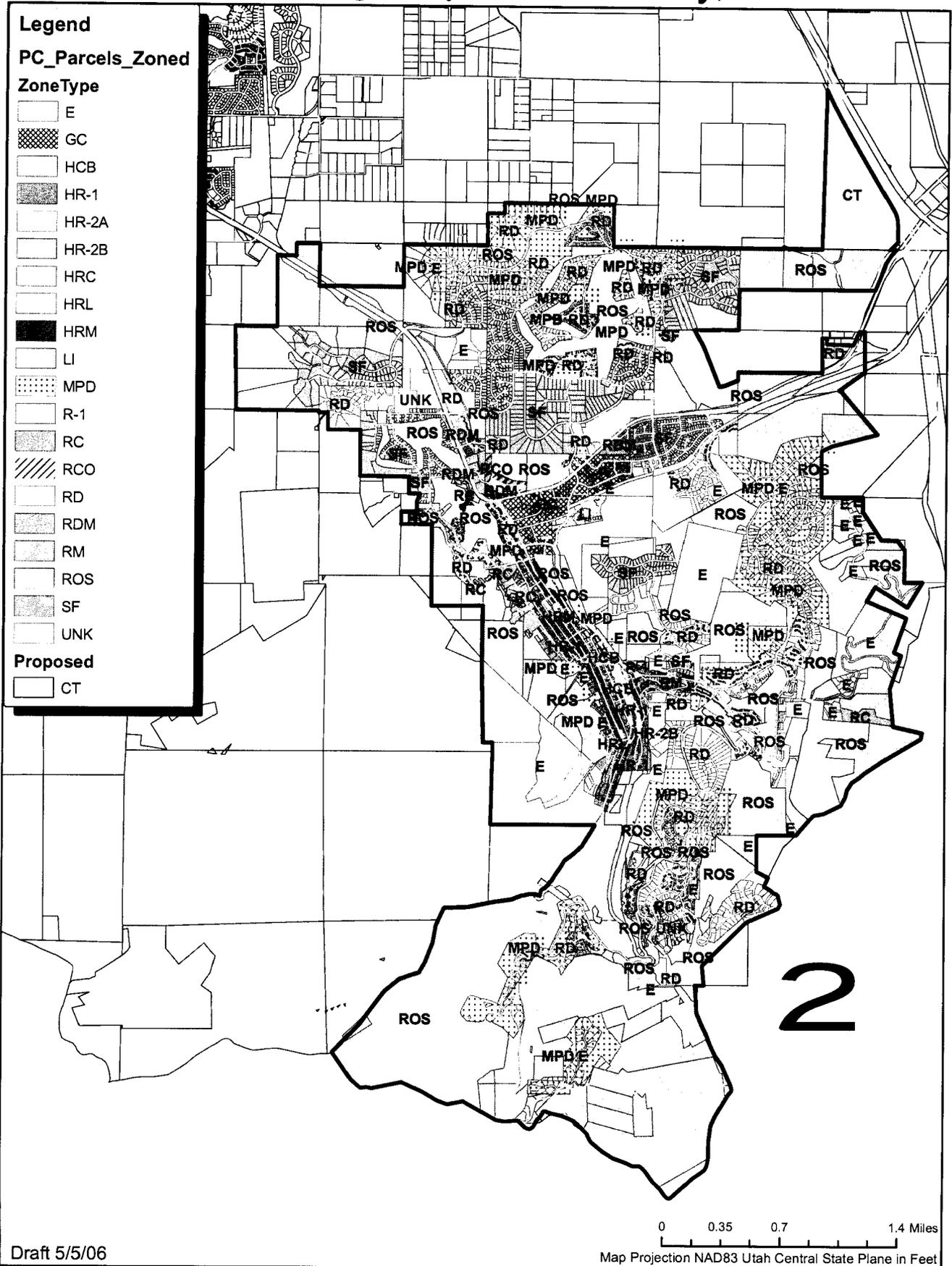
Approved as to form:



Mark D. Harrington, City Attorney



Official Zoning Map for Park City, Utah



Ordinance No. 06-45

AN ORDINANCE APPROVING THE SILVER STRIKE SUBDIVISION LOCATED ON SILVER STRIKE TRAIL, POD A, VILLAGE AT EMPIRE PASS, PARK CITY, UTAH.

WHEREAS, the owners of the property located on Silver Strike Trail in Pod A of the Village at Empire Pass have petitioned the City Council for approval of the Silver Strike Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 14, 2006, to receive input on the Silver Strike Subdivision;

WHEREAS, the Planning Commission, on June 14, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 29, 2006, the City Council approved Silver Strike Subdivision; and

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

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Silver Strike 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 in Pod A of the Village at Empire Pass.
2. The zoning is Residential Development (RD) in the Flagstaff Master Planned Development (RD-MPD).
3. The proposed subdivision creates two lots of record on either side of Silver Strike Trail. Silver Strike Trail is a long cul de sac that starts just east of the Grand Lodge and terminates in the Bannerwood single family subdivision.
4. 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.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified the area of this proposed subdivision as the location for PUD-style detached single family homes similar to the Paintbrush units currently under construction in the Village. The homes will be platted as condominiums.
6. The proposed subdivision creates two lots of record. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. Lot 1 is approved for 11 units through the MPD while Lot 2 is approved for 7 units.

7. No setback or height exceptions are proposed and construction will meet the requirements of the RD zone.
8. The Silver Strike Subdivision will be served with domestic water and fire flows through the Northside Pressure Reducing Valve Vault, which requires radio telemetry to the City's Public Works department for efficient operation.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Empire Pass Master Planned Development shall continue to apply.
4. Prior to recordation of the Silver Strike Subdivision plat, the applicant shall complete the radio telemetry connection between the Northside PRV and the City's Public Works department to the satisfaction of the City Engineer.

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

PASSED AND ADOPTED this 29th day of June, 2006.

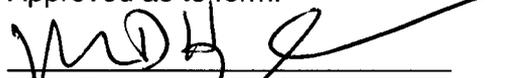
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



**AN ORDINANCE APPROVING THE PARK CITY FIRE DISTRICT
STATION NO. 38 SUBDIVISION LOCATED AT
1798 DEER VALLEY DRIVE NORTH, PARK CITY, UTAH**

WHEREAS, the owner of the property known as 1798 Deer Valley Drive North, has petitioned the City Council for approval of the PCFD Station No. 38 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 June 28, 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 29, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to subdivide a metes and bounds parcel 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 Residential Density (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences and multi-family condominium projects.
3. The amendment will subdivide a metes and bounds parcel into one lot of record.
4. On January 11, 2006 the Planning Commission approved a CUP to allow a Fire Station on the property.
5. A condition of the January 11, 2006 CUP approval required the applicant to subdivide the property into a lot of record prior to the issue of a building permit.
6. Access to the property is from Deer Valley Drive North.
7. The proposed lot is 21,780 square feet in size (one half acre).
8. The fire station will serve the Old Town and Deer Valley areas of Park City
9. The maximum height limit in the RD zone is 33 feet above existing grade for a building with a pitched roof.
10. The applicant is proposing that the fire station have a maximum height of 28

- feet above existing grade.
11. Required setbacks for the fire station are 12' on the sides, 20' in the front and 15' in the rear.
 12. The proposed fire station will have 12' side yard setbacks, 30' front yard setback and a 20' rear yard setback.

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. 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 29th 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. 06-43

AN ORDINANCE APPROVING A SIX MONTH EXTENSION TO A PLAT AMENDMENT TO COMBINE ALL OF LOTS 12, 13, 14, AND PORTIONS OF LOTS 11, 15, AND 16 OF BLOCK 13 OF THE PARK CITY SURVEY INTO ONE LOT, LOCATED AT 151 MAIN STREET, PARK CITY, UTAH

WHEREAS, owners of the property known as 147 and 151 Main Street, have petitioned the City Council for approval of An extension to a subdivision plat; 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 19, 2005 the City Council held a public hearing to receive public input on the proposal and approved the 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. 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. Plat amendments expire one year from the date of City Council approval.
2. The applicant is requesting a six month time extension to the expiration of the plat amendment approval.
3. No changes to the existing approval are proposed at this time.
4. Because no changes are proposed, no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
5. This application re-submits a lot combination plat that originally was reviewed and approved by City Council on June 6, 2002. The plat was never recorded, and the approval has expired, necessitating this new submission.
6. The Planning Commission reviewed this item at the May 12, 2005 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 to approve the plat amendment.
7. The project site is located at 151 Main Street. A historic building exists on the property which currently is operated as the restaurant Grappa.
8. The applicant proposes to combine the two lots under the existing building and patio area (lots 13&14) with the adjacent 11/2 lots to the south (11&12) and 2 adjacent 1/4 lots (15&16) to the west.
9. The applicant intends to expand the existing commercial use by installing a kitchen addition on the lots to the South, site of the temporary pocket park.
10. Lots 11, 12, 13 and 14 are zoned HCB, Historic Commercial Business. Lots 15 and 16 are zoned and HR-2, Historic Residential - 2.
11. The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2.

12. The lots in this application are zoned HCB, Historic Commercial Business and HR-2, Historic Residential - 2 (Exhibit C). The proposed plat creates a 7,166 square foot (s.f.) lot, 5,916 s.f. of which is zoned HCB, 1,250 s.f. of which is HR-2. No addition/expansion will be permitted on the HR-2 zoned portion of the property.
13. The LMC limits building area to a Floor Area Ratio (FAR) of 4.0 in the HCB District. Development of a FAR up to 1.5 is exempt from meeting a parking requirement if fees have been paid into the Main Street Special Improvement District (MSSID).
14. City records indicate that fees have been paid into the MSSID for lot 12, but not lot 11. The addition on lot 12 is exempt from any parking requirement, provided the proposed FAR does not exceed 1.5.
15. Development on lot 11, as well as any proposed addition that exceeds a FAR of 1.5 for the entire project will be required to provide parking on site or pay by fee in lieu of.
16. This project will undergo a Historic District Design Review process prior to any building permits being issued.
17. The easterly 25' of lots 15 and 16 are undeveloped except for only partially at grade decks and landscaping. They are used by Grappa for outdoor dining.
18. A Conditional Use Permit (CUP) was approved for Outdoor Dining at this location in 1991. In 1993, the applicant received an expansion to the existing CUP that allowed for expansion of the use from the second deck to the third and fourth decks at the rear of the building.
19. Outdoor Dining is prohibited in the HR-2 Zone. The use continues as an Existing, Non-Conforming Use. Section 15-9-5(B) of the LMC allows for exterior or interior improvements to a structure containing a non-conforming use to be allowed provided there is no expansion of the area of the non-conforming use.
20. Section 6-3-9(K) of the Park City Municipal Code incorporates regulations on noise. The existing CUP also has conditions regulating noise from outdoor speakers. Any complaints in regards to noise will be responded to on a complaint basis by the Park City Police Department.
21. In August 1998 the Redevelopment Agency of Park City (RDA) and Bill White entered into a 5 year renewable Public Recreation License Agreement to install a pocket park on portions of Mr. White's land. The applicant has exercised his right to terminate the agreement by providing notice to the RDA. As required by the agreement, the RDA anticipates removal of the existing landscaping improvements upon approval of a building permit application.

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

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

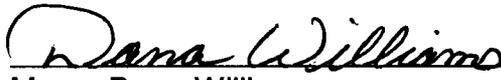
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant will record the plat amendment at the County within six months from the date of City Council approval. If recordation has not occurred within six months time, this approval and the plat will be void.
3. No addition/expansion will be permitted on the HR-2 zoned portion of the property.
4. No building permit will be issued prior to recordation of the Plat Amendment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of June, 2006.

PARK CITY MUNICIPAL CORPORATION



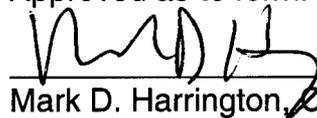
Mayor Dana Williams

Attest:

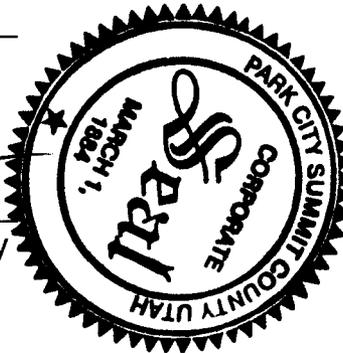


Janet M. Scott, City Recorder

Approved as to form:

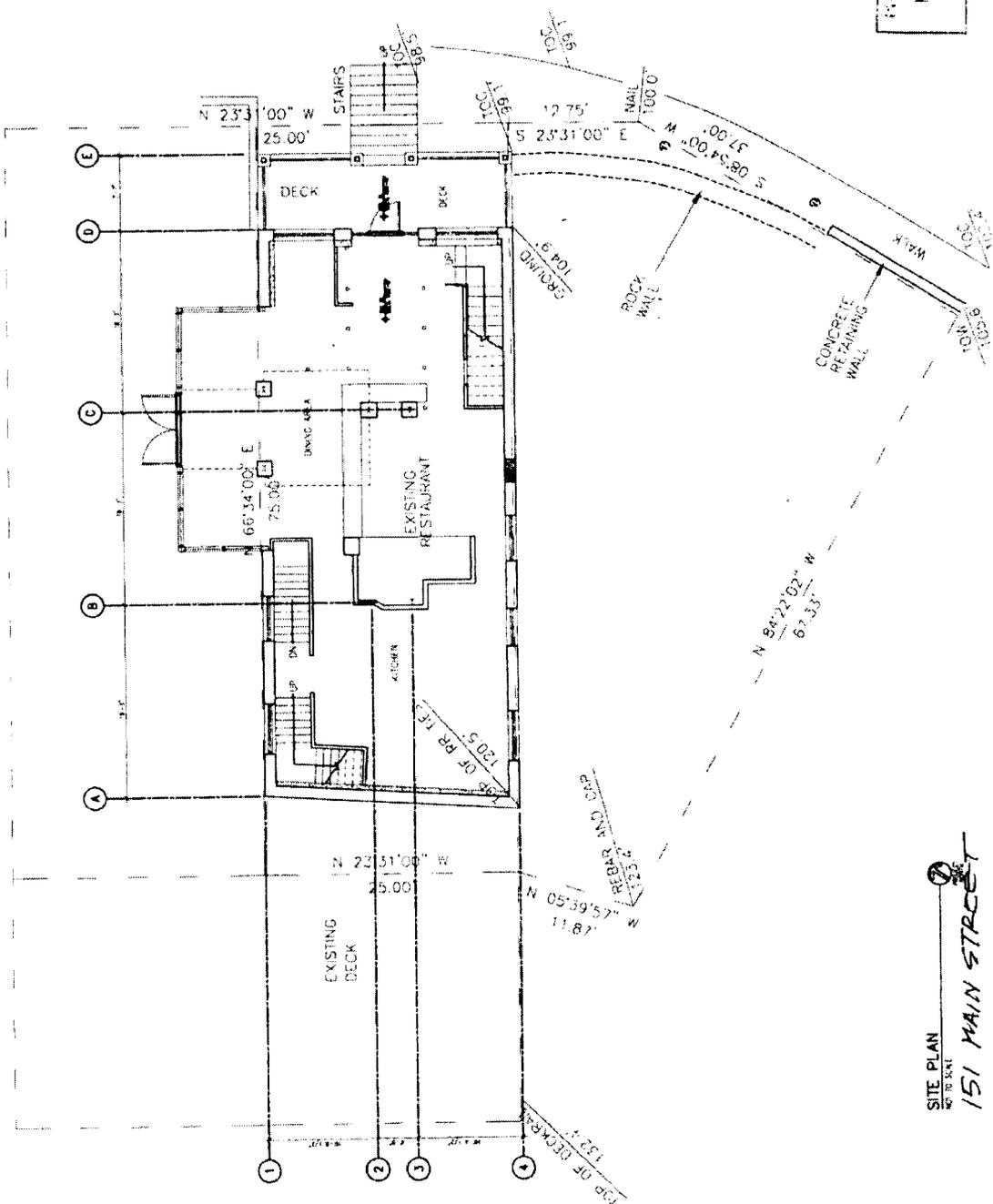


Mark D. Harrington, City Attorney



MAIN STREET

PROJECT NO.
MAR 15 2005
PROJECT



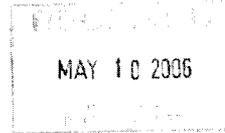
SITE PLAN
NO. 10-10-1
151 MAIN STREET

EX. B - EXISTING
CONDITIONS

W.E.

Bill White Enterprises

Bill White Enterprises
P.O. Box 3537
Park City, UT 84060



May 10, 2006

Jonathan Weidenhamer
Project Planner
C/o Park City Planning
PO Box 1480
Park City, UT 84060-1480

Dear Jonathan,

I left a message for you this afternoon requesting an extension for the plat amendment process at 151 Main Street, Park City, Utah. We have run into some complications with the Sewer District regarding an errant sewer line crossing the back lot. While I investigate the implications of this, I respectfully request a 180-day extension to the process.

I understand and apologize that the project has languished, but I would not like to lose the opportunity to amend the plat or to start the process from the beginning because of this surprising issue.

I appreciate the patience of the Planning Department and assure you this issue will be resolved in a timely manner. It is my hope you will extend me the time to deal with this new wrinkle. Please contact me at your convenience and we can discuss this matter further should you desire.

Sincerely,
Bill White
Bill White
435.640.3060

Exhibit D – Request for extension