

Ordinance No. 09-20

AN ORDINANCE APPROVING THE HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT RECORD OF SURVEY PLAT LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Hotel and Residences at Empire Canyon Resort record of survey plat, Lot C of the Parcel B-2 Empire Village Subdivision, have petitioned the City Council for approval of the Hotel and Residences at Empire Canyon Resort 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 June 10, 2009, to receive input on the Hotel and Residences at Empire Canyon Resort record of survey plat;

WHEREAS, the Planning Commission, on June 10, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 18, 2009, the City Council held a public hearing on the Hotel and Residences at Empire Canyon Resort record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Hotel and Residences at Empire Canyon Resort 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 Hotel and Residences at Empire Canyon Resort 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 at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
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. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase I, while a second, residential, project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The proposed Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of **182 Unit Equivalents**. In addition, there is 59,765 square feet of Commercial Space (**59.8 Commercial UEs**) and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet or 5% of building allowed). Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The proposed record of survey is consistent with the approved Master Planned Development and Conditional Use Permit for Pod B-2.
9. Talisker will be signing the initial condo unit deeds (DV Luxury signing purchase agreements) as Grantors and getting payment with each condo unit sale. DV Luxury agrees each unit sale is subject to the transfer fund.
10. Ten Employee Housing Units (EHUs) totaling 6,235 square feet (**7.8 AUEs**) are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement.
11. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted are Private and counts towards the unit counts and UEs.
12. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement.

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 and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
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 Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. Applicant DV Luxury Resort, LLC shall comply with the terms of the EPA Agreement, the provisions of the Construction Work Plan for Montage Hotel, Empire Canyon, and EPA's requirements for post-construction site maintenance. DVLRL shall record with the Summit County Recorder's Office a notice of the EPA Agreement, in a form consistent with Paragraph 37 of the EPA Agreement and approved by the EPA, which notice shall identify the EPA Agreement and EPA-approved requirements for post-construction site maintenance as the working institutional controls. The EPA-approved Post-Closure Site Control Plan will be placed as an addendum to the Mine Soils Hazard Mitigation Plan. DVLRL will also provide environmental disclosure to the buyers of residential units at the property.
5. The City is not responsible for maintenance or management of downstream detention ponds.
6. A plat note shall be added requiring the maintenance of the approved fire protection plan.

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

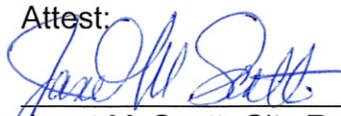
PASSED AND ADOPTED this 18th day of June, 2009.

PARK CITY MUNICIPAL CORPORATION



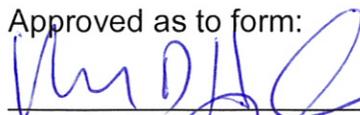
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

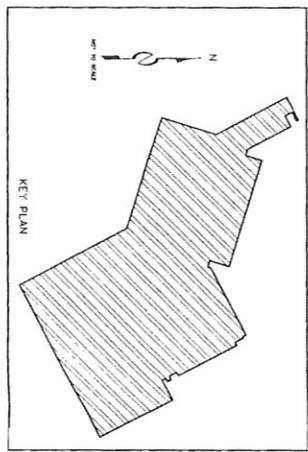
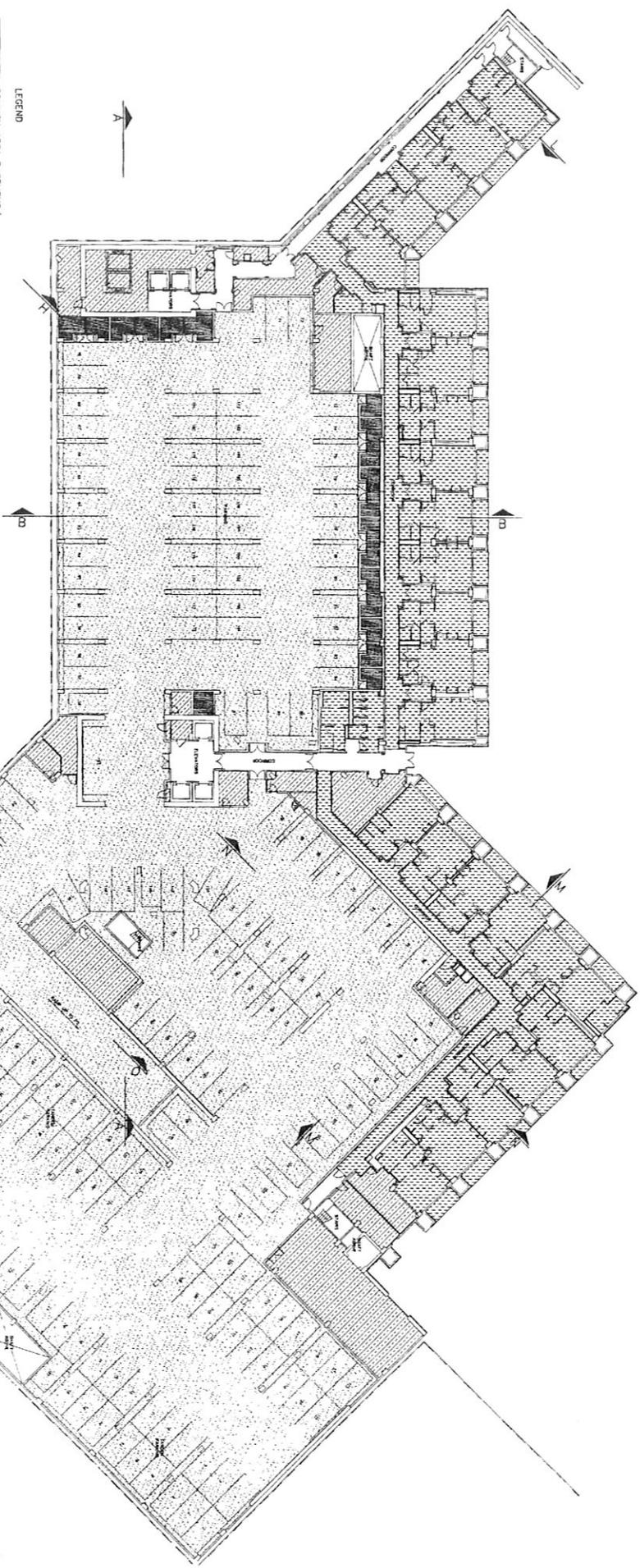


- COMMON AREA EASEMENT/
- ACCESS AREA
- PARKING AREA EASEMENT/
- COMMON AREA EASEMENT/
- STORAGE AREA (SEE NOTE 2)
- NON-CONDOMINIUM PROPERTY/
- HOTEL AREA
- NON-CONDOMINIUM PROPERTY/
- RESTRICTED AREA

NOTES

1 Pursuant to the Declarations and subject to the Hotel Rules and Regulations in accordance with the Master Declaration, at Unit Owners, as well as their Permitted Users, shall have a non-exclusive irrevocable license to use one (1) parking space for each Unit in accordance with the Hotel Rules and Regulations, to be located within the parking areas as designated by Hotel Declaration. The license shall terminate upon the expiration of the license. The license for such a parking space except in connection with a transfer of such Unit Owner's Unit. Hotel Owner shall provide to a Unit Owner such license for a specific parking space upon the closing of the acquisition of the Unit by such Unit Owner. Subject to the Hotel Rules and Regulations established by Hotel Owner, Hotel Owner shall have the exclusive right to use the remainder of the parking spaces in the Parking Areas that are not licensed to the Unit Owners pursuant to the Master Declaration.

2 Pursuant to the Declarations and subject to the Hotel Rules and Regulations established by Hotel Owner for the Storage Areas and payment of expenses in accordance with the Master Declaration, Hotel Owner may, but is not obligated to, provide to a Unit Owner, as well as its Permitted Users, a non-exclusive license to use one (1) storage unit for each Unit, to be located within the Storage Areas as designated by Hotel Owner from time to time. No Unit Owner may sell or otherwise transfer a license for such a storage unit except in connection with a transfer of such Unit. Hotel Owner shall have the exclusive right to use the remainder of the Storage Areas that are not licensed to the Unit Owners pursuant to the Master Declaration.



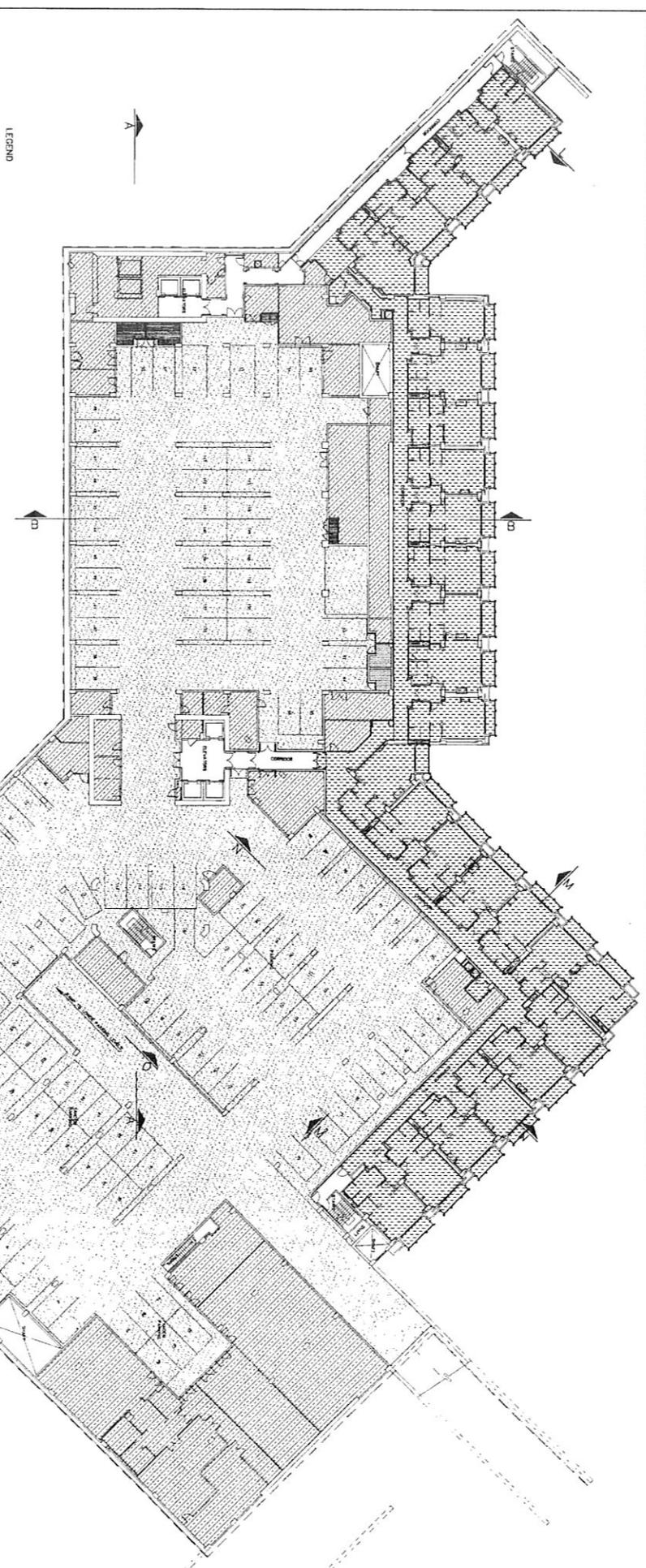
PARKING LEVEL 3
FLOOR LEVEL ELEVATION 8,296.0'

**THE HOTEL & RESIDENCE
EMPIRE CANYON RESOI**

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN, 8th MERIDIAN, 5th PRINCIPAL MERIDIAN, S4

JOB NO. 2-1-08
STATE OF UTAH COUNTY OF SUMMIT
DATE _____ TIME _____ ROOM _____
RECORDED
FEE _____ RECORDER _____



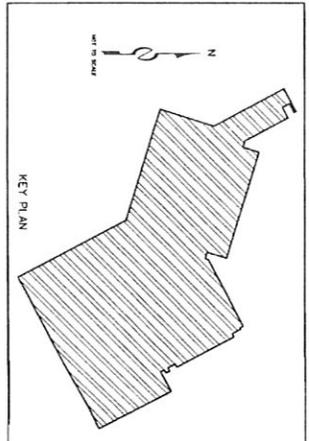


- LEGEND**
- COMMON AREA EASEMENT/ ACCESS AREA
 - COMMON AREA EASEMENT/ PARKING AREA (SEE NOTE 1)
 - COMMON AREA EASEMENT/ STORAGE AREA (SEE NOTE 2)
 - NON-CONDOMINIUM PROPERTY/ HOTEL AREA
 - NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

NOTES

1. Pursuant to the Declarations and subject to the Hotel Rules and Regulations established by Hotel Owner for all Parking Areas and enjoyment of easements in accordance with the Master Declaration, all Unit Owners, as well as their Permitted Users, shall have a non-exclusive irrevocable license to use one (1) parking space within the Parking Areas as delineated by Hotel Owner from time to time. No Unit Owner may sell or otherwise transfer the license for such a parking space except in connection with a transfer of such Unit Owner's Unit. Hotel Owner shall provide to a Unit Owner such license for a parking space only if the Unit Owner is the registered owner of a unit in such Unit Owner's Hotel. Hotel Owner shall have the right to reassign the parking spaces at its discretion. Subject to the Hotel Rules and Regulations established by Hotel Owner, Hotel Owner shall have the exclusive right to use and assign the license for such a parking space to the Unit Owner pursuant to the Master Declaration.

2. Pursuant to the Declarations and subject to Hotel Rules and Regulations in accordance with the Master Declaration, Hotel Owner may, but is not obligated to, upon the closing of the acquisition of a Unit by a Unit Owner grant to such Unit Owner, as well as its Permitted Users, a non-exclusive license to use one (1) storage unit in the Storage Area, to be located within the Storage Area on the premises of the Hotel, to the Unit Owner, as well as its Permitted Users, for the storage of personal effects, furniture, and other personal property. Hotel Owner shall have the right to reassign the license for such a storage unit with the prior written consent of Hotel Owner. Hotel Owner shall have the right to reassign the storage units at its discretion.



PARKING LEVEL 1
FLOOR LEVEL ELEVATION 8,318.0'

**THE HOTEL & RESIDENCE
EMPIRE CANYON RESOI**

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERRIAM SH&F

CONDOMINIUM PLAT

JOB NO. 2-1-08
STATE OF UTAH COUNTY OF SUMMIT
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ SHEET _____

RECORDED
FEE _____ RECORDED



SEE INSET FOR NORTHWESTERN WING

- LEGEND
- COMMON AREA EASEMENT/
ACCESS AREA
 - CONDOMINIUM UNIT
 - LIMITED COMMON EASEMENT/
BALCONY & PATIO AREA
 - NON-CONDOMINIUM PROPERTY/
HOTEL AREA
 - NON-CONDOMINIUM PROPERTY/
RESTRICTED AREA

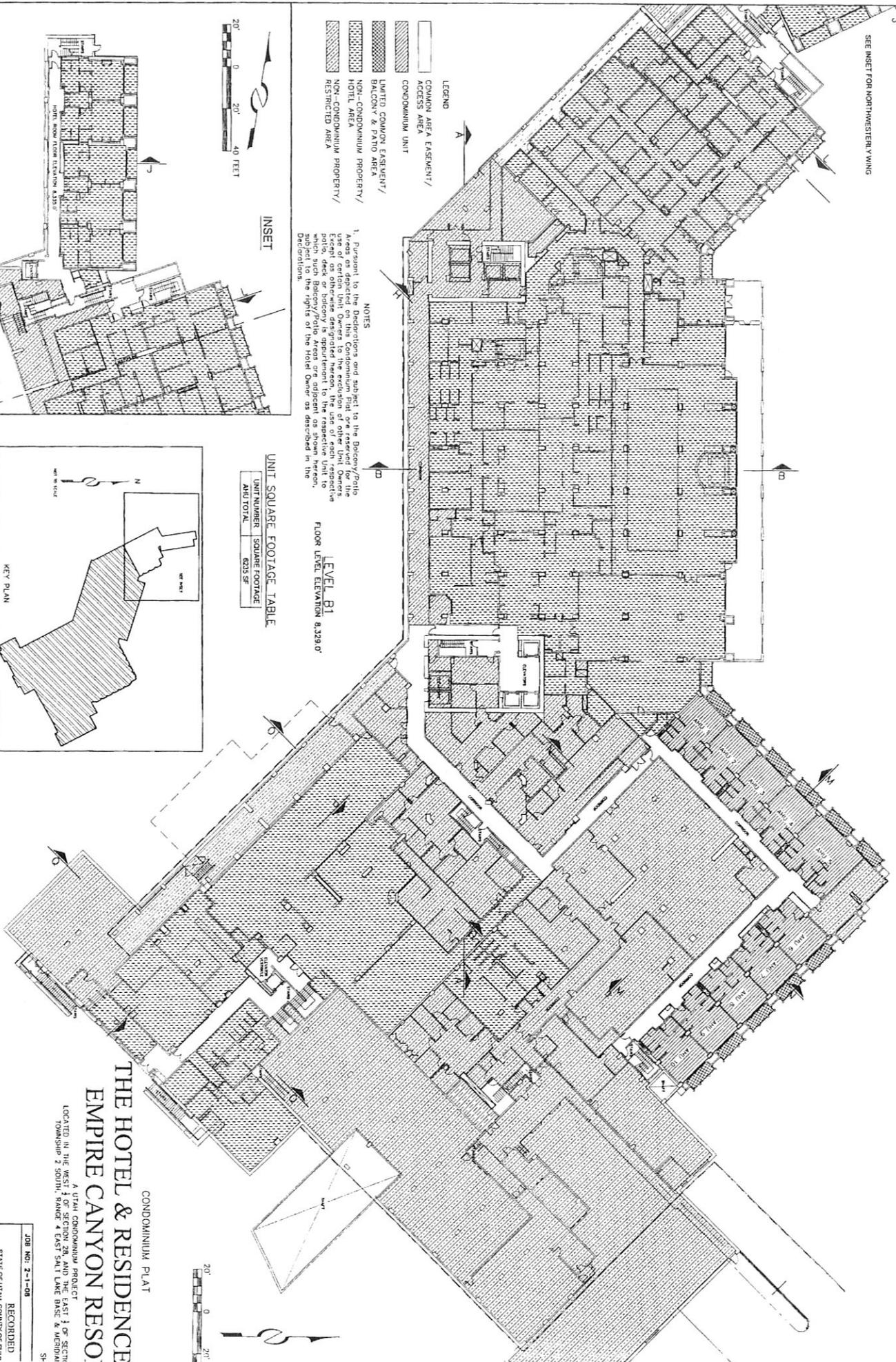
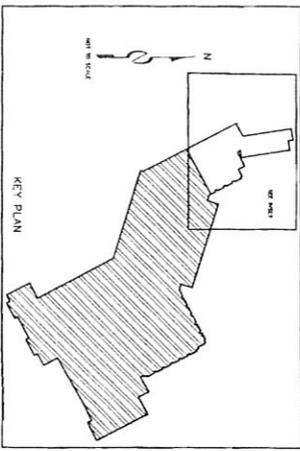
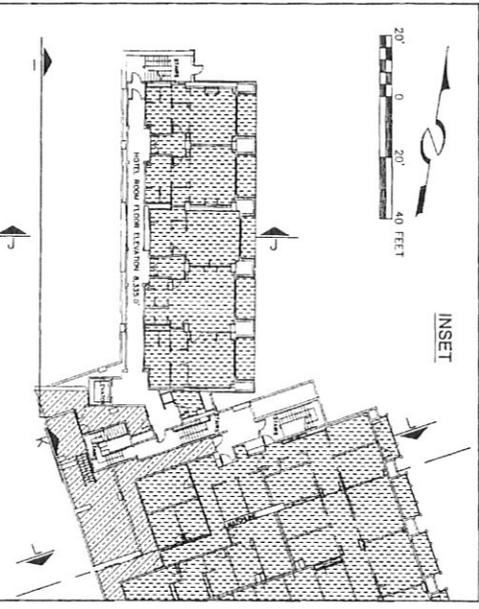
NOTES

1. Pursuant to the Deductions and subject to the Balcony/Patio Areas or depicted on this Condominium Plat are reserved for the use of certain Unit Owners to the exclusion of other Unit Owners, the use of such Balcony/Patio Areas is subject to the respective Unit's rules, rules of conduct or history in operation to the respective Unit to which such Balcony/Patio Areas are adjacent as shown herein, subject to the rights of the Hotel Owner as described in the Deductions.

FLOOR LEVEL ELEVATION 8,129.10'

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
AND TOTAL	6235 SF



CONDOMINIUM PLAT
**THE HOTEL & RESIDENCE
 EMPIRE CANYON RESO.**

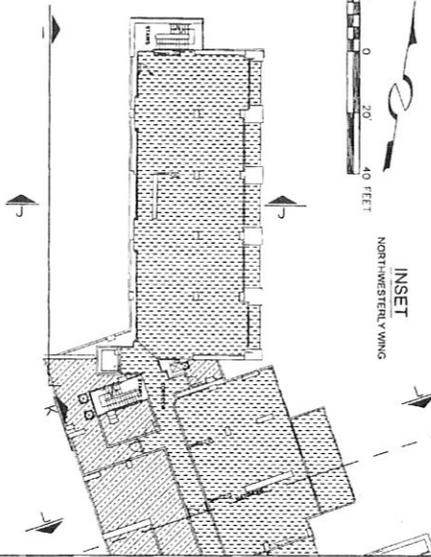
A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASIN & MOUNTAIN PLATEAU

JOB NO. 2-1-08
 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT
 DATE _____ TIME _____ BOOK _____

FEE _____ RECORDED

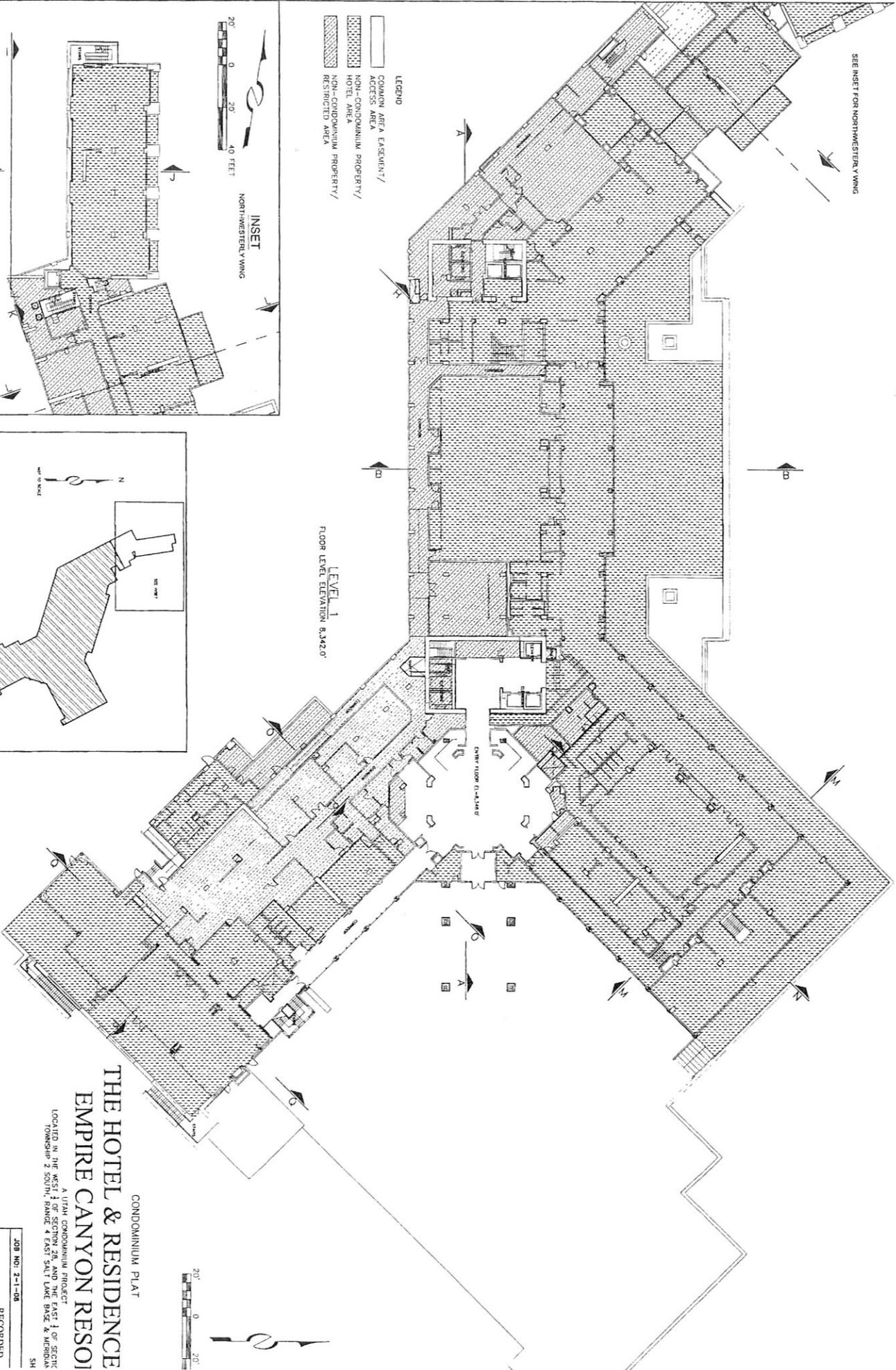
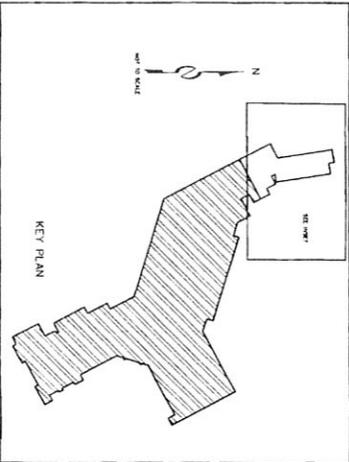
SEE INSET FOR NORTHWESTERN WING

- LEGEND
- COMMON AREA EASEMENT/
 - ACCESS AREA
 - NON-CONDOMINIUM PROPERTY/
 - HOTEL AREA
 - NON-CONDOMINIUM PROPERTY/
 - RESTRICTED AREA



FLOOR LEVEL ELEVATION 8,342.0'

LEVEL 1



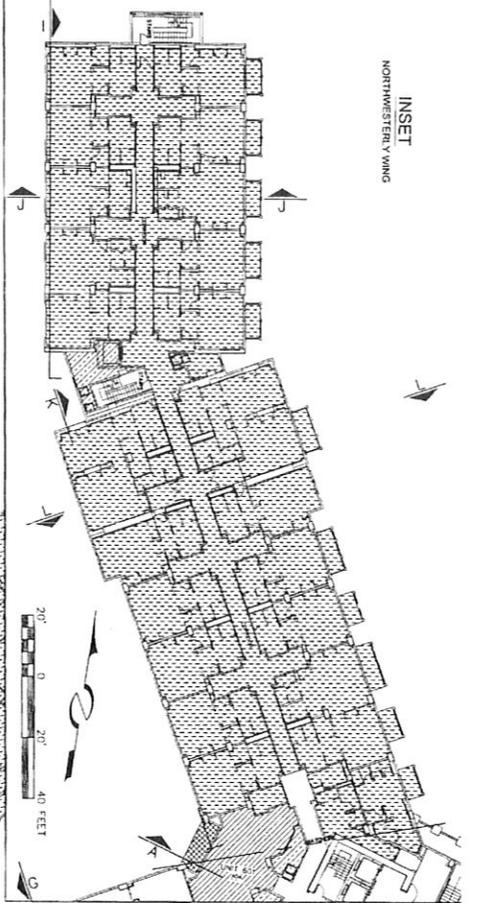
CONDOMINIUM PLAT
**THE HOTEL & RESIDENCE
 EMPIRE CANYON RESOI**

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MCDONALD
 5M

JOB NO: 2-1-08
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 STATE OF UTAH, COUNTY OF SIMU
 DATE: _____ TIME: _____ BOOK: _____
 SHEET _____ OF _____

FEE _____ RECORDED

INSET
NORTHWESTERN YWING

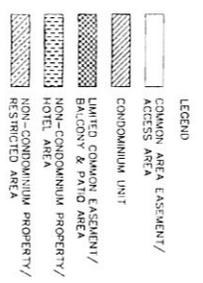


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on the dimensions shown on the plat. The square footages shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculations typically are determined by the architect, engineers using different methods of determining unit size. It is the intent that the private ownership one of the Units shall be considered to be the boundaries of the Unit. The boundaries of the Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structure elements within a Unit may not contain any residential use, such elements shall not be considered as part of the Unit. Such elements are designated as Non-Residential Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with hotel owners) shall be responsible for the maintenance, repairs, and replacement of such elements, which shall be apportioned to each Unit. Structural and Mechanical Support, provided by all structural members, columns, footings and other elements, which are necessary for the support of any Unit.
3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat shall be the exclusive property of the Unit Owners. Except as otherwise designated hereon, the use of each respective patio, deck or balcony is the exclusive right of the Unit Owner. Such Balcony/Patio Areas are adjacent to the Units shown hereon, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
601	924 SF



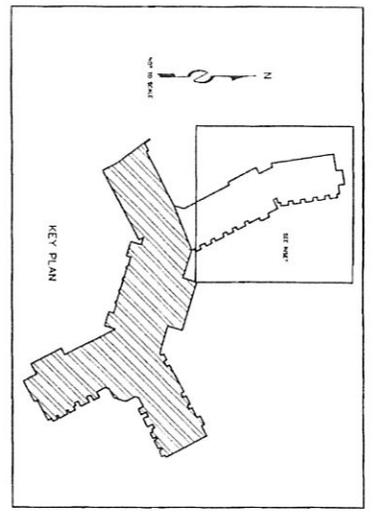
FLOOR LEVEL ELEVATION 8,135.0'



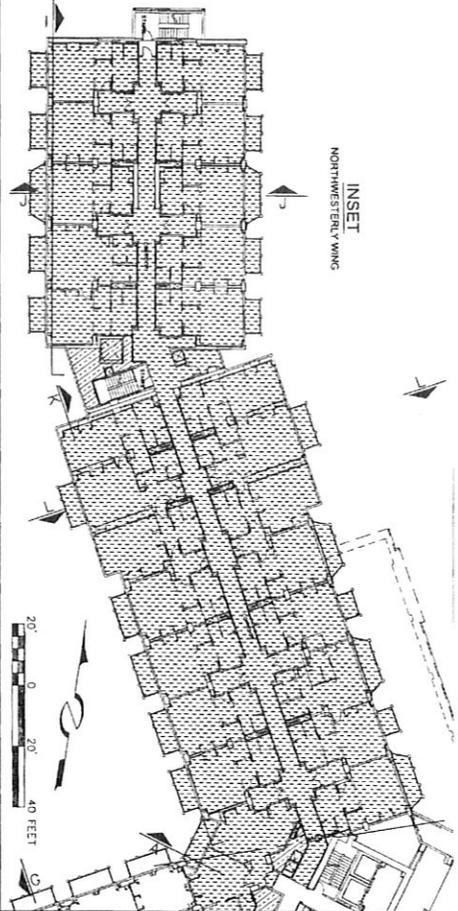
THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT

CONDOMINIUM PLAT
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

JOB NO. 2-1-08
RECORDED
STATE OF UTAH, COUNTY OF SALT LAKE
DATE: _____ TIME: _____ BOOK: _____
FILE _____ RECORDING



INSET
NORTHWEST/EARLY WING



NOTES

1. The dimensions of the units and square footages based on drawings supplied by HCS Architects. The square footages shown on this plan are calculated in accordance with the Act and the rules thereunder. The square footages may differ somewhat from the square footage determined by the architect or others using different methods of determining unit area. It is the responsibility of the purchaser to verify the unit area of each unit. Upon the completion of the Completed Unit, the boundaries of the Completed Unit shall be automatically adjusted to be the boundaries of such as-outlet Completed Unit as described in the Declaration.
2. Although columns, bearing walls, and other structural elements within a Unit may not contain structural load, they may be considered as structural elements or designated as Non-Unit Use and Support Areas, as described in the Declarations, and shall be used only for the purposes intended by the Declaration Association (in common with the Owner) or granted the following non-exclusive easements, which shall be appurtenant to each Unit. Structural and Mechanical Support provided for the Unit shall be appurtenant to the Unit and foundations which are a part of the Unit and which are necessary for the support of any Unit.
3. Pursuant to the Declarations, the Balcony/Patio Areas as depicted on this Condominium Plan are reserved for the use of certain Unit Owners. Owners to the exclusion of other Unit Owners, are entitled to the use of such Balcony/Patio Areas of each respective public area or common area of the project, subject to the restrictions of such Balcony/Patio Areas and adjacent to which such Balcony/Patio Areas are adjacent to the Unit Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
733	1,654 SF
740	2,084 SF
771	2,300 SF

FLOOR LEVEL ELEVATION 8,369.0'

- LEGEND
- COMMON AREA EASEMENT/ ACCESS AREA
 - CONDOMINIUM UNIT
 - LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
 - NON-CONDOMINIUM PROPERTY/ HOTEL AREA
 - NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

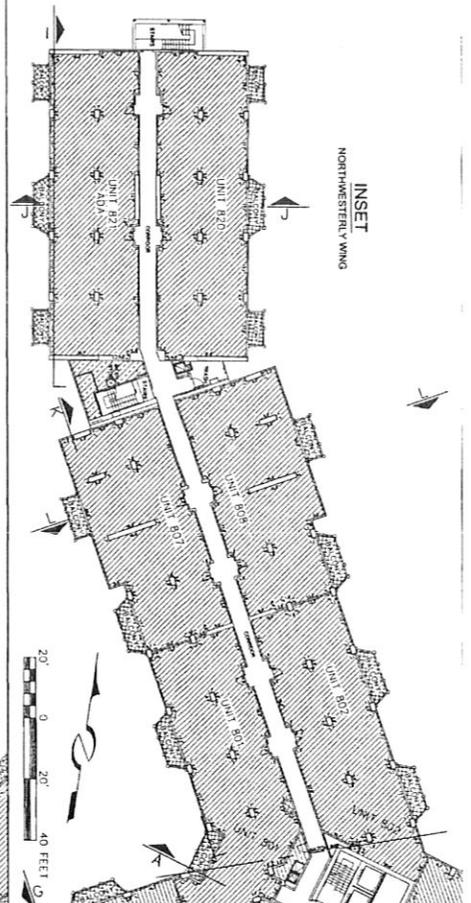


THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 29E AND THE EAST 1/4 OF SECTION 29E
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE 6 MERIDIAN

CONDOMINIUM PLAN

JOB NO. 2-1-08
RECORDED
STATE OF UTAH, COUNTY OF SAN JUAN
AT THE REQUEST OF BOOK
DATE TIME
REC'D



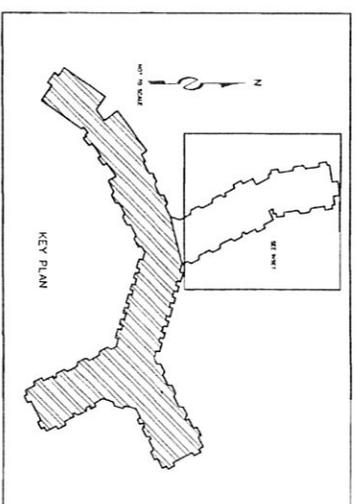
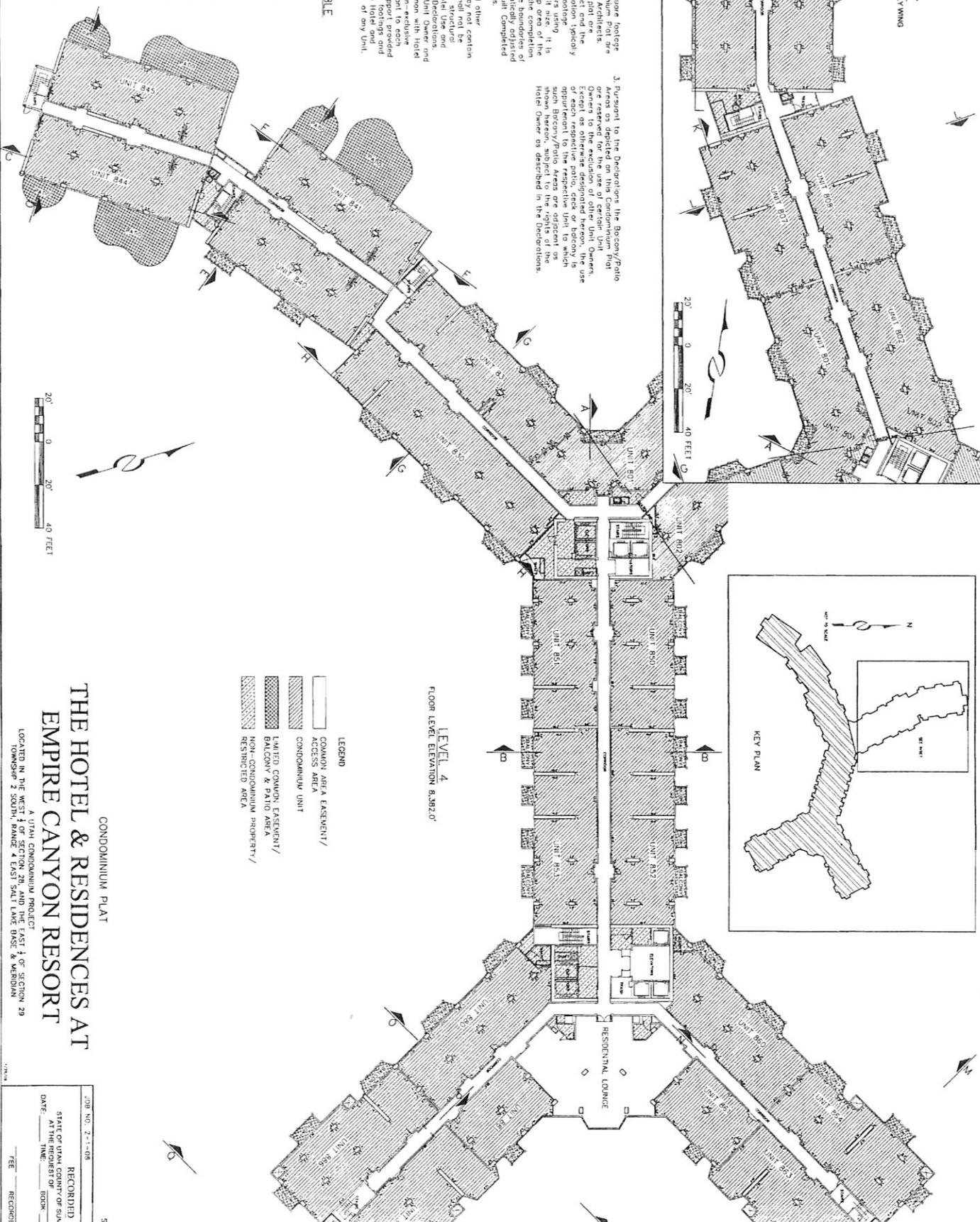
INSET
NORTHWESTERLY WING

NOTES

- The dimensions of the Units and square footage calculations shown on this plan were prepared by the Architect. The square footages shown on this plan are calculated in accordance with the Act and the Residential Declaration. Such calculation (specially determined by the architect or others using different methods of determining unit size. It is the intent that the precise ownership area of the Unit shall be determined by a survey of the boundaries of the Completed Unit. The boundaries of the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.
- Although columns, bearing walls and other structural elements within a Unit may not contain any encroachment, such elements shall not be considered as part of the Unit. Structural elements are designated as Non-Hotel Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the designated fee holder for common areas shall be deemed to have agreed to the non-exclusive use of such structural elements, columns, loadings and other structural members, columns, footings and other structural elements, which shall be deemed to be the boundaries of such as-built Completed Unit as described in the Declarations.
- Pursuant to the Declarations, the Balcony/Patio areas on this plan are the use of certain Unit Owners, except as otherwise designated herein, the use of each respective patio, deck, unit balcony or other outdoor area. The boundaries of such Balcony/Patio Areas are indicated on this plan, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
801	2,827 SF
802	2,819 SF
803	2,825 SF
804	2,827 SF
805	2,828 SF
806	2,829 SF
807	2,830 SF
808	2,831 SF
809	2,832 SF
810	2,833 SF
811	2,834 SF
812	2,835 SF
813	2,836 SF
814	2,837 SF
815	2,838 SF
816	2,839 SF
817	2,840 SF
818	2,841 SF
819	2,842 SF
820	2,843 SF
821	2,844 SF
822	2,845 SF
823	2,846 SF
824	2,847 SF
825	2,848 SF
826	2,849 SF
827	2,850 SF
828	2,851 SF
829	2,852 SF
830	2,853 SF
831	2,854 SF
832	2,855 SF
833	2,856 SF
834	2,857 SF
835	2,858 SF
836	2,859 SF
837	2,860 SF
838	2,861 SF
839	2,862 SF
840	2,863 SF
841	2,864 SF
842	2,865 SF
843	2,866 SF
844	2,867 SF
845	2,868 SF
846	2,869 SF
847	2,870 SF
848	2,871 SF
849	2,872 SF
850	2,873 SF
851	2,874 SF
852	2,875 SF
853	2,876 SF
854	2,877 SF
855	2,878 SF
856	2,879 SF
857	2,880 SF
858	2,881 SF
859	2,882 SF
860	2,883 SF
861	2,884 SF
862	2,885 SF
863	2,886 SF
864	2,887 SF
865	2,888 SF
866	2,889 SF
867	2,890 SF
868	2,891 SF
869	2,892 SF
870	2,893 SF
871	2,894 SF
872	2,895 SF
873	2,896 SF
874	2,897 SF
875	2,898 SF
876	2,899 SF
877	2,900 SF
878	2,901 SF
879	2,902 SF
880	2,903 SF
881	2,904 SF
882	2,905 SF
883	2,906 SF
884	2,907 SF
885	2,908 SF
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887	2,910 SF
888	2,911 SF
889	2,912 SF
890	2,913 SF
891	2,914 SF
892	2,915 SF
893	2,916 SF
894	2,917 SF
895	2,918 SF
896	2,919 SF
897	2,920 SF
898	2,921 SF
899	2,922 SF
900	2,923 SF
901	2,924 SF
902	2,925 SF
903	2,926 SF
904	2,927 SF
905	2,928 SF
906	2,929 SF
907	2,930 SF
908	2,931 SF
909	2,932 SF
910	2,933 SF
911	2,934 SF
912	2,935 SF
913	2,936 SF
914	2,937 SF
915	2,938 SF
916	2,939 SF
917	2,940 SF
918	2,941 SF
919	2,942 SF
920	2,943 SF
921	2,944 SF
922	2,945 SF
923	2,946 SF
924	2,947 SF
925	2,948 SF
926	2,949 SF
927	2,950 SF
928	2,951 SF
929	2,952 SF
930	2,953 SF
931	2,954 SF
932	2,955 SF
933	2,956 SF
934	2,957 SF
935	2,958 SF
936	2,959 SF
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938	2,961 SF
939	2,962 SF
940	2,963 SF
941	2,964 SF
942	2,965 SF
943	2,966 SF
944	2,967 SF
945	2,968 SF
946	2,969 SF
947	2,970 SF
948	2,971 SF
949	2,972 SF
950	2,973 SF
951	2,974 SF
952	2,975 SF
953	2,976 SF
954	2,977 SF
955	2,978 SF
956	2,979 SF
957	2,980 SF
958	2,981 SF
959	2,982 SF
960	2,983 SF
961	2,984 SF
962	2,985 SF
963	2,986 SF
964	2,987 SF
965	2,988 SF
966	2,989 SF
967	2,990 SF
968	2,991 SF
969	2,992 SF
970	2,993 SF
971	2,994 SF
972	2,995 SF
973	2,996 SF
974	2,997 SF
975	2,998 SF
976	2,999 SF
977	3,000 SF
978	3,001 SF
979	3,002 SF
980	3,003 SF
981	3,004 SF
982	3,005 SF
983	3,006 SF
984	3,007 SF
985	3,008 SF
986	3,009 SF
987	3,010 SF
988	3,011 SF
989	3,012 SF
990	3,013 SF
991	3,014 SF
992	3,015 SF
993	3,016 SF
994	3,017 SF
995	3,018 SF
996	3,019 SF
997	3,020 SF
998	3,021 SF
999	3,022 SF
1000	3,023 SF



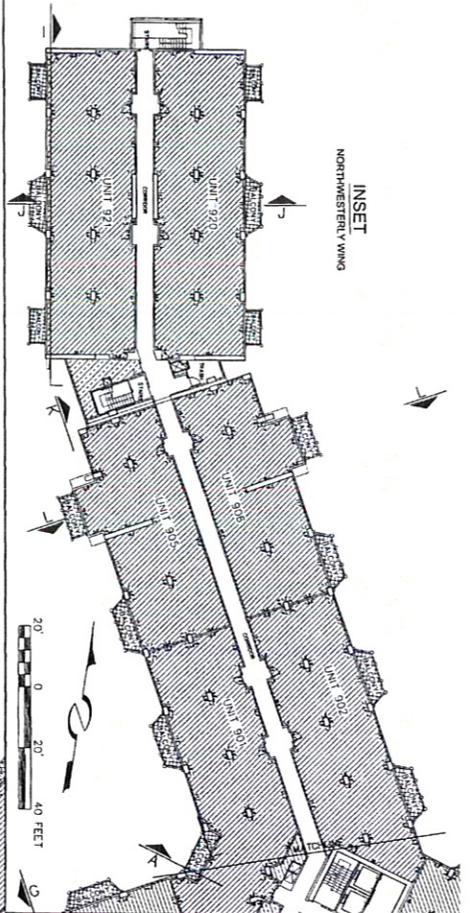
LEVEL 4
FLOOR LEVEL ELEVATION 8,982.0'

- LEGEND
- [Hatched pattern] COMMON AREA EASEMENT/ ACCESS AREA
 - [Dotted pattern] CONDOMINIUM UNIT
 - [Cross-hatched pattern] LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
 - [Diagonal lines] NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
 EMPIRE CANYON RESORT**
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 SECTION 20
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

208 NO. 2-1-108
 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT
 DATE: _____ TIME: _____ ROOM: _____
 FEE: _____ RECORDER:

INSET
NORTHWESTERLY WING

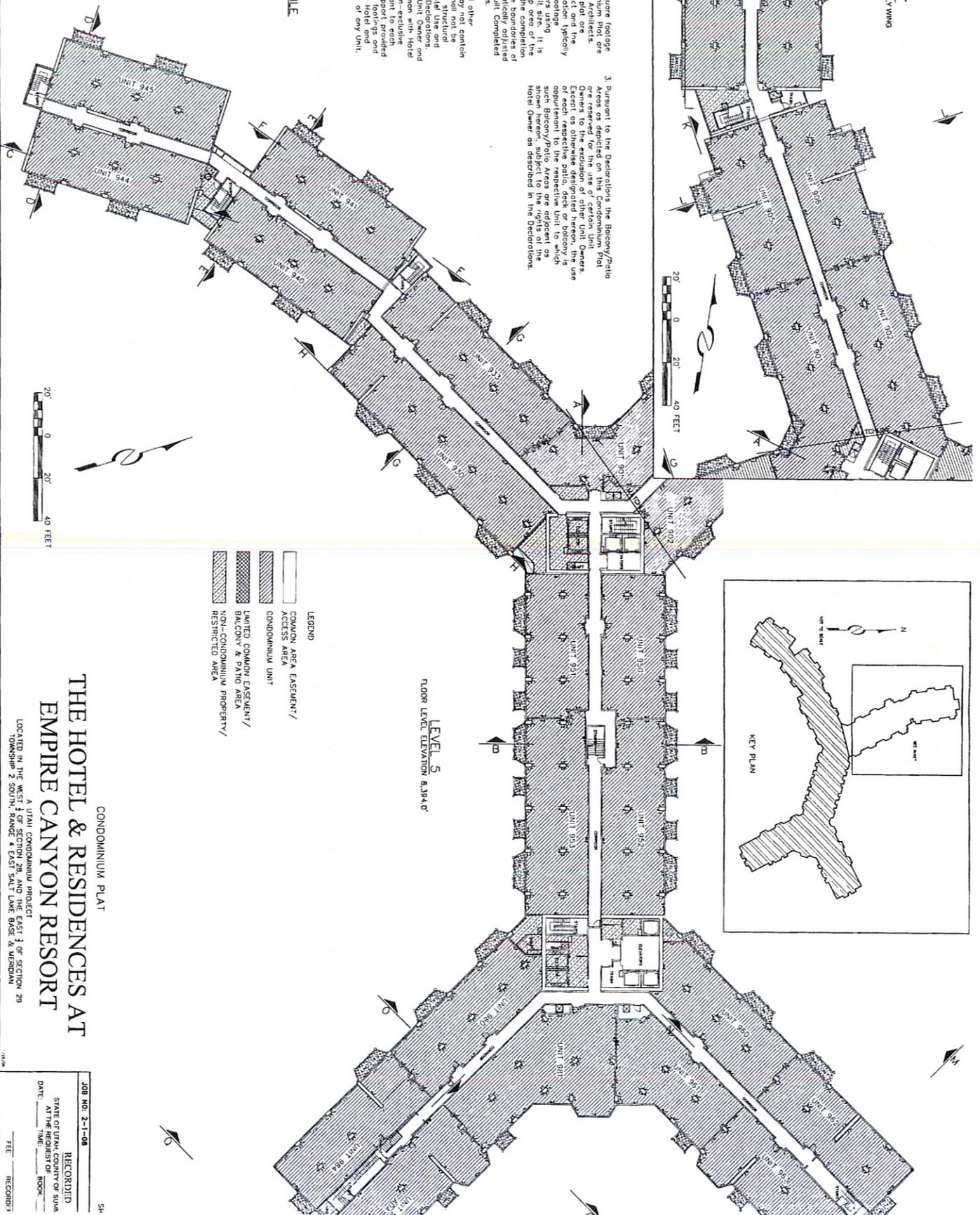


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on the floor area shown on the plat. The square footages shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculation typically determined by the architect or other professional different methods of determining unit size. It is the intent that the private ownership area of the Units will be as constructed. Upon the completion of the Units, the owner shall be responsible for the boundaries of such as-built Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements within a Unit may not contain any cross-hatching, such elements shall not be deemed to be structural elements and shall not be elements designated as Non-Held Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Empire Canyon) shall be responsible for the maintenance and repair of the structural elements of the Unit. Structural and Mechanical Support provided by all structural members, columns, loadings and loadings structure or the support of any Unit, when necessary for the support of any Unit, shall be the responsibility of the Unit Owner.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
901	2,815 SF
902	2,815 SF
906	2,130 SF
908	2,127 SF
920	2,787 SF
921	2,780 SF
923	3,376 SF
924	2,844 SF
940	2,247 SF
941	2,240 SF
944	2,238 SF
945	2,231 SF
950	1,886 SF
951	1,877 SF
952	2,251 SF
953	2,605 SF
960	2,120 SF
962	1,999 SF
963	2,080 SF
969	2,784 SF
971	3,580 SF
973	2,817 SF
974	2,817 SF



LEVEL 5
FLOOR LEVEL ELEVATION 8,394'-0"

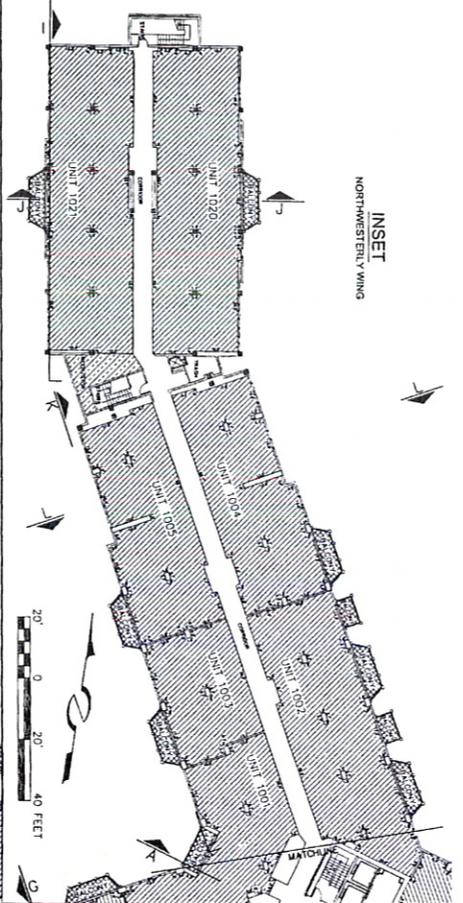
- LEGEND**
- COMMON AREA EASEMENT / ACCESS AREA
 - CONDOMINIUM UNIT
 - LIMITED COMMON EASEMENT / BALCONY & PATIO AREA
 - NON-CONDOMINIUM PROPERTY / RESTRICTED AREA

CONDOMINIUM PLAT
THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/2 OF SECTION 28, AND THE EAST 1/2 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE COUNTY, UTAH

JOB NO. 2-1-108
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT
AT THE REQUEST OF _____
DATE: _____ TIME: _____ ROOM: _____
FEE: _____ RECORDED: _____

INSET
NORTHWESTERN WING



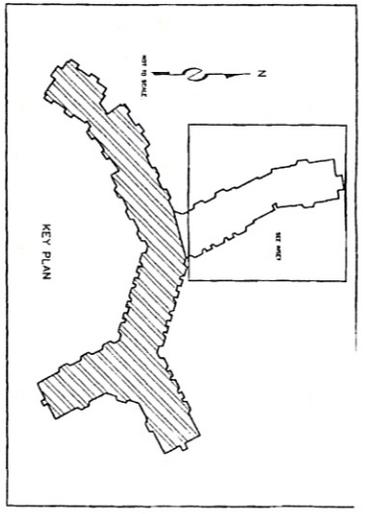
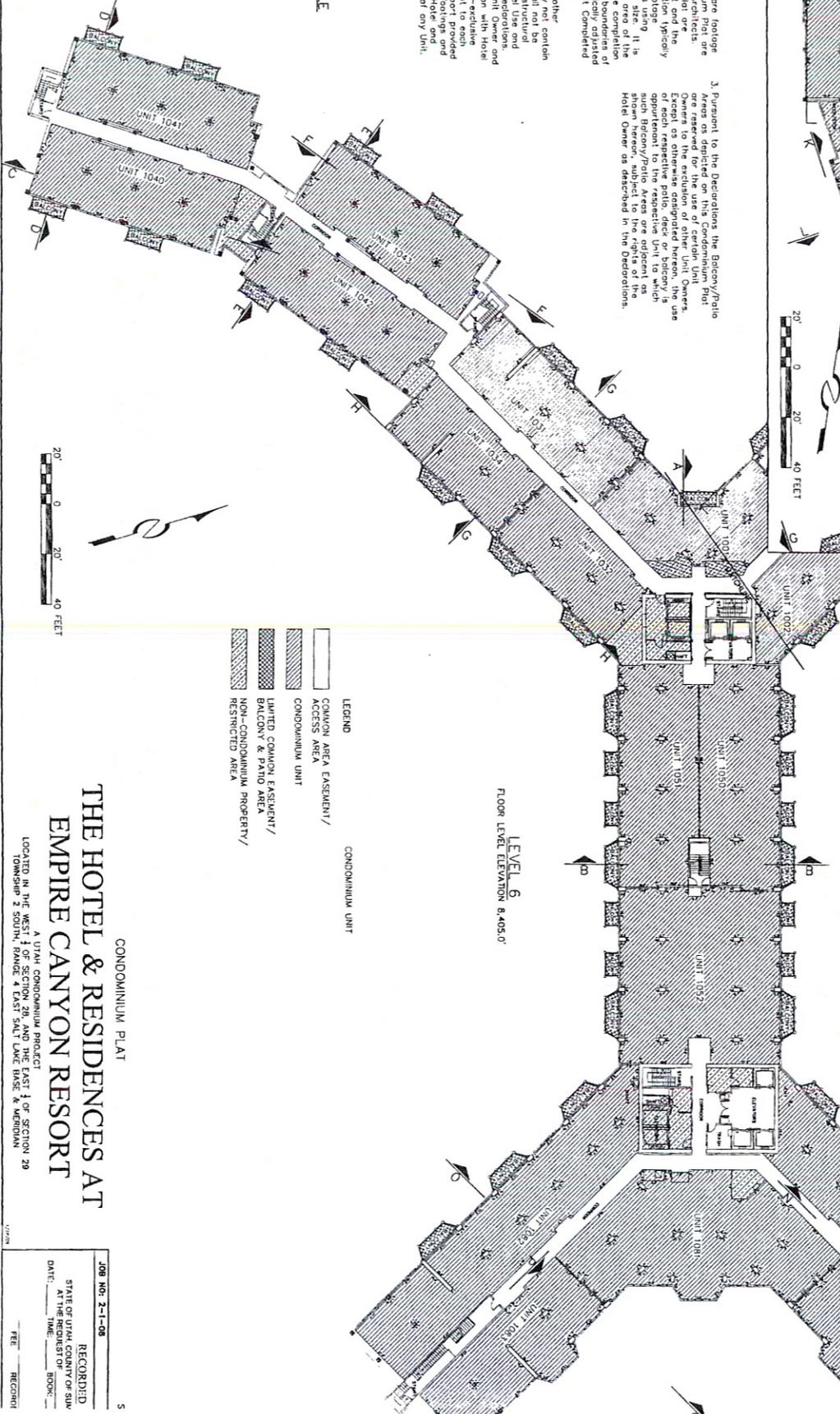
NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by HNS Architects, Inc. and are subject to change. The square footages calculated in accordance with the Act and the Residential Declaration. Such calculation typically differs somewhat from the square footage shown on the floor plan. The intent of this note is to advise the Unit Owner that the private ownership area of the Units will be as constructed. Upon the completion of the construction, the actual square footages of the completed Unit shall be as actually constructed to be the boundaries of such on-built Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements within a Unit may not contain any crosshatching, such elements shall not be deemed Access Areas. All common structural elements shall be shown with crosshatching. Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive easements: Structural and Mechanical Support provided by all structural members, columns, footings and foundations which are a part of the Hole and which are necessary for the support of any Unit.

3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat are reserved for the use of certain Unit Owners. Except as otherwise designated herein, the use of each respective patio, deck or balcony is appurtenant to the respective Unit to which the Balcony/Patio is shown. The use of the Balcony/Patio is subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
1001	2,148 SF
1002	2,480 SF
1003	1,147 SF
1004	1,997 SF
1005	1,945 SF
1006	2,770 SF
1007	2,770 SF
1008	2,255 SF
1009	1,741 SF
1010	1,888 SF
1011	2,201 SF
1012	2,202 SF
1013	2,195 SF
1014	2,195 SF
1015	2,195 SF
1016	2,195 SF
1017	2,195 SF
1018	2,195 SF
1019	2,195 SF
1020	2,195 SF
1021	2,195 SF
1022	2,195 SF
1023	2,195 SF
1024	2,195 SF
1025	2,195 SF
1026	2,195 SF
1027	2,195 SF
1028	2,195 SF
1029	2,195 SF
1030	2,195 SF
1031	2,195 SF
1032	2,195 SF
1033	2,195 SF
1034	2,195 SF
1035	2,195 SF
1036	2,195 SF
1037	2,195 SF
1038	2,195 SF
1039	2,195 SF
1040	2,195 SF
1041	2,195 SF
1042	2,195 SF
1043	2,195 SF
1044	2,195 SF
1045	2,195 SF
1046	2,195 SF
1047	2,195 SF
1048	2,195 SF
1049	2,195 SF
1050	2,195 SF
1051	2,195 SF
1052	2,195 SF
1053	2,195 SF
1054	2,195 SF
1055	2,195 SF
1056	2,195 SF
1057	2,195 SF
1058	2,195 SF
1059	2,195 SF
1060	2,195 SF
1061	2,195 SF
1062	2,195 SF
1063	2,195 SF
1064	2,195 SF
1065	2,195 SF
1066	2,195 SF
1067	2,195 SF
1068	2,195 SF
1069	2,195 SF
1070	2,195 SF
1071	2,195 SF
1072	2,195 SF
1073	2,195 SF
1074	2,195 SF
1075	2,195 SF
1076	2,195 SF
1077	2,195 SF
1078	2,195 SF
1079	2,195 SF
1080	2,195 SF
1081	2,195 SF
1082	2,195 SF
1083	2,195 SF



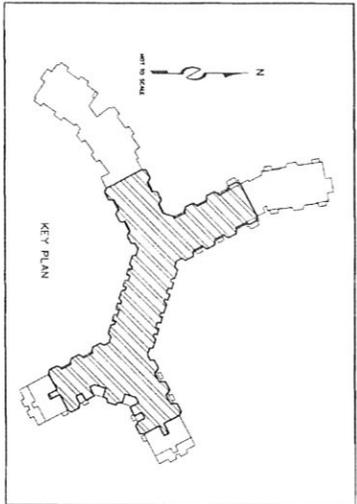
LEGEND

- COMMON AREA EASEMENT/ACCESS AREA
- CONDOMINIUM UNIT
- LIMITED COMMON EASEMENT/BALCONY & PATIO AREA
- NON-CONDOMINIUM PROPERTY/RESTRICTED AREA

CONDOMINIUM PLAT
THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

JOB NO. 2-1-08
STATE OF UTAH, COUNTY OF _____
DATE: _____ TIME: _____
RECORDED AT THE REQUEST OF _____
BOOK: _____
PAGE: _____
FEE: _____ RECORD: _____



NOTES

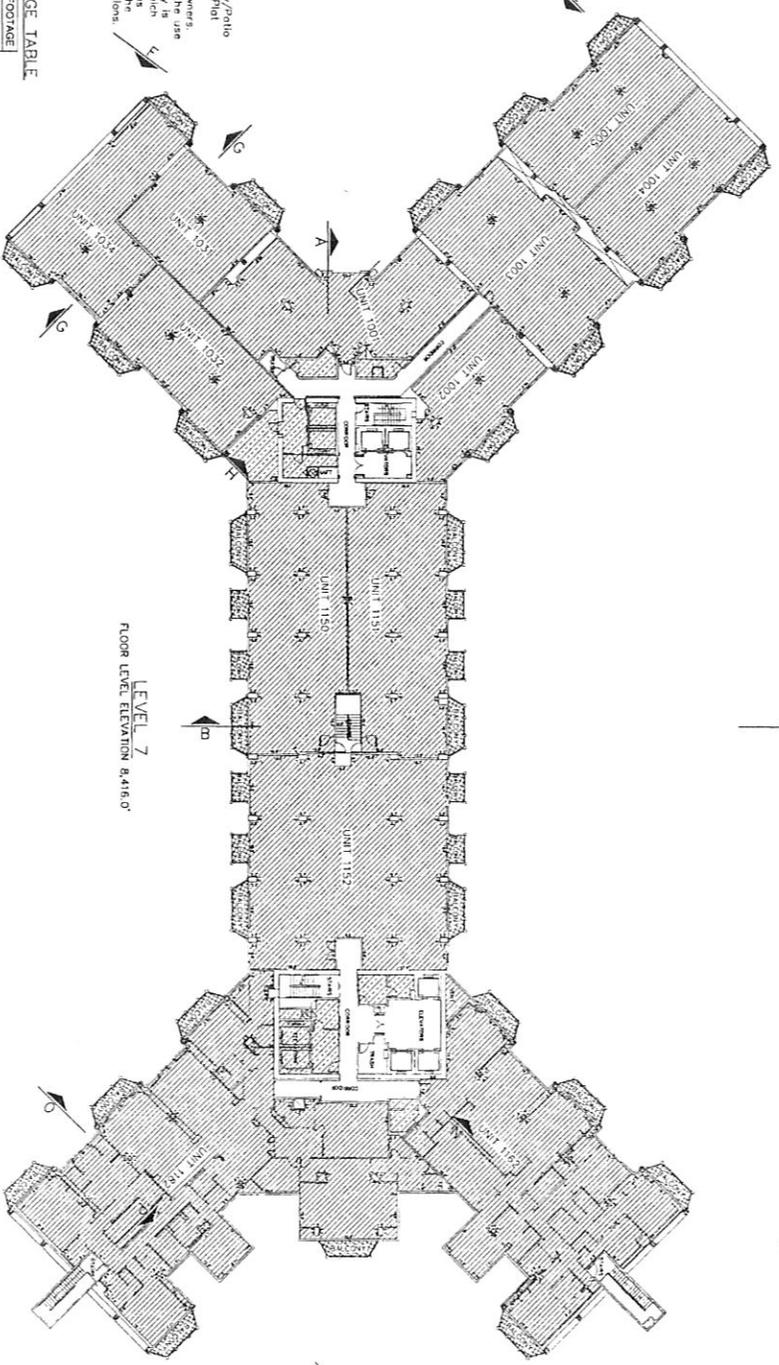
1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on the dimensions shown on this plat. The square footage shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculation typically differs from other methods of determining unit size. It is the intent that the private ownership area of the Units will be as constructed upon the completion of the project. The dimensions of the Units on the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.

2. Although columns, bearing walls and other structural elements within a Unit may not contain any crosscutting, such elements shall not be deemed Access Areas, common structural elements, or common utility elements. The Access Areas, common structural elements, and common utility elements are defined as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with hotel Owner) are granted the following non-exclusive easements, rights, and interests in the Common Unit: Structural and Mechanical Support provided by structural members, columns, footings and foundations which are a part of the hotel and which are necessary for the support of any Unit.

3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat are reserved for the use of the Unit Owner. Except as otherwise designated herein, the use of each respective patio, deck or balcony is appurtenant to the respective Unit to which the area is shown, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
1001	2,239 SF
1002	5,310 SF
1003	2,243 SF
1004	1,221 SF
1005	1,221 SF
1006	1,221 SF
1007	1,432 SF
1008	1,720 SF
1009	2,692 SF
1010	2,692 SF
1011	4,307 SF
1012	4,667 SF
1013	6,668 SF



LEGEND

- COMMON AREA EASEMENT/ ACCESS AREA
- CONDOMINIUM UNIT
- LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
- NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

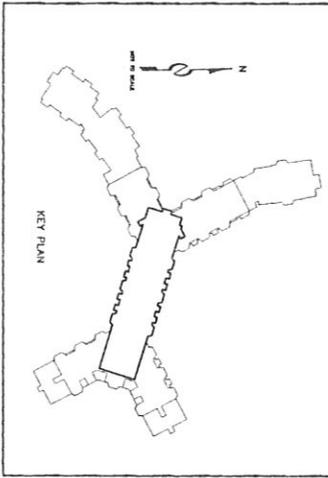


**THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT**

CONDOMINIUM PLAT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 20, AND THE EAST 1/4 OF SECTION 20
TOWNSHIP 2 SOUTH, RANGE 9 EAST, SALT LAKE COUNTY, UTAH

JOB NO. 2-1-08
RECORDED
STATE OF UTAH COUNTY OF SUMMIT
AT THE REQUEST OF BOOK: _____
DATE: _____ TIME: _____
FEE: _____ RECORDER

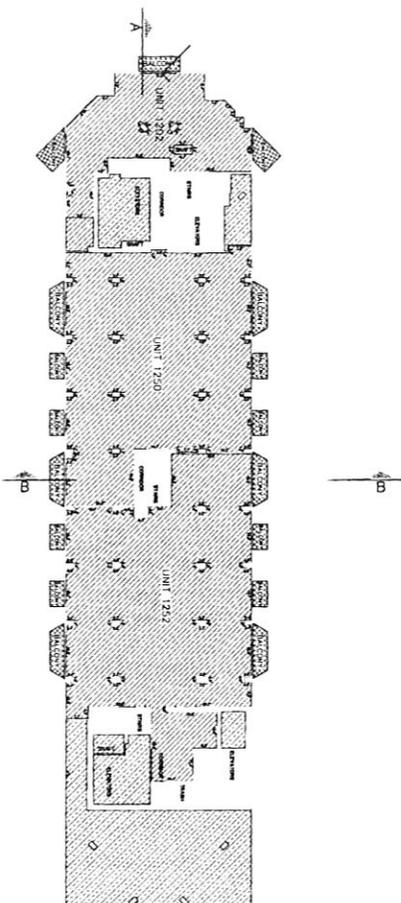


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by HKS Architects. The square footages shown on this plat are calculated based on the finished floor of the Residential Declaration. Such calculation typically differs somewhat from the square footage determined by the projection of other items different from the finished floor. It is the intent that the private ownership area of the Units will be as constructed. Upon the completion of the Units, the actual square footage of the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements within a Unit may not contain any construction, such elements shall not be considered as part of the Unit. All structural elements are designated as Non-Hotel Use and are subject to the provisions of the Residential Declaration. Support Areas, as described in the Declarations, and the Residential Association (in common with Hotel Owners) are granted the following non-exclusive easements, which shall be appurtenant to each Unit, including but not limited to, the columns and foundations which are a part of the Hotel and which are necessary for the support of any Unit.
3. Pursuant to the Declarations the Balcony/Patio are reserved for the use of certain Unit Owners. Except as otherwise designated herein, the use of such Balcony/Patio Areas are appurtenant to the respective Unit to which such Balcony/Patio Areas are adjacent as shown herein, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
1202	1,981 SF
1203	4,883 SF
1204	5,438 SF



LEVEL 8
FLOOR LEVEL ELEVATION 8.427'0"

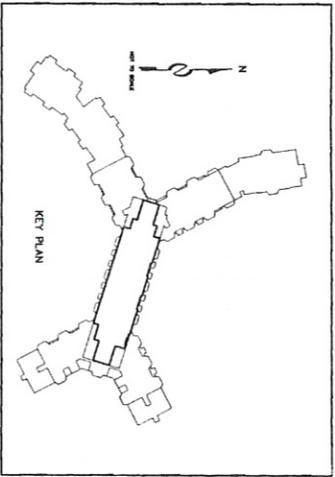
- LEGEND
- COMMON AREA EASEMENT / ACCESS AREA
 - CONDOMINIUM UNIT
 - LIMITED COMMON EASEMENT / BALCONY & PATIO AREA
 - NON-CONDOMINIUM PROPERTY / RESTRICTED AREA



CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT**

A UTILITY CONDOMINIUM PROJECT PLAT 1 OF SECTION 29
LOCATED IN THE WEST 1/4 SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN, KANE COUNTY, ARIZONA

JOB NO. 2-1-08
RECORDED
STATE OF UTAH, COUNTY OF BLAINE, AND FILED
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____
FEE _____ RECORDER _____

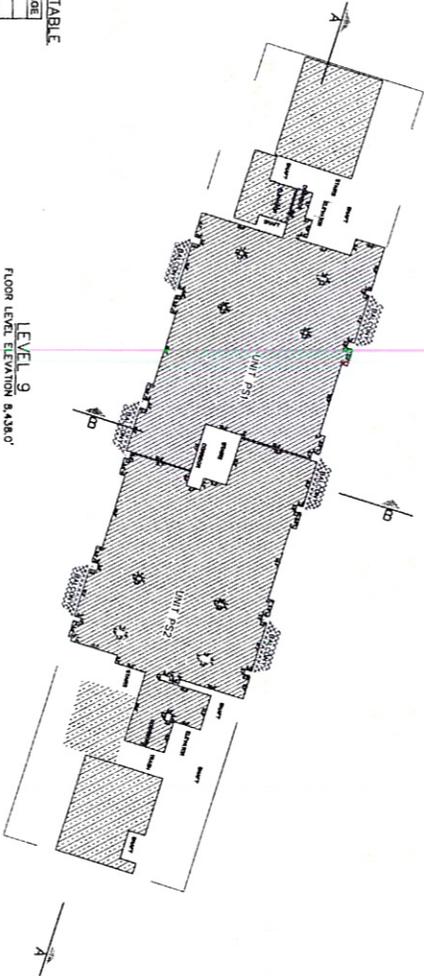


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by the Architect. The square footage shown on this Plat is calculated in accordance with the Act and the Residential Declaration. Such calculation typically determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the Unit shall be the area enclosed by the boundaries of the Completed Unit, the boundaries of the Unit shall be automatically adjusted to the boundaries of such on-unit Completed Unit as described in the Specifications.
2. Although columns, bearing walls and other any crosswaling, such elements shall not be deemed Access Areas. All common structural elements are designated as Common Use and Access Areas. The boundaries of such areas are set forth in the Declaration. Pursuant to the Declaration, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive Common Use and Access Areas: Structural and Mechanical Support provided by all structural members, columns, footings and other elements on which the Unit is supported and which are necessary for the support of any Unit.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
P51	6,020 SF
P52	6,318 SF



FLOOR LEVEL ELEVATION 8,438.0'

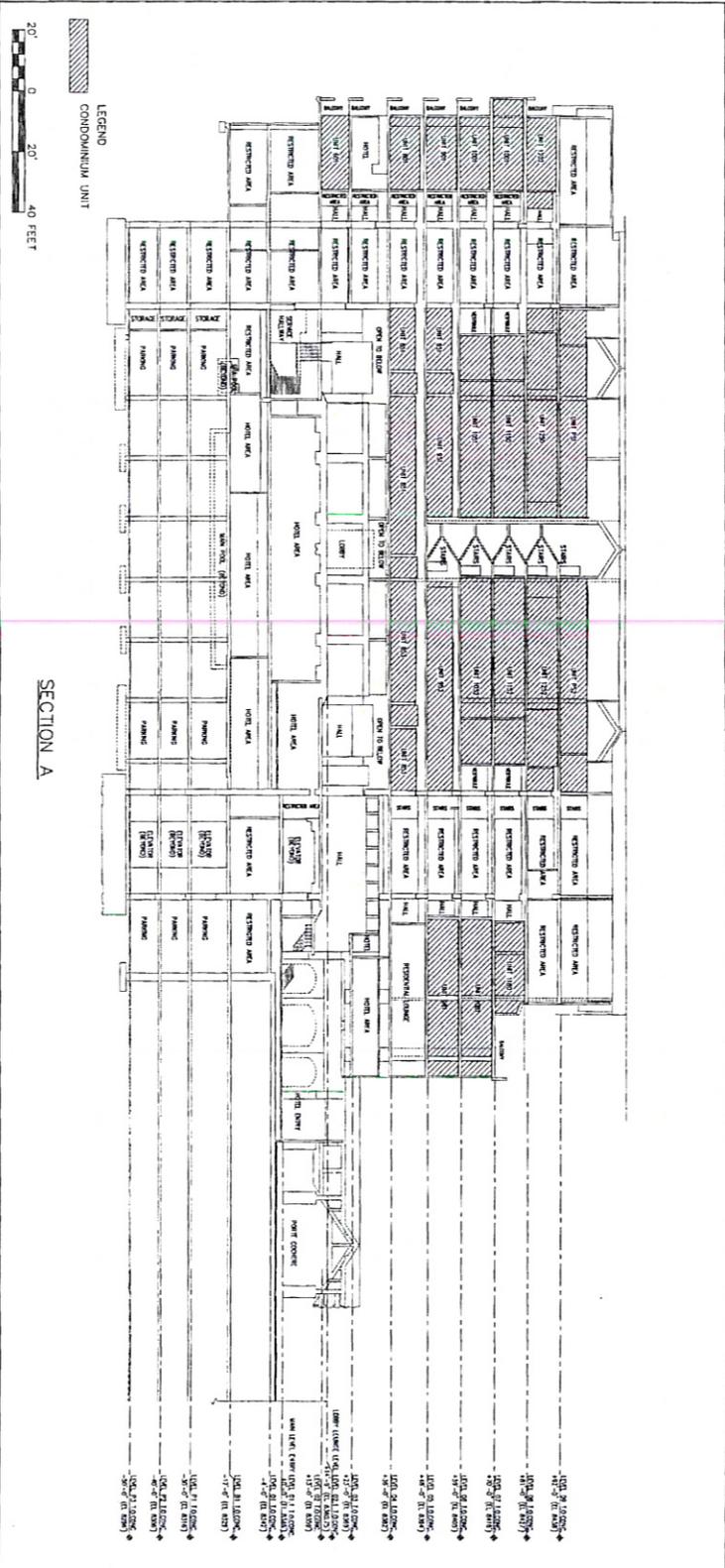
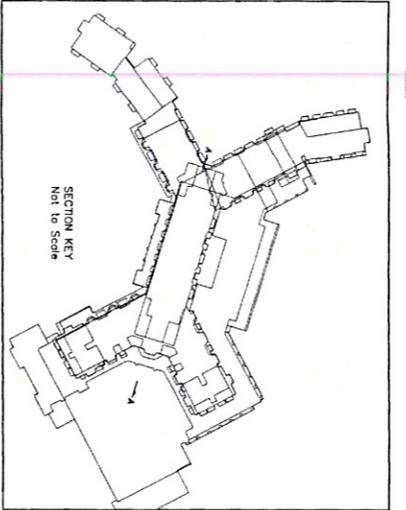
- LEGEND
- COMMON AREA EASEMENT/ ACCESS AREA
 - CONDOMINIUM UNIT
 - NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA



CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
 EMPIRE CANYON RESORT**

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

JOB NO. 2-1-08
 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF _____ BOOK _____ PAGE _____
 DATE _____ TIME _____
 FEE _____ RECORDER _____

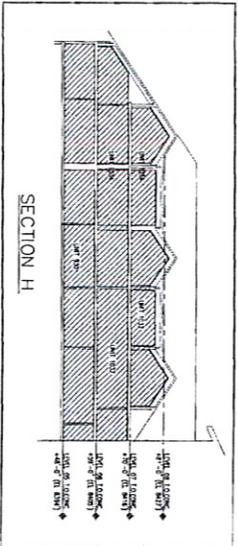
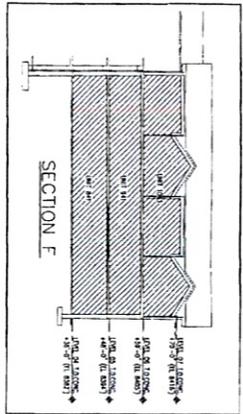
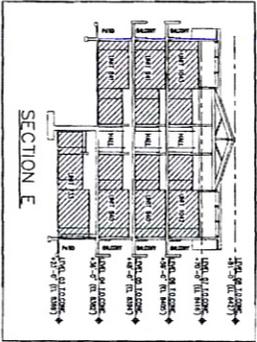
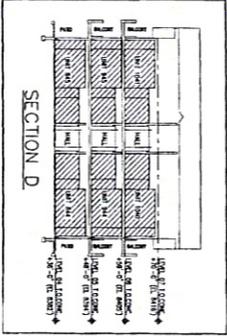
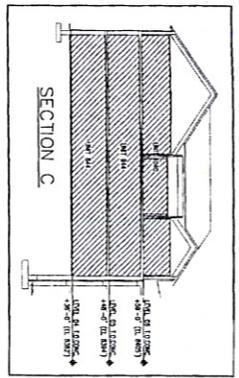
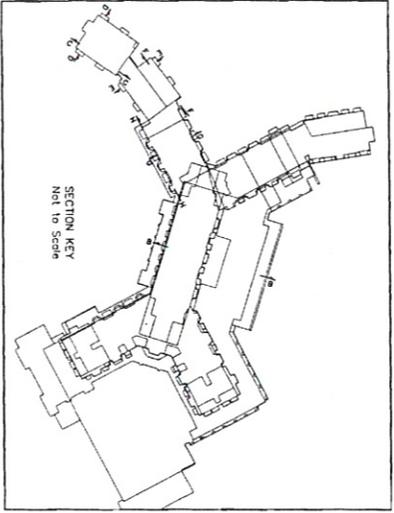
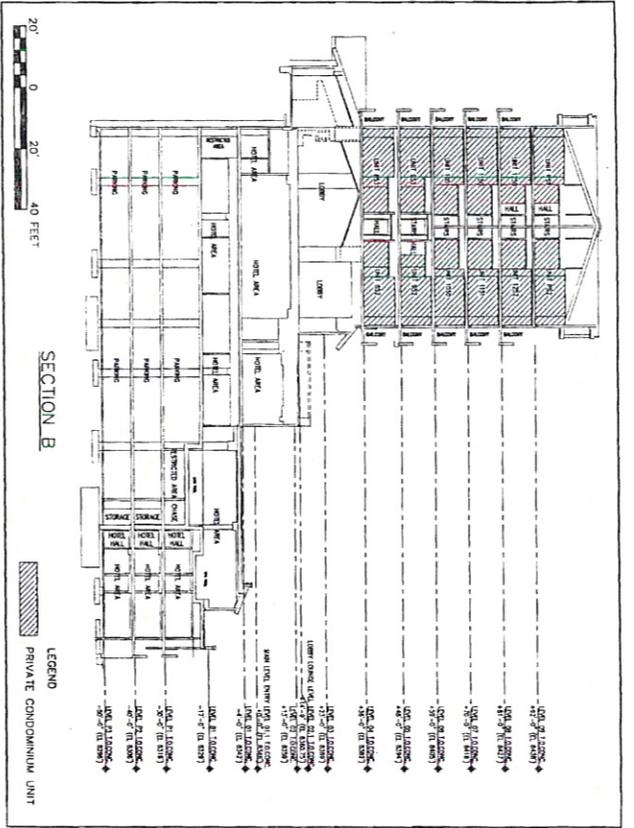


THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

CONDOMINIUM PLAT

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERRIDIAN

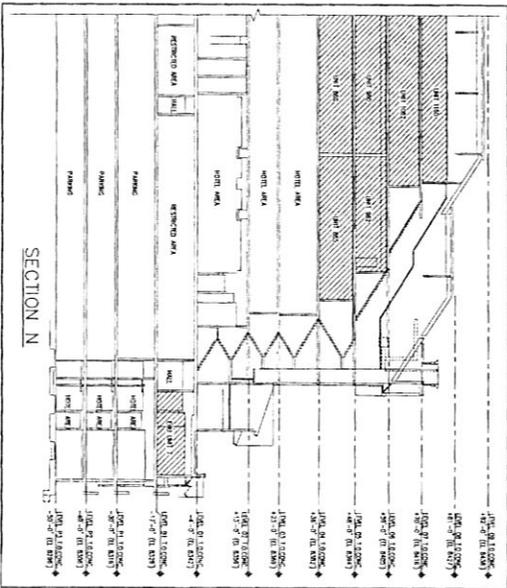
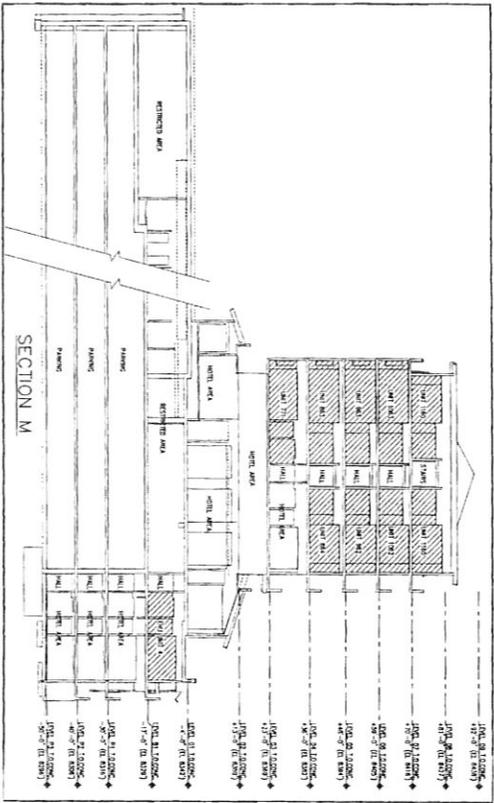
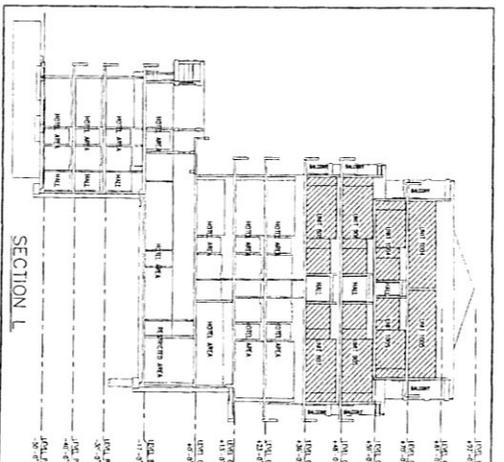
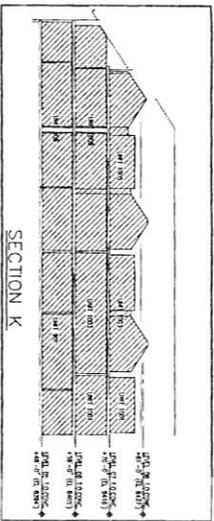
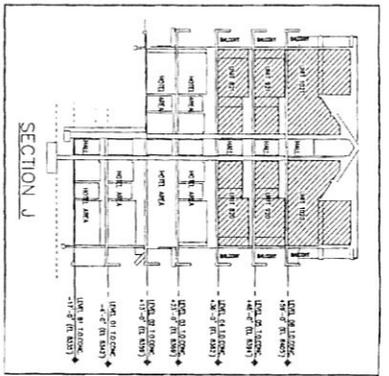
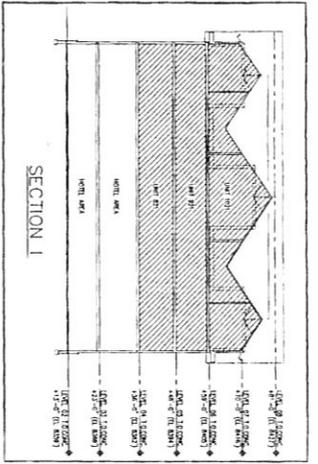
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 RECORDED
 STATE OF UTAH, COUNTY OF SUM
 AT THE REQUEST OF _____ BOOK _____
 DATE _____ TIME _____
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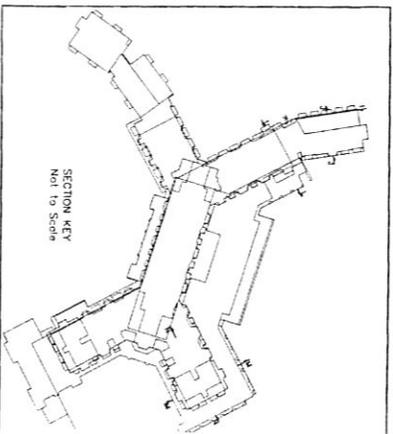
THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

CONDOMINIUM PLAT
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 SECTION 1 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALINE LAND BASE & MERIDIAN

JOB NO. 2-1-08
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT
DATE: _____ TIME: _____ BOOK: _____
FEE: _____ REC'D: _____



LEGEND
 CONDOMINIUM UNIT

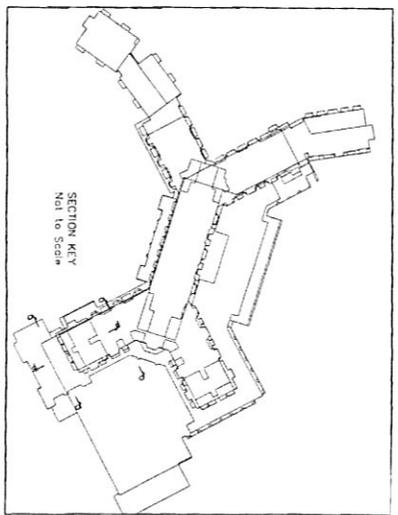
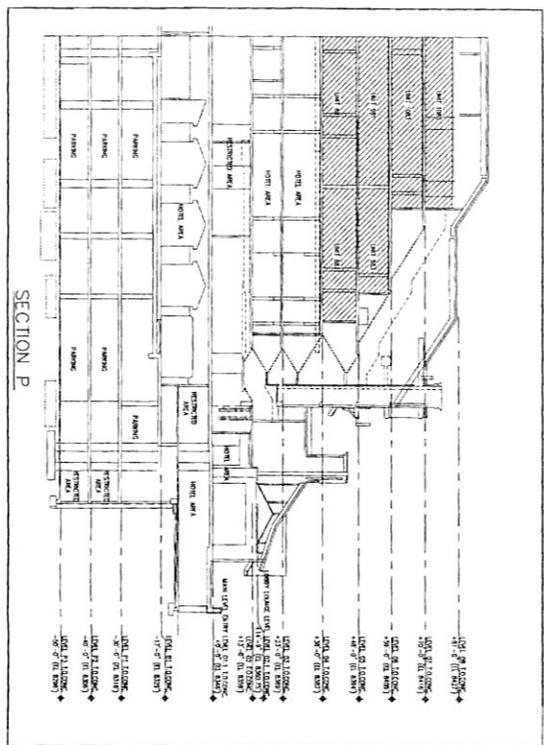
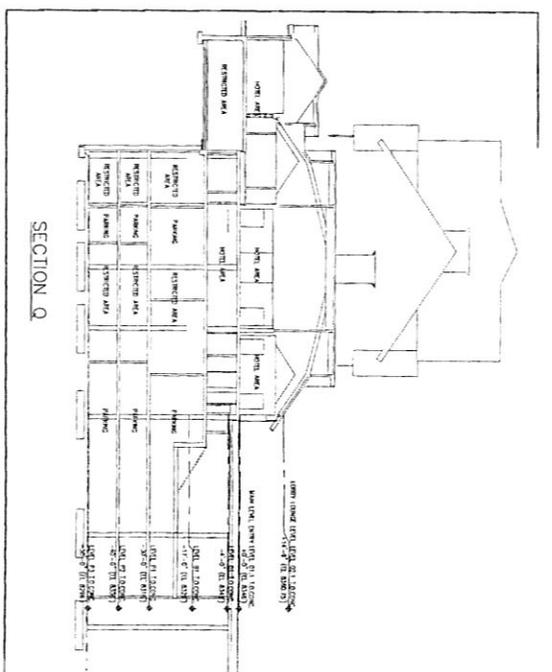
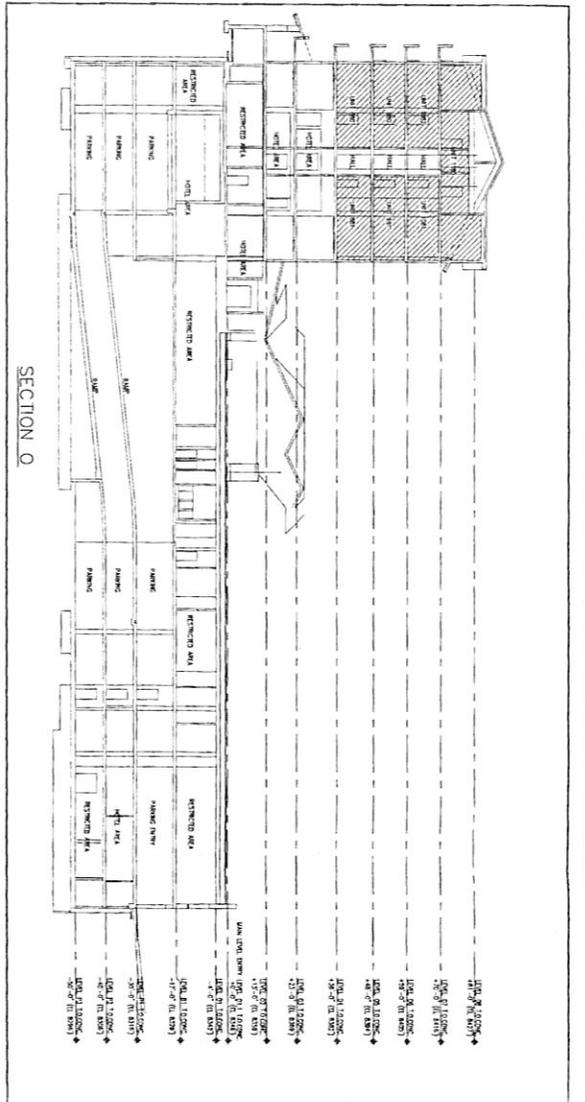


CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

JOB NO. 2-1-08
 RECORDED
 STATE OF UTAH COUNTY OF SUM
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____
 TEL _____ REC'D _____



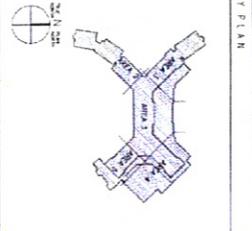
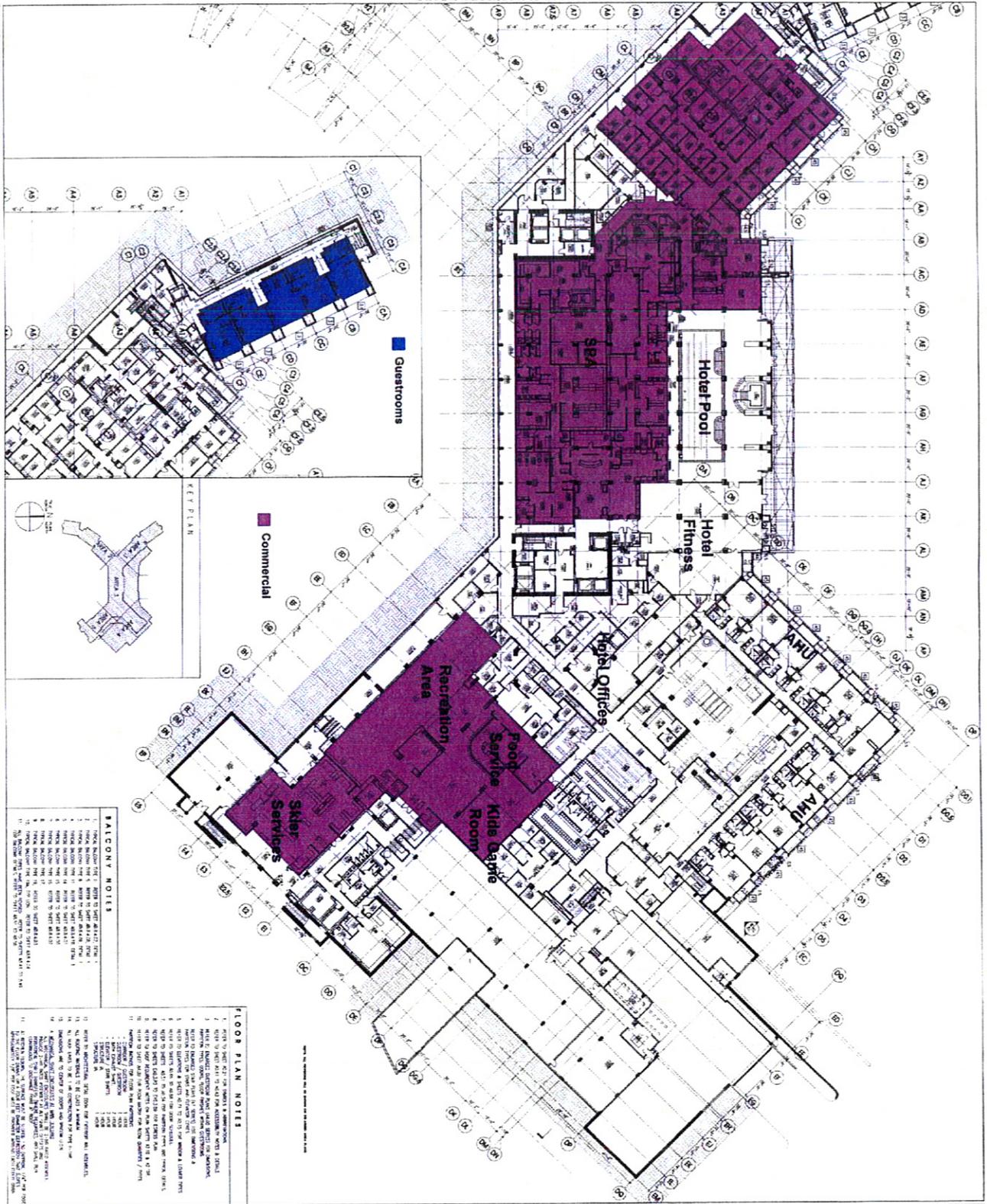
CONDOMINIUM PLAN

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASIN & MERIDIAN

JOB NO. 2-1-08
 STATE OF UTAH COUNTY OF SUMMIT
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____
 FEE _____ RECORD NO. _____

ALL DIMENSIONS AND NOTES UNLESS OTHERWISE SPECIFIED SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED. THE CENTERLINE OF THE ARCHITECT'S WORK SHALL BE TO THE CENTERLINE OF THE ARCHITECT'S WORK.



- BALCONY NOTES**
1. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 2. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 3. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 4. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
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 7. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 8. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 9. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 10. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.
 11. FINISH BALCONY FLOOR TO MATCH ADJACENT FLOOR.

- FLOOR PLAN NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 IBC.
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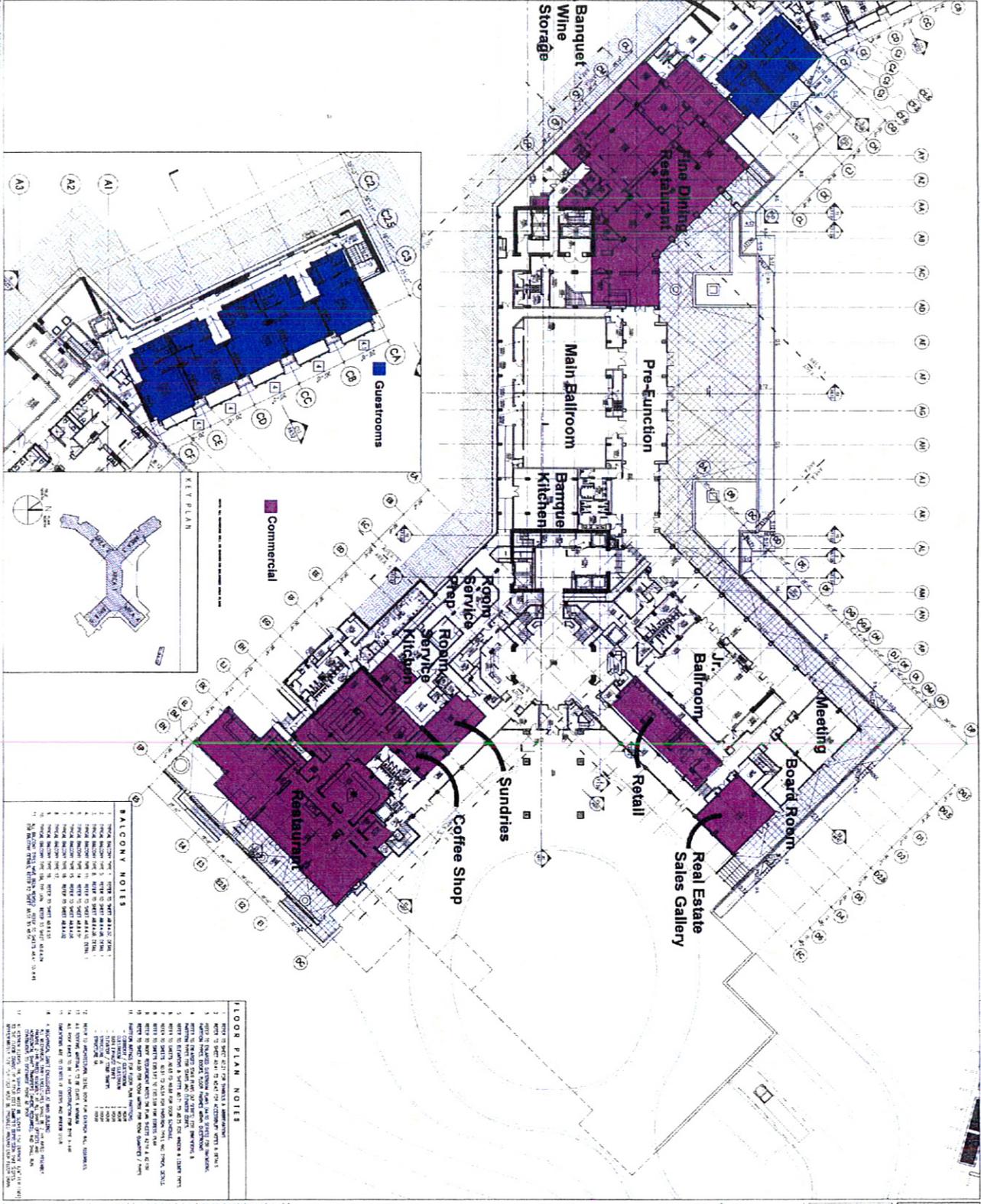
MONTAGE RESORT, SPA & RESIDENCES
PARK CITY, UTAH

HKS
ARCHITECTS
1000 WEST 1000 SOUTH
SALT LAKE CITY, UT 84119
TEL: 801.466.1000
WWW.HKS.COM

RECEIVED
CITY OF PARK CITY
PLANNING DEPARTMENT
OCT 15 2015

A2B1

ALL DIMENSIONS ARE AFTER MATERIAL, UNLESS OTHERWISE SPECIFIED. DIMENSIONS AND THE SAME MAY NOT BE SURVEYED. USED OR OTHERWISE INDICATED THE WRITTEN CONTENT OF THE PROJECT.



- BALCONY NOTES**
1. FINISH FLOORING: SEE SPECIFICATIONS.
 2. FINISH WALLS: SEE SPECIFICATIONS.
 3. FINISH CEILING: SEE SPECIFICATIONS.
 4. FINISH FLOORING: SEE SPECIFICATIONS.
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- FLOOR PLAN NOTES**
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MONTAGE: RESORT, SPA & RESIDENCES
PARK CITY, UTAH

A2.01



Ordinance No. 09-19

**AN ORDINANCE APPROVING THE LOT G PROSPECTOR SQUARE PLAT AMENDMENT
LOCATED AT 1775 PROSPECTOR AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1775 Prospector Avenue have petitioned the City Council for approval of the Lot G Prospector Square 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 public hearings on July 09, 2008, July 23, 2008 and May 13, 2009 to receive input on the Lot G Prospector Square Plat Amendment;

WHEREAS, the Planning Commission, on May 13, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot G Prospector Square 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 G Prospector Square Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located in the General Commercial (GC) zoning district.
2. Proposed lot sizes are 3,825.0 square feet for Lot 48A, 4,775.0 square feet for Lot 48D and 4,774.44 for Lot 48E. This is a decrease of 963.97 square feet of total lot size from what currently exists.
3. Lots 48B, 48C., 48D, and 48E do not have frontage on a street or a private easement
4. All of the lots will have frontage on a street or a private easement connecting the lots to a street.
5. Currently there is no legal access from Parking Lot G to the Rail Trail.
6. All of the Lots meet the requirements of the code in order to receive building permits.
7. A common problem of Lots without any frontage on a street nor a private easement connecting the lots to a street, which is found throughout Prospector Square parking lots, will be solved by amending the plat to indicate private access easements connecting the lots to a public right-of-way.

Conclusions of Law:

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

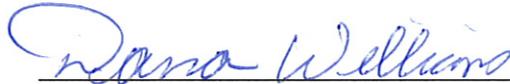
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The plat will reflect access easements where non-exclusive public utility easements have been labeled.
4. The plat will reflect a non-motorized public access easement to the Rail Trail.

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

PASSED AND ADOPTED this 28th day of May, 2009.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

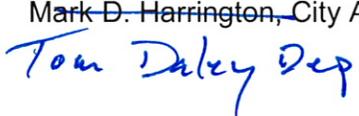
ATTEST:



Janet M. Scott, City Recorder

APPROVED AS TO FORM:

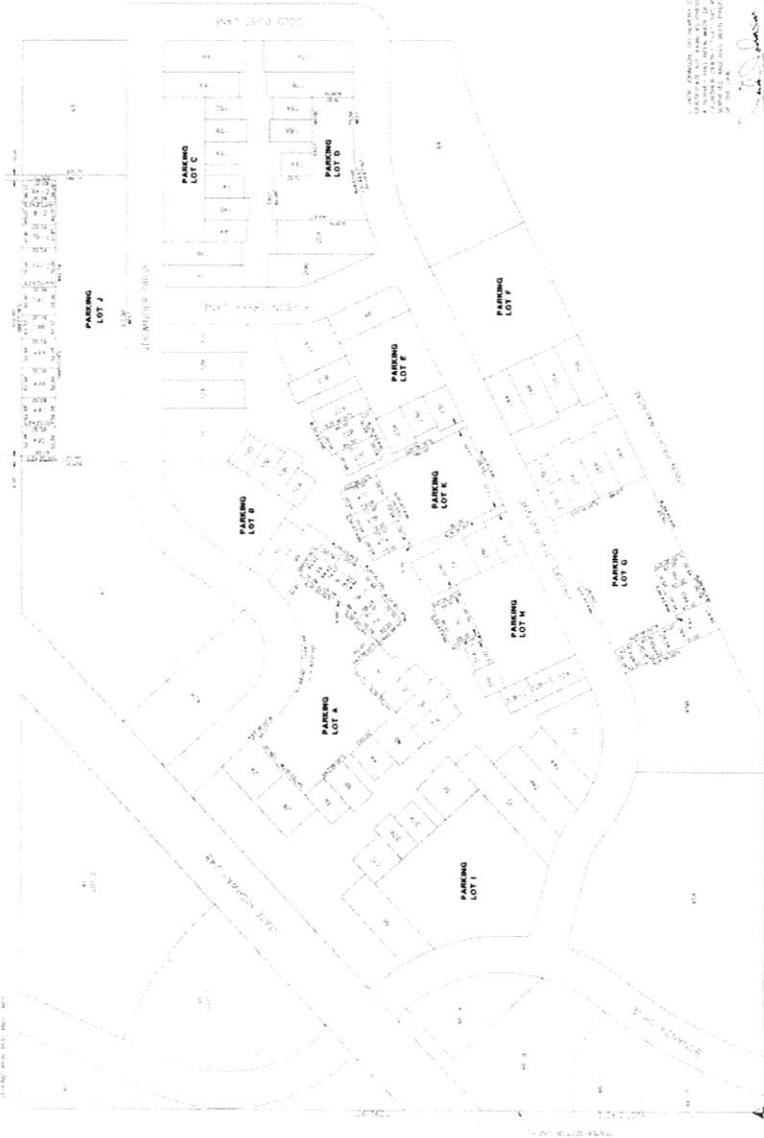


Mark D. Harrington, City Attorney




PROSPECTOR SQUARE
SUPPLEMENTAL AMENDED PLAT
 A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF
 SECTION 9, TOWNSHIP 36 SOUTH, RANGE 4 EAST,
 SALT LAKE COUNTY, UTAH

SHEET 1 OF 2



ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE SHOWN TO THE CENTER OF THE LOT OR TO THE CENTER OF THE STRIP OF ROAD. DIMENSIONS TO THE CORNER OF A LOT OR TO THE CORNER OF A STRIP OF ROAD ARE SHOWN TO THE CORNER. DIMENSIONS TO THE CENTER OF A STRIP OF ROAD ARE SHOWN TO THE CENTER. DIMENSIONS TO THE CENTER OF A LOT OR TO THE CENTER OF A STRIP OF ROAD ARE SHOWN TO THE CENTER. DIMENSIONS TO THE CORNER OF A LOT OR TO THE CORNER OF A STRIP OF ROAD ARE SHOWN TO THE CORNER. DIMENSIONS TO THE CENTER OF A STRIP OF ROAD ARE SHOWN TO THE CENTER.

PLAT PREPARED BY: [Signature]
 DATE: [Date]
 SCALE: [Scale]

<p>CITY COUNCIL APPROVAL I HEREBY APPROVE THE PLAT OF PROSPECTOR SQUARE AS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE REPORT OF THE CITY ENGINEER. CITY CLERK: [Signature] DATE: [Date]</p>	<p>CITY ENGINEER I HAVE EXAMINED THE PLAT AND THE REPORT OF THE CITY ENGINEER AND I HEREBY CERTIFY THAT THE PLAT IS CORRECT AND ACCURATE. CITY ENGINEER: [Signature] DATE: [Date]</p>	<p>CITY PLANNING COMMISSION I HEREBY APPROVE THE PLAT OF PROSPECTOR SQUARE AS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE REPORT OF THE CITY ENGINEER. CITY PLANNING COMMISSION: [Signature] DATE: [Date]</p>	<p>APPROVAL AS TO FORM I HEREBY APPROVE THE PLAT OF PROSPECTOR SQUARE AS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE REPORT OF THE CITY ENGINEER. APPROVAL AS TO FORM: [Signature] DATE: [Date]</p>	<p>RECORDED I HEREBY APPROVE THE PLAT OF PROSPECTOR SQUARE AS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE REPORT OF THE CITY ENGINEER. RECORDED: [Signature] DATE: [Date]</p>	<p>THE TALK JOHNSON COMPANY I HEREBY APPROVE THE PLAT OF PROSPECTOR SQUARE AS SHOWN ON THESE PLANS AND AS DESCRIBED IN THE REPORT OF THE CITY ENGINEER. THE TALK JOHNSON COMPANY: [Signature] DATE: [Date]</p>
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Ordinance No. 09-18

**AN ORDINANCE APPROVING THE FIRST AMENDED TREASURE HILL
SUBDIVISION PHASE 3, LOCATED AT 445 KING ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 445 King Road, have petitioned the City Council for approval of the First Amended Treasure Hill Subdivision Phase 3; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 13, 2009, to receive input on the First Amended Treasure Hill Subdivision Phase 3;

WHEREAS, the Planning Commission, on May 13, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 28, 2009, the City Council held a public hearing on the First Amended Treasure Hill Subdivision Phase 3; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Treasure Hill Subdivision Phase 3.

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 First Amended Treasure Hill Subdivision Phase 3 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 proposed house is located in the E-MPD zoning district.
2. The City approved the Sweeney Master Planned Development on October 16, 1986.
3. The Sweeney Master Plan Approval document of 1986 identifies Miscellaneous Properties including, "...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet." Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.
4. The City Council approved the subdivision plat on July 31, 2003 to create one lot of record for this 11.9 acre metes and bounds parcel. On August 12, 2004 the Council approved a six-month extension to record the plat. The plat has subsequently been recorded.
5. The City received a complete application on March 4, 2009, to amend the platted Building Zone for the Treasure Hill Subdivision Phase 3 plat.
6. The Building Zone remains 29, 083.9 square feet.

7. The Building Footprint for the Main House can be up to 3,500 square feet with a Guest House an additional 1,500 square feet.
8. The Height restrictions for the Main House are 25 feet for ridges parallel to the existing contours and 30 feet for ridges perpendicular to the existing contours. These perpendicular ridges cannot comprise more than 20% of the total roof plan.
9. The property is located in a heavily wooded, remote environment that is prone to wildfire.
10. The Findings in the Analysis are incorporated herein.

Conclusions of Law:

1. There is good cause for this subdivision amendment.
2. The subdivision amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision amendment.
4. Approval of the subdivision 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 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 previous Conditions of Approval of the Sweeney Properties Master Plan (Treasure Hill) continue to apply.
4. All previous Conditions of Approval of the 2003 plat approval continue to apply other than the location of the building zone.
5. Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.

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

Tom Daley Dep



Ordinance No. 09-17

**AN ORDINANCE APPROVING THE 505 WOODSIDE AVENUE SUBDIVISION
LOCATED AT 505 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 505 Woodside Avenue have petitioned the City Council for approval of the 505 Woodside Avenue 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 April 22, 2009, to receive input on the 505 Woodside Avenue Subdivision;

WHEREAS, the Planning Commission, on April 22, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 505 Woodside Avenue 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 505 Woodside Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 505 Woodside Avenue in the HR-1 zoning district.
2. The structure located at 505 Woodside Avenue is considered historic and is listed on the City's Historic Structures Inventory as Significant..
3. The historic home is a valid complying structure as the building does not comply with setbacks on the south side property line. Section 15-2.2-4 of the LMC states that "Historic structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid complying structures".
4. There was a property swap with the adjacent neighbor to the north, which was the solution to an encroachment and access agreements between the owner of 505 Woodside and the neighbor adjacent to the north. No additional lot area has resulted from the property swap.

5. There is a Historic District Design Review application under consideration by staff for this property.
6. Any construction within the Historic Residential District (HR-1) requires a Historic District Design Review.
7. A building permit cannot be issued for construction across a lot line.
8. All other facts within the Analysis section of this report are incorporated within.

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.
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 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 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 subdivision will be void.

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

PASSED AND ADOPTED this 7th day of May, 2009.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Polly Samuels McLean, Assistant City Attorney





REMITTANCE CERTIFICATE
 The undersigned hereby certifies that the amount herein stated has been received by the City of Park City, Utah, for the purpose specified herein.

DATE: _____

GENERAL DESCRIPTION
 This subdivision is located in the _____ section of the _____ township, _____ county, Utah. It contains _____ acres, more or less, and is bounded by _____ on the north, _____ on the south, _____ on the east, and _____ on the west.

The purpose of this subdivision is to divide the above described land into lots for the purpose of _____.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

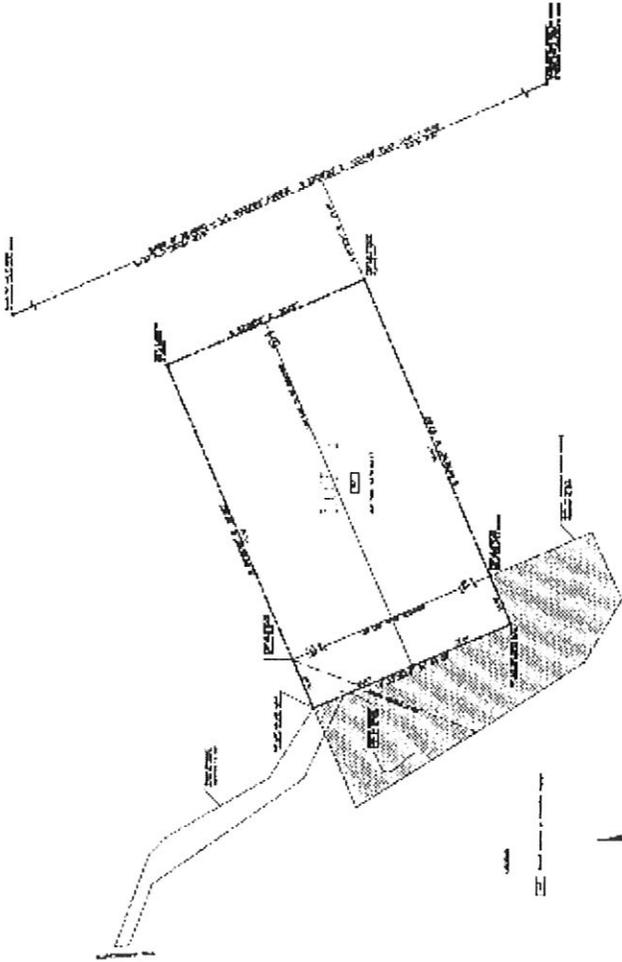
The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.

The subdivision is shown on the attached plan which is a true and correct copy of the original plan on file in the office of the County Clerk of _____ county, Utah.



A PARCEL COMBINATION PLAT
 A COMBINATION OF LOTS 2, 3 & 4, PORTION OF LOTS 30 & 31 IN BLOCK 2A,
 PARK CITY SURVEY

505 WOODSIDE AVENUE SUBDIVISION

PREPARED BY: _____
 ENGINEER: _____
 SURVEYOR: _____

CITY OF PARK CITY PLANNING DEPARTMENT 100 WEST MAIN STREET PARK CITY, UTAH 84301	RECEIVED JAN 29 2008 10:00 AM	SHEET 1 OF 1
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PARK CITY
 PLANNING DEPT.

Ordinance No. 09-16

AN ORDINANCE APPROVING THE 71 DALY AVENUE PLAT AMENDMENT LOCATED AT 71 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 71 Daly Avenue have petitioned the City Council for approval of the 71 Daly Avenue plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 8, 2009, to receive input on the 71 Daly Avenue plat amendment;

WHEREAS, the Planning Commission, on April 8, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 71 Daly Avenue plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 71 Daly Avenue plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 71 Daly Avenue in the Historic Residential (HR-1) zoning district.
2. There is an existing historic structure on the property. The structure is listed as Significant on the Park City Historic Sites Inventory.
3. The subject property encompasses Lot 10 and portions of Lots 9 and 11, Block 73 of the Park City Survey.
4. The proposed amended plat would result in one lot of record of 4,175 square feet.
5. The proposed plat amendment will not create substandard lots on the neighboring lots.
6. The applicant is proposing the combination of the lots in order to facilitate an expansion/addition to the house.
7. A Historic District Design Review application has been submitted to the Planning Department for this property.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10 foot wide snow storage easement will be provided along Daly Avenue.
4. Empire Creek flows behind the rear property line. Limits of Disturbance for construction may not occur within ten feet of the Creek.

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

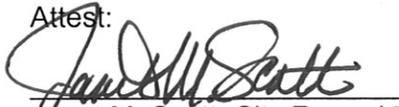
PASSED AND ADOPTED this 23rd day of April, 2009.

PARK CITY MUNICIPAL CORPORATION



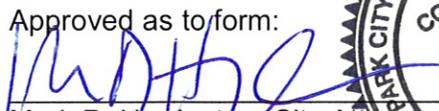
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:

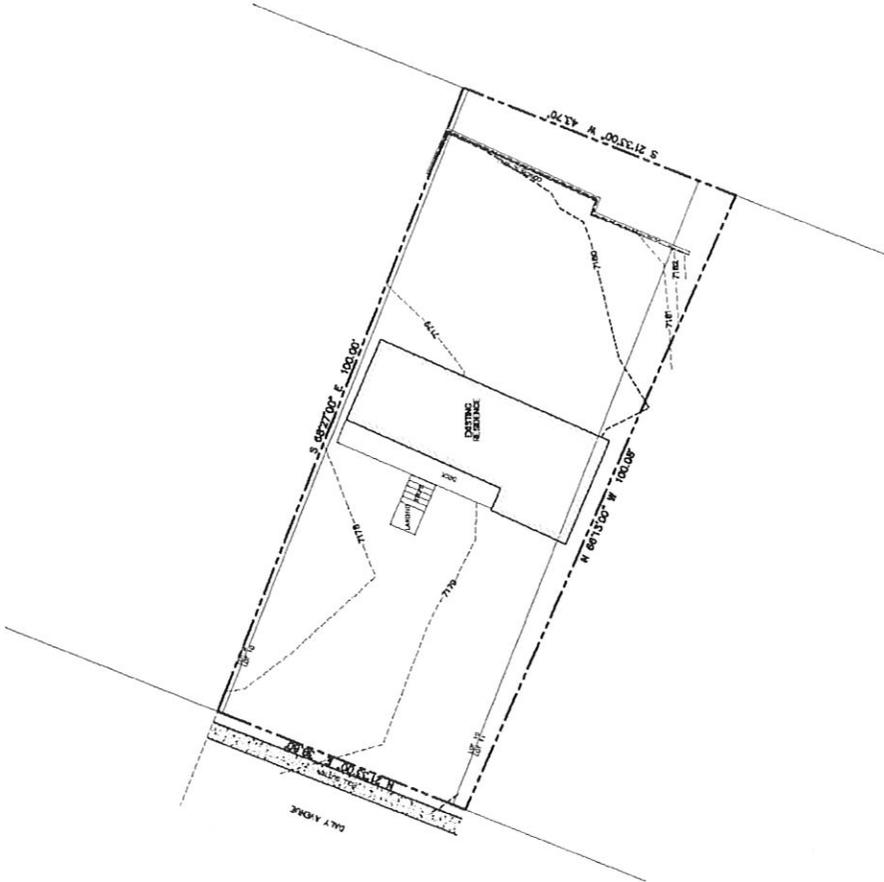


Mark D. Harrington, City Attorney



LEGAL DESCRIPTION

Beginning South 2133' West 2.0' feet from the southeast corner of Lot 10, Block 7A, Wildlife Reservation in Park City, thence North 2133' East 38.90' feet, thence South 8827' East 100' feet, thence South 2133' West 43.70' feet, thence North 88713' West 100.08' feet to the point of beginning



	STAFF: MARSHALL KING BRYAN SCHAFROTH	SHEET 1 OF 1	EXISTING CONDITIONS SURVEY 71 DALY AVENUE
	DATE: 10/30/08	FOR: ROBERT KORY JOB NO.: 13-5-08 FILE: X:\ParkCitySurvey\dwg\rv\rvy2008\130508-revised7008.dwg	

Ordinance No. 09-15

**AN ORDINANCE APPROVING THE 2300 MEADOWS DRIVE SUBDIVISION
LOCATED AT 2300 MEADOWS DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as 2300 Meadows Drive, have petitioned the City Council for approval of the 2300 Meadows Drive 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 October 8, 2008, January 28, 2009 and March 25, 2009, to receive input on the 2300 Meadows Drive subdivision;

WHEREAS, the Planning Commission, on March 25, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 9, 2009, the City Council held a public hearing on the 2300 Meadows Drive subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 2300 Meadows Drive 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 2300 Meadows Drive 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 2300 Meadows Drive.
2. The property is located in the Single Family (SF) zoning district.
3. In October of 1990, the City entered into a purchase, sale and charitable donation agreement with D. A. Osguthorpe for the purpose of purchasing various pieces of property adjacent to the City and to acquire water rights. The acquisition included properties on the SR 224 entry corridor (the Farm) and properties in Park Meadows and Prospector areas. The East Hill Parcel (includes the "PC" on the hill) was conveyed to the City with the exception of a two-acre parcel. The Agreement states that the City agrees to provide water and access to the two-acre parcel.
4. A legal lot of record was never created and the two acres remained a metes and bounds parcel.

5. In August of 1991, the City annexed all the properties acquired from the Osguthorpes, including the two acre parcel. All the property was annexed and zoned as Recreation Open Space (ROS). In October of 1994, the City approved a zone change for the two-acre parcel from ROS to Single Family (SF).
6. The rezone was approved with the following restrictions: location of building envelope for residence; compliance with architectural guidelines of Park Meadows 6A subject to review by City planning staff (which specifies a maximum house size of 10,000 sq. ft.); and a restriction on re-subdividing the property into more than one parcel.
7. Two parking spaces are required for the house.
8. Any building is required to conform to the setback and height requirements of the SF zone.
9. The proposed utility and access easement is located on the north side of the City property approximately 50-70 feet from the property line connecting to Meadows Drive just north of the landscaped island. Final alignment and width of the easement is subject to approval from the City Council with the review of this plat.
10. The driveway will terminate at Meadows Drive at the north side of the property. The existing asphalt path will be required to be realigned to terminate short of the driveway.
11. The curve in the driveway is designed to keep headlights away from neighboring houses to the north. The City Engineer recommends a minimum width driveway of ten feet (10').
12. The easement agreement will put the responsibility for driveway maintenance and liability for the easement on the owner of the 2300 Meadows Drive lot. Utilities, except for sewer, serving the lot will be required to be within the easement as well. A separate sewer easement connecting to a manhole on the adjacent Sunny Slopes lot is shown on the proposed plat.

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 subdivision plats.
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. The access and utility easement will be approved by City Engineer and will be recorded concurrent with the subdivision plat.

4. The plat will reference the restrictions agreed to during the re-zone: location of building envelope for residence; compliance with architectural guidelines of Park Meadows 6A subject to review by City planning staff (which specifies a maximum house size of 10,000 sq. ft.); and a restriction prohibiting re-subdividing the property into more than one parcel.
5. The existing asphalt path will be required to be realigned by the applicant to terminate short of the driveway.

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

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

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

Ordinance 09-14

**AN ORDINANCE APPROVING AMENDMENTS TO
THE PARK CITY LAND MANAGEMENT CODE
AMENDING THE LOT AND SITE REQUIREMENTS AND BUILDING HEIGHT
PARAMETERS OF CHAPTERS 2.1, 2.2, AND 2.3 AND ADDING A NEW DEFINITION
TO CHAPTER 15.**

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

WHEREAS, residents and the Planning staff identified a need to modify the existing lot and site requirements and building height to encourage the construction of historically compatible additions and new construction that contributes to the unique character of the districts and decreases environmental impacts to the site, neighborhoods and districts;

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

WHEREAS, these amendments are changes identified during the 2008 annual review of the Land Management Code and the visual presentations which occurred in conjunction with the adoption of the historic building inventory and amendments to the historic district guidelines;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at it's regularly scheduled meeting on October 8, 2008, October 22, 2008, November 12, 2008, December 10, 2008, January 28, 2009, February 11, 2009, March 4, 2009, and March 25, 2009, and forwarded a recommendation to City Council;

WHEREAS, the City Council conducted a work session on April 2, 2009, and duly noticed and conducted a public hearing at its regularly scheduled meeting on April 9, 2009; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 2.1 OF THE LAND MANAGEMENT CODE. Chapter 15-2.1 is hereby amended as attached hereto as Attachment 1. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-2.1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 2.2 OF THE LAND MANAGEMENT CODE. Chapter 15-2.2 is hereby amended as attached hereto as Attachment 2. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.2 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 2.3 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Attachment 3. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.3 shall be resolved by the Planning Director.

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

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

PASSED AND ADOPTED this 9th day of April, 2009

PARK CITY MUNICIPAL CORPORATION

Dana Williams
Dana Williams, Mayor

Attest:

Janet M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington
Mark Harrington, City Attorney



PARK CITY MUNICIPAL 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 which mitigate impacts to mass and scale and the environment, 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

(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

- (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}

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-56)

15-2.1-3. LOT AND SITE REQUIREMENTS.

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative Conditional Use permit.

⁶ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷ See LMC Chapter 15-4-2, Fences and Walls

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 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) Upper level decks, with or without roofs;
- (d) Bay Windows;
- (e) Chimneys;
- (f) Sidewalks, pathways, and steps;
- (g) Screened hot tubs; and
- (h) Landscaping.

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 square feet.

(2) Exceptions to the Building Pad Area are subject to Planning Department 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 of any Structure shall 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

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

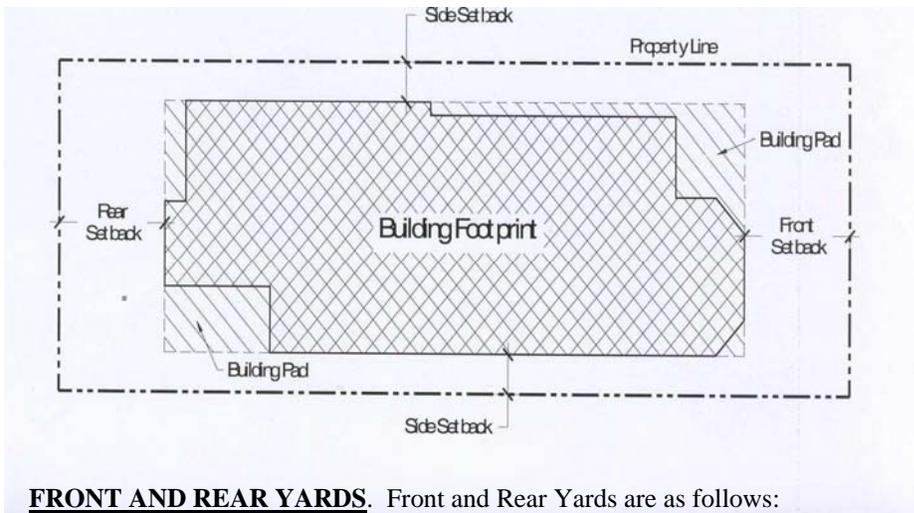
Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

See 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

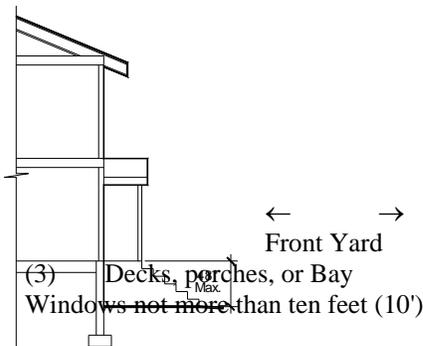
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

(1) A Fence or wall 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.



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.

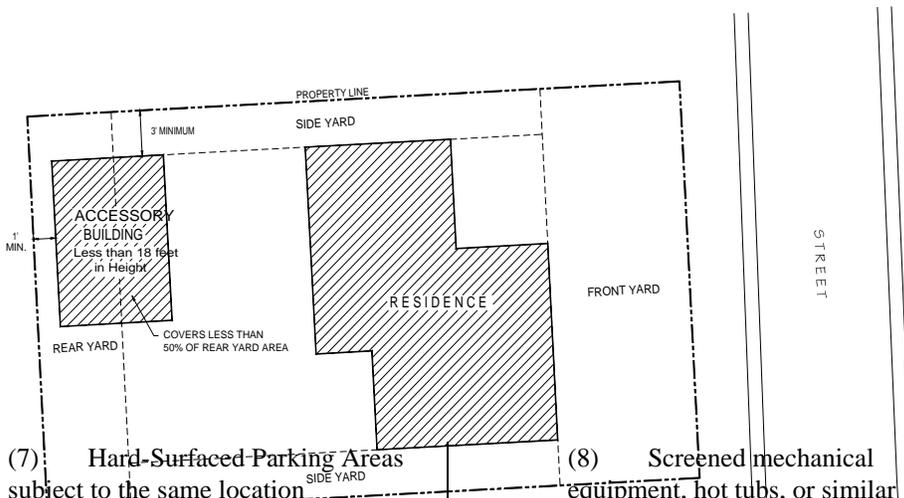
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features 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:



(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 or walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Walls.⁷

(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. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5').⁸

(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

⁸ Applies only to Lots with a Side Yard of five feet (5') or greater.

five feet (5') from the Side Lot Line.

(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.

(Amended by Ord. No. 06-56)

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,

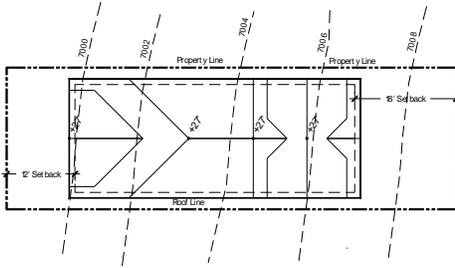
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the Uniform Building and Fire Codes.

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. Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

- (A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.
- (B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.
- (C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.

Deleted: 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 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) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.

b) The proposed option is the only feasible option for

the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

(Amended by Ord. No. 06-56)

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 (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the measurement shall included a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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, where feasible.

Deleted: Director

(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 Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in section 15-2.1-5. 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.

(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 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

Deleted: (10) HEIGHT EXCEPTIONS (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.¶

Deleted: maximum Building Height

to apply, and the Owner is not vested for the maximum.

(Amended by Ord. No. 06-56)

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.

(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.

(Amended by Ord. No. 06-56)

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.

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

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

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic Preservation Board. Appeals must

be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or code provisions violated by the Staff determination.

(Amended by Ord. No. 06-56)

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.

(Amended by Ord. No. 06-56)

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.

- 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. 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.

PARK CITY MUNICIPAL CODE

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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

Slopes which mitigate impacts to mass and scale and the environment.

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

(B) **CONDITIONAL USES.**

- (1) Duplex Dwelling

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

Deleted: ites

- (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
- (16) Passenger Tramway Station and Ski Base Facility⁸

- (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.

(Amended by Ord. Nos. 06-56; 07-25)

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.

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

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. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative Conditional Use permit

⁸ See LMC Chapter 15-4-18,

Passenger Tramways and Ski-Base Facilities
⁹ See LMC Chapter 15-4-2, Fences and Walls

(B) **BUILDING ENVELOPE (HR-1 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 15-2.2-3(C).

(1) The Building Footprint must be within the Building Pad. 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 of 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 square feet.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

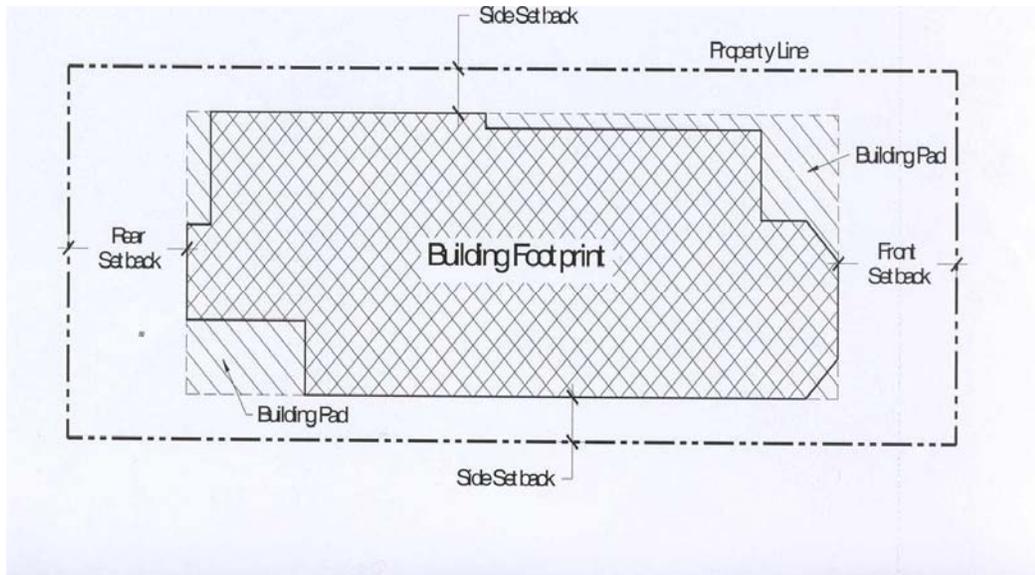
Where FP= maximum Building Footprint and A= Lot Area.

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 15-2.2. for a schedule equivalent of this formula.

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:

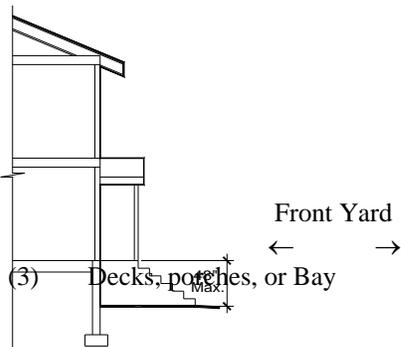
TABLE 15-2.2a

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.



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, and 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

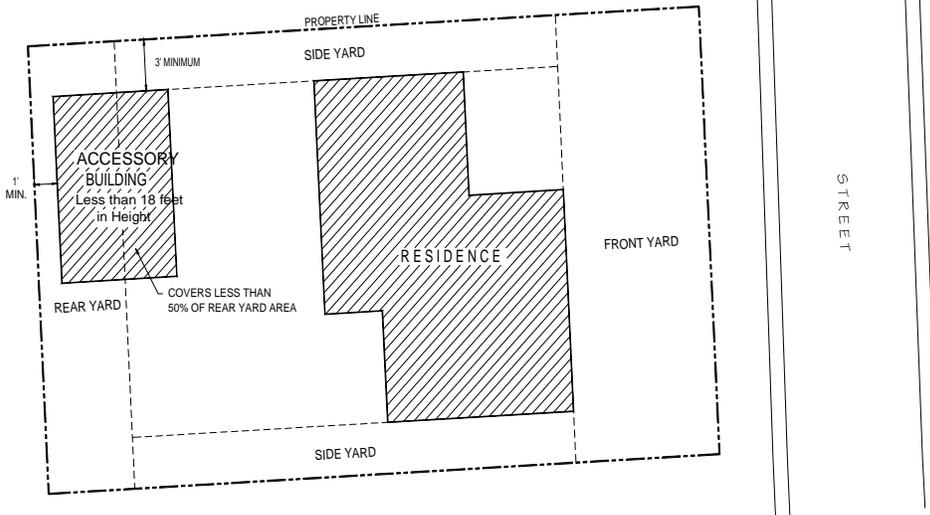
(4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features 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:



(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 or walls not over six feet (6') in height, or as permitted in Section 15-4-2, Fences and Walls.⁹

(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, and projecting not more than two feet (2') into the Side Yard.¹⁰

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.¹⁰

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.¹⁰

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹⁰

(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 above Final Grade, provided there is at least a one foot (1') Setback to the Property Line.¹⁰

(7) Fences, walls, or retaining walls not more than six feet (6') in height or as permitted in Section 15-4-2, Fences and Walls.⁹

(8) Driveways leading to a garage or Parking Area.

(9) Pathways or steps connecting to a City staircase or pathway.

(10) Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the

¹⁰ Applies only to Lots with a minimum Side Yard of five feet (5').

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.

(Amended by Ord. No. 06-56)

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. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(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.

(Amended by Ord. Nos. 06-56; 07-25)

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.

Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

Deleted: 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.

(B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.

(C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required 7:12 pitch.

(5') above the height of the Building.

(3) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.

Deleted: This measure shall not include approved window wells.¶

b) The proposed option is the only feasible option for the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

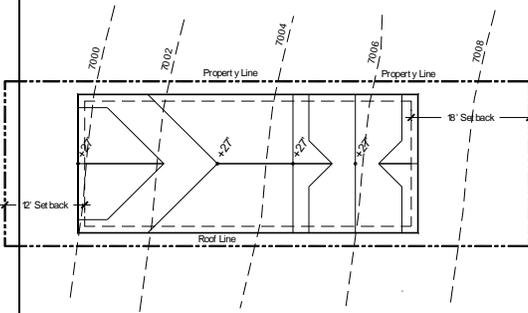
(Amended by Ord. No. 06-56)

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

(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



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.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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.

(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 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 Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in section 15-2.2-5. 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) 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

Deleted: maximum Building

Deleted: (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.¶
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- ¶ (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 Chapter 15-1-10, Conditional Use Review.¶

Deleted: ¶

(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.

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.

(Amended by Ord. No. 06-56)

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.

(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.

(Amended by Ord. No. 06-56)

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.

(Amended by Ord. No. 06-56)

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 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.

(J) The Use complies with Chapter 15-1-10, Conditional Use review process.

(Amended by Ord. No. 07-25)

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.

(Amended by Ord. No. 06-56)

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.

- 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.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

**PARK CITY MUNICIPAL CODE
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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

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

- (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 Facility¹⁰
- (25) Ski tow rope, ski lift, ski run, and ski bridge¹⁰
- (26) Recreation Facility, Private
- (27) Fences over six feet (6') in height¹¹

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

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.

¹⁰ See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

¹¹ See LMC Chapter 15-4-2, Fences and Walls

- (28) Limited commercial expansion necessary for compliance with Building/Fire Code egress and Accessibility requirements¹²

(Amended by Ord. No. 06-56)

(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.

¹² 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.

- (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 (1.5) 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 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.

(Amended by Ord. No. 06-56)

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.

(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.

(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 greater than 3,500 square feet.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

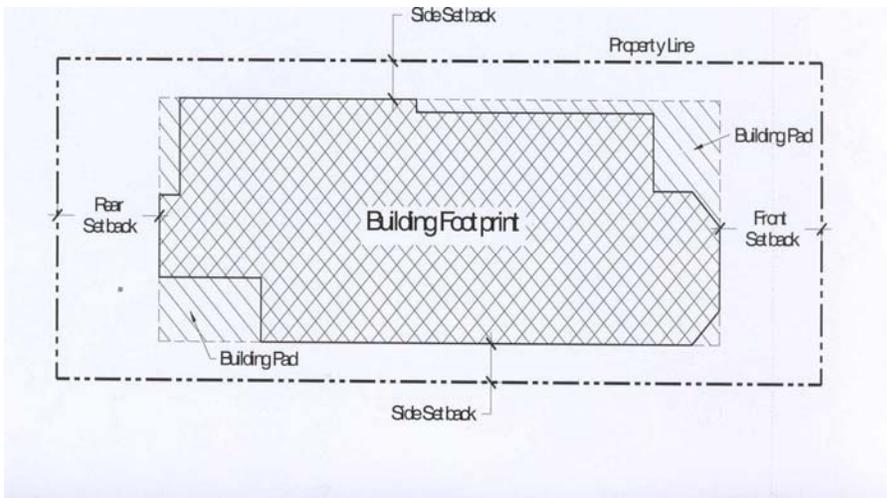
Where FP= maximum Building Footprint and A= Lot Area.

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 15-2.3. for a schedule equivalent of this formula.

TABLE 15-2.3.

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 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

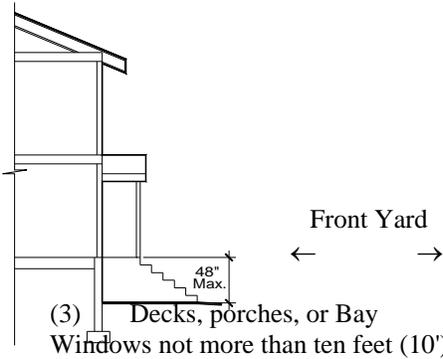
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(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.



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 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, and 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.

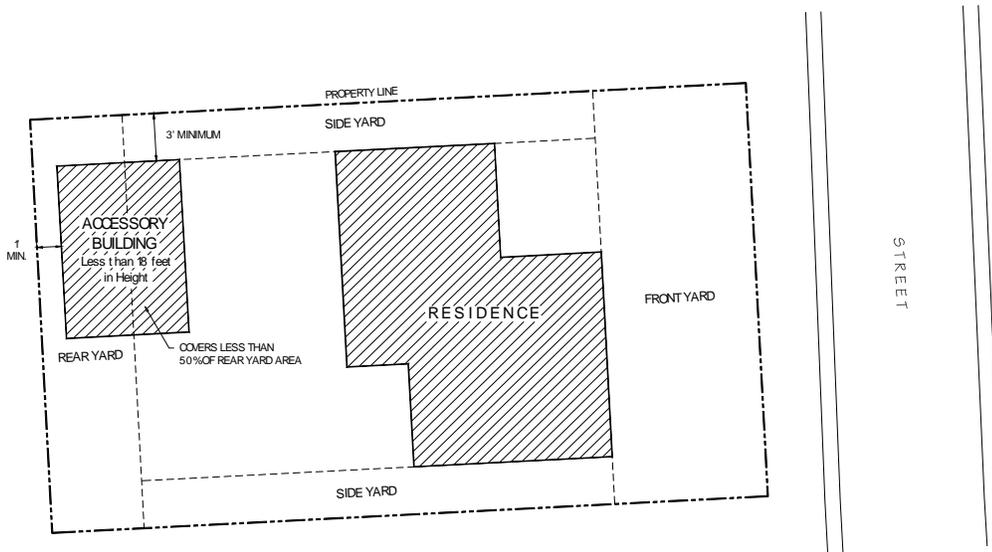
(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves

projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(6) Detached Accessory Buildings 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 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 or walls not more than six feet (6') in height.¹¹

(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 Structure except:

(1) Bay Windows not more than ten feet (10') wide, and 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 or light wells projecting not more than four feet (4') into the Side Yard.¹²

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹²

(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.¹¹

(8) Driveways leading to a garage or Parking Area.

(9) Pathway or steps connecting to a City staircase or pathway.

¹² Applies only to Lots with a minimum Side Yard of five feet (5')

(10) Detached Accessory Buildings 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.

(Amended by Ord. No. 06-56)

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 Uniform Building and Fire Codes.

15-2.3-6 BUILDING HEIGHT.

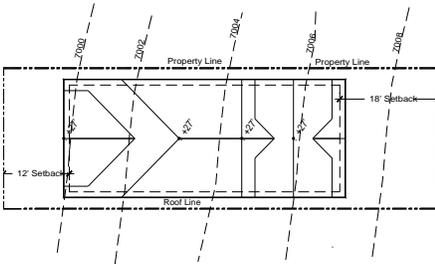
No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four (4) vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A Structure may have a maximum of three Stories. Each Story is limited to a maximum of ten (10) vertical feet. A basement counts as a first story within this zone.

(B) A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the first story is located completely under the finish grade on all sides of the structure.

(C) Roof pitch. Roof pitch must be between seven: twelve (7:12) and twelve: twelve (12:12). Roofs which are not part of the primary roof design may be below the required



7:12 pitch.

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

(1) 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 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) Elevator Access. The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act standards. The applicant must verify the following:

a) The proposed height exception is only for the area of the elevator. No increase in square footage of the building is being achieved.

b) The proposed option is the only feasible option for the elevator on the site.

c) The proposed elevator and floor plans comply with the American Disability Act standards.

(4) Garage on downhill lot. The Planning Director may allow additional height on a downhill lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal parking space as dimensioned within this code (LMC Section 15-3). Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed 35 feet from existing grade.

Deleted: 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 window wells.¶

(Amended by Ord. No. 06-56)

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 (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.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest slope within the building footprint and driveway.

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.

(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 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 Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in section 15-2.3-6. 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) **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

Deleted: Building

Deleted: (10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Planning Development 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 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.

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 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.

(Amended by Ord. No. 06-56)

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.

(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.

(Amended by Ord. No. 06-56)

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, Chapter 15-5.

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

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

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

(Amended by Ord. No. 06-56)

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 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.

(Amended by Ord. No. 06-56)

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 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 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. Nos. 05-49; 06-56)

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.

(Amended by Ord. No. 06-56)

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. LMC Chapter 15-11.
- X Park City Sign Code. Title 12.
- X Architectural Review. LMC Chapter 15-11.
- X Snow Storage. LMC Chapter 15-3-3(E).
- X Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. No. 06-56)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)..... 1
*Chapter adopted by Ordinance No. 00-25***CHAPTER 15 - DEFINED TERMS.15-15-1.**

DEF

INITIONS.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●**.

1



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”.

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

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 a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

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.

1.4. **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

1.5. **ACTIVE BUILDING PERMIT.** Any Building Permit that has not expired.

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

1.7. **AFFORDABLE HOUSING.** Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8. **AGENT.** The Person with written authorization to represent an Owner.

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.

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

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.

1.12. **ANTENNA.** A transmitting or receiving device used in Telecommunications that radiates or

captures radio, television, or similar communication signals.

(A) **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.

(B) **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.

(C) **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.

(D) **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof of a Building.

(E) **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.

(F) **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.

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

1.14. **APPLICANT**. The Owner of the Property that is the subject of the Application, or the Owner’s Agent.

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.

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

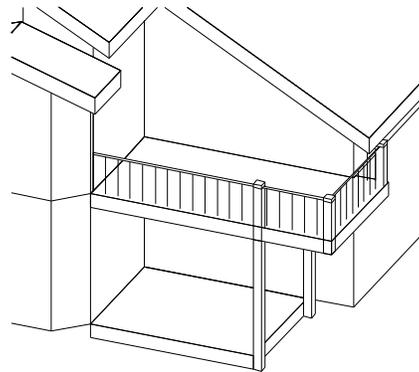
1.16. **ARCHITECTURAL DETAIL**. Physical Properties, features or components of a Building or Structure which embody distinctive characteristics of a type, period, or method of construction and refers to the way in which the Property was conceived, designed, or fabricated by a people or culture. Within 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.

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.

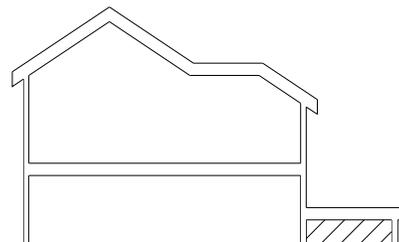
1.18. **BAKERY**. A Business that bakes food products and sells such products primarily for off-premises consumption. May include a Café or Restaurant.

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:

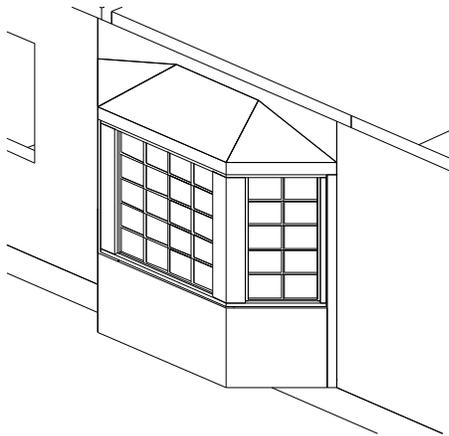


1.20. **BAR**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

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 1.92 First Story.



1.22. **BAY WINDOW**. A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.23. **BED AND BREAKFAST INN**. A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) 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. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

1.24. **BEDROOM**. A separate room designed for or used as a sleeping room.

1.25. **BILLBOARD**. A separate room designed for or used as a sleeping room.

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.

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.

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. Boarding Houses do not include the Use of Nightly Rental.

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.

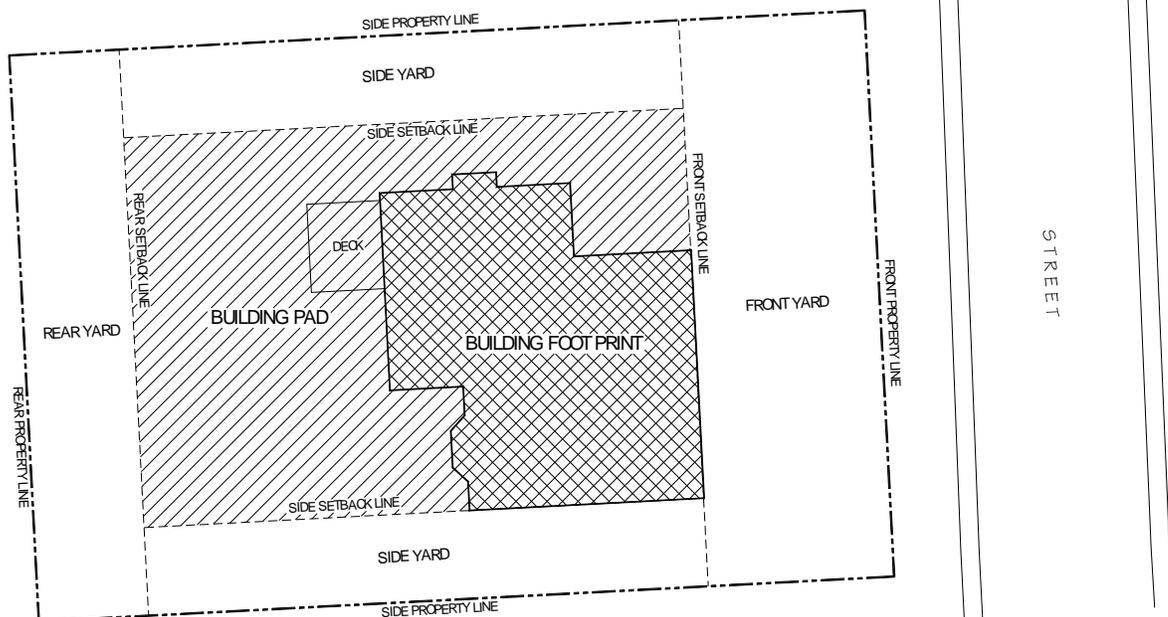
(D) **Building, Public.** A Building constructed by or intended for Use by the general public such as a library, museum, or Building of any political subdivision of the state of Utah or the United States.

1.30. **BUILDING ENVELOPE.** The Building Pad, Building Footprint, and Height restrictions that defines the

maximum Building Envelope in which all Development must occur.

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.

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 1.134 Limits of Disturbance.



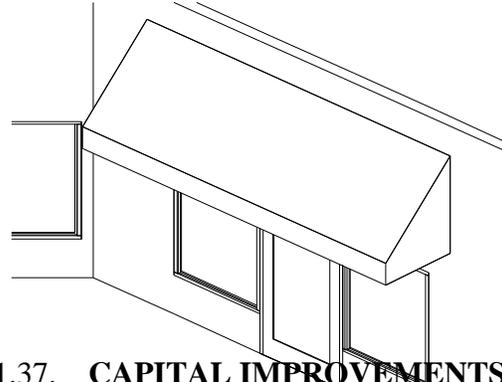
1.33. **BUILDING PERMIT.** A permit issued by the Chief Building Official

authorizing Construction Activity on a Property or Lot.

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.

1.35. **CAFE**. 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.

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.



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.

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.

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.

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.

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 nor cooperative, reciprocate 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.

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.

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 1.224, Site Distance Triangle.

1.44. **CLUB.**

(A) **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.

(B) **Club, Private Residence.** 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 (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;

(3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

(C) **Club, Private Residence Conversion.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(D) **Club, Private Residence Off-Site.** Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner’s association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(E) **Club, Private Residence 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.

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.

1.46. **CODE.** The Land Management Code (LMC).

1.47. **COLLECTOR ROAD.** A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.48. **CO-LOCATION.** See Telecommunications Facility, Co-Location, 1.242(A).

1.49. **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.

1.50. **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment

of the residents.

1.51. **COMMON OWNERSHIP.**

Ownership of the same Property by different Persons.

1.52. **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.

1.53. **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.

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

1.55. **CONSERVATION ACTIVITY.** A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources.

1.56. **CONSTITUTIONAL TAKING.** Final Actions(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.

1.57. **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.

1.58. **CONSTRUCTION**
MITIGATION PLAN A written description of the method by which an Owner will ameliorate the adverse impacts of Construction Activity.

1.59. **CONSTRUCTION PLAN.** The map and drawings showing the specific location and design of the Development.

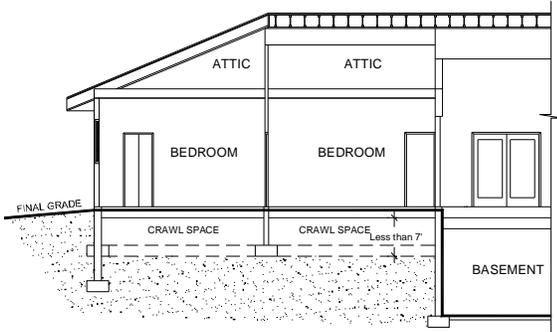
1.60. **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT.** A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

1.61. **COUNCIL.** Members of the City Council of Park City.

1.62. **COVER, SITE.** The Area covered by an impervious surface such as a Structure, deck, pool, patio, walk, or driveway.

1.63. **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.



1.64. **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.

1.65. **CUL-DE-SAC.** A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.66. **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 (IBC) Commercial Kitchen facilities and does not employ hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.67. **DEMOLISH OR DEMOLITION.** Any act or process that destroys in part or in whole a Landmark or Structure.

1.68. **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.

1.69. **DESIGN GUIDELINE.** A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.70. **DETACHED.** Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.71. **DEVELOPABLE LAND.** That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for Density.

1.72. **DEVELOPER.** The Applicant for any Development.

1.73. **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.

1.74. **DEVELOPMENT AGREEMENT.** A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.75. **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.

1.76. **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.

1.77. **DISSIMILAR LOCATION.** A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.78. **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.

1.79. **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.

1.80. **ECONOMIC HARDSHIP, SUBSTANTIAL.** Denial of all reasonable economic Use of the Property.

1.81. **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.

1.82. **ELEVATOR PENTHOUSE.** The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.83. **EQUIPMENT SHELTER.** See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.84. **ESCROW.** A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

1.85. **ESSENTIAL HISTORICAL FORM.** The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.86. **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.

1.87. **FACADE.**

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

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

1.88. **FACADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner’s ability to alter the Building Facade.

1.89. **FACADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

1.90. **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.

1.91. **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

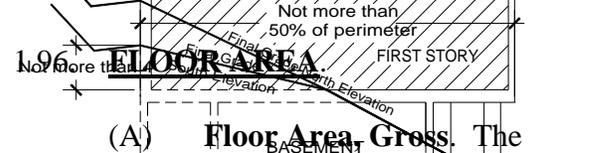
1.92. **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.93. **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.94. **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 the following illustration:

1.95. **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.



(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 courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet¹, are

¹400 sq. ft. in Historic Districts

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.

1.97. **FLOOR AREA RATIO (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

1.98. **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.

(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.

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

1.100. **FULLY SHIELDED.** See Section 1.142(B) Luminaire, Fully Shielded.

1.101. **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.102. **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.

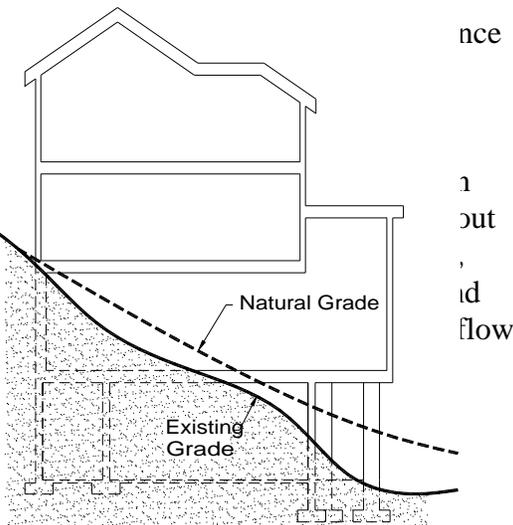
1.103. **GOVERNING BODY.** The City Council of Park City.

1.104. **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

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

1.105. **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.106. **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.

1.107. **GRUBBING.** The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

1.108. **GUARANTEE.** Any form of security including a cash deposit with the City, a letter of credit, or an Escrow agreement in an amount and form satisfactory to the City or some combination

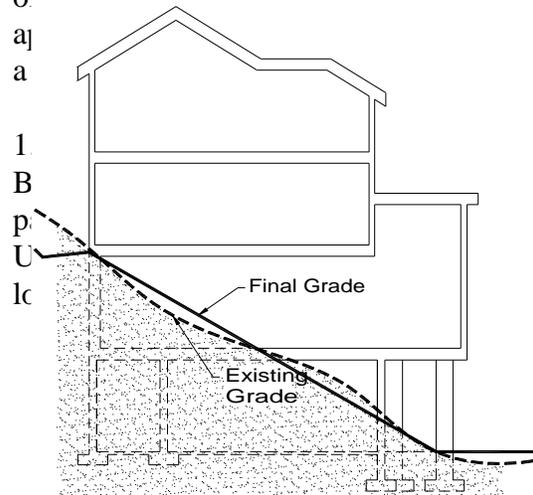
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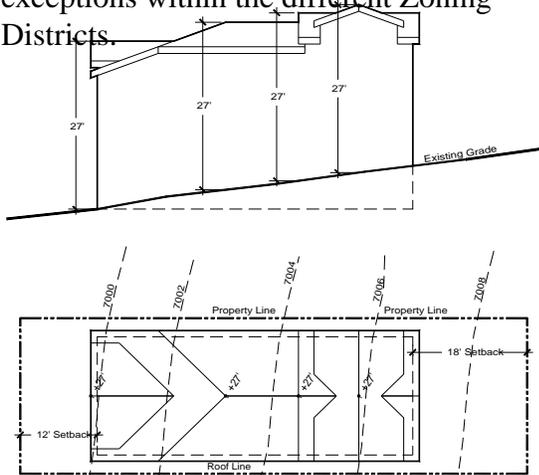


are provided. Payment is not allowed.

1.110. **HABITABLE SPACE (ROOM).** Space in a Structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar Areas are not considered Habitable Space.

1.111. **HARD-SURFACED.** Covered with concrete, brick, asphalt, or other impervious surface.

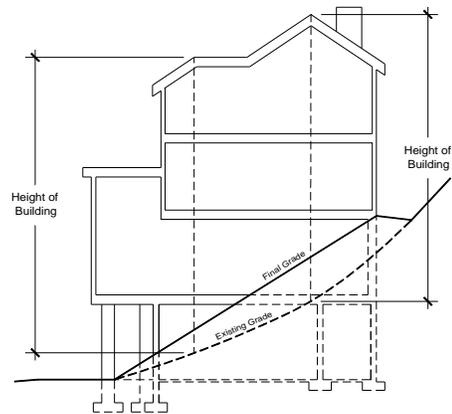
1.112. **HEIGHT, BUILDING.** The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



1.113. **HISTORIC.** That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.114. **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.

1.115. **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

1.116. **HISTORIC INTEGRITY.** The ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City. Within the concept of Historic Integrity, Park City Municipal Corporation recognizes seven (7) aspects or qualities as defined by the National Park Service, that in various combinations define

integrity. They are as follows:

(A) **Location.** The place where the Historic Site was constructed or the Historical event took place.

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

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

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

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

(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results

from the presence of physical features that, taken together, convey the Property's Historic character.

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

1.117. **HISTORIC SITES INVENTORY.**

A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.118. **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.

1.119. **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".

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

1.120. **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,

group dining facilities, and/or other facilities or activities customarily associated with Hotels, such as daily maid service. These terms do not include Lockout Units or Bed and Breakfast Inns. Hotels/Motels are considered a lodging Use. Hotel/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

(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.

1.121. **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.

1.122. **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette.

See Sections 1.23. Bed and Breakfast Inn, 1.135. Lockout Unit, and 1.28. Boarding House.

1.123. **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.124. **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.

1.125. **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.

1.126. **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.

1.127. **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.

1.128. **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.

1.129. **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.

1.130. **LANDMARK SITE.** Any Site, including Building (main, attached, detached, or public), Accessory Building, and/or Structure, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.131. **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.

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

1.131. **LIFTWAY SETBACK.** The minimum allowable distance between the side line of the Liftway and any Structure.

1.133. **LIGHT SOURCE.** A single artificial point source of luminescence that emits a measurable radiant energy in or near the visible spectrum.

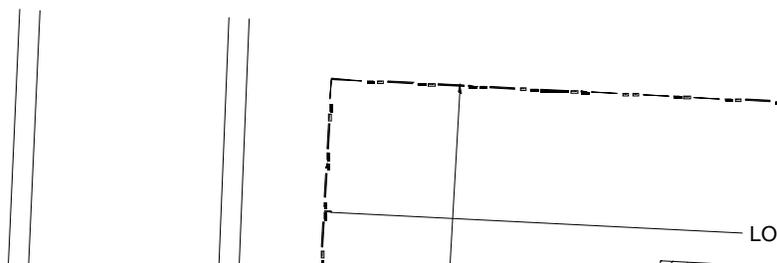
(A) **Light Source, Refractive.**

A Light Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.134. **LIMITS OF DISTURBANCE.** The designated Area in which all Construction Activity must be contained.

1.135. **LOCKOUT UNIT.** An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.136. **LOT.** A unit of land described in a recorded Subdivision Plat.



at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.137. **LOT DEPTH**. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.138. **LOT LINE**. Any line defining the boundaries of a Lot.

1.139. **LOT LINE ADJUSTMENT**. The relocation of the Property Line between two

(2) adjoining Lots.

1.140. **LOT WIDTH**. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Facade. See the following illustration:

1.141. **LUMEN**. A measurement of light output or the amount of light emitting from a Luminaire.

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

(C) **Luminaire, Partially Shielded**. 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.

1.143. **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.

1.144. **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”.

1.145. **MAXIMUM HOUSE SIZE**. A measurement of Gross Floor Area.

1.146. **MODEL HOME**. A Dwelling Unit used initially for display or marketing purposes which typifies the units that will be constructed.

1.147. **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.

1.148. **NIGHTLY RENTAL**. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person.

Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

1.149. **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.

1.150. **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.

1.151. **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.152. **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.153. **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 1.106 Group Care Facility.

1.154. **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.

1.155. **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.156. **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, 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 overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **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.

1.157. **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.

1.158. **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.

1.159. **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.

1.160. **OPEN SPACE.**

(A) **Open Space, Landscaped.** Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings 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.

1.161. **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.

1.162. **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.

1.163. **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.

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

1.165. **PARCEL.** An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.166. **PARKING.**

(A) **Parking, Public.** A Parking Area or parking facility to be used by the

public for fee or otherwise.

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

(C) **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.

1.167. **PARKING AREA.** An unenclosed Area or Lot other than a Street used or designed for parking.

1.168. **PARKING LOT, COMMERCIAL.** A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.169. **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.

1.170. **PARKING STRUCTURE.** A fully enclosed Structure designed and intended for parking.

1.171. **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 tows and ski lifts.

1.172. **PERIOD OF HISTORIC SIGNIFICANCE.** A specific period of time that provides a context for Historic

Sites based on a shared theme.

1.173. **PERSON.** An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.174. **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.

1.175. **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.

1.176. **PRELIMINARY PLAT.** The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

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

1.178. **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.

1.179. **PRIVATE CLUB.** See 1.44(A), Club, Private.

1.180. **PRIVATE RESIDENCE CLUB.** See 1.44(B), Club, Private Residence.

1.181. **PRIVATE RESIDENCE CLUB CONVERSION.** See 1.44(C), Club, Private Residence Club Conversion.

1.182. **PRIVATE RESIDENCE CLUB PROJECT.** See 1.44(D), Club, Private Residence Club Project.

1.183. **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.

(A) **Property, Storefront.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50’) of the back, inside building

edge, of the public sidewalk; and

- (2) A window and/or entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.

1.184. **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.

1.185. **PROPERTY OWNER.** See 1.164, Owner.

1.186. **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.

1.187. **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.188. **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.

1.189. **QUASI-PUBLIC USE**. A Use operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

1.190. **RECONSTRUCTION**. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.

1.191. **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, frisbee golf holes, soccer goals, and similar amenities.

1.192. **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.

1.193. **REFRACTIVE LIGHT SOURCE**. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.194. **REGULATED USE**. A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.195. **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.

1.196. **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.

1.197. **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.

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

missing features from the restoration period.
 1.199. **RESUBDIVISION.** 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.

1.200. **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.

1.201. **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.

1.202. **RIDING STABLE, COMMERCIAL.** A Structure and/or Site for horses, ponies, and/or mules, that is rented or used for compensation.

1.203. **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.

1.204. **ROAD.**

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

1.205. **ROAD CLASSIFICATION.** The Streets, highways, Roads, and Rights-of-Way designated on the Streets master plan.

1.206. **ROAD RIGHT-OF-WAY WIDTH.** The distance between Property Lines measured at right angles to the center line of the Street.

1.207. **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.

1.208. **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.

1.209. **SBWRD.** Snyderville Basin Water Reclamation District.

1.210. **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.

1.211. **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.

1.212. **SENSITIVE LAND.** Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.213. **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.

1.214. **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.

1.215. **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.

1.216. **SEXUALLY ORIENTED BUSINESSES.** Businesses defined as such according to the Municipal Code of Park City, Section 4-9-4.

1.217. **SIGNIFICANCE.** The quality of having Historical consequence or being regarded as having great architectural value.

1.218. **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.

1.219. **SIGNIFICANT SITE.** Any Site, including a Building (main, attached, detached or public), Accessory Building, and/or Structure, that is determined by the Historic Preservation Board to meet specified criteria set forth in LMC Chapter 15-11.

1.220. **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.

1.221. **SINGLE FAMILY SUBDIVISION.** A Development consisting of primarily, although not exclusively, of Single Family Dwellings.

1.222. **SITE.** An Area, Lot, or piece of land where a Building (main, attached, detached or public), Accessory Building, and/or Structure was, is, or will be located.

1.223. **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.

1.224. **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.

figure in a percentage value.

1.225. **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.

1.226. **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.

1.227. **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

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

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

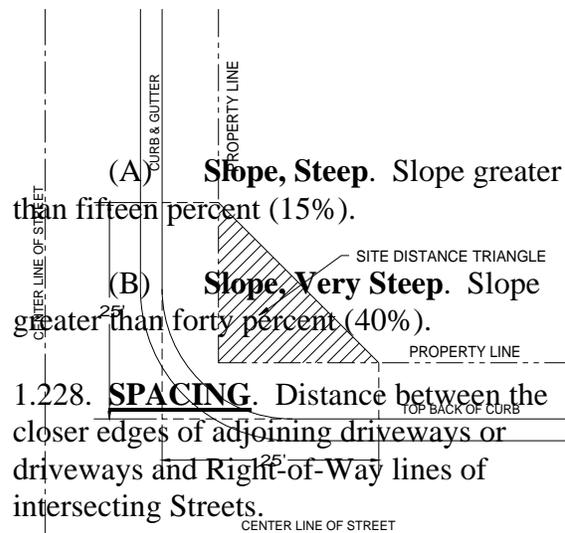
1.228. **SPACING.** Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.229. **STEALTH.** See Telecommunications Facility, Stealth 1.242(C).

1.230. **STOREFRONT PROPERTY.** See Property, Storefront 1.183(A).

XXXX. STORY. The vertical measurement between floors taken from finish floor to finish floor. For the topmost story, the vertical measurement taken from the top floor finish to the top of the wall plate for the roof structure.

1.231. **STREAM.** A naturally-fed water course, that flows year round or intermittently during years of normal rainfall. This definition excludes ditches



$$\text{SLOPE} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}}$$



and canals constructed for irrigation and drainage purposes.

1.232. **STREAM CORRIDOR**. The Corridor defined by the Stream’s Ordinary High Water Mark.

1.233. **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.

1.234. **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.

(A) **Streetscape, Architectural**. The Architectural Streetscape required as part of the Historic District Design Review process and Steep Slope CUP process.

1.235. **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”.

1.236. **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.).

1.237. **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 Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(A) **Subdivision, Major**. All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

(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.

1.238. **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.

1.239. **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.

1.240. **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.

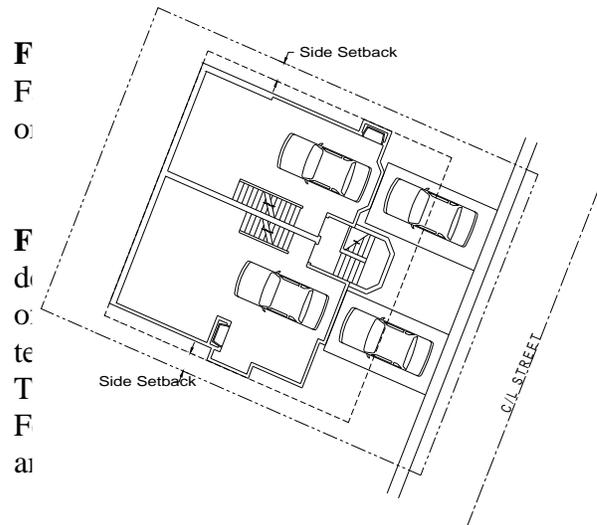
1.241. **TELECOMMUNICATIONS.** The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

1.242. **TELECOMMUNICATIONS FACILITY.** A Telecommunications

Facility consists of Antenna, Equipment Shelters, and related Structures used for transmitting and/or receiving Telecommunications and/or radio signals.

(A). **Telecommunications Facility, Co-Location.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

(B). **Telecommunications Facility, Equipment Shelter.** A cabinet or Building used to house equipment for Telecommunications Facilities.



1.243. **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.

1.244. **TIMESHARE CONVERSION.** The conversion into a Timeshare Project of any Property and the existing Structure(s) attached thereto.

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

1.246. **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.

1.247. **TIMESHARE INTERVAL.** A Timeshare Estate or a Timeshare Use.

1.248. **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.

1.249 **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.

1.250. **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 resales.

1.251. **TIMESHARE ON-SITE SALES ACTIVITY.** Timeshare sales activity occurring within a Timeshare Project.

1.252. **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.

1.253. **TIMESHARE PROJECT.** Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

1.254. **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.

1.255. **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.

1.256. **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.

1.257. **TRANSFERRED DEVELOPMENT RIGHT (TDR) OPEN SPACE.** See Section 1.160(C) Open Space, TDR.

1.258. **TRANSPORTATION SERVICES.** A Business involving transit operations, taxis, shuttle services, rental cars, or similar transit-related services.

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

1.260. **UNIFORMITY RATIO.** The ratio between the average and minimum light distribution or luminance across a given Area.

1.261. **UNIT EQUIVALENT.** The Density factor applied to different sizes and configurations of Dwelling Units and commercial spaces.

1.262. **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.

1.263. **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.

1.264. **VEHICLE CONTROL GATE.** Any gate, barrier, or other mechanism to limit vehicular Access on or across a Street.

1.265. **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.

1.266. **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.

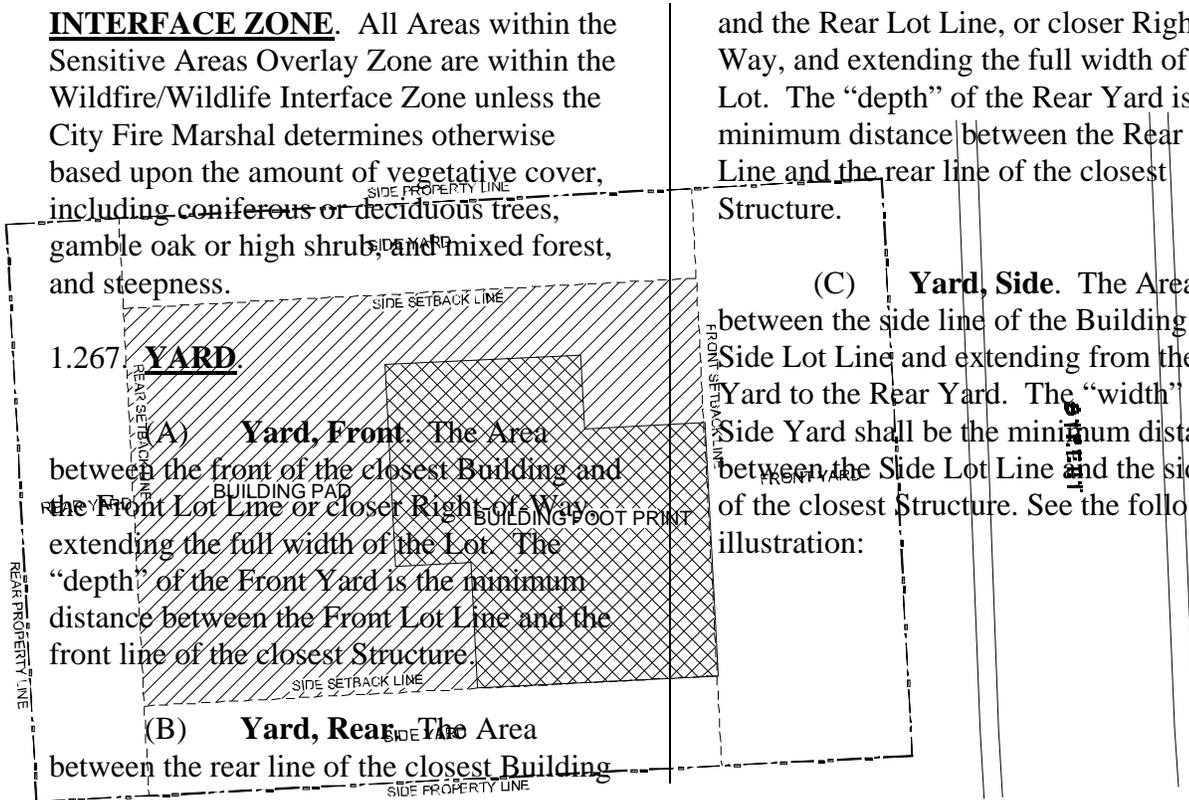
1.267. **YARD.**

(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:



1.268. **ZONE HEIGHT.** The base

Building height permitted in the Zoning

District prior to Application of any allowable height exceptions.

1.269. **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.

1.270. **ZONING MAP, OFFICIAL.** The map adopted by the City Council depicting the geographic scope of the City’s land Use designations.

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09)

15-15-2. LIST OF DEFINED TERMS.

-A-

- Access
- Accessory Apartment
- Accessory Building
- Accessory Use
- Active Building Permit
- Administrative Permit
- Affordable Housing
- Agent
- Agriculture
- Allowed Use
- Alteration, Building
- Antenna
- Antenna, Test Drive
- Antenna, Enclosed
- Antenna, Freestanding
- Antenna, Roof Mounted
- Antenna, Temporary
- Antenna, Wall Mounted
- 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
 Club, Private
 Club, Private Residence
 Club, Private Residence Conversion
 Club, Private Residence Off-Site
 Club, Private Residence Project
 Cluster Development
 Code
 Collector Road
 Co-Location (see Telecommunications Facility, Co-Location)
 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
 Detached
 Developable Land
 Developer

Development
 Development Agreement
 Development Approval Application
 Disabled Care
 Dissimilar Location
 Dwelling, Duplex
 Dwelling, Triplex
 Dwelling, Multi-Unit
 Dwelling, Single Family
 Dwelling Unit

-E-
 Economic Hardship, Substantial
 Elder Care
 Elevator Penthouse
 Equipment Shelter (see Telecommunications Facility, Equipment Shelter)
 Escrow
 Essential Historical Form
 Exterior Architectural Appearance

-F-
 Facade, Building
 Façade, Front
 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
 Historic Integrity
 Historic Significance, Period of
 Historic Sites Inventory
 Historical Form, Essential (see Essential
 Historical Form)
 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, IBC Commercial
 Kitchenette

-L-

Landmark
 Landmark Site
 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 Adjustment
 Lot Width
 Lumen
 Luminaire
 Luminaire, Cutoff Type
 Luminaire, Fully Shielded
 Luminaire, Partially Shielded

-M-

Master Planned Development (MPD)
 Maximum Extent Feasible
 Maximum House Size
 Model Home

-N-

Neighborhood Convenience, Commercial
 Nightly Rental
 Non-Complying Structure
 Non-Conforming Use

Noteworthy
Nursery, Greenhouse
Nursing Home

-O-

Off-Site
Off-Street
Office, General
Office, Intensive
Office, Medical
Office, Moderately Intensive
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
Outdoor Recreation Equipment (see
Recreation Equipment, Outdoor)
Owner

-P-

Parcel
Parking, Public
Parking, Residential
Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Period of Historic Significance
Person
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation
Preservation Easement

Private Club (see Club, Private)
Private Residence Club (see Club, Private
Residence)
Private Residence Club Conversion (see
Club, Private Residence Conversion)
Private Residence Club Project (see Club,
Private Residence Project)
Property
Property, Storefront
Property Line
Property Line, Front
Property Owner (see Owner)
Public Improvement
Public Use

-Q-

Qualified Professional
Quasi-Public Use

-R-

Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
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	Subdivision
Road, Collector	Subdivision, Major
Road Classification	Subdivision, Minor
Road Right-of-Way Width	Subdivision Plat
	Substantial Economic Hardship (see Economic Hardship, Substantial)
-S-	Suitability Determination
Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays	
Satellite Receiving Station	-T-
SBWRD	Tandem Parking
Screen or Screened	Telecommunications
Secondary Living Quarters	Telecommunications Facility
Sensitive Land	Telecommunications Facility, Co-Location
Sensitive Land Analysis	Telecommunications Facility, Equipment Shelter
Sensitive or Specially Valued Species	Telecommunications Facility, Stealth
Setback	Telecommunications Facility, Technical Necessity
Sexually Oriented Businesses	Temporary Improvement
Significance	Timeshare Conversion
Significance, Period of Historic	Timeshare Estate
Significant Ridge Line Area	Timeshare Instrument
Significant Site	Timeshare Interval
Significant Vegetation	Timeshare Off-Premises Contacting Activity
Single Family Subdivision	Timeshare Off-Premises Sales Activity
Site	Timeshare Off-Premises Sales Office
Site Development Standards	Timeshare On-Site Sales Activity
Site Distance Triangle	Timeshare On-Site Sales Office
Site Suitability Analysis	Timeshare Project
Sketch Plat	Timeshare Sales Presentation
Slope	Timeshare Unit
Slope, Steep	Timeshare Use
Slope, Very Steep	Transferred Development Right (TDR) Open Space
Spacing	Transportation Services
Storefront Property (see Property, Storefront)	
Stream	-U-
Stream Corridor	UDOT
Street	Uniformity Ratio
Street, Public	Unit Equivalent
Streetscape	Use
Streetscape, Architectural	Use, Intensity of
Structure	
Studio Apartment	

-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

Ordinance No. 09-13

**AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE MAIN STREET MALL
LOCATED, AT 333 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Main Street Mall, located at 333 Main Street, petitioned the City Council for approval of a plat amendment to create one lot of record by combining Lots 7-15 and 18-26, Block 11, Amended Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 25, 2009, to receive input on the plat amendment and forwarded a recommendation to the City Council;

WHEREAS, on March 26, 2009, the City Council held a public hearing on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve a plat amendment to create a lot of record for the existing Main Street Mall to remove internal property lines and to memorialize existing emergency and pedestrian access, parking, and utility easements associated with the 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 333 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 between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 Amended Park City Survey. Also included in the plat amendment are 5 easements on the plat for existing emergency and pedestrian access, utilities, storm drainage, and parking as described in the title report and title survey for 333 Main Street.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines and is an existing legal non-conforming building.
3. The plat amendment creates one lot of record for the existing building.
4. The Main Street fronting lots are located in the Historic Commercial Business District (HCB) and the Park Avenue fronting lots are located in the Historic Residential Two (HR-2) zoning district.
5. The lot configuration meets minimum standards of the HCB and HR-2 Districts.
6. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. It is important to carefully consider impacts of construction on

the vitality and character of Main Street and the residential nature of Park Avenue.

7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue.

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, the General Plan and applicable State law regarding plat amendments.
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 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 provide the City with a signed mylar plat for recordation at the County, within one year from the date of City Council approval.
3. The plat shall be recorded prior to issuance of any building permits associated with the remodel and Historic Design Review application for 333 Main Street, the Main Street Mall. Approval of an Historic Design Review is required as a condition precedent to building permit issuance.
4. As a condition precedent to issuance of any building permits a detailed parking analysis shall be submitted for City review, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. A revised parking analysis shall be submitted with any reconfiguration of tenant spaces, sizes, or uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.
5. A Construction Mitigation Plan (CMP) shall be submitted to the City for review and approval prior to issuance of any building permits for remodel or construction on or within the building. The CMP, in addition to the standard mitigation measures, shall address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4th of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar high activity dates and events), construction deliveries (time, place, type), worker parking and transportation alternatives, environmental issues regarding soil removal and erosion, disposal/recycling of removed materials, a schedule of meetings with the neighborhood and affected owners to keep them informed of construction progress, a relocation plan or plan to work around existing businesses, and other items that address mitigation of construction impacts on the activities, commerce, viability and livability of the surrounding commercial and residential neighborhoods.
6. Fire sprinkler systems, in accordance with the International Building Code in effect at the time of building permit application, are required prior to issuance of certificates of occupancy for the building.
7. A condominium record of survey plat is required prior to individual sale of any

- commercial tenant space or residential unit on this Lot.
8. As a condition precedent to issuance of a certificate of occupancy associated with any building permit, all exterior mechanical equipment and vents shall be painted to match the adjacent building materials and mechanical equipment shall be enclosed and /or adequately screened from public view. Sound baffles shall be installed to attenuate noise and all mechanical equipment shall comply with the City's noise ordinance requirements.
 9. As a condition precedent to plat recordation, all signs shall comply with the City's Sign Ordinance, including any signs on Park Avenue.
 10. City Engineer review and approval of all appropriate grading, utility installation, public improvements, erosion control, and drainage plans for compliance with City standards is a condition precedent to building permit issuance, this includes any plans to place utilities underground. All required permits or approvals from these utility providers shall be provided to the City Engineer prior to commencing any utility work.
 11. As a condition precedent to issuance of any building permits a landscape plan shall be submitted for City approval. The Park Avenue landscaping and frontage shall be included on the landscape plans and shall mitigate impacts of the rear building elevation.

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

PASSED AND ADOPTED this 26th day of March, 2009.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



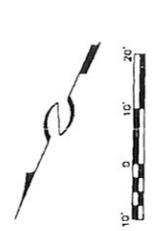
SURVEYOR'S CERTIFICATE

I, Jeff Dambach, do hereby certify that, as a registered land surveyor and civil engineer, certificate no. 12448 as provided under the laws of the State of Florida, I have personally supervised the survey herein made under my direction at the place shown and certify that the same is a true and correct representation of the land surveyed as the same is shown on the accompanying plat. I have compared the same with generally accepted standards for accuracy.

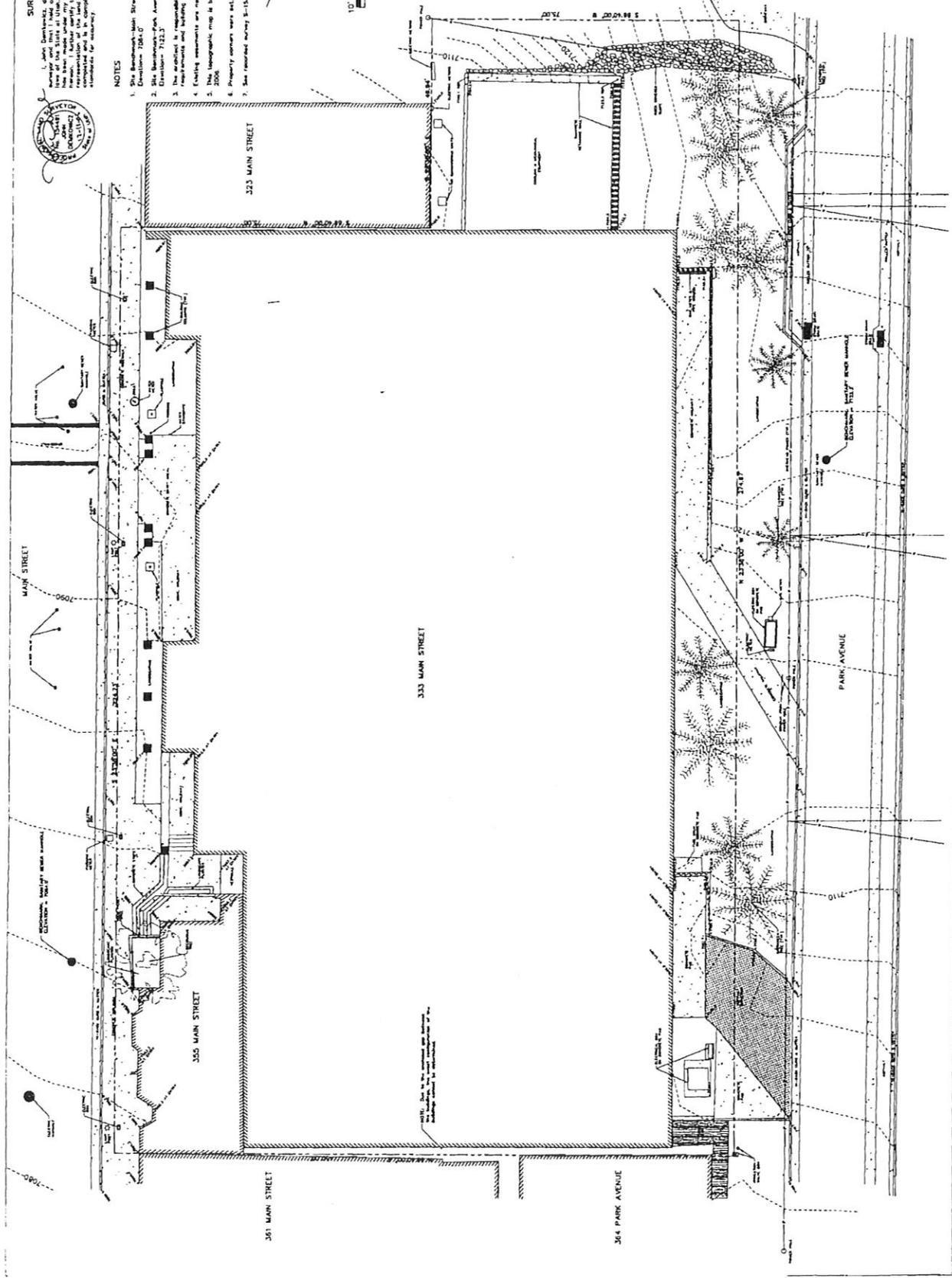


NOTES

1. Site boundaries Main Street. Secondary sewer mains in Elevation 728.0'
2. Site boundaries-Park Avenue. Secondary sewer mains in Elevation 712.3'
3. The architect is responsible for verifying building setbacks, zoning requirements and building height.
4. Existing easements are not shown on this survey.
5. The topographic map is based on a field survey performed in 2006.
6. Property corners were set.
7. See recorded survey B-11848 in the Seminole County Recorder's Office.



TOPOGRAPHIC SURVEY
 333 AND 355 MAIN STREET
 PLAT
 CITY SURVEY
 FROM: ELLIOTT WORKS, INC.
 JOB NO. 11-10-04
 FILED: B:\Projects\Survey\333\Topo\333.dwg
 DATE: 12/11/04
 STAFF:
 SURVEYOR: JEFF DAMBACH
 PLAT WRITER: JEFF DAMBACH
 TRACER: DORIS HAYES
 (1225-444-7447)



DEC 19 2005

Ordinance No. 09-12

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3,
CAMPAIGN DISCLOSURE, OF THE MUNICIPAL CODE
OF PARK CITY, AND RESCINDING OF ORDINANCE 07-31**

WHEREAS, an Ethics Code has been adopted by the City Council of Park City, Utah to establish guidelines for ethical standards of conduct for all City officers and employees; and

WHEREAS, Title 3, Chapter 3 of the Ethics Code has been adopted by the City Council of Park City, Utah to require campaign disclosure by City candidates and Election Official procedures in conformance with Utah State Code Section 10-3-208; and

WHEREAS, the Election Official has reviewed and incorporated 2008 legislative amendments and requirements of the Utah State Code for municipalities in regard to public inspection and copying of campaign financial disclosure statements; and

WHEREAS, pursuant to State Code Section 10-3-208(3)(a)(ii) a municipality may, by ordinance require greater disclosure of campaign contributions and expenditures than is required, and

WHEREAS, the Council finds in order to provide public disclosure of campaign finance expenditures and contributions to the public prior to each City election, a requirement for an additional financial statement is appropriate in order to cover the period prior to a Primary Election; and

WHEREAS, the City Council finds that the proposed changes to Chapter 3 of the Ethics Code are appropriate and necessary to reflect State legislative amendments and requirements, and the City's requirements concerning municipal campaign disclosure.

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

SECTION 1. AMENDMENT TO TITLE 3, CHAPTER 3, OF THE PARK CITY MUNICIPAL CODE AND RESCINDING OF ORD. 07-31 Ordinance No. 07-31 is hereby rescinded, and Title 3, Chapter 3, of the Municipal Code of Park City hereby amended as follows and table of contents adjusted accordingly:

TITLE 3 - ETHICS

CHAPTER 3 - CAMPAIGN DISCLOSURE

3-3-1. PURPOSE.

It is the intent of this section to encourage candidates for the office of Mayor or Council member to follow the basic principles of decency, honesty, and fair play in order that, there be fairly conducted campaigns and that the citizens of Park City may exercise their constitutional right to vote, free from dishonest and unethical practices.

3-3-2. DEFINITIONS.

(A) **CAMPAIGN STATEMENT**. Sworn election campaign contribution and expenditure statement prepared and executed by a candidate.

(B) **CAMPAIGN COMMITTEE**. A committee of citizens formed to campaign for a specific candidate.

(C) **CANDIDATE**. Any person who:

(1) Files a declaration of candidacy for an elected office of the City; or

(2) Received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or

(3) Causes on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

(D) **CONTRIBUTION**.

(1) Any of the following when done for political purposes:

(a) A gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value, or on behalf of a candidate, or a candidate's election committee.

(b) An express, legally-enforceable contract, promise, or agreement to make a gift, subscription, donation, loan, advance, or deposit of money or anything of value to or on behalf of a candidate, or a candidate's election committee.

(c) Any transfer of funds from a political committee, a party committee, another candidate, an officeholder, or a campaign committee to a candidate, or a candidate's election committee.

(d) Compensation paid by any person or committee, other than the candidate, or the candidate's election committee, for person services rendered for, but without charge to, the candidate or the candidate's election committee;

(e) Goods or services provided at less than fair market value to, or for the benefit of a candidate, or a candidate's election committee.

(2) For the purposes of this Chapter, contributions other than money or its equivalent shall be deemed to have a value equivalent to the fair market value of the contribution.

(3) "Contribution" does not include:

(a) services provided without compensation by an individual or individuals volunteering their time on behalf of a candidate, or a candidate's election committee;

(b) money lent to a candidate or a candidate's election committee, at market rate, in the ordinary course of business.

(E) **DISBURSEMENT**. Monies, transfers, or other withdrawals from a fund for any purpose.

(F) **EXPENDITURE**.

(1) Any disbursement from contributions, receipts or from the separate bank account as required by this Chapter;

(2) A purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, made by or on behalf of a candidate or a candidate's election committee for political purposes;

(3) An express, legally-enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money or anything of value, by or on behalf of a candidate or the candidate's election committee for political purposes;

(4) A transfer of funds between political or party committees and a candidate's election committee; or

(5) Goods or services provided to or for the benefit of another candidate or another candidate's election committee for political purposes at less than fair market value.

(6) Expenditure does not mean services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate.

(G) **ELECTION OFFICIAL**. The City Recorder or designee.

(H) **FINANCIAL STATEMENT**. A statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this Chapter.

(I) **POLITICAL PURPOSE**. An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any primary or general election.

(J) **REPORTING DATE**. (i) ten (10) days before primary or municipal general election, for a campaign finance statement required to be filed no later than seven (7) days before a municipal primary or general election; and (ii) the day of filing, for a campaign finance statement required to be filed no later than thirty (30) days after a municipal primary or general election.

(K) **REPORTING LIMIT**. \$50.

(JL) **SUROGATE**. Any committee, party, organization, or other person or group who holds or maintains a fund for the benefit of an elected official.

3- 3- 3. SEPARATE BANK ACCOUNT REQUIRED.

(A) Each candidate or candidate's personal election committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

(B) The candidate or candidate's personal campaign committee may use the monies in those accounts for political purposes only.

(C) A candidate or a candidate's personal campaign committee may not deposit or mingle any contributions received in a personal or business account.

(D) If a person is no longer a candidate, surplus campaign funds must be dispersed pursuant to criteria in Section 3- 3- 6 below and reported in the candidate's final campaign statement.

3- 3- 4. CONTRIBUTIONS TO CANDIDATES - LIMITATIONS.

(A) No person shall make cash contributions, the total of which exceeds fifty dollars (\$50.00), during any one campaign, to any candidate or his or her authorized election campaign committee, with respect to any election for City office; however, there shall be no limit as to the amount contributed by a person or entity to an election committee or candidate if that contribution is made in the form of a personal or certified check or bank draft.

(B) The acceptance of anonymous contributions is prohibited. Any anonymous contribution received by a candidate or election committee shall be transmitted to the City Treasurer for deposit in the general fund.

3- 3- 5. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.

Each candidate or election campaign committee must file a sworn campaign contribution and expenditure finance statement, that reports all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, and campaign expenditures, as of the reporting date; as follows:

(A) **SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - CONTENT**. The campaign finance statements shall include a detailed listing of each monetary and service contribution received and expenditure made, as follows:

- (1) **Contributions**. A list of campaign contributions more than fifty dollars (\$50.00) received by, or on behalf of, the candidate or his/her election committee, including:
 - (a) the name and address of the contributor;
 - (b) the date contribution was received;
 - (c) dollar amount contributed or fair market value of service contributed;and

(f) a net balance of contributions for the period.

(2) **Contributions Fifty Dollars (\$50.00) or Less.**

(a) For all individual contributions or public service assistance \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two (2) or more contributions from the same source that have an aggregate total more than \$50 may not be reported in the aggregate, but shall be reported separately per section (1) above.

(3) **Expenditures.** A list of expenditures made and obligations incurred as a part of the campaign effort shall include:

(a) the name and address of every recipient to whom disbursement was made;

(b) the amount expended or for each nonmonetary expenditure, the fair market value of the expenditure;

(c) the date of payment; and

(d) a net balance of expenditures for the period.

(4) **Statements Balances.** Each campaign statement shall include the net balance from the previous statement, if any, and show a net balance from the last statement plus all receipts minus all expenditures.

(B) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATE IN THE EVENT OF A PRIMARY ELECTION - DEADLINE. In the event a Primary Election is required, every candidate running for the office of Mayor or City Council shall file an initial campaign statement with the election official at least seven (7) calendar days preceding the date of the primary election. See criteria outlined in Section (A).

(CB) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT BY CANDIDATES ELIMINATED IN PRIMARY - DEADLINE. Those candidates eliminated in the primary election must file a final campaign finance statement with the election officer within thirty (30) calendar days after the primary election reporting any and all campaign contributions, including in-kind and other non-monetary contributions received, and any and all campaign expenditures made, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(DG) REPORTING SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT PRECEDING MUNICIPAL GENERAL ELECTION - DEADLINE. Every candidate eligible for the office of Mayor or City Council in

the general election shall file a campaign finance statement with the election official at least seven (7) calendar days preceding the date of the general municipal election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

(E) REPORTING FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT - DEADLINE. All candidates in the general election must file a final campaign finance statement with the election official within thirty (30) days after the general election reporting campaign contributions, including in-kind and other non-monetary contributions received before the close of the reporting date, and campaign expenditures made through the close of the reporting date, pursuant to criteria outlined in Section (A) above.

The final campaign finance statement shall contain a paragraph signed by the candidate certifying that, to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of the date the statement is executed, and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Refer to Section 3-3-6 below concerning disposition of surplus campaign funds.

(F) AMENDED FINAL SWORN ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE FINANCE STATEMENT. In the event a candidate or candidate's campaign committee receives a contribution or makes expenditure after the candidate's final campaign finance statement has been submitted to the election officer, an amended final sworn campaign finance statement must be filed with the election official within five (5) days of receipt of the contribution.

A campaign finance statement required under this section is considered filed if it is received in the City Recorder's office by 5 p.m. on the date that it is due.

3-3-6. DISBURSEMENT OF SURPLUS CAMPAIGN FUNDS.

Surplus campaign funds held by the candidate or candidate's committee must be disbursed at the end of the campaign. Disbursement is normally accomplished by returning contributed monies or other tangible contributions to the contributor, or donating the contributions to a non-profit organization.

The disbursement of any surplus campaign funds must be reported in the final campaign finance statement.

3-3-7. FAILURE TO FILE CAMPAIGN FINANCE STATEMENT.

(A) Pursuant to U.C.A. 10-3-208(6), if a candidate fails to file a campaign statement before the municipal general election by the deadline specified above in Section 3-3-5(D):

(1) The election official shall if practicable, remove or have removed the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

(2) If removing the candidate's name from the ballot is not practicable, the election official shall inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not

be counted; and

(3) The election official may not count any votes for that candidate.

(B) Notwithstanding Sections (A) above, a candidate who files a campaign finance statement seven (7) days before a municipal general election is not disqualified if the statement details accurately and completely the information required under Section 3-3-5(A), except for inadvertent omissions or insignificant errors or inaccuracies; and the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

3- 3- 8. NOTIFICATION BY ELECTION OFFICIAL.

The municipal clerk, recorder or election official shall, at the time the candidate for municipal office files a declaration of candidacy and again fourteen (14) days before each municipal general election, notify the candidate in writing of:

(A) the provisions of this statute or this ordinance governing the disclosure of campaign contributions and expenditures;

(B) the dates when the candidate's campaign finance statement is required to be filed; and

(C) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

3- 3- 9. PUBLIC INSPECTION.

~~The election official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall make them available as a public record open for public inspection.~~

(A) The Election Official shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one (1) business day after the statement is filed, and

(B) make the campaign finance statement filed by a candidate available for public inspection by:

(1) posting an electronic copy or the contents of the statement on the City's website no later than seven (7) business days after the statement is filed; and verifying that the address of the City's website is provided to the Utah Lieutenant Governor pursuant to the requirements of U.C.A. 20A-11-103(5), as amended; or

(2) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under U.C.A. 20A-11-103, as amended, no later than two (2) business days after the statement is filed.

3- 3- 10. CIVIL ACTION.

(A) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under U.C.A. 10-3-208, as amended.

(B) In a civil action filed under Subsection (A), the court may award costs and attorney's fees to the prevailing party.

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

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

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 09-11

AN ORDINANCE APPROVING THE 108 PARK AVENUE REPLAT OF LOTS 20 AND 21 OF BLOCK 13, PARK CITY, UTAH

WHEREAS, the owner of the properties known as 108 Park Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lot A of the Morrison Re-Subdivision 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 February 25, 2009, to receive input on the 108 Park Avenue Plat Replat; and

WHEREAS, the Planning Commission, on February 25, 2009, forwarded a positive recommendation to the City Council; and

WHEREAS, on March 12, 2009, the City Council approved the 108 Park Avenue Replat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 108 Park Avenue Replat.

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 108 Park Avenue 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 108 Park Avenue.
2. The lot area of lot 17 is approximately 2195 square feet.
3. The zoning is Historic Residential (HR-1).
4. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
5. The 108 Park Avenue Replat will amend Lot A of the Morrison Re-Subdivision which was recorded with incorrect lot lines due to surveyor error. The length of the side lot lines and the width of the rear lot line were surveyed incorrectly in the Morrison Re-subdivision. The correct length of the North Property line is 52.44 feet, the correct length of the South Property line is 33.17', and the Rear Lot line to the East is 53.65 feet.
6. The area of Lot 21 of Block 13 underlying the existing Alaskan House of Lots 6 and 7 of Block 13 will be simultaneously quit claim deeded to the owner of Lots 6

- and 7 of Block 13 during recording.
7. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
 8. The area of the amended lot is approximately 2195 square feet.
 9. The minimum lot width in the HR-1 zone is 25 feet.
 10. The lot width of the amended lot is 50 feet.
 11. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

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

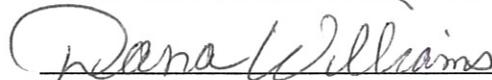
Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The area of Lot 21 of Block 13 underlying the existing Alaskan House of Lots 6 and 7 of Block 13 will be simultaneously quit claim deeded to the owner of Lots 6 and 7 of Block 13 during recording.

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

PASSED AND ADOPTED this 19th day of March 2009.

PARK CITY MUNICIPAL CORPORATION



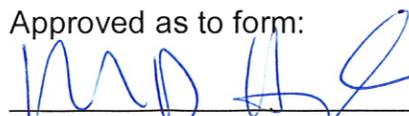
Dana Williams, Mayor

Attest:



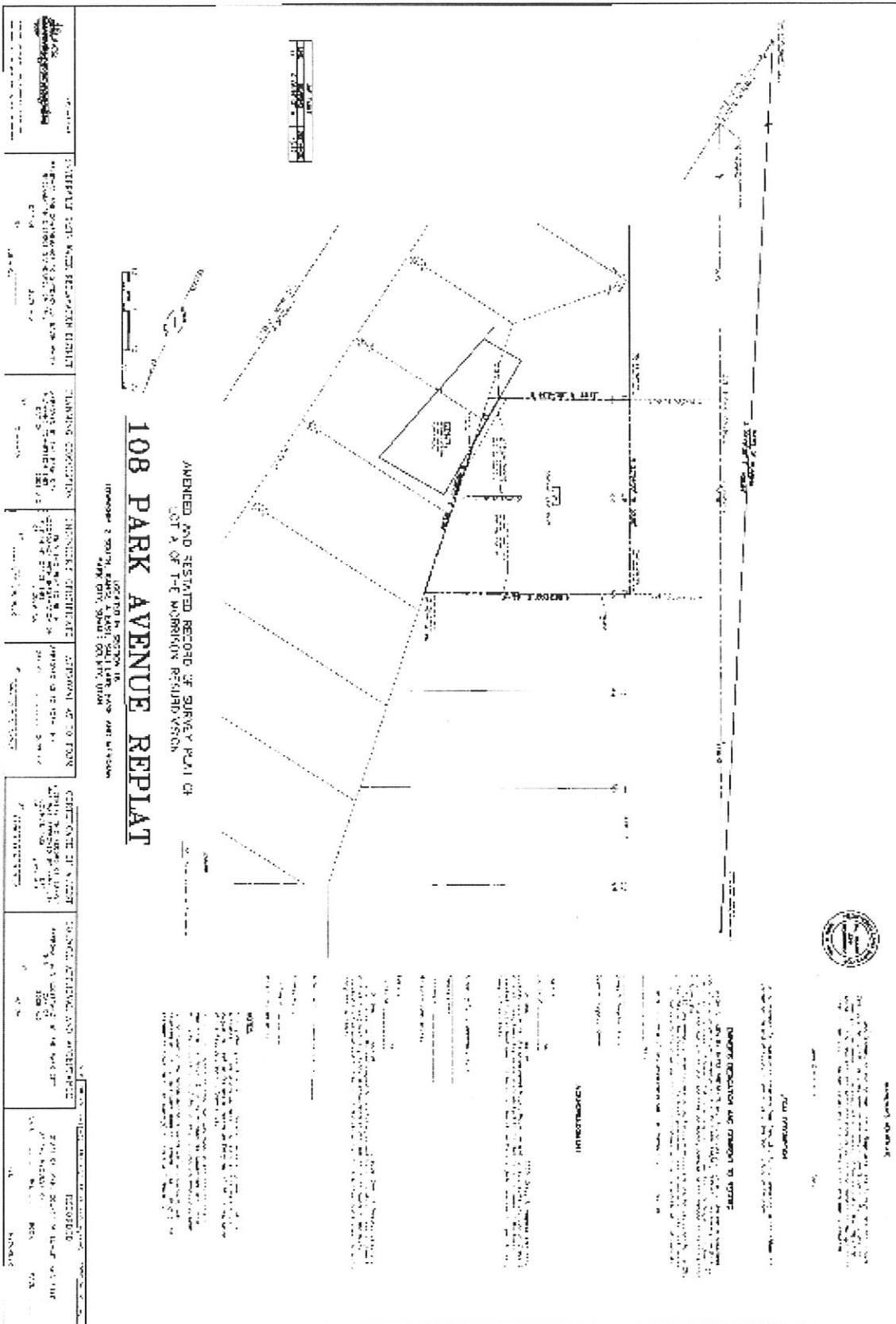
Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



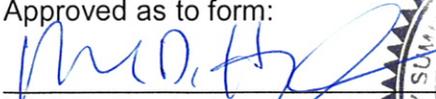


Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

