

Ordinance No. 14-56

**AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT, AMENDING LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION, LOCATED AT 1185 EMPIRE AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of property located at 1185 Empire Avenue petitioned the City Council for approval of the 1185 Empire Avenue re-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 February 12, 2014, to receive input on the 1185 Empire Avenue Second Plat Amendment;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on March 6, 2014 and approved Ordinance 14-08;

WHEREAS, Ordinance 14-08 referred to an incorrect legal description of the property;

WHEREAS, the City Council held a public hearing on November 13, 2014 to amend the Ordinance; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat creating lot 1A and 1B from Lot 1 of the 1185 Empire Avenue Plat Amendment Subdivision..

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 1185 Empire Avenue Second Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### Findings of Fact:

1. The property is located at 1185 Empire Avenue and consists of two (2) "Old Town" lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyders addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1B (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family homes. The application was deemed complete on December 13, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.
8. The property has frontage on and access from Empire Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1B, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

#### 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.

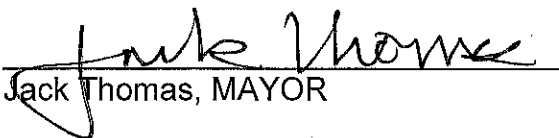
Conditions of Approval:

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, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat.

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

PASSED AND ADOPTED this 20 day of November, 2014.

PARK CITY MUNICIPAL CORPORATION

  
Jack Thomas, MAYOR

ATTEST:

  
Marci Heil, City Recorder



APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney

Exhibit A

**Ordinance No. 14-08**

**AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT SEPARATING LOT 1B, 1183 EMPIRE, WITH ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, AND LOT 1A ,1185 EMPIRE, WITH THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION, AMENDED PLAT OF THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH**

WHEREAS, the owner of property located at 1185 Empire Avenue petitioned the City Council for approval of the 1185 Empire Avenue re-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 February 12, 2014, to receive input on the 1185 Empire Avenue Second Plat Amendment;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on March 6, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat separating Lot 1B, 1183 Empire, with all of Lot 12 and the southerly 7.75 feet of Lot 13, and Lot 1A, 1185 Empire, with the northerly 17.25 feet of Lot 13 and the southerly 15.5 feet of Lot 14. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 1185 Empire Avenue Second 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:**

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11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1B, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

**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.
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8. All prior snow storage easements from this property shall be reflected on this plat.

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

PASSED AND ADOPTED this 6<sup>th</sup> day of March, 2014.

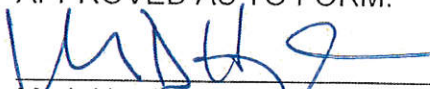
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