

Ordinance No. 14-51

**AN ORDINANCE APPROVING THE BARBARA'S SUBDIVISION PLAT
AMENDMENT LOCATED AT 1103 AND 1105 LOWELL AVENUE, PARK CITY,
UTAH.**

WHEREAS, the owner of the property located at 1103 and 1105 Lowell Avenue has petitioned the City Council for approval of the 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 September 24, 2014, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 24, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 9, 2014, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Barbara's Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. Barbara's 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 1103 and 1105 Lowell Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 1 & Lot 2, southern portions of Lot 3 and 30, Lot 31 and Lot 32 (minus the east ten feet of lots 30, 31, & 32) of Block 34 of Snyder's Addition Survey.
4. The site currently contains a duplex that was built in 1978.
5. When the structure was built a two-family building (duplex) was an allowed use in the district. Should this application be approved, the applicant would demolish the existing duplex prior to plat recordation as a condition of approval.
6. The entire area is recognized by the County as Parcel no./Tax id no.: SA-321-A.
7. The proposed plat amendment creates two (2) lots of record from the existing area

consisting of 8,680 square feet.

8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. Lot 1 is proposed to be 2,581.10 square feet.
11. Lot 2 is proposed to be 6,094.03 square feet.
12. The proposed lots meet the minimum lot area for a single-family dwelling.
13. A duplex is a conditional use in the Historic Residential (HR-1) District.
14. The minimum lot area for a duplex is 3,750 square feet.
15. Lot 1 does not have enough area to qualify for a duplex dwelling.
16. Lot 2 meets the minimum lot area for a duplex.
17. The minimum lot width allowed in the district is twenty-five feet (25').
18. Lot 1 is proposed to have a lot width of thirty seven feet (37').
19. Lot 2 is proposed to have a lot width of twenty five feet (25').
20. The proposed lots meet the minimum lot width requirement.
21. Lot 1 is proposed to have a building footprint of 1,118.5 square feet.
22. Lot 2 is proposed to have a building footprint of 2,163.5 square feet.
23. Land Management Code § 15-4-7 indicates that all lots shall have a front, two (2) sides, and a rear setback.
24. Land Management Code § 15-4-7 indicates that there are four (4) exceptions to setback standard. Furthermore sub-section E indicates that any lots, which are not specified in this section, shall have setbacks determine by the Planning Director.
25. The Planning Director has conducted an analysis of proposed lot 2 and have determined that this proposed lot does not fall under the four (4) specified exceptions listed under sub-sections A-D due to its unusual *flag lot* shape and have determined the following setbacks:
 - a. The front yard setback shall be limited to a fifteen feet (15'), minimum.
 - b. The rear yard setback shall be limited to ten feet (10'), minimum.
 - c. Where the lot is twenty five feet (25') wide, the side yard setbacks shall be three feet (3'), minimum.
 - d. Where the lot is sixty two feet wide, the side yard setbacks shall be five feet (5'), minimum, and fourteen feet (14'), total.
26. The Planning Commission agrees with the Planning Director's setback determination.
27. Development shall comply with Building Height parameters including the following height provisions: Maximum Height, Final Grade, Lowest Finish Floor Plane to Highest Wall Top Plate, Vertical Articulation, Roof Pitch, etc.
28. Each structure shall meet applicable parking standards.
29. Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation.
30. The current building on the site is considered legal non-complying.
31. The LMC indicates that a non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.
32. The existing remnant parcels will become part of a legal lot of record.
33. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.
34. All findings within the Analysis section and the recitals above are incorporated herein

as findings of fact.

35. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 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 at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers.
4. A ten feet (10') wide public snow storage easement will be required along the front of the property.
5. The existing duplex shall be demolished prior to plat recordation.

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

PASSED AND ADOPTED this 9th day of October, 2014.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

