

Ordinance No. 15-14

**AN ORDINANCE APPROVING THE 327 WOODSIDE AMENDED SUBDIVISION
LOCATED AT 327 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 327 Woodside Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 13, 2015 and May 27, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 27, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on June 11, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 327 Woodside Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. 327 Woodside Amended Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact: need findings and analysis above about the compatibility of the size of the new lot

1. The property is located at 327 Woodside Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lot 7 and Lot 8, Block 30, Park City Survey.
4. Lot 7 contains a single-family dwelling, built in 2001.
5. Lot 8 is currently vacant.
6. The proposed Plat Amendment creates one (1) lot of record from the existing two (2) lots consisting of a total of 3,750 square feet.
7. The maximum building footprint for a lot this size, 3,750 square feet, is 1,519 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential-1 District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. A duplex dwelling is a conditional use in the Historic Residential-1 District.
12. The minimum lot area for a duplex dwelling is 3,750 square feet.
13. The proposed lot meets the minimum lot area for a duplex dwelling. Conditional uses are reviewed and approved by the Planning Commission.
14. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25').
15. The proposed lot is fifty feet (50') wide.
16. The proposed lot meets the minimum lot width requirement.
17. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3').
18. The minimum side yard setbacks for a fifty foot (50') wide lot are five feet (5').
19. When the single-family dwelling was built in 2001, it was built with the minimum side yard setbacks of three feet (3') as the lot width qualified as such.
20. Once the two (2) lots are combined, it would make the existing single-family dwelling legal non-complying as the structure would not meet the increased side yard setbacks from three feet (3') to five feet (5') based on lot width.
21. The combined side yards setbacks are to be ten feet (10') per Table 15-2.2 in the Land Management Code.
22. As currently built a small portion of the house was designed three feet (3') from the south property line and most of the house is approximately four-and-a-half feet (4.5') from the same south property line.
23. The submitted certified as-built survey shows four (4) minor railroad tie retaining walls on the south property line.
24. The minor retaining walls on the south property line on the 2000 approved original building permit were not identified.
25. The minor railroad tie retaining walls and any encroachments across property lines need to be resolved prior to plat recordation.
26. The applicant bears the burden of proper approvals for the retaining walls, which may include an encroachment agreement with the neighbor, or the relocation and/or removal prior to plat recordation.
27. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.
28. Plat Notes need to be added on the proposed Plat Amendment indicating the following:
 - a. The existing single-family dwelling was built with a three foot (3') side yard setback in 2001.
 - b. The north south side yard setback shall be seven feet (7'), minimum, to meet the minimum combined setback requirement of ten feet (10').
 - c. The combined side yard setbacks shall be ten feet (10'), minimum.
29. The proposed plat amendment will not cause undo harm to adjacent property owners.
30. The proposed lot area of 3,750 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with the same dimensions.
31. All findings within the Analysis section and the recitals above are incorporated

herein as findings of fact.

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.

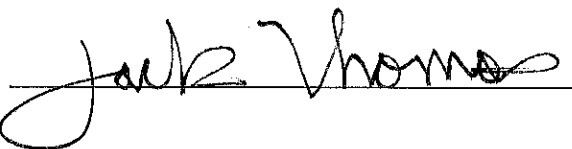
Conditions of Approval:

2. 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.
3. 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) years' 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.
4. A ten feet (10') wide public snow storage easement will be required along the front of the property.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The minor railroad tie retaining walls built over the south property line shall be resolved prior plat recordation.
7. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.
8. A note shall be added on the Plat that states the following:
 - a. The existing single-family dwelling was built with a three foot (3') side yard setback in 2001.
 - b. The north south side yard setback shall be seven feet (7'), minimum, to meet the minimum combined setback requirement of ten feet (10').
 - c. The combined side yard setbacks shall be ten feet (10'), minimum.

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

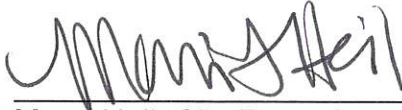
PASSED AND ADOPTED this 11th day of June, 2015.

PARK CITY MUNICIPAL CORPORATION

A handwritten signature in black ink, appearing to read "Jack Thomas", is written over a horizontal line.

Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:

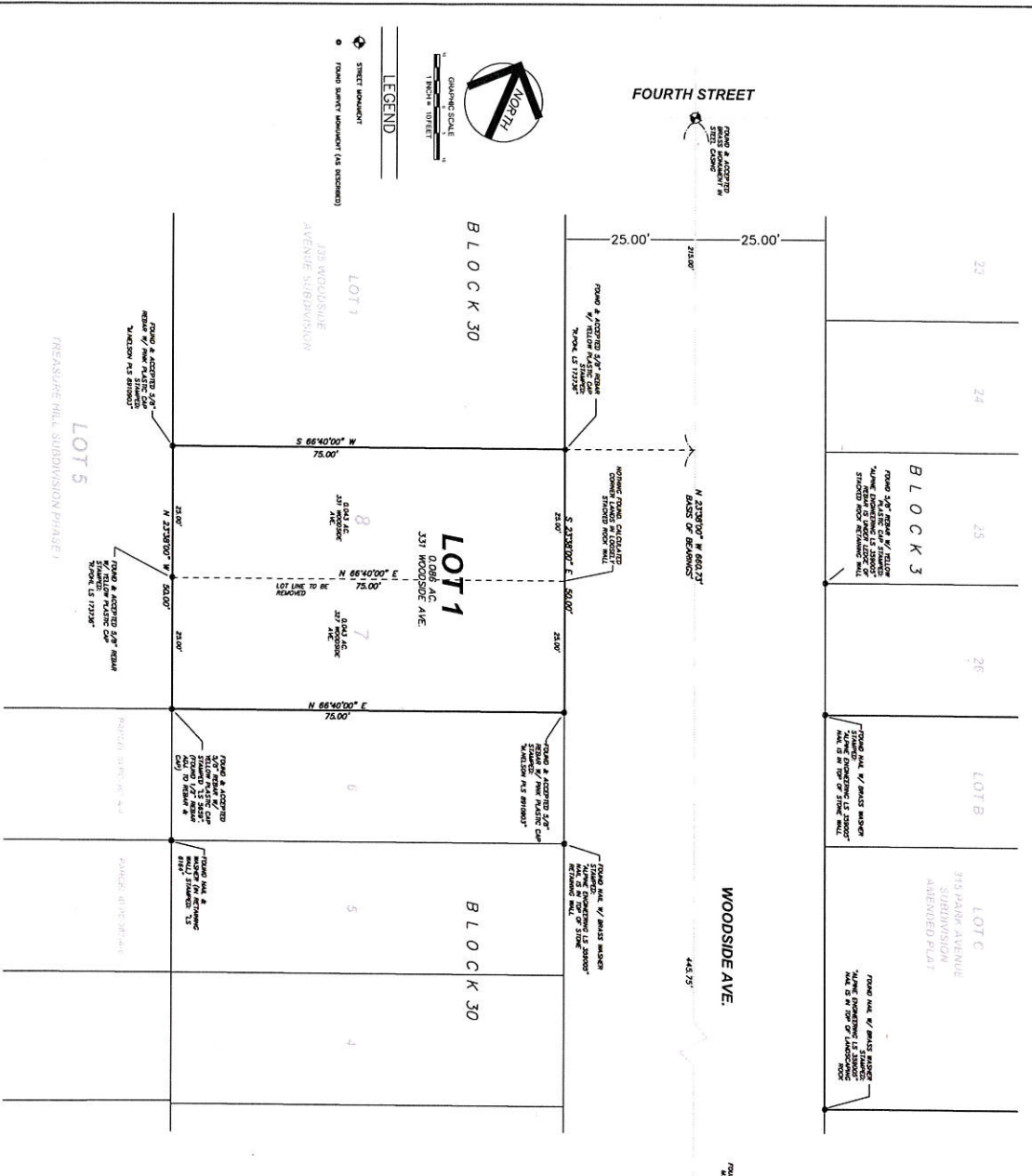


Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

327 WOODSIDE AMENDED SUBDIVISION

LOT 7 & LOT 8, BLOCK 30
 OF THE AMENDED PARK CITY SURVEY
 LYING WITHIN THE SOUTHEAST QUARTER OF
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



PLAT NOTES:

- 1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE LOTS 7 AND 8, BLOCK 30 OF PARK CITY SURVEY, INTO ONE LOT.
- 2. ALL CONDITIONS OF APPROVALS OF THE PARK CITY SURVEY STILL APPLY.
- 3. BY THIS AMENDMENT NUMBER 23708, DATED JANUARY 23, 2015 AT 8:00 AM, PROVIDED BY COALITION TITLE COMPANY, THE SURVEY IS AMENDED TO CORRECT THE SURVEY AS SHOWN ON THE ORIGINAL SURVEY.
- 4. DECEPTION 11, SANTIAGO SERIES LAYER DEPTH, ENTRY No. 663476 (OFFSETS LOT 7)
- 5. DECEPTION 12, ENTRY THICK REFERENCE ENTRY 100348, A 3/8" RIGHT-OF-WAY EASEMENT GRANTED FROM UNITED COMMUNITIES TO PARK CITY RECREATION CORPORATION.

LEGAL DESCRIPTION:
 ALL OF LOT 7 & 8 OF AMENDED PLAT OF THE PARK CITY SURVEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

OWNER'S DEDICATION AND CONSENT TO RECORD:
 I, the undersigned, hereby declare that the undersigned owners of the herein described tract of land, to be known as the 327 Woodside Amended Subdivision, do hereby consent to the recording of this plat, to be known as the 327 Woodside Amended Subdivision, and the recording hereof shall constitute the consent of the owners of the herein described tract of land and they shall be deemed to have consented to the recording hereof and to the recording of this plat.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND THIS _____ DAY OF _____, 2015.

ACKNOWLEDGEMENT:
 STATE OF UTAH,
 COUNTY OF SUMMIT,
 I, the undersigned, being of legal age and sound mind, do hereby certify that I am the owner of the herein described tract of land and I have consented to the recording hereof and to the recording of this plat.

The foregoing consent is given and acknowledged before me this _____ day of _____, 2015.

By: _____
 Henry Public, Notary Public

WITNESSES:
 I, the undersigned, being of legal age and sound mind, do hereby certify that I am the owner of the herein described tract of land and I have consented to the recording hereof and to the recording of this plat.

The foregoing consent is given and acknowledged before me this _____ day of _____, 2015.

By: _____
 Henry Public, Notary Public

OWNER'S DEDICATION AND CONSENT TO RECORD:
 I, the undersigned, hereby declare that the undersigned owners of the herein described tract of land, to be known as the 327 Woodside Amended Subdivision, do hereby consent to the recording of this plat, to be known as the 327 Woodside Amended Subdivision, and the recording hereof shall constitute the consent of the owners of the herein described tract of land and they shall be deemed to have consented to the recording hereof and to the recording of this plat.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND THIS _____ DAY OF _____, 2015.

SURVEYOR'S CERTIFICATE:
 I, the undersigned, being of legal age and sound mind, do hereby certify that I am a duly licensed surveyor in the State of Utah, and I have personally supervised the making of this survey, and that the same is true and correct. I have also personally examined the plat hereon and find it to be a true and correct representation of the survey and that the same is in accordance with the laws of the State of Utah and the rules and regulations of the State Board of Surveyors.

DATED: _____

 Surveyor

RECORDED AND ACCEPTED AT THE STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ THIS _____ DAY OF _____, 2015 A.D.

BOOK: _____ PAGE: _____ ENTRY NO.: _____

PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____, 2015 A.D.	CERTIFICATE OF ATTEST I CERTIFY THE RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS DAY OF _____, 2015 A.D. BY _____ PARK CITY RECORDER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REFERRED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____, 2015 A.D. BY _____ SR. WR. 2	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE IN MY OFFICE ON THIS DAY OF _____, 2015 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS DAY OF _____, 2015 A.D. BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THIS DAY OF _____, 2015 A.D. BY _____ MAYOR	RECORDED AND FILED AT THE REQUEST OF _____ THIS _____ DAY OF _____, 2015 A.D. BOOK: _____ PAGE: _____ ENTRY NO.: _____
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