

**AN ORDINANCE APPROVING THE 940 EMPIRE AVENUE PLAT AMENDMENT,
LOCATED AT 940 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 940 Empire Avenue plat amendment located at 940 Empire Avenue, have petitioned the City Council for approval of the 940 Empire 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015 to receive input on the proposed plat amendment;

WHEREAS, on July 8, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 30, 2015 the City Council held a public hearing on the proposed 940 Empire Avenue plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 940 Empire 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 940 Empire Avenue 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 plat is located at 940 Empire Avenue within the HR-1 District.
2. The 940 Empire Avenue plat amendment consists of Lots 23 & southerly ½ of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 7, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 7, 2015.
5. The lots at 940 Empire Avenue currently contain an existing non-historic A-frame single family home.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing home currently has a zero foot (0') southerly side setback and the existing home encroaches onto 936 Empire Avenue by approximately 0.3 feet on the lot line shared with 936 Empire Avenue as well as the existing retaining wall that encroaches approximately one foot onto 936 Empire Avenue.
9. An encroachment agreement was previously recorded between 936 Empire Avenue and 940 Empire Avenue on 2015.
10. The existing side yard setbacks to the north are 13.5 feet which complies with the LMC.
11. The front yard setback is 27 feet which complies with the LMC but the rear yard setback is only 7 feet which makes this structure legal, non-conforming.
12. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

ConclusionsofLaw:

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.

ConditionsofApproval:

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. Recordation of this plat and completion and approval of a final HDDR and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will be required for new construction 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.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.
6. Snowshed agreements from the northerly neighbor are required prior to plat recordation.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, MAYOR

ATTEST:


Karen Anderson, Deputy City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

