

Ordinance No. 2016-42

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT CHANGING 3,483 SF FROM ESTATE (E) DISTRICT TO RECREATION OPEN SPACE (ROS) DISTRICT AND 3,474 SF FROM RECREATION OPEN SPACE (ROS) TO ESTATE (E) LOCATED AT 3776 RISING STAR LANE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 3776 Rising Star Lane has petitioned the City Council for approval of a Zoning Map Amendment; and

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

WHEREAS, on July 27, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on July 13, 2016 according to requirements of the Land Management Code. The application was continued at the July 13, 2016 meeting to August 10, 2016; and

WHEREAS, the Planning Commission held a public hearing on August 10, 2016 to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on August 10, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 15, 2016 the property was posted and notice was mailed to property owners within 300 feet; and

WHEREAS, legal notice was published in the Park Record on August 18, 2016 according to requirements of the Land Management Code; and

WHEREAS, on September 1, 2016, the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Estate (E) District to Recreation Open Space (ROS) District and from Recreation Open Space (ROS) to Estate (E) as shown in Attachment 1 and Attachment 2 is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is located at 3776 Rising Star Lane.
2. The property is located in two Zoning Districts a 65,467.6 square foot buildable area designated as Estate Zone and a 451,301.28 square foot non-buildable area designated as Recreation Open Space.
3. The subject property consists of Lot 10 of the Morning Star Estates Subdivision.
4. Lot 10 is currently under construction for a single family dwelling with the building permit BD-15-22064 approved on 10/23/15.
5. The Morning Star Estate subdivision contains other similar lots with E regulated buildable areas surrounded by ROS zoning designations.
6. The access to the site is through the E zone off Rising Star Lane.
7. The allowed/conditional use differences lay within the amount and type of development allowed. Single family homes are allowed within the Estate Zone.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The E District lists Conservation Activity as an allowed use in addition to low density development.
10. 3,474 square feet will be changed from ROS to E and 3,483 square feet will be changed from E to ROS with an overall net change of 9 square feet difference added to ROS.
11. The requested Zoning Map Amendment from ROS to E and E to ROS is appropriate in that the same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet. The E zone that is being changed to ROS is also undisturbed and will not require re-vegetation.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.
13. The same amount of buildable area will remain and the same amount of open space will be protected with an addition of 9 square feet.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication and when the revised Official Zoning Map is signed by the City upon final review by the City Attorney.

PASSED AND ADOPTED this 1st day of September, 2016.

PARK CITY MUNICIPAL CORPORATION




Jack Thomas, MAYOR

ATTEST:


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

Attachment 1 & 2 – Proposed Zoning Map Amendment

MORNING STAR ESTATES, LOT 10

1,670
1,638
+ 166
3,474 SF = TOTAL ADDED TO ESTATE ZONE (E)

3,483 SF = TOTAL ADDED TO RECREATION AND OPEN SPACE (ROS)

3,483
- 3,474

9 SF = NET AREA ADDED TO RECREATION AND OPEN SPACE (ROS)



