

Ordinance No. 10-33

ORDINANCE APPROVING A REZONE FROM ESTATE (E) TO HISTORIC RESIDENTIAL LOW DENSITY (HRL) AND A CHANGE TO THE EAST BOUNDARY OF THE SENSITIVE LANDS OVERLAY (SLO) ZONE FOR PROPERTIES LOCATED AT 310-350 MCHENRY AVENUE, PARK CITY, UTAH

WHEREAS, the Planning Staff has petitioned the City Council for approval of a Zone boundary change for the HRL zoning district along the east property boundary of the properties of 310 – 350 McHenry Avenue changing the Estate (E) zoned portions to Historic Residential Low Density (HRL) and removing the Sensitive Lands Overlay (SLO) designation from HRL zoned portions; 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 August 25, 2010 to receive input on zone boundary change; and

WHEREAS, the Planning Commission, on August 25, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on September 16, 2010 the City Council conducted a public hearing regarding the Zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue; and

WHEREAS, it is in the best interest of Park City Utah to approve a Zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue.

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 zone boundary change for the HRL and SLO zoning districts along the east property boundary of the properties of 310 – 350 McHenry Avenue, as described in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Condition of Approval:

Findings of Fact:

1. Currently, there are four homes located at 310, 320, 330, and 350 McHenry Avenue that are located within three zoning districts, namely the Historic Residential Low-Density (HRL) zone, the Estate (E) zone and the Sensitive

- Lands Overlay Zone (SLO) that currently exists as an overlay on the Estate (E) zoned portion.
2. The Planning Department is requesting a zone change to move the HRL and SLO boundary line to the East boundary of the above properties replacing the Estate zoned portion with HRL. The primary reason for the request is change the zone boundary line to match the ownership property lines.
 3. There are no existing HRL properties with the sensitive lands overlay (SLO) designation.
 4. The HRL zone was in part created by the residents of McHenry Avenue to specifically reduce the density allowed in the area under the previous HR1 zone.
 5. When the HRL zone was adopted, the description of the zone line followed the East property line of Block 61 of the Park City Survey. It did not follow the ownership boundary that exists within NW ¼ SW ¼ Section 15 of the Park City Survey. The property owners of 310, 320, 330, and 350 McHenry Avenue owned the parcels of land East of Block 61 in 1983. These parcels were zoned Estate.
 6. LMC Section 15-1-6(B) states “where the zoning district lines appear to have intentionally divided a lot or parcel between two (2) or more districts, the applicable zoning for each portion of the lot or parcel must be determined by using the scale shown on the map.”
 7. If the rezone is not approved, any future improvements to these properties would have to follow the HRL zone lot and site requirements in the front yard and the Estate zone lot and site requirements in the back yard. With existing homes, the current zoning creates many instances of non-conformity.
 8. No non-complying structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6 of the LMC or unless required by law. By moving the HRL and SLO zone boundary lines to the East ownership boundary, the majority of the non-conformities will not exist, due to the decreased setback requirements in the HRL. The structures will be more compliant with the zone.
 9. The zone change would allow increased density on Lots 1, 3, and 4 due to the minimum lot size in the HRL zone. The property owners have submitted a subdivision application under which Staff has recommended and subdivision applicants have agreed to a condition of approval that a note be added to the subdivision plat being reviewed concurrently with this zone change, that that there shall be only one house per Lot and the Lots shall not be re-subdivided. The property owners also suggested a condition of the subdivision plat be to have a no-build area for the 20’ strip along the eastern property lines. They have also agreed that the no-build area shall not be included in the lot area for determination of footprint.
 10. Notice for this application was sent to all property owners within 300’ of the affected properties and was noticed in the Park Record.
 11. The Park City Zoning Map shall be amended at the time of Council Action.
 12. The Findings in the Analysis section are incorporated herein

Conclusions of Law:


1. There is good cause for this rezone.
2. The rezone is consistent with the Park City Land Management Code and applicable State law.

3. Neither the public nor any person will be materially injured by the proposed rezone.
4. The rezone is consistent with the Park City General Plan.

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

PASSED AND ADOPTED this 16th day of September, 2010.

PARK CITY MUNICIPAL CORPORATION



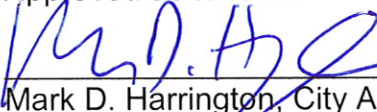
Dana Williams, Mayor

Attest:

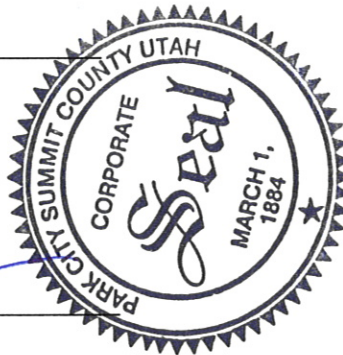


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

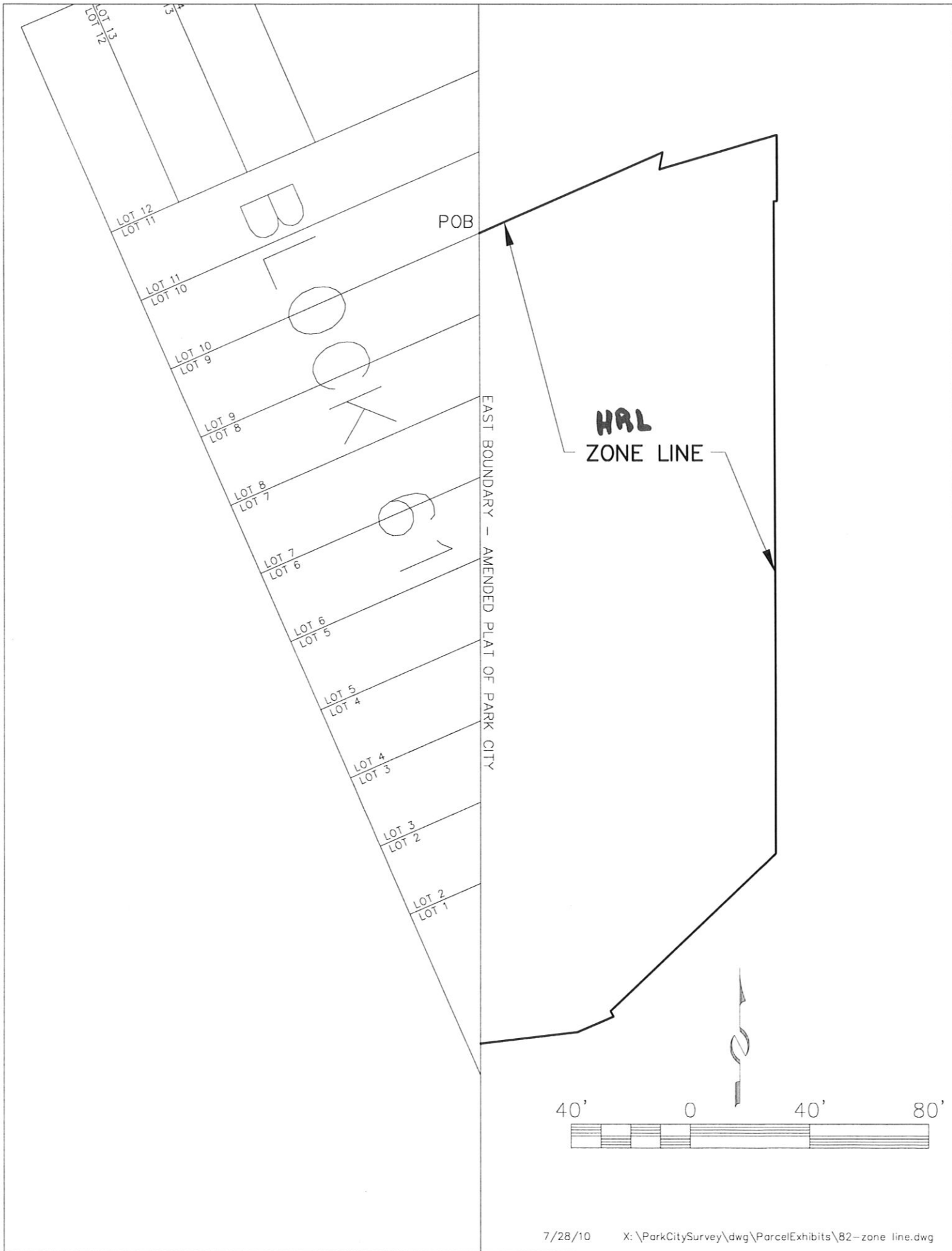


ZONE LINE
July 28, 2010

Located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at the northeast corner of Lot 9, Block 61, Amended Plat of Park City, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence North $66^{\circ}22'00''$ East 67.71 feet; thence South $11^{\circ}13'46''$ West 5.85 feet; thence North $73^{\circ}38'49''$ East 41.16 feet; thence South 22.18 feet; thence South $82^{\circ}39'46''$ West 1.08 feet; thence South $00^{\circ}00'21''$ West 218.95 feet; thence South $46^{\circ}21'52''$ West 76.77 feet; thence South $29^{\circ}53'59''$ East 2.08 feet; thence South $66^{\circ}22'00''$ West 13.13 feet; thence South $83^{\circ}08'23''$ West 32.98 feet to the easterly boundary of the Amended Plat of Park City and terminating.

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McHenry Zone Change



Relocation of the Sensitive Land Overlay Zone (SLO)

E District

Subject area currently zoned Estate (E) District to be changed to Historic Residential-Low Density (HRL) District

HRL District

Legend

- Road Edges
- Parcels

1 inch = 60 feet

