

**Ordinance No. 10-06**

**AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE 313 DALY AVENUE SUBDIVISION PLAT, AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 313 Daly Avenue have 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 published and sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 26 and on April 23, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on May 15, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, on May 13, 2009, the City received a completed application requesting a one (1) year extension of the approved plat amendment; and

WHEREAS, on February 25, 2010, the City Council held a public hearing to receive input on the plat amendment extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat extension.

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 313 Daly Avenue Subdivision Plat extension, 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 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).

4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.
5. The site has been identified as a significant site by the Park City Historic Site Inventory.
6. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
7. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8,636.6 square feet for lot A and 8,241.1 square feet for lot B.
8. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
9. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
10. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
11. The proposed lots create a public snow storage easement 10 feet wide along the front property lines off Daly Avenue.
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

Conclusions of Law:

1. There is good cause for this plat amendment extension.
2. The plat amendment is consistent with the Park City Land Management Code.
3. Neither the public nor any person will be materially injured by the proposed plat amendment extension.
4. Approval of the plat amendment extension, 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 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 original date of the expiration of the City Council approval (by May 15, 2010). If recordation has not occurred within that time, this extension of approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.

4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the footprint for each lot, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.
6. There will be a public snow storage easement 10 feet wide along the front property lines off Daly Avenue.

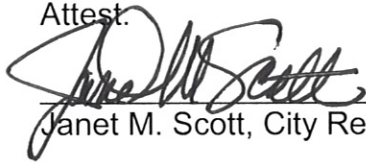
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 25<sup>th</sup> day of February, 2010.

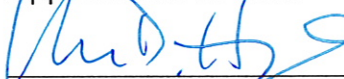
PARK CITY MUNICIPAL CORPORATION

  
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Mayor Dana Williams

Attest.

  
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Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney





**Ordinance No. 10-05**

**AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE HABITAT REPLAT PLAT AMENDMENT LOCATED AT 154 MARSAC AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 154 Marsac Avenue have 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 published and sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on June 12, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, on June 12, 2009, the City received a completed application requesting a one (1) year extension of the approved plat amendment; and

WHEREAS, on February 25, 2010, the City Council held a public hearing to receive input on the plat amendment extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Habitat Replat plat amendment extension.

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 Habitat Replat Plat Amendment extension, 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 154 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed plat reconfigures the parcels and the platted right-of-way and creates three lots of record.

4. The Land Management Code requires a minimum lot width in the HR-1 zoning district of 25'. The lot widths of the Habitat Replat Subdivision Plat are 61 feet for Lot 1, 51 feet for Lot 2, and 68 feet for Lot 3.
5. The Land Management Code requires a minimum lot area in the HR-1 zoning district of 1,875 square feet. The lot areas of the Habitat Replat plat are 3,792.8 square feet for Lot 1, 3,145.4 square feet for Lot 2, and 4,483.4 square feet for Lot 3.
6. The proposed replat creates a snow storage easement 10 feet wide along the front property lines off Ontario Avenue
7. A remnant parcel of land will not be created by this plat amendment.
8. Access to the lots is from Ontario Avenue.
9. There is no increase in density.
10. The project is compatible with the neighborhood.
11. One lot containing 4,483.4 square feet will be dedicated to the city for open space.
12. A portion of 108.5 square feet located west of Lot 1 is dedicated to the city as part of the existing Marsac Avenue Right-of-Way.
13. The platted right-of-way is unusable as determined by the 1984 Streets Master Plan.
14. All findings within the Analysis section are incorporated within.
15. That the City finds "good cause" for the street vacation due to the community benefit of affordable housing.

Conclusions of Law:

1. There is good cause for this plat amendment extension.
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 extension.
4. Approval of the plat amendment extension, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. The City finds "good cause" for the vacation of the Marsac Right-of-Way based on the net tangible benefit of the affordable housing aspect of this replat.

Conditions of Approval:

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 original date of the expiration of City Council approval (by June 12, 2010). If recordation has not occurred within one year's time, this extension of approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The lot containing 4,483.4 square feet is dedicated to the city for open space.

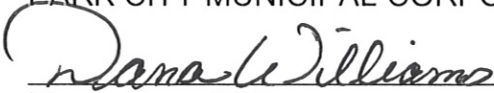


4. A public snow storage easement 10 feet wide along the front property lines off Ontario Avenue will be created.
5. A portion of 108.5 square feet located west of Lot 1 is dedicated to the city as part of the existing Marsac Avenue Right-of-Way.


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

PASSED AND ADOPTED this 25<sup>th</sup> day of February, 2010.

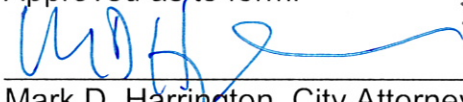
PARK CITY MUNICIPAL CORPORATION

  
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