

Ordinance No. 11-19

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PURSUANT TO U.C.A. SECTION 10-9A-504 AND §15-1-7F OF THE PARK CITY LAND MANAGEMENT CODE (LMC) WHICH PROHIBITS APPROVAL OF PLAT AMENDMENT APPLICATIONS FILED AFTER JUNE 15, 2011 IN THE HR-1, HR-2, AND HRL ZONING DISTRICTS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS UNTIL THE CITY COUNCIL CONSIDERS LIMITS ON THE MAXIMUM BUILDING FOOTPRINT ALLOWED AS A RESULT OF LOT COMBINATIONS IN SUCH ZONING DISTRICTS

WHEREAS, U.C.A. § 10-9a-504 allows a city, without prior consideration of or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest;

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, the City's historic districts are among its most important cultural, educational, and economic assets;

WHEREAS, the mass and scale of buildings within the City's historic districts must continue to maintain the fabric that was historically established;

WHEREAS, the creation of large out-of-scale structures could permanently alter the character of a neighborhood, community and City;

WHEREAS, recent lot combination (subdivision) applications to the Planning Commission for recommendation to the City Council have raised questions regarding the scale of the proposed buildings;

WHEREAS, the pending amendments to the Land Management Code ("LMC") are expected to be completed within the next six (6) months;

WHEREAS, the City Council hereby determines that enacting a temporary moratorium on the combination of lots in the Historic Zoning Districts within the City is in the best interest of the City and necessary for the protection of health, safety and the general welfare of its citizens.

NOW THEREFORE, be it ordained by the City Council of the City of Park City, Utah, as follows:

SECTION 1. FINDING OF COMPELLING, COUNTERVAILING PUBLIC INTEREST.

The City Council hereby finds that there is a compelling, countervailing public interest in temporarily preventing plat amendments in order to consider new LMC amendment, and further determine whether to require additional LMC amendments to the Building Footprints resulting from lot combinations in order to better regulate compatibility within the City's Historic District. Without such temporary prevention of Plat Amendments (specifically lot combinations), incompatible additions to historic structures and incompatible new construction will continue, thereby causing irreparable harm to the community and City.

SECTION 2. TEMPORARY ZONING REGULATION. There shall be a temporary moratorium on all Plat Amendments and Lot Line Adjustments pursuant to LMC 15-7.1-3 within

the HR1, HR2, and HRL zoning districts (hereinafter collectively "Plat Amendments"). During the duration of this Ordinance, no such Plat Amendment shall be approved or issued by any Department, agency, employee, or agent of Park City. An Application for a Plat Amendment may be filed during the moratorium; however no review by the Planning Commission or City Council shall occur, nor action taken until the moratorium has expired, and the Plat Amendment may not be approved if it is inconsistent with any amendments to the LMC or any other ordinance adoption that occur during the moratorium.

SECTION 3. DURATION. This temporary moratorium shall terminate upon the earlier of: a) six (6) months from the effective date of this Ordinance; or b) the date upon which the aforementioned amendments have been completed and, in adopting the amendments, the Council terminates this regulation.

SECTION 4. EFFECT ON EXISTING APPLICATIONS/PERMITS. Any Complete Application for any Plat Amendment received prior to Wednesday, June 15, 2011, shall not be affected by this temporary moratorium.

SECTION 5. CONFLICT. For the duration of this Ordinance, as set forth in Section 3 hereof, the provisions of this Ordinance shall govern to the extent there is any conflict between the provisions of this Ordinance and the provisions of the Municipal Code, LMC, or any other ordinance, resolution, guideline or policy, and all such conflicting provisions shall be suspended.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.


Dated this 23rd day of June, 2011

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

