

Ordinance No. 11-10

**AN ORDINANCE APPROVING THE 44 PROSPECT STREET PLAT AMENDMENT
LOCATED AT 44 PROSPECT STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 44 Prospect Street have petitioned the City Council for approval of the 44 Prospect Street 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; and

WHEREAS, the Planning Commission held a public hearing on March 9, 2011, to receive input on the 44 Prospect Street plat amendment;

WHEREAS, the Planning Commission, on March 9, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 44 Prospect Street 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 44 Prospect Street 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 property is located at 44 Prospect Street.
2. The zoning is Historic Residential (HR-1) District.
3. The plat amendment combines the south 20 feet of Lot 3 and all of Lot 4, Block 18, Park City Survey, into one lot of record.
4. The proposed lot is 3484.8 square feet in size. Minimum lot size in the HR-1 District is 1,875 sf.
5. The property is improved with a non-historic single-family dwelling constructed in 1973 across the lot line.
6. This plat amendment will bring the structure into compliance with all setbacks except the north side setback which is legally non-complying.
7. There is one off-street parking space on the property.
8. The deck of 52 Prospect encroaches onto 44 Prospect Street. There are also three retaining walls that span across both properties.
9. No change is being made to the structure or use that increases the parking demand.
10. The Planning Commission heard this application at its regular meeting on March 9, 2011, and forwards a positive recommendation. There was no public input.

Conclusions of Law:

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.

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. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The deck encroachment, corner of house encroachment, and retaining wall encroachments will either need to be removed or have reciprocal encroachment agreements recorded with the County prior to recordation of this plat.

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

PASSED AND ADOPTED this 24th day of March, 2011.

PARK CITY MUNICIPAL CORPORATION



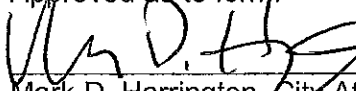
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

