

Ordinance No. 12-10

**ORDINANCE APPROVING THE 269 DALY AVENUE PLAT AMENDMENT
LOCATED AT 269 DALY AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property located at 269 Daly Avenue have petitioned the City Council for approval of the 269 Daly Avenue 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 14 2012 and April 11, 2012, to receive input on the 269 Daly Avenue Plat Amendment;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on April 26, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 269 Daly Avenue 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 269 Daly Avenue Plat Amendment as shown in Exhibit B 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 269 Daly Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Landmark Site" and includes a 720 square foot mining era home constructed in 1901.
3. The applicants are requesting to adjoin two "metes and bounds" parcels into one Lot for the purpose of a future expansion of the home.
4. The plat amendment is necessary in order for the applicant to obtain a building permit for the proposed addition to the rear yard due to the location of an existing lot line.
5. The amended plat will create one new 7,283 square foot lot.
6. Currently the property is two separate parcels. The front parcel is where the existing home is located, and has frontage onto Daly Avenue, and all of the rear parcel

exceeds 30% slope and has no street frontage, and thus no separate development potential without the lot combination.

7. The existing garage is also listed on the historic sites inventory and does not count against the maximum building footprint square footage as "footprint" is defined by the Land Management Code.
8. A majority of the lot exceeds 30% slope and any addition beyond 1,000 square feet will require a Steep Slope Conditional Use Permit to be reviewed and approved by the Planning Commission.
9. The existing historic home and historic garage cannot be moved or relocated to another site on the lot.
10. Any addition to the existing historic home would require review by the Design Review Team and any exterior remodels or additions would be reviewed under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
11. The applicant has proposed a plat note limiting the maximum gross floor area to no more than 2,000 square feet, as well as a no build line measured ninety-three feet (93') from the front property line.

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. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits for the rear expansion of the existing home will be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. More than half of the new lot will exceed 30% slope and future development may be subject to a Steep Slope Conditional Use Permit.
5. Modified 13-D sprinklers will be required for renovation of the existing structure.
6. A 10 foot wide public snow storage easement will be provided along the frontage of the property.
7. The maximum gross floor area as defined in the Land Management Code will not exceed 2,000 square feet.
8. The no build line (no building zone) shall be established as shown on the current plat date stamped April 5, 2012 (measured 93 feet from front property line eastward).

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

PASSED AND ADOPTED this 26th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

Cindy Matsumoto

Mayor Pro Tem Cindy Matsumoto

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington

Mark D. Harrington, City Attorney



