

Ordinance No. 2024-02

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR ONE LOT ZONED SINGLE-FAMILY AND ESTATE TO SINGLE-FAMILY, INCLUDING ALL OF LOT EW-B-2AM LOCATED AT 1460 EAGLE WAY, PARK CITY, UTAH

WHEREAS, the Lot is privately owned and will maintain the current Use as a Single-Family Property; and

WHEREAS, the owner of the property located at 1460 Eagle Way petitioned the City Council for approval of the Zoning Map Amendment; and

WHEREAS, on December 27, 2023, the property was posted, and courtesy notice was mailed to property owners within 300 feet pursuant to the requirement of the Land Management Code; and

WHEREAS, legal notice was published in the Park Record on December 27, 2023, according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a duly notice public hearing on January 10, 2024, to receive input on the Zoning Map Amendment; and

WHEREAS, on January 10, 2024, the Planning Commission forwarded a unanimous positive recommendation to the City Council; and

WHEREAS, on February 1, 2024, the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, the proposed Zoning Map Amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act (LUDMA) Section 10-9a-102 Purposes – General Land Use Authority:

1. The purposes of this chapter are to:
 - a. Provide for the health, safety, and welfare;
 - b. Promote the prosperity;
 - c. Improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - d. Protect the tax base;
 - e. Secure economy in government expenditures;
 - f. Foster the State's agricultural and other industries;
 - g. Protect both urban and non-urban development;
 - h. Protect and ensure access to sunlight for solar energy devices;
 - i. Provide fundamental fairness in land use regulation;
 - j. Facilitate orderly growth and allow growth in a variety of housing types; and,
 - k. Protect property values.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. APPROVAL. The Zoning Map Amendment from Single-Family and Estate to Single-Family, as shown in attachment 1, is approved subject to the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1. The property is located at 1460 Eagle Way.
2. The property is listed with Summit County as Parcel number EW-B-2AM.
3. The property is in the Single-Family and Estate Zoning Districts.
4. The Applicant proposes amending the Zoning Map to rezone 1.04 acres from Single-Family and Estate to be entirely in the Single-Family Zoning District.
5. The Applicant is also the property owner of the 9.35-acre Estate lot immediately to the south, known as 1468 Eagle Way.
6. This Zoning Map amendment does not extend to the Estate Lot, which will remain in the Estate Zoning District.
7. On June 15, 2023, the City Council adopted Ordinance No. 2023-29, approving the Eagle Way Second Amended Plat Amendment which increased the size of 1460 Eagle Way from 0.76 acres (33,235 square feet) to 1.04 acres (45,114 square feet).
8. The expansion of 1460 Eagle Way created a split-zoned Lot, with 12,400 square feet in the Estate Zoning District and 32,714 square feet in the Single-Family Zoning District.
9. Pursuant to LMC § 15-1-6(B), the Area of Lot B within the SF Zoning District must comply with all SF Lot and Site requirements. The Area within the E Zoning District must comply with all E Lot and Site requirements.
10. On October 23, 2023, the Applicant submitted a Zone Change application to the Planning Department to rezone the split-zoned lot at 1460 Eagle Way to be entirely in the Single-Family (SF) Zoning District. Staff determined the application was complete on October 26, 2023.
11. The Land Management Code regulates Lot and Site Requirements pursuant to LMC § 15-2.10-3 for Estate Zoning District and § 15-2.11-3 for Single Family Zoning District.
12. A Single-Family Dwelling is an allowed Use in the Single-Family and in the Estate Zoning District for Lots with at least three acres.
13. The maximum Density in the Single-Family Zoning District is three units per acre.
14. The required Front, Rear, and Side Setback in the Estate District is 30 feet.
15. The required Front Setback in the Single-Family District is 20 feet.
16. The required Side Setback in the Single-Family District is 12 feet.
17. The required Rear Setback in the Single-Family District is 15 feet.

18. There is an existing Single-Family Dwelling with active building permits for a remodel and garage addition (#23-240 and #23-1151).
19. Due to the size of the Lot (1.04 acres), the Applicant or future Property owner could demolish the Single-Family Dwelling and apply to subdivide the Lot into three Lots.
20. The Applicant's addition is required to meet the E Zoning District setback requirement of 30 feet because it was the governing zone at the time Staff reviewed the building permit.
21. If this Zone Change is approved, the Applicant will have reduced Setbacks, and future additions to the site's Structure will be reviewed under the SF Zoning District requirements.
22. The maximum Building Height in the Estate Zoning District is 28 feet from Existing Grade.
23. The maximum Building Height in the Single-Family Zoning District is 28 feet from Existing Grade.
24. Gable, hip, barrel, and similar pitched roofs may extend up to five feet above the Zone Height in the E Zoning District and in the SF Zoning District if the roof pitch is 4:12 or greater.
25. Antennas, chimneys, flues, vents, and similar structures may extend up to five feet above the highest point of the Building to comply with International Building Code requirements in both E and SF Zoning Districts.
26. The proposed Zone Change only alters the roof pitch; the maximum Building Height remains the same.
27. The proposed Zone Change to Single-Family will reduce the site's Allowed and Conditional Uses. It will also restrict the site from becoming a Nightly Rental, which is allowed within Prospector Village Subdivision, the only Subdivision in the SF Zoning District.
28. The proposal is consistent with Goal 14 of the Park City General Plan.
29. Any development at 1460 Eagle Way will be governed by the Zoning Ordinances of one zone, which will remove ambiguity as to when the site must comply with Estate and when it must comply with Single-Family requirements.
30. The Lot is in the Sensitive Land Overlay and must comply with the Sensitive Land Overlay criteria outlined in LMC Chapter 15-2.21, regardless of Estate or Single-Family Zoning.
31. The site will be held to the standards established by the Sensitive Land Overlay, allowing Development in a manner that encourages the preservation of Park City's natural environment while providing for an acceptable Urban Scale.
32. The Development Review Committee met on November 21, 2023, and finds the proposal meets development standards.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including § 15-1-7(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code § 10-9a-102(1).

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

PASSED AND ADOPTED this 1st day of February, 2024.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Nann Worel
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Nann Worel, MAYOR

ATTEST:



DocuSigned by:
Michelle Kellogg
 E5F905BB533F431...

City Recorder

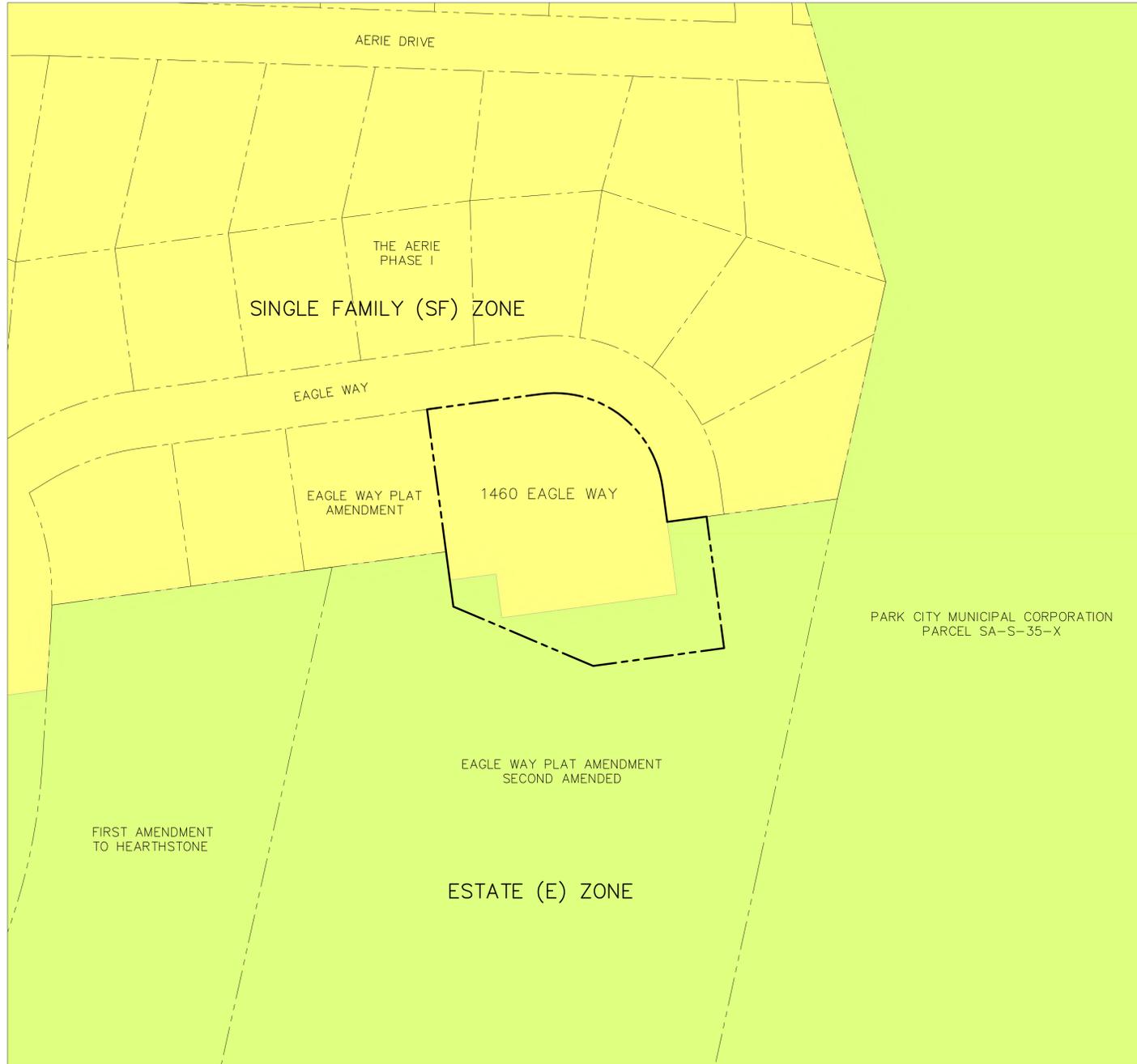
APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
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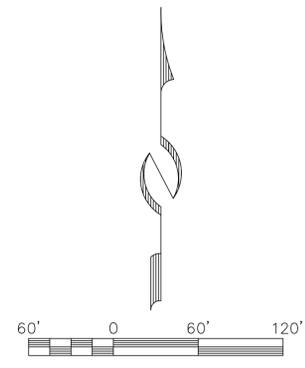
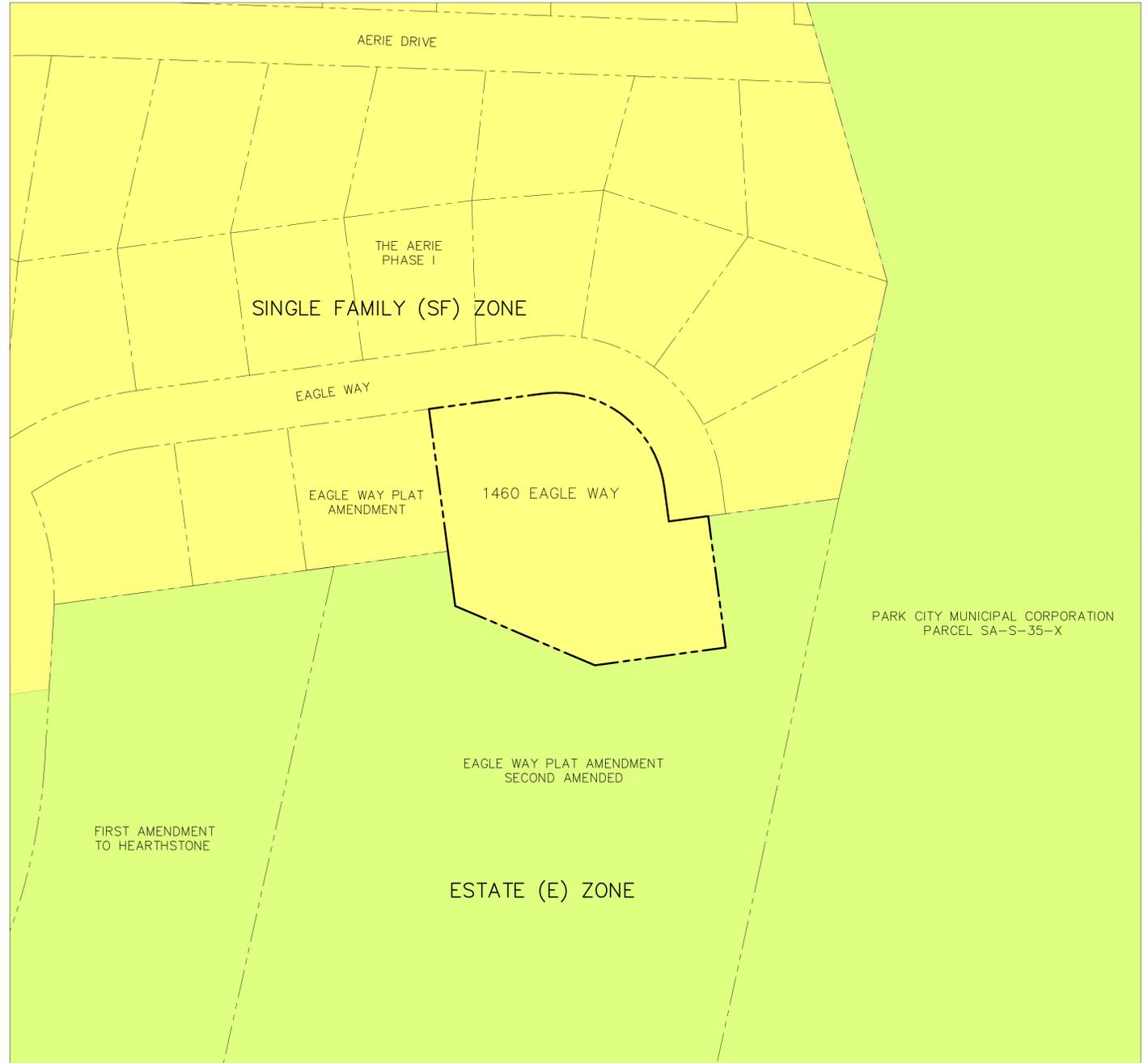
City Attorney's Office

Attachment 1 – Proposed Zoning Map

EXISTING ZONING



PROPOSED ZONING



 <p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	STAFF: MARSHALL KING THOMAS VAUGHN	DATE: 10/23/23	ZONE CHANGE EXHIBIT LOT B, EAGLE WAY PLAT AM FIRST AMENDED 1460 EAGLE WAY	SHEET 1 OF 1
	FOR: KAREN MARRIOTT JOB NO.: 6-11-22 FILE: X:\Aerie\dwg\sr\plat2022\061122-zone change exhibit.dwg			