

**Draft Ordinance No. 2021-XX**

**AN ORDINANCE APPROVING THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY THIRD AMENDMENT, AMENDING UNIT 26, LOCATED AT 7374 SILVER BIRD DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Silver Bird Condominiums at Deer Valley Unit 26, located at 7374 Silver Bird Drive, petitioned the City Council for approval of the Silver Bird Condominiums at Deer Valley Third Amendment, Amending Unit 26; and

WHEREAS, on May 26, 2021, the property was properly posted, and legal notice was sent to all affected property owners; and

WHEREAS, on May 26, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on June 9, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on June 24, 2021, held a public hearing and took final action on the Plat Amendment; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Silver Bird Condominiums At Deer Valley Third Amendment Amending Unit 26.

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. Silver Bird Condominiums At Deer Valley Third Amendment Amending Unit 26, 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 7374 Silver Bird Drive in the Residential Development (RD) District.
2. The Silver Bird Condominiums were approved in 1982 for six (6) units and are subject to the Deer Valley MPD.
3. The proposed amendment is for an unenclosed deck and patio and does not change the number of residential units or require additional parking. The amount of Open Space is 74%, more than the required 60%.
4. Decks are prohibited from being enclosed and converted to interior space. The expansion of private deck space has been done before in this condominium development in both the First and Second Amendments in 2014 and 2016.
5. The patio and new deck meet all setback requirements and the HOA has approved the proposed change.

6. Staff finds Good Cause for this Plat Amendment as the Amendment expands the private space of Unit 26 with patio and deck area which will not be enclosed, meets the LMC Requirements and the Open Space requirement of 60% is maintained.
7. No Public Streets, Right-of-Way or easement has been vacated or amended.
8. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the Amendment expands the private space of Unit 26 with patio and deck area which will not be enclosed, and the Open Space requirement of 60% is maintained.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
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.
5. No Public Streets, Right-of-Way or easements have been vacated or amended.

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 request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that all Conditions of Approval of the Silver Bird Condominiums at Deer Valley Condominium Plat, and the Deer Valley MPD as amended shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX.

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

PASSED AND ADOPTED this 24<sup>th</sup> day of June, 2021.

PARK CITY MUNICIPAL CORPORATION

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Andy Beerman, MAYOR

ATTEST:

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Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Exhibits**

Exhibit A – Silver Bird Condominiums at Deer Valley Third Amendment, Amending Unit  
26 (INSERT W OS%)



