

Ordinance No. 12-32

**AN ORDINANCE APPROVING THE 264 ONTARIO AVENUE SUBDIVISION
COMBINING LOTS 13, 14, 15 AND A PORTION OF 16, BLOCK 60, OF THE
PARK CITY SURVEY, INTO ONE LOT OF RECORD FOR 264 ONTARIO,
LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owner of the properties known as 264 Ontario Avenue, has petitioned the City Council for approval of a plat amendment combining Lots 13, 14, 15, and a portion of 16, Block 60 of the Park City Survey; 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 October 10, 2012, to receive input on the 264 Ontario Avenue Subdivision; and

WHEREAS, the Planning Commission, on October 10, 2012, forwarded a positive recommendation to the City Council; and

WHEREAS, on October 25, 2012, the City Council conducted a public hearing on the 264 Ontario Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 264 Ontario Avenue Subdivision.

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 264 Ontario Avenue Subdivision 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 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012, the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy feet (70') feet deep. The minimum lot

- width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
 7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
 8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
 9. The applicant cannot obtain a building permit to build an addition to the historic house if it crossing an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
 10. The owner is not proposing to move the house from its existing location.
 11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
 12. A 96 square foot portion of McHenry Avenue exists on the subject property.
 13. The porch and front of the Historic Structure encroaches up to eight and a half (8 ½) feet into the platted Ontario Avenue ROW.
 14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
 15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Town" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
 16. The lots are situated on narrow streets, namely, Ontario Avenue and McHenry Avenue which are not located within their respective platted rights-of way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot fronting McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
 17. All findings within the Analysis section are incorporated herein.

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.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.
2. The applicant will record the plat amendment at the County within one year

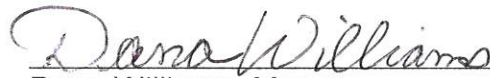
from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
4. A 10 foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed, and retaining walls, shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

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

APPROVED AND ADOPTED this 25th day of October 2012.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, Mayor

Attest:

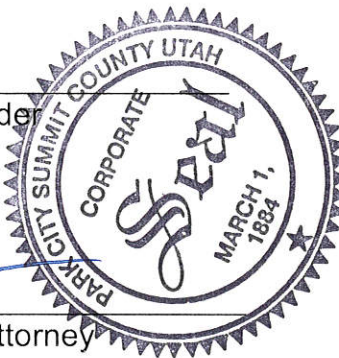


Janet M. Scott, City Recorder

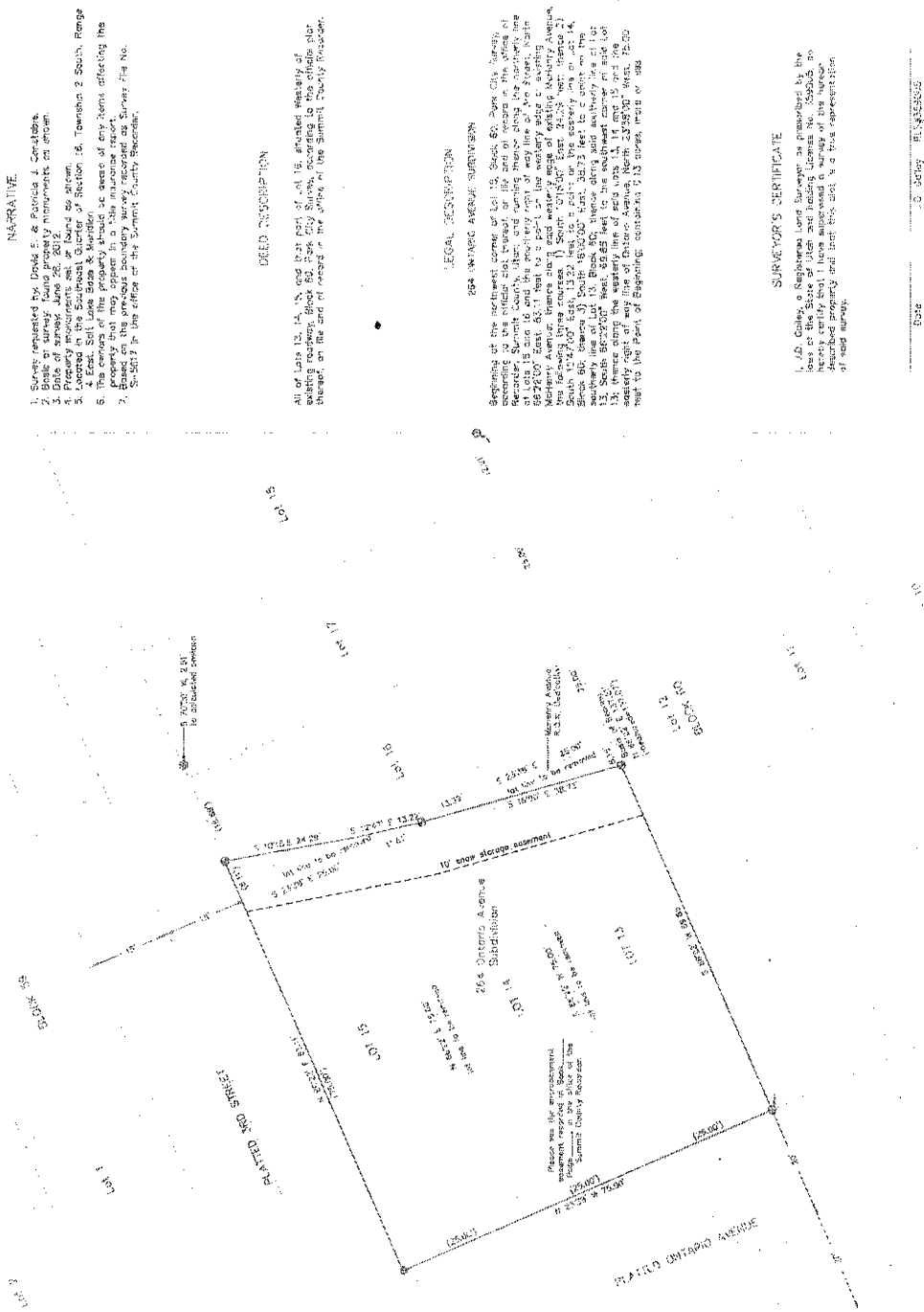
Approved as to form:



Mark D. Harrington, City Attorney



264 Ontario Avenue Subdivision
a replat of Block 60, Lots 13, 14, 15
and a portion of Lot 16



NARRATIVE

1. Survey requested by David E. & Patricia J. Conzatti.
2. Date of survey being property instruments as shown.
3. Property instruments are as shown.
4. Located in the Southwest Quarter of Section 14, Township 2 South, Range 3 East, Salt Lake Basin & Reclamation District, Summit County, Utah.
5. Located in the Southwest Quarter of Section 14, Township 2 South, Range 3 East, Salt Lake Basin & Reclamation District, Summit County, Utah.
6. Property that may appear in a future subdivision.
7. Based on the previous boundary survey recorded as Survey File No. S-5817 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15, and that part of lot 16, situated westerly of existing roadway Block 60, Park City Survey, according to the official plat thereof, on the east of record in the office of the Summit County Recorder.

LEGAL DESCRIPTION

Beginning at the northeast corner of Lot 13, Block 60, Park City Survey, according to the official plat thereof, or the area of record in the office of the Summit County Recorder, and running thence North 89° 22' 00\"/>

SURVEYOR'S CERTIFICATE

I, J.D. Gales, a Registered Land Surveyor as provided by the laws of the State of Utah, do hereby certify that the above described property and that this plat is a true representation of said survey.

Date: 06 July 2012



- LEGEND
- ① Eased right of way - LS 558005
 - ② Eased right of way - LS 154481
 - ③ Eased right of way - reference only
 - ④ 5' 11\"/>

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described property, do hereby declare that the above described property is not subject to any other lien or encumbrance, and that I have no knowledge of any other lien or encumbrance on the above described property. I hereby consent to the recording of this plat and the subdivision of the above described property into the lots shown hereon, and I hereby authorize the recording of this plat and the subdivision of the above described property into the lots shown hereon.

By: David E. Conzatti, Patricia J. Conzatti

AGENCY ENDORSEMENT

STATE OF UTAH
County of Summit
On this 06th day of July, 2012, David E. and Patricia J. Conzatti, husband and wife, being the owners of the above described property, do hereby declare that they own and control the above described property, and that they have agreed to the subdivision of the above described property into the lots shown hereon, and that they have agreed to the recording of this plat and the subdivision of the above described property into the lots shown hereon.

My commission expires: _____
NOTARY PUBLIC
RESIDING IN: _____ COUNTY, _____

PLANNING COMMISSION

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PLANNING COMMISSION. DATE OF REVIEW: 07/06/12 BY: [Signature]

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE ENGINEER. DATE OF REVIEW: 07/06/12 BY: [Signature]

APPROVAL AS TO FORM

APPROVED AS TO FORM AND CONTENTS. DATE OF REVIEW: 07/06/12 BY: [Signature]

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY WAS FILED BY PARK CITY RECORDERS OFFICE ON 07/06/12 BY: [Signature]

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 07/06/12 BY: [Signature]

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED IN THE OFFICE OF THE RECORDER BOOK 2445 PAGE 2005009

DATE

06 July 2012