

Ordinance No. 15 -06

AN ORDINANCE APPROVING THE KING DUPLEX CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 312 AND 314 UPPER NORFOLK AVENUE, LOTS 5 AND 6, BLOCK 30, OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 312 and 314 Upper Norfolk Avenue petitioned the City Council for approval of the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the property was properly noticed on January 24, 2015 and posted on January 27, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on January 27, 2015; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2015, to receive input on The King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a positive recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on March 5, 2015, to receive input on the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah, to approve The King Duplex Condominiums Record of Survey Plat to memorialize common, limited common, and private ownership areas and allow the shared stairs to be covered.

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 King Duplex Condominiums Record of Survey Plat 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 312 and 314 Upper Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The existing structure is a duplex constructed in 1988 on Lots 5 and 6 of Block 30 of the Park City Survey.
4. A duplex was an allowed use in the HR-1 District at the time of the building permit and construction. A duplex is now a conditional use in the current Land Management Code.

5. The area of the condominium plat is 3,750 square feet which is the minimum lot area for a duplex in the Historic Residential (HR-1) District.
6. On November 19, 2013, the Board of Adjustment granted variances for the property, including a variance to the required five (5') foot side yard setbacks, the required ten (10') foot front setbacks, and the maximum building footprint of 1,519 sf for the combined two lot area. The proposed condominium plat memorializes future construction of two detached single car garages, reconstructed open parking pads, and construction of a covered common stairway to be constructed utilizing the variances granted subject to review and approval of a Historic District Design Review application.
7. Two (2) parking spaces are to be provided for each unit, with one space located within a single car detached garage and one space located on an open elevated parking pad structure at the front of the lot to be reconstructed subject to variances granted by the Board of Adjustment on November 19, 2013.
8. Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area.
9. The 252 square foot detached single car garages are proposed to be constructed in the near future, subject to variances granted by the Board of Adjustment on November 19, 2013. The 189 square foot open parking pads located adjacent to the garages are proposed to be reconstructed with the garage construction project, subject to the variances granted by the Board of Adjustment.
10. Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation".
11. The shared, covered staircase, proposed to be constructed to meet the current building code, is identified on the record of survey plat as common area. The shared staircase is proposed to be constructed with the garages and parking pad subject to the variances granted by the Board of Adjustment.
12. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.
13. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 6") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.
14. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey plat.
2. The Record of Survey plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey plat.

4. Approval of the Record of Survey plat, 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 Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit 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 CC&Rs shall include a tie breaker mechanism.
4. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation.
5. No portion of the garages shall be used for additional living space
6. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages
7. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
8. The area underneath the garages shall not be enclosed for use as habitable living space.
9. Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

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

PASSED AND ADOPTED this 5 day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

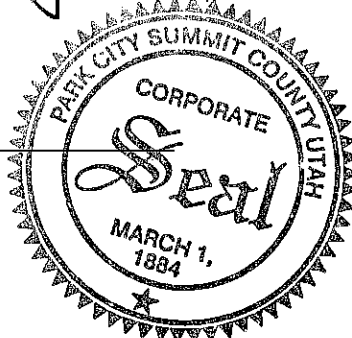


Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibit A –Condominium Record of Survey Plat

EXHIBIT A

KING DUPLEX CONDOMINIUMS

2 PARCELS OF LAND ADJACENT TO LOTS 5 & 6,
BLOCK 30, PARK CITY SURVEY
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
PARK CITY, SUMMIT COUNTY, UTAH

NOTES:
1. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
2. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
3. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
4. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
5. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
6. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
7. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
8. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
9. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.
10. THE SURVEY OF THIS PLAT IS TO CORRECT THE GIVING BUILDING ON PARCELS 1 AND PARCELS 3
DESCRIBED BELOW WITH TWO CONDOMINIUM UNITS.

CORRECTIONAL LAND CONSENT TO RECORD

I, the undersigned, being duly sworn, do hereby certify that the above described parcels of land are the property of the City of Park City, Utah, and that the same are being offered for sale to the public for the purpose of correcting the same. I have hereto set my hand this _____ day of _____, 2015.

BY: _____
CITY CLERK, PARK CITY, UTAH

CORPORATE ACKNOWLEDGMENT

I, the undersigned, being duly sworn, do hereby certify that the above described parcels of land are the property of the City of Park City, Utah, and that the same are being offered for sale to the public for the purpose of correcting the same. I have hereto set my hand this _____ day of _____, 2015.

BY: _____
CITY CLERK, PARK CITY, UTAH

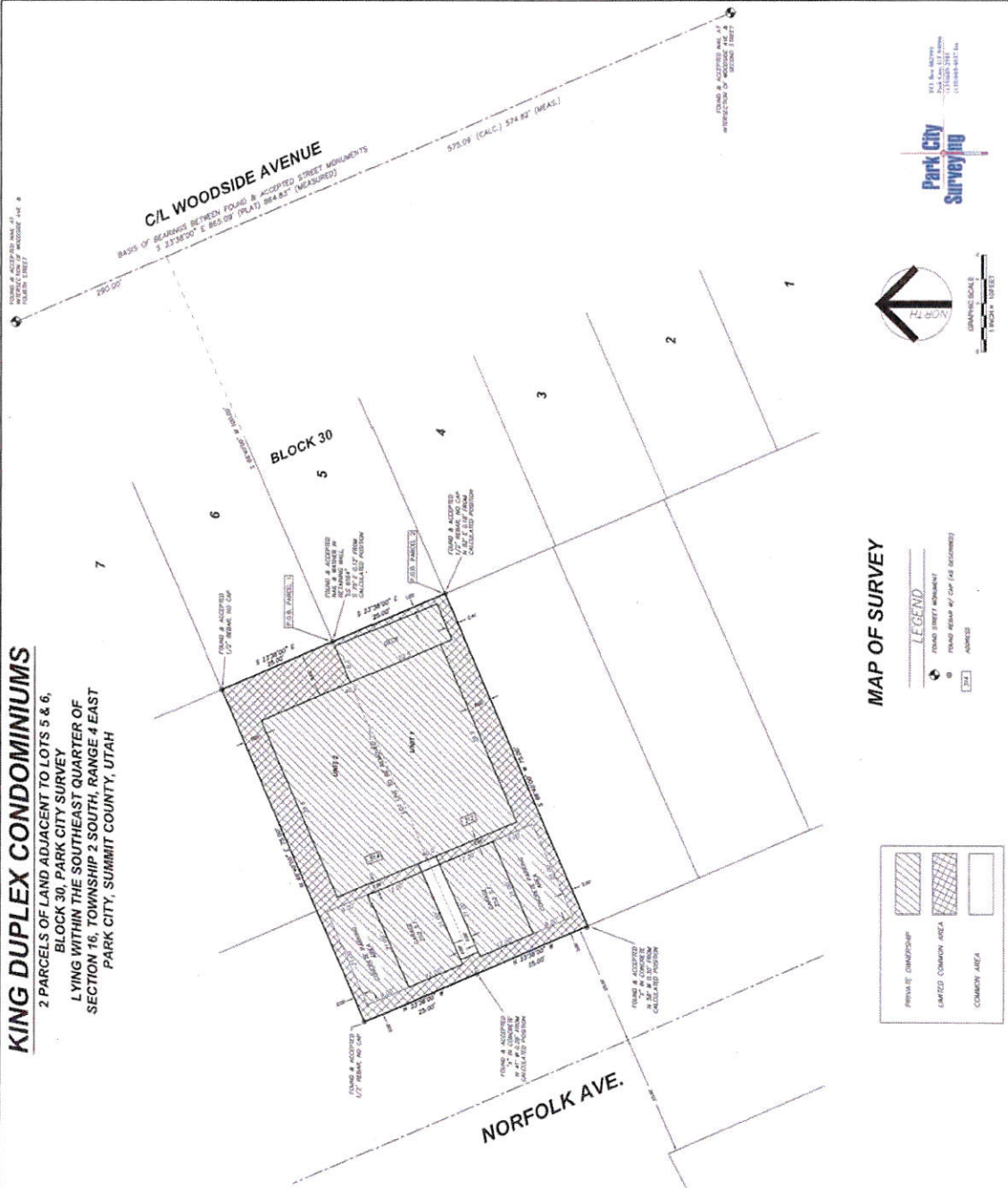
LEGAL DESCRIPTION

PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

SURVEYOR'S DECLARATION

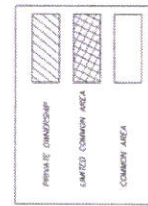
I, the undersigned, being duly sworn, do hereby certify that the above described parcels of land are the property of the City of Park City, Utah, and that the same are being offered for sale to the public for the purpose of correcting the same. I have hereto set my hand this _____ day of _____, 2015.

BY: _____
SURVEYOR



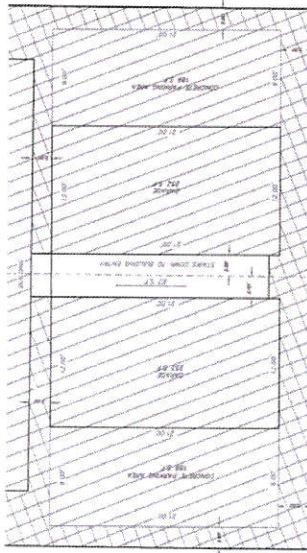
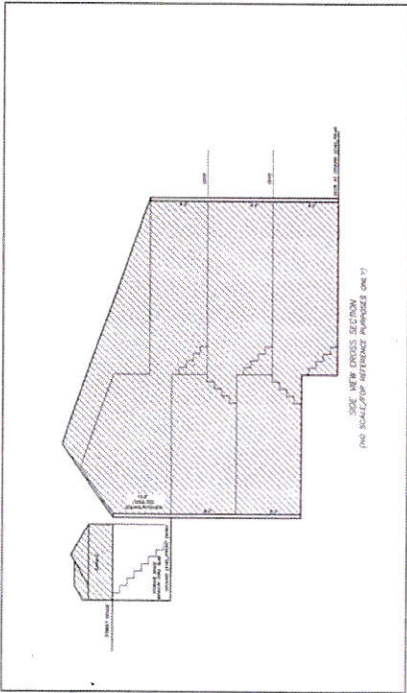
MAP OF SURVEY

LEGEND
 [Symbol] FOUND STREET IMPROVEMENT
 [Symbol] FOUND REPAIR #1 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #2 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #3 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #4 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #5 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #6 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #7 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #8 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #9 OF C/L AS RECEIVED
 [Symbol] FOUND REPAIR #10 OF C/L AS RECEIVED



<p>PAGE 1 OF 3</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ ENTRY NO.: _____ BY: _____ RECORDER: _____</p>
<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS DAY OF _____ 2015 A.D. BY: _____</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS DAY OF _____ 2015 A.D. BY: _____</p>
<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT ON THIS DAY OF _____ 2015 A.D. BY: _____</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REQUIREMENTS ON THIS DAY OF _____ 2015 A.D. BY: _____</p>
<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE ON THIS DAY OF _____ 2015 A.D. BY: _____</p>	<p>PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____ 2015 A.D. BY: _____</p>

KING DUPLEX CONDOMINIUMS

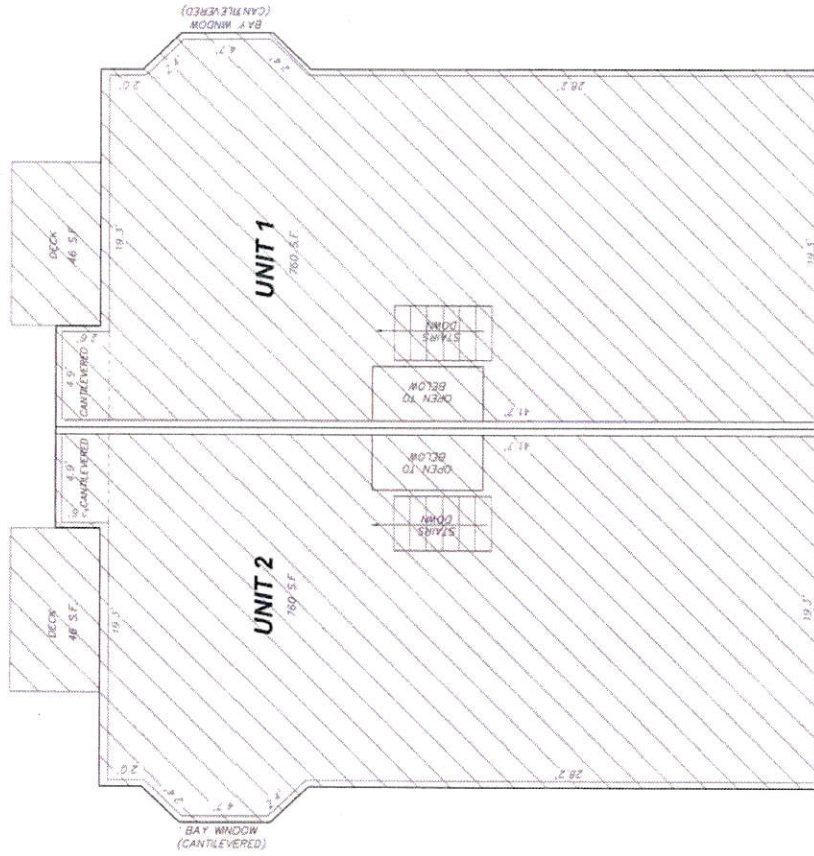
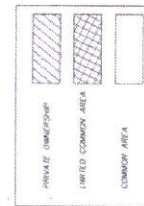


GRAPHIC SCALE
1" = 1'-0"

UNIT SQUARE FOOTAGE TABLE: UNIT 1	
LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	722
MIDDLE	026
UPPER	006
GARAGE/PARKING	222 (GARAGE) 189 (PND)
TOTAL	2786

UNIT SQUARE FOOTAGE TABLE: UNIT 2	
LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	471
MIDDLE	026
UPPER	006
GARAGE/PARKING	222 (GARAGE) 189 (PND)
TOTAL	2244

LIMITED COMMON AREA: 6,571
COMMON AREA (SHARED STAIRS TO ENTRY) 87 S.F.



SHEET 2 OF 4
RECORDED
 STATE OF ILLINOIS, COUNTY OF SUMMIT AND FILED AT THE
 REQUEST OF _____
 DATE: _____ TIME: _____
 BOOK: _____ PAGE: _____ ENTRY NO: _____
 FEE: _____ RECORDER: _____

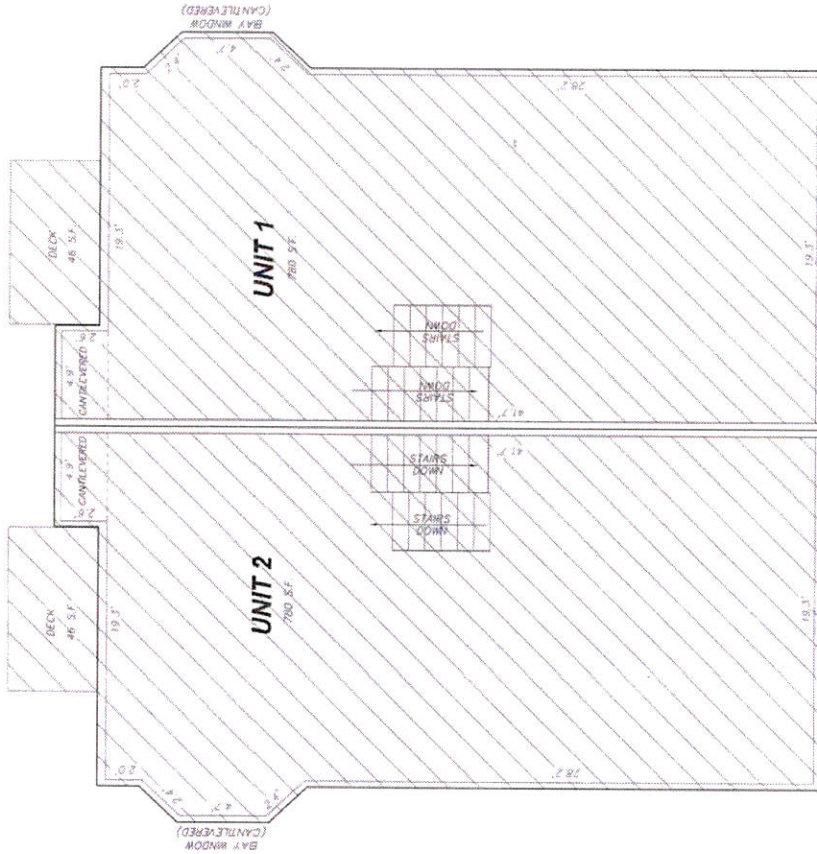
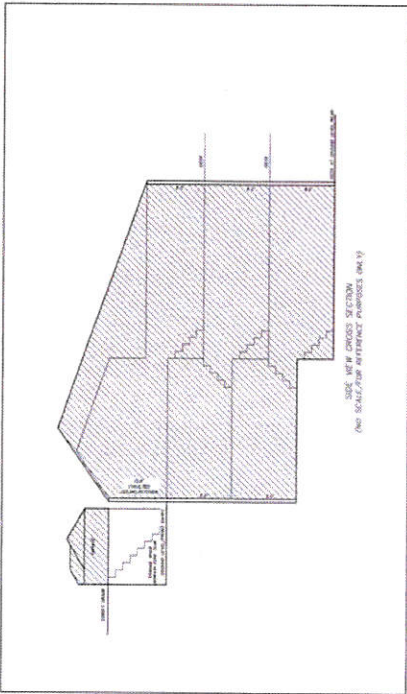
UPPER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREIN IS PRIVATE OWNERSHIP



Park City Surveying
 1111 East Main Street
 Park City, UT 84302
 435.263.2345

KING DUPLEX CONDOMINIUMS



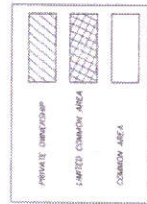
UNIT SQUARE FOOTAGE TABLE: UNIT 1

LEVEL	TOTAL PRIVATE OWNERSHIP SQ FT
COMMON	770
UNIT 1	200
UNIT 2	200
STAIRS/PARKING	200 (GARAGE) 100 (PAD)
TOTAL	2770

UNIT SQUARE FOOTAGE TABLE: UNIT 2

LEVEL	TOTAL PRIVATE OWNERSHIP SQ FT
COMMON	470
UNIT 1	200
UNIT 2	200
STAIRS/PARKING	200 (GARAGE) 100 (PAD)
TOTAL	2544

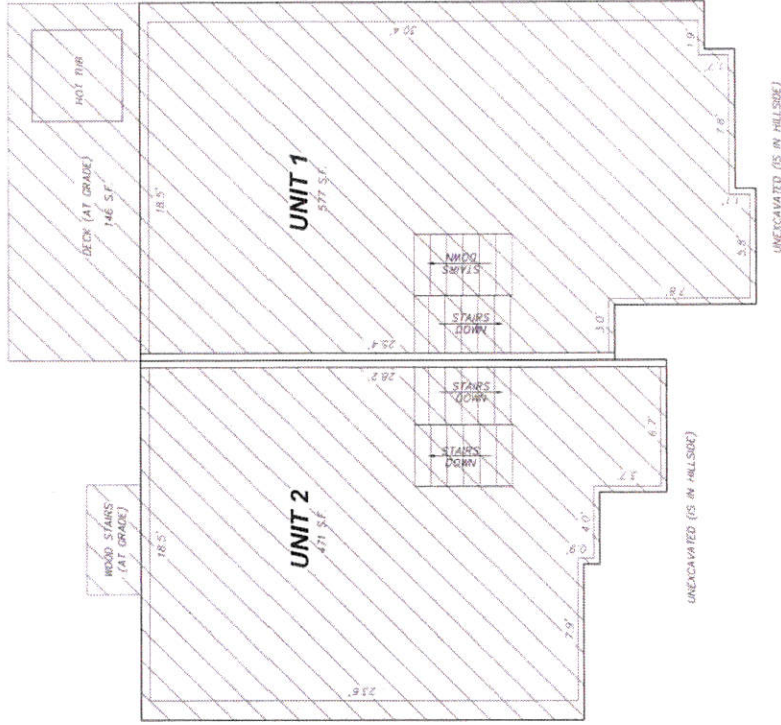
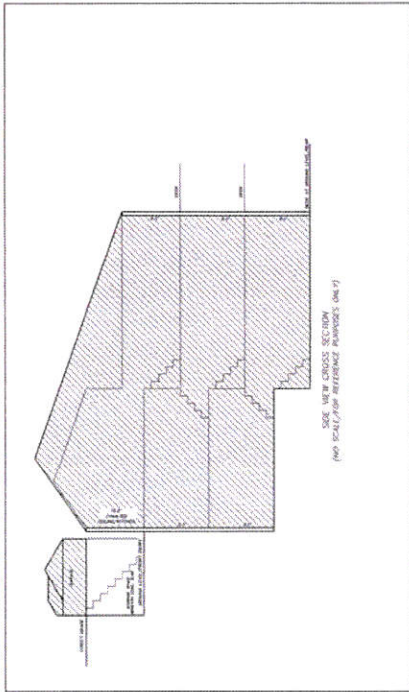
LIMITED COMMON AREA - (LOT) 1977 S.F.
COMMON AREA (SHARED STAIRS 10 ENTRY) 87 S.F.



MIDDLE LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREIN IS PRIVATE OWNERSHIP

KING DUPLEX CONDOMINIUMS



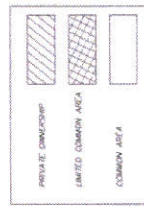
UNIT SQUARE FOOTAGE TABLE: UNIT 1

LEVEL	TOTAL PRIVATE OWNERSHIP/50% PT
LOWER	223
UPPER	254
Garage/Storage	254
TOTAL	278

UNIT SQUARE FOOTAGE TABLE: UNIT 2

LEVEL	TOTAL PRIVATE OWNERSHIP/50% PT
LOWER	471
UPPER	254
Garage/Storage	254
TOTAL	254

LIMITED COMMON AREA (1.03) 1971 S.F.
COMMON AREA (SHARED STAIRS 10 ENTRY) 87 S.F.



Park City Surveyors
1000 N. 1000 E.
Provo, UT 84604



GRAPHIC SCALE
1" = 10'-0" = 30.48m

LOWER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREIN IS PRIVATE OWNERSHIP

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE
RECORDS OFFICE
DATE: _____ TIME: _____
ROOM: _____ PAGE: _____ ENTRY NO.: _____
FEE: _____ RECORDER: _____