

**Ordinance No. 2021-32**

**AN ORDINANCE APPROVING AN EXTENSION OF CITY COUNCIL'S DECEMBER 5, 2019 APPROVAL OF ORDINANCE NO. 2019-60, AN ORDINANCE APPROVING THE 245 WOODSIDE PLAT AMENDMENT, LOCATED AT 245 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the Planning Commission held public hearings on August 14, 2019, September 11, 2019, and on October 23, 2019, the Planning Commission held a public hearing to receive input on the 245 Woodside Plat Amendment, Located at 245 Woodside Avenue, Park City, Utah;

WHEREAS, on October 23, 2019, the Planning Commission forwarded a positive recommendation to the City Council to approve the 245 Woodside Plat Amendment according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated herein;

WHEREAS, on September 12, 2019, and December 5, 2019, the City Council held a public hearing to receive input on the Plat Amendment;

WHEREAS, on December 5, 2019, the City Council approved Ordinance No. 2019-60, An Ordinance Approving the 245 Woodside Plat Amendment, Located at 245 Woodside Avenue, Park City, Utah;

WHEREAS, on June 14, 2021, the owner of 245 Woodside Avenue submitted an application with the Planning Department to request a one-year extension of the City Council's approval of Ordinance No. 2019-60;

WHEREAS, on June 30, 2021, staff legally noticed the City Council July 15, 2021 public hearing;

WHEREAS, on July 15, 2021, the City Council reviewed the proposed plat approval extension, held a public hearing, and approved a one-year extension for the 245 Woodside Avenue Plat Amendment through July 15, 2022; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 245 Woodside Plat Amendment through July 15, 2022.

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. City Council's December 5, 2019 approval of the 245 Woodside Plat Amendment, Attachment 1, is hereby extended through July 15, 2022, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

## **245 Woodside Avenue**

### **Findings of Fact:**

1. The site is located at 245 Woodside Avenue.
2. The site is within the Historic Residential-1 District.
3. The site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within Park City Survey.
4. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots.
5. The Applicant is proposing to remove the interior Lot line between Lot 11 and Lot 12, Block 31, within Park City Survey to create one (1) Lot. The interior Lot line currently bisects the Duplex Dwelling.
6. The minimum Lot size within the Historic Residential-1 District is 1,875 square feet and 3,750 square feet for a Duplex Dwelling.
7. The proposed Lot size is 2,812 square feet. This does not meet the requirements for a Duplex Dwelling.
8. The minimum Lot width within the Historic Residential-1 District is twenty five feet (25').
9. The proposed Lot width is thirty-seven and half feet (37.5').
10. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
  - a. Required Rear Setbacks of 10 feet; complied with a Rear Yard of 28.3 feet, measured.
  - b. Required Building Height of 35 feet; complied with a gable roof at 24 feet and 4 inches, as measured.
11. At the time of its construction, the site did not comply with the following:
  - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.
  - b. Required Lot Size of 3,000 square feet; did not comply as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
  - c. Required Side Yard Setbacks of 5 feet; did not comply with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
  - d. Required Front Setback of 20 feet; did not comply with a Front Setback of 9 feet.
12. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
13. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum

Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.

14. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per LMC 15-3-6.
15. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east) decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).
16. Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. There are two (2) sets of stairs on this Site that encroach onto the Woodside Avenue public Right-of-Way. The stairs along the southern property line have an existing Encroachment Agreement, recorded with Summit County as Entry No.00919262.
17. There is a deck on this Site that encroaches into the Woodside Avenue public Right-of-Way. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans.

**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 Plat Amendments.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.

2. The Applicant shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. Prior to Plat recordation, the Applicant shall either remove the existing deck, retaining walls, paved Parking Area, and stairs (both sets) encroachments from the City Right-of-Way, or enter into and Encroachment Agreement with the City that includes these encroachments conditioned as the City Council deems appropriate. The Applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin. The City Council's, in addition to the City Engineer's, review and approval of the Encroachment Agreement for this 245 Woodside Plat Amendment application will be required.
4. The Applicant may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Applicant may maintain and remodel the existing Duplex Dwelling. Should the more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. This is pursuant to [LMC 15-9-5](#).
5. Any future development will need to come into compliance with the Land Management Code and Historic District Design Guidelines in effect at the time of application.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue Right-of-Way.
8. All Conditions of Approval of the Ordinance No. 2019-60 shall continue to apply.


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

PASSED AND ADOPTED this 15<sup>th</sup> day of July, 2021.

PARK CITY MUNICIPAL CORPORATION


DocuSigned by:  
  
\_\_\_\_\_  
Andy Beerman, MAYOR

ATTEST:

DocuSigned by:  
  
\_\_\_\_\_  
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

DocuSigned by:  
  
\_\_\_\_\_  
Margaret Plane, City Attorney

Attachment 1 Proposed Plat

### 245 WOODSIDE PLAT AMENDMENT

LOCATED IN THE SE 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH,  
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT  
COUNTY, UTAH

<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>I, <u>CHRISTOPHER J. HERRMANN</u>, a duly licensed Professional Land Surveyor, in accordance with Title 9A, Chapter 22, of the Professional Engineers and Professional Land Surveyors Licensing Act, have surveyed and prepared this plat in accordance with the requirements of the Park City Municipal Corporation.</p> <p>I further certify that this plat amendment was prepared by me and under my direction in accordance with the requirements of the Park City Municipal Corporation.</p> <p style="text-align: right;">CHRISTOPHER J. HERRMANN PROFESSIONAL LAND SURVEYOR</p> <p style="text-align: right;">2017779 DATE</p> <p style="text-align: right;">SURVEYOR'S SEAL</p>	<p><b>BOUNDARY DESCRIPTION</b></p> <p>THE NORTH HALF OF LOT 1 AND ALL OF LOT 2, AND THE EAST HALF OF LOT 3 AND THE EAST HALF OF LOT 4, TOGETHER WITH THE CORNER OF THE PARK CITY SURVEY, ON THE NORTH LINE OF THE CORNER OF THE CORNER OF THE CORNER.</p>	<p><b>OWNER'S DEDICATION</b></p> <p>KNOW ALL MEN BY THESE PRESENTS THAT SUZANNE M. HERRMANN, A SINGLE PERSON, THE UNDERSIGNED, HAS HEREBY DEDICATED TO THE PUBLIC THE RIGHT OF WAY AND DOES HEREBY CONSENT TO THE RECORDED OF THIS PLAT AMENDMENT.</p> <p>IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.</p> <p>_____ SUZANNE M. HERRMANN</p>	<p><b>ACKNOWLEDGEMENT</b></p> <p>STATE OF _____</p> <p>COUNTY OF _____</p> <p>ON THIS _____ DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, SUZANNE M. HERRMANN, A SINGLE PERSON, WHO AFTERS BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.</p> <p>MY COMMISSION EXPIRES: _____</p> <p>SIGNATURE: _____ NOTARY PUBLIC RESIDING IN _____ COUNTY, _____</p>
<p><b>NOTES</b></p> <p>1. RESIDENTIAL FIRE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER THE CITY OF SUMMIT ORDINANCE 18-01-001.</p> <p>2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 18-01-001.</p> <p>3. SUBJECT PROPERTY IS LOCATED IN ZONE R PER FEMA FLOOD MAP NO. 490139</p>		<p><b>RECORDER</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ PAGE _____ TIME _____</p> <p>BOOK _____</p>	

<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THIS 31st DAY OF May 20____.</p> <p>_____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I HEREBY CERTIFY THAT THE RECORD OF SURVEY MAP WAS APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THIS 31st DAY OF May 20____.</p> <p>_____ CITY CLERK</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT ON THIS 31st DAY OF May 20____.</p> <p>_____ ENGINEER</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 9th DAY OF May 20____.</p> <p>_____ CHAIRMAN</p>
<p><b>APPROVAL AS TO FROM</b></p> <p>APPROVED AS TO FROM _____ ON THIS _____ DAY OF _____, 20____.</p> <p>_____ PARK CITY ATTORNEY</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT ON THIS 31st DAY OF May 20____.</p> <p>_____ ENGINEER</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 9th DAY OF May 20____.</p> <p>_____ CHAIRMAN</p>	<p><b>APPROVAL AS TO FROM</b></p> <p>APPROVED AS TO FROM _____ ON THIS _____ DAY OF _____, 20____.</p> <p>_____ PARK CITY ATTORNEY</p>

**SYMBOL LEGEND**

- STREET CENTER LINE
- - - - LOT AND BLOCK LINES
- LOT LINE TO BE REOPENED
- STREET FRONTAGE

**GRAPHIC SCALE**

0.5 INCHES = 10 FEET

1 INCH = 20 FEET

**ELEMENT LAND SURVEYING • 2296 SOUTH 270 EAST, HEBER CITY UT 84032 • 801-592-5975 & 801-657-8748**