

Ordinance No. 2022-46

**AN ORDINANCE APPROVING THE 161 PARK AVENUE PLAT AMENDMENT,
LOCATED AT 161 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 161 Park Avenue petitioned the City Council for approval of the 161 Park Avenue Plat Amendment; and

WHEREAS, on October 26, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on October 26, 2022, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on November 9, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on November 9, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on December 8, 2022; and

WHEREAS, on December 8, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 161 Park Avenue Plat Amendment, located at 161 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 161 Park Avenue.
2. The property is listed with Summit County as Parcel number PC-7 and consists of the northern 15 feet of Lot 15 and all of lot 16, Block 1, Park City Survey.
3. The Applicant owns the northern 15 feet of Lot 15 and all of Lot 16.
4. The property is in the Historic Residential (HR-1) Zoning District.
5. The Site contains a Historic Structure constructed circa 1887 and is on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 15 and Lot 16.
7. A rock wall, a retaining wall, and a fence on the north side of Lot 16 encroaches into the Second Street Right-of-Way.
8. No easement is vacated or amended as a result of the plat amendment.
9. The LMC regulates Lot and Site Requirements per LMC [§ 15-2.2-3](#).

10. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 2,935 square feet.
11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width the Lot is 40 feet.
12. The required front Setback is ten feet (10').
13. The required Side Setback is five feet (5').
14. Pursuant to LMC § 15-2.2-4, Historic Buildings and/or Structures that do not comply with Setbacks are valid Non-Complying Structures.
15. In the HR-1 Zoning District, the Maximum Building Footprint = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The Maximum Building Footprint for the combined Lots is 1,244 square feet.
16. Building Height in the HR-1 Zoning District is 27 feet.
17. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval 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 shall note that fire sprinklers are required for all new construction.
4. A non-exclusive ten foot (10') public snow storage easement on Park Avenue shall be dedicated on the Plat.
5. Any addition to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
6. The Plat shall note that the Historic Structure and any new construction shall not exceed a Maximum Building Footprint of 1,244 square feet.
7. Any addition to the Historic Structure shall comply with the Lot Setbacks and cannot increase the non-conformity.
8. Any addition to the Historic Structure shall not exceed the zone height of 27 feet.
9. To address the rock wall, retaining wall, and fence that encroach into the Second Street Right-of-Way, the Applicant shall enter into an encroachment agreement with

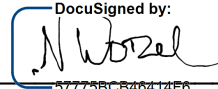
the Park City Engineer and record the agreement with Summit County prior to recordation of the Plat.

- 10. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

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

PASSED AND ADOPTED this 8th day of December, 2022.

PARK CITY MUNICIPAL CORPORATION

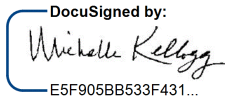
DocuSigned by:


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Nann Worel, MAYOR



ATTEST:

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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

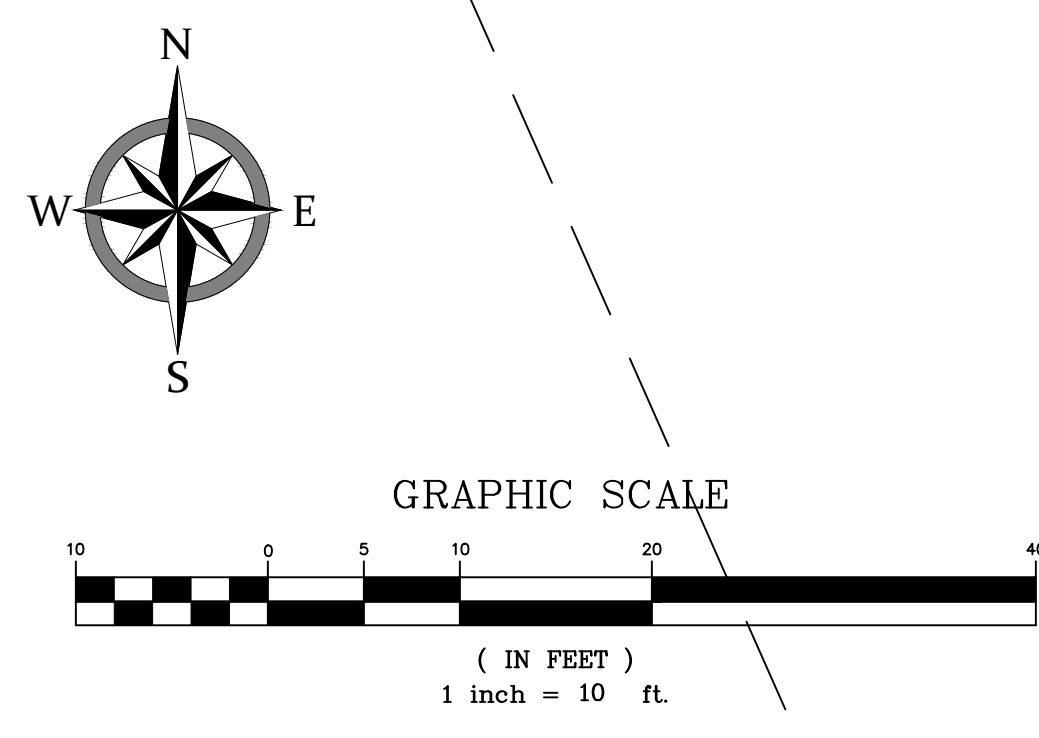
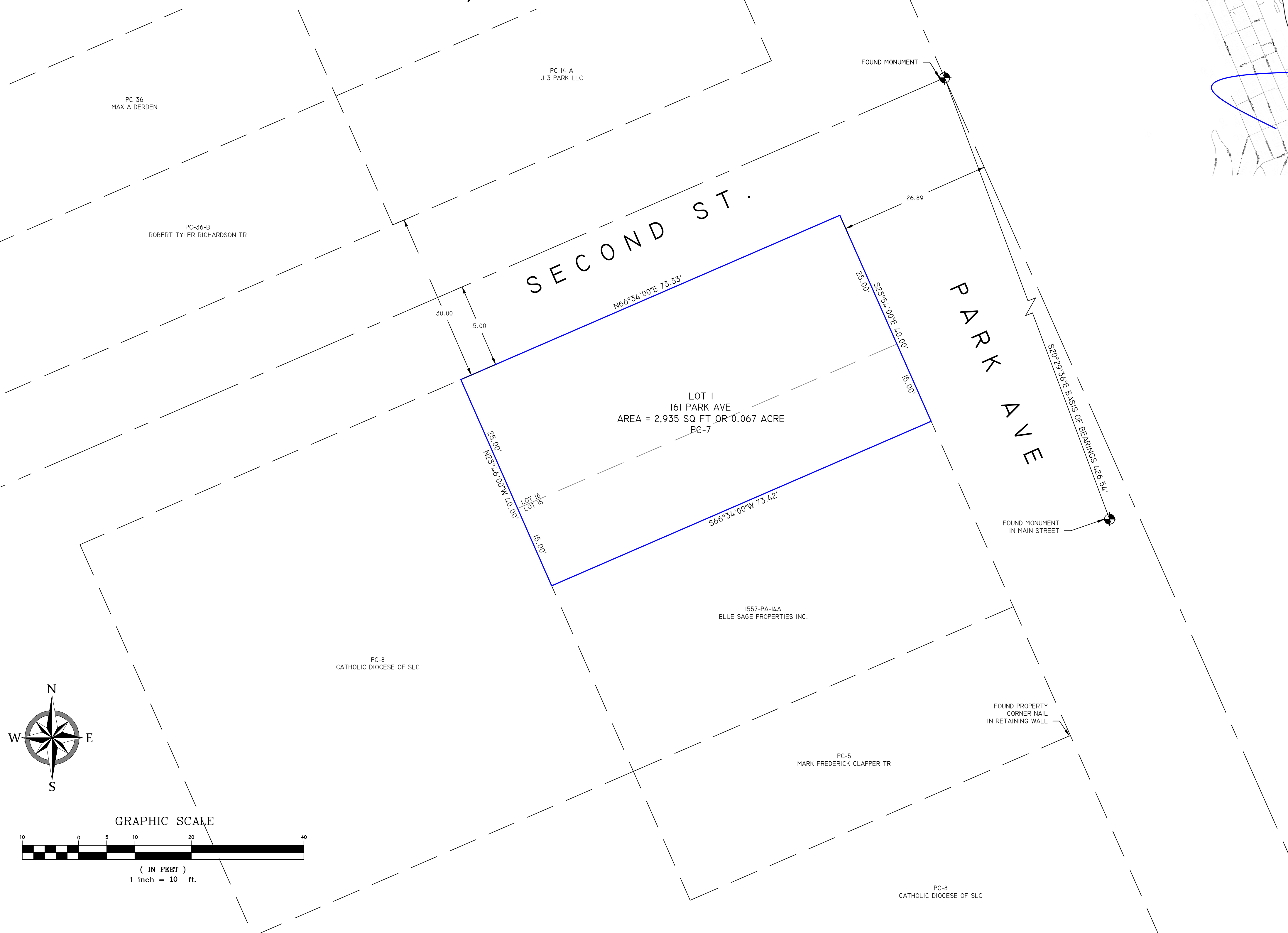
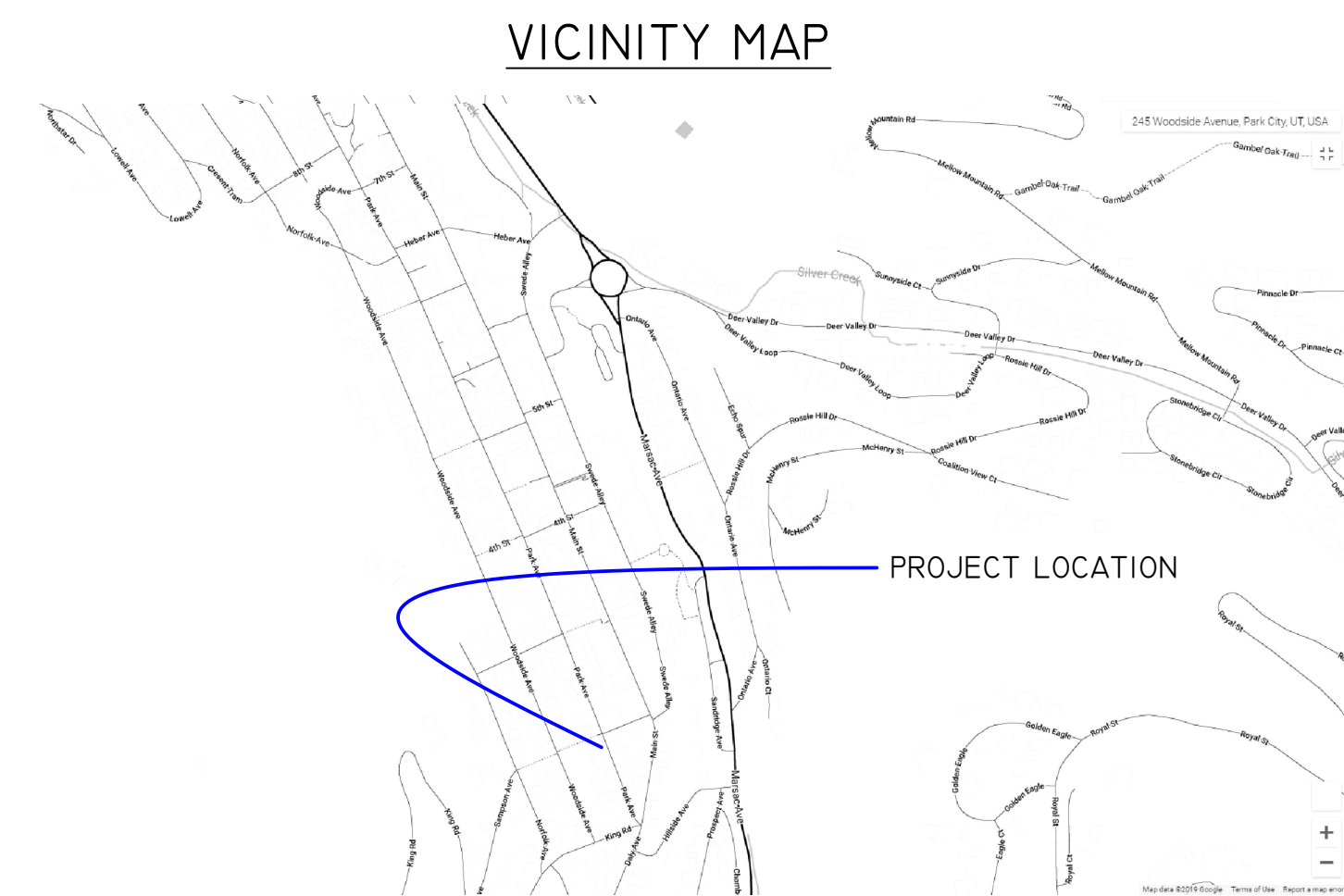
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City Attorney

Attachment 1 – Proposed Plat

161 PARK AVE 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



SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

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.

Chad A. Anderson 07/07/22
 CHAD A. ANDERSON DATE
 PROFESSIONAL LAND SURVEYOR

BOUNDARY DESCRIPTION

THE NORTHERLY 15 FEET OF LOT 15 AND ALL OF LOT 16, BLOCK 1, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

AREA = 0.067 ACRE

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONNA J. CROSS AND ANDREW M. CROSS, AS JOINT TENANTS, THE UNDERSIGNED OWNER OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT AMENDMENT, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

 DONNA J. CROSS ANDREW M. CROSS

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
 COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME DONNA J. CROSS AND ANDREW M. CROSS, AS JOINT TENANTS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____

 SEAL SIGNATURE - NOTARY PUBLIC
 RESIDING IN _____ COUNTY, _____

NOTES

- RESIDENTIAL FIRE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHIEF BUILDING OFFICIAL.
- THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2019-60 AND ORDINANCE NO. 2021-32.
- SUBJECT PROPERTY IS LOCATED IN ZONE X PER FEMA FLOOD MAP NO. 490139.
- PLAT IS SUBJECT TO ENCROACHMENT AGREEMENT _____

BY: _____
 SUMMIT COUNTY GIS COORDINATOR

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

	<p align="center">SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS.</p> <p>ON THIS _____ DAY OF _____, 20____.</p> <p>_____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p align="center">PLANNING COMMISSION</p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION</p> <p>ON THIS 9th DAY OF May 20____.</p> <p>_____ CHAIRMAN</p>	<p align="center">ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.</p> <p>ON THIS _____ DAY OF _____, 20____.</p> <p>_____ PARK CITY ENGINEER</p>	<p align="center">APPROVAL AS TO FROM</p> <p>APPROVED AS TO FORM.</p> <p>ON THIS _____ DAY OF _____, 20____.</p> <p>_____ PARK CITY ATTORNEY</p>	<p align="center">CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL.</p> <p>ON THIS 31st DAY OF May 20____.</p> <p>_____ PARK CITY RECORDER</p>	<p align="center">COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL.</p> <p>ON THIS _____ DAY OF _____, 20____.</p> <p>_____ MAYOR</p>	<p align="center">RECORDER</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ PAGE _____ TIME _____ BOOK _____</p> <p>FEE _____</p> <p>_____ SIGNATURE - SUMMIT COUNTY RECORDER</p>
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