

**Ordinance No. 13-26**

**AN ORDINANCE APPROVING THE 343 PARK AVENUE REPLAT  
COMBINING LOT 11 WITH THE SOUTHERLY HALF OF LOT 12, BLOCK 3,  
AMENDED PLAT OF THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH**

WHEREAS, the owner of property located at 343 Park Avenue petitioned the City Council for approval of the 343 Park Avenue re-plat; 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 April 10, 2013, to receive input on the 343 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on April 10, 2013, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on May 2, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 343 Park Avenue re-plat to combine Lot 11 with the southerly half of Lot 12 in order to create a lot of record for an existing historically significant structure, to resolve encroachment issues that resulted from construction of the house across a property line as well as minor encroachments due to existing retaining walls. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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 343 Park Avenue re-plat 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 343 Park Avenue and consists of one and one half "Old Town" lots, namely Lot 11 and the southerly half of Lot 12, Block 3, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing historic house straddling the common lot line. The house is listed as a "Significant" Historic Structure on the Park City Historic Sites Inventory.

There are also various rock retaining walls in the front, side, and rear yards that encroach upon the adjacent property or City ROW.

4. Constructed across the underlying Park City Survey lot lines, the existing historic house is a complying structure in terms of setbacks, footprint, and height.
5. The property has frontage on Park Avenue and the combined lot contains 2,812 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
6. Single family homes are an allowed use in the HR-1 zone.
7. On February 11, 2013, the owner submitted an application for a plat amendment to combine the lot and one half into one lot of record for the existing single family house.
8. The application was deemed complete on February 15, 2013.
9. The HR-1 zone requires a minimum lot area of 1,875 square feet.
10. The property has frontage on and access from Park Avenue.
11. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
12. The proposed plat amendment does not create any new non-complying or nonconforming situations.
13. There are existing encroachments onto the proposed lot that will need to be resolved prior to recordation of the plat, these encroachments include rock walls in the front, side, and rear property.
14. The maximum building footprint allowed for Lot One is 1,200.68 square feet per the HR-1 LMC requirements and based on the lot size. The existing house has a building footprint of 1128.9 square feet.
15. The plat amendment secures public snow storage easements across the frontage of the lot.
16. There is good cause to combine Lot 11 with the southerly half of Lot 12 in order to create a lot of record for an existing historically significant structure, to resolve encroachment issues that resulted from construction of the house across a property line as well as minor encroachments due to existing retaining walls. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

#### 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 subdivisions.
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 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lot.
4. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
5. Modified 13-D sprinklers may be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this 1<sup>st</sup> day of August, 2013.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

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City Attorney