

Ordinance No. 2019-40

**AN ORDINANCE APPROVING THE 526 PARK AVENUE PLAT AMENDMENT
LOCATED AT 526 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 526 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 10, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, on June 8, 2019, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 26, 2019, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on June 26, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 18, 2019, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 526 Park Avenue Plat Amendment located at 526 Park Avenue.

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

SECTION 1. APPROVAL. The 526 Park Avenue Plat Amendment, as shown in Attachment 1, 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 526 Park Avenue.
2. The property consists of Lot 41 and Lot 42 of Block 9 of the Park City Survey.
3. The property is in the Historic Residential (HR-2A) District.
4. There is an existing Significant Historic Structure at this address.
5. The existing home was constructed c. 1897.
6. The applicant proposes to combine the subject Lots into one Lot of record.
7. There are several encroachments on this property along both sides and to the rear of the Lot as follows:
 - a. To the west (front) side of the Lot, there are three stone retaining walls and associated landscaping encroaching into the Park Avenue property owned by the City.

- b. There is also an existing covered entry patio and uncovered stone patio, multiple stone retaining walls, and concrete steps, and multiple wood retaining walls with associated landscaping encroaching into the neighboring property to the north.
8. The existing home is a Single Family Dwelling which is an allowed use in the HR-2A District.
9. The minimum Lot Area for a Single Family Dwelling is 1,875 square feet. The proposed Lot has an area of 3,534 square feet. This Lot size is not large enough to permit a Duplex.
10. The minimum Lot width in the HR-2A zone is 25 feet. The proposed Lot meets the requirements of this zone at 50 feet in width.
11. The proposed Lot will also be between 68.42 feet and 71.41 feet deep.
12. The minimum Front Setback is 10 feet. The existing Historic Structure crosses over the front Lot line by 5.5 feet.
13. The minimum Rear Setback is 10 feet. The existing Historic Structure has a 44 foot Rear Setback.
14. The minimum Side Setback is 5 feet on each side. The existing Historic Structure has a 3.5 foot Side Setback on the north side and a 25 foot Side Setback on the south side.
15. Because this is a Historic Structure, the existing setbacks are considered to be valid and complying.
16. The maximum building footprint for a Lot this size is 1,448.75 square feet. The existing footprint meets this standard at approximately 615 square feet.

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 Lot combinations.
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 will 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 and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. New construction shall meet Site and Lot requirements of the HR-2A District per the Land Management Code in effect at the time of application submittal.

5. A Historic District Design Review application is required for any new construction proposed at the existing Site.
6. A 10 foot wide public snow storage easement will be required along Park Avenue.
7. The applicant can either remove the existing encroachments (excluding the Historic Structure) from the properties of 528 Park Avenue (Parcel PC-142) and the City Right-of-Way, or enter into an encroachment agreement(s) with the respective property owners prior to final recordation of this plat. Any encroachments over the south or east property line (if any) that were not disclosed by the applicant must be removed prior to the recordation of this plat. The applicant shall file all appropriate City application/permits to complete this Condition.
8. Regarding the Historic Significant Structure: An encroachment agreement, for the Right-of-Way, between Park City Municipal Corporation and the property owner of 526 Park Avenue for the Significant Structure will be required prior to plat recordation. The applicant shall file all appropriate City applications/permits to complete this Condition.

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

PASSED AND ADOPTED this 18th day of July, 2019.



PARK CITY MUNICIPAL CORPORATION


MAYOR

ATTEST:


City Recorder

APPROVED AS TO FORM:


City Attorney

