

Ordinance No. 2021-40

AN ORDINANCE APPROVING THE 316 ONTARIO SUBDIVISION, LOCATED AT 316 ONTARIO AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of property at 316 Ontario Avenue petitioned the City Council for approval of the 316 Ontario Subdivision;

WHEREAS, on September 29, 2021, a public hearing was duly noticed according to the requirements of the Land Management Code;

WHEREAS, on October 13, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on October 28, 2021, the City Council reviewed the 316 Ontario Subdivision and held a public hearing; and

WHEREAS, the 316 Ontario Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.1, and 15-7.

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

SECTION 1. APPROVAL. The 316 Ontario Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895.
2. 316 Ontario Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory.
3. To enable construction of the detached garage, the Applicant proposes creating one Lot for 316 Ontario Avenue to remove remnant Lot lines for the Landmark Historic Site.
4. The Applicant also submitted a Historic District Design Review and Steep Slope Conditional Use Permit, which were approved by the Planning Department on October 14, 2021.
5. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
6. A Single-Family Dwelling is an allowed use in the Historic Residential Low – Density (HRL) Zoning District.
7. The proposed plat amendment creates one Lot for the Landmark Historic Single-Family Dwelling at 316 Ontario Avenue.

8. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
9. However, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. The HRL Zoning District requires a minimum Lot Size of 3,750 square feet. The Applicant must request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot is 36.48 feet.
12. The Building Footprint for a 2,444-square-foot Lot is 1,065 square feet. The proposed project will contain 1,050 square feet.
13. The required Front Setback in the HRL Zoning District is 10 feet. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue.
14. The required Rear Setback in the HRL Zoning District is 10 feet.
15. The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
16. The required Side Setbacks in the HRL Zoning District are five feet. The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
17. New construction must comply with Setbacks.

Conclusions of Law

1. There is Good Cause for this plat amendment because the amendment allows for on-site parking along a narrow and steep Right-of-Way, resolves existing issues with a Landmark Historic Structure built over Lot lines, and is in character with the neighborhood.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), 15-7.1-6, and Chapters 15-2.1 and 15-7.
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 year, 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 property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
4. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. New construction must comply with Setbacks.
6. The Applicant shall enter into an Encroachment Agreement for a driveway and access over the City Right-of-Way to the detached garage.
7. The Applicant shall obtain Board of Adjustment approval for a Variance from the minimum HRL Zoning District Lot size prior to recordation of this plat.
8. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
9. The detached garage must comply with the Historic District Design Guidelines and completion of the Historic District Design Review Process and Steep Slope Conditional Use Permit approval is required prior to recordation of the plat.
10. 316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. The Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit.

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

PASSED AND ADOPTED this 28th day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

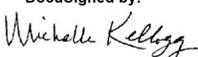
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Andy Beerman, MAYOR



ATTEST:

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Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
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City Attorney's Office

