

Ordinance No. 2023-11

AN ORDINANCE APPROVING THE 402 AND 410 ONTARIO AVENUE PLAT AMENDMENT, LOCATED AT 402 AND 410 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 402 and 410 Ontario Avenue petitioned the City Council for approval of the 402 and 410 Ontario Avenue Plat Amendment; and

WHEREAS, on January 11, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 11, 2023, courtesy notice was mailed to property owners within 300 feet of 402-410 Ontario Avenue and

WHEREAS, on January 25, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on January 25, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on March 9, 2023; and

WHEREAS, on March 9, 2023, 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 402 and 410 Ontario Avenue Plat Amendment, located at 402 and 410 Ontario 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

1. The properties are located at 402 and 410 Ontario Avenue.
2. The property is listed with Summit County as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is currently vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and is occupied with a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.
5. The property is in the Historic Residential (HR-1) Zoning District.
6. The owners would like to create two Lots of record, removing the internal Lot lines existing on the total of three (3) Lots.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.

8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace failing foundation and re-construct the rear of the structure.
9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,805 square foot Lot. The plat was never recorded for unknown reasons.
10. On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Condition of Approval:
 - a. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City made a determination that the 1970 structure is non-conforming/non-complying and allowed the property owner to maintain the structure and duplex use over the years.
12. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Encroachment Agreement #[Entry No. 01198229](#) with Summit County.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase.
14. The proposed Plat Amendment removes the internal Lot lines existing on the Lots currently to create two (2) Lots of record from three (3) Lots.
15. Both Lots will contain 2,815.5 square feet or 0.065 acres, respectively.
16. No easement is vacated or amended as a result of the plat amendment.
17. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District per [LMC § 15-2.2-3](#).
18. 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 proposed Lot size for Lot A is 2,812.5 square feet.
19. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.
20. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
21. The required front Setback for Lot depths of 75 feet is ten feet (10').
22. The required Side Setback is three feet (3').
23. 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 both Lots is 1,200 square feet.
24. Building Height in the HR-1 Zoning District is 27 feet. The existing non-complying structure is 28 feet.
25. The average slope on Lot A, 402 Ontario Avenue, is 36% and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.

26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. 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 Planning Department, 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 on Lot A (402 Ontario) to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A, 402 Ontario, must comply with the Land Management Code, requires Historic District Design Review, and requires a Steep Slope CUP. A geotechnical report and storm drain analysis shall also be submitted at building permit. It should be noted that a water line running up 4th Street that may require additional attention from the owner planning to build at 402 Ontario.
6. The Owner of 410 Ontario Avenue 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 Owner may maintain and remodel the existing Duplex Dwelling. Should 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 or Parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner 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. Redevelopment of this lot will require a Steep Slope CUP.

- 7. If 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.
- 8. The City Engineer shall 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. A geotechnical report and storm drain analysis will be required at Building Permit.
- 9. The Plat shall note that these Lots are subject to Ordinance 2023-11.

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

PASSED AND ADOPTED this 9th day of March 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Nann Worel
57775BCB46414E6

Nann Worel, MAYOR

ATTEST:



DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
B7478B7734C7490...

City Attorney

Attachment 1 – Proposed Plat

