

**Ordinance No. 2023-12**

**AN ORDINANCE APPROVING THE 1150 PARK AVENUE PLAT AMENDMENT,  
LOCATED AT 1150 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1150 Park Avenue petitioned the City Council for approval of the 1150 Park Avenue Plat Amendment; and

WHEREAS, on January 25, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 25, 2023, courtesy notice was mailed to property owners within 300 feet of 1150 Park Avenue; and

WHEREAS, on February 8, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on February 8, 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 15-2.4 and 15-7.

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

**SECTION 1. APPROVAL.** The 1150 Park Avenue Plat Amendment, located at 1150 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 1150 Park Avenue.
2. The property is listed with Summit County as Parcel Number SA-363 and consists of all of Lots 12 and 13, Block 65, Snyder's Additions to Park City Amended.
3. The Applicant owns all of Lot 12 and 13, plus an additional 1,000 square feet of land to the east.
4. The property is in the Historic Residential – Medium Density (HRM) Zoning District.
5. The Site contains a Historic Structure constructed circa 1895 and is on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 12 and Lot 13.
7. A portion of the existing Accessory Building at the rear of the property encroaches into City-owned property.
8. No easement is vacated or amended as a result of the plat amendment.

9. The LMC regulates Lot and Site Requirements for the HRM Zoning District per LMC § 15-2.4-3.
10. Single-Family Dwellings are an Allowed Use in the HRM Zoning District.
11. The minimum Lot size in the HRM Zoning District is 1,875 square feet. The combined Lot size complies and is 4,750 square feet.
12. The HRM Zoning District requires a minimum Lot width of 37.50 feet. The width of the Lot is 50 feet.
13. The required Front Setback is ten feet. The Landmark Historic Structure is set back 11 feet from the front property line. LMC Section 15-2.4-3(C)(3) outlines Front Setback Exceptions, which include porches no more than 10 feet in length that project into the Front Setback no more than three feet in width. The Landmark Historic Structure has a porch that is 26-feet long and 5-feet in width. However, LMC Section 15-2.4-4 establishes Historic Buildings as valid Non-Complying Structures and creates exceptions for Setbacks.
14. The required Rear Setback is 10 feet. The Rear Setback of the Landmark Historic Structure is 40 feet.
15. The required Side Setback is 5 feet. The north Side Setback is 6 feet; the south Side Setback is 11 feet.
16. An Accessory Building is an Allowed Use in the HRM Zoning District. The existing site conditions survey shows that an Accessory Building is on the property.
17. According to the Summit County Accessor's website, the Accessory Building was constructed in 1977. The 1976 LMC required a one-foot Side and Rear Setback for Accessory Buildings. The Accessory Building complies with the 1976 LMC Side Setback requirements because it meets a one-foot Setback, but the Structure does not comply with the Rear Setback requirements because it is built along the rear property line and encroaches 0.2 feet into City-owned property.
18. Building Height in the HRM Zoning District is 27 feet.
19. Staff finds good cause for removing two Lot lines common to Lots 12 and 13 and the block line common to the additional parcel to create one Lot because (A) present land Uses and the Character of the HRM Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.4 *Historic Residential – Medium Density (HRM) 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.

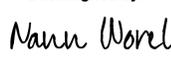
### **Conditions of Approval**

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. Any additions or modifications to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
5. Any development on the Lot including additions to existing Structures shall comply with the LMC in effect at the time an application is submitted.
6. The non-conforming Accessory Building shall not be increased.
7. To address the existing Accessory Building that encroaches into City-Owned property, the Applicant shall remove the encroachment or enter into an Encroachment Agreement with the City and record the agreement with Summit County prior to recordation of the Plat.
8. City Engineer reviews and approves all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. Nightly rentals are restricted to the primary Landmark Historic Structure and require an active Business License. Nightly rentals are prohibited in the Detached Accessory Apartment in the Accessory Building.
10. The property owner shall retain one code-compliant parking space per Accessory Apartment Bedroom on the site for as long as the Accessory Apartment is retained on the property.

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

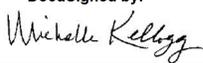
PASSED AND ADOPTED this 9<sup>th</sup> day of March, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
  
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Nann Worel, MAYOR

ATTEST:

DocuSigned by:  
  
 E5F905BB533F431...



City Recorder

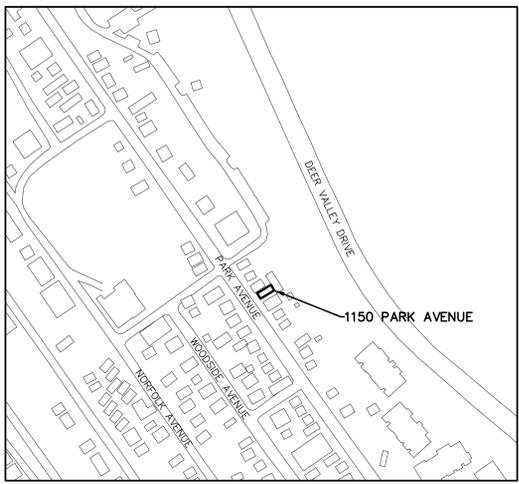
APPROVED AS TO FORM:

DocuSigned by:  
*Mark Harrington*  
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City Attorney

**Attachment 1** – Proposed Plat



VICINITY MAP



**SURVEYOR'S CERTIFICATE**

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 1150 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

All of Lots 12 and 13, Block 56, Snyders Addition to Park City Amended, according to the official plat thereof on file and of record in the Office of the Summit County Recorder.

Also

Beginning at the northernmost corner of Lot 13, Block 56, Snyders Addition to Park City and running thence North 54°01' East 20.00 feet to a point on the westerly line of an unimproved road; thence South 35°59' East along said westerly line 50.00 feet; thence South 54°01' West 20.00 feet to the easternmost corner of Lot 12 of said Block 56; thence North 35°59' West along the easterly line of said Block 56, 50.00 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS that the undersigned are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1150 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all areas shown on this plat as intended for public use. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2023. In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Mary Kallaher

By: \_\_\_\_\_  
Matteo Perale

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)

: ss.

COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Mary Kallaher personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed 1150 PARK AVENUE PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)

: ss.

COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Matteo Perale personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed 1150 PARK AVENUE PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public

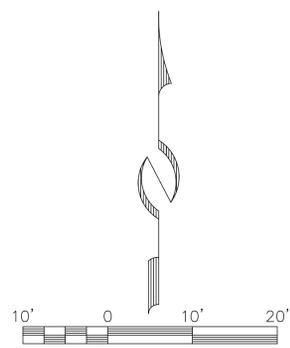
Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**NOTE**

This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.



(435) 649-9467  
**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

# 1150 PARK AVENUE PLAT AMENDMENT

LOCATED IN THE NORTH HALF OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2023</p> <p>BY _____ ENGINEERING DEPARTMENT</p>	<p><b>PLANNING COMMISSION</b></p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THE ____ DAY OF _____, 2023</p> <p>BY _____ CHAIR</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2023</p> <p>BY _____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THE ____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>PUBLIC SAFETY ANSWERING POINT APPROVAL</b></p> <p>APPROVED THIS ____ DAY OF _____, 2023</p> <p>BY _____ SUMMIT COUNTY GIS COORDINATOR</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>_____ FEE _____ RECORDER</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
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