

## Exhibit A – Draft Ordinance

### Ordinance No. 2020-22

#### **AN ORDINANCE APPROVING THE 1209 PARK AVENUE PLAT AMENDMENT, LOCATED AT 1209 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the property owner of the property located at 1209 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on April 8, 2020, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, on April 8, 2020, the site 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, the Planning Commission held a public hearing on April 22, 2020, to receive input on the proposed Plat Amendment; and

WHEREAS, the Planning Commission on April 22, 2020, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 14, 2020, 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 1209 Park Avenue Plat Amendment, located at 1209 Park Avenue.

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

**SECTION 1. APPROVAL.** The 1209 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 subject Property is located at 1209 Park Avenue. It is listed through Summit County as Parcel SA-61-A.
2. The Site is within the Historic Residential-Medium Density (HRM) District.
3. The Site is listed as Landmark on the Park City Historic Sites Inventory (HSI).
4. The Plat Amendment application is a request to combine Lot 3 and the northern half of Lot 2 of Block 6 of Snyder's Addition into one (1) Lot of Record.
5. The proposed Lot Size is compatible with existing Lots in the neighborhood and in the overall Historic District. Per the submitted survey, the Lots on either side of

- this Site are the same Area as this Lot – a Lot and a half (2,812.5 SF, as measured).
6. The Lot has an existing Historic Structure with a footprint of 954 square feet, as measured. Any new Development will need to come into compliance with the Land Management Code at the time of City permit submittal. See Condition of Approval 4.
  7. The Application complies with Lot and Site Requirements of [LMC § 15-2.4-4](#), as represented on the certified survey and as follows:
    - a. The proposed Lot consists of 2,812.5 square feet and meets the minimum Lot Size for a Single Family Dwelling (1,875 square feet), per LMC.
    - b. The proposed Lot measures thirty seven and a half feet (37.5') wide and seventy-five feet (75') deep and meets the minimum Lot Width of twenty-five feet (25').
    - c. The minimum required Front and Rear Setbacks for the proposed Lot is ten feet (10').
      - i. The Front Setback Area contains the existing Historic Structure and wood porch, a concrete walkway, and a driveway.
      - ii. The Rear Setback Area contains a foundation wall and concrete patio Area.
    - d. The minimum required Side Setback for the proposed Lot is five feet (5').
      - i. The northwest Side Setback Area has an existing wood slat and chain link fence running along the Lot Line.
      - ii. The southeast Side Setback Area includes a concrete block and the Historic Structure.
    - e. The existing Historic Structure is exempt from Setback requirements, per [LMC § 15-2.4-6](#).
  8. The maximum Building Height of any new Structure would be twenty-seven feet (27') from Existing Grade. The existing Historic Structure is 21.3 feet in height, as measured.
  9. The Historic Site is exempt from parking requirements, per [LMC § 15-2.4-6](#). Any new Structure will need to comply with parking requirements of [LMC § 15-3](#), if said Structure is not a listed exemption of [LMC § 15-2.4-6](#). See Condition of Approval 4.
  10. Per LMC [LMC § 15-2.4-6](#), Historic Structures that do not comply with driveway location standards are valid Non-complying Structures. If in the future the driveway's footprint or location is proposed to change, it will need to come into compliance with the LMC at time of permit submittal. See Condition of Approval 5.
  11. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

### **Conclusions of Law:**

1. The proposed Plat Amendment has been reviewed for compliance with Land Management Code Chapter [15-2.4](#) and Sections [15-7.1-3\(B\)](#) and [15-12-15\(B\)\(9\)](#).
2. There is good cause for this Plat Amendment in that it will remove an interior Lot Line on a Landmark Site and include a public snow storage easement dedication. The proposed Lot will comply with Zoning requirements for Lot Size, Width, and Depth.

3. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Plat Amendments.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. 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 (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 date and an extension is granted by the City Council.
3. The Plat shall note that fire sprinklers are required for all new or renovation construction on this Lot, to be approved by the Chief Building Official.
4. Any future Development on the Site shall abide by the Land Management Code and the Design Guidelines for Historic Districts and Historic Sites. Any new Structure will need to comply with parking requirements of [LMC § 15-3](#), if said Structure is not a listed exemption of [LMC § 15-2.4-6](#).
5. If in the future any changes to the existing driveway's footprint and/or location are proposed, it shall comply with the Land Management Code at the time of City permit submittal.
6. A ten foot (10') public snow storage easement on both street fronts shall be noted on the Plat.
7. This Site is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore it is not regulated by the City for mine related impacts. However, if the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
8. 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.

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

PASSED AND ADOPTED this 14<sup>th</sup> day of May, 2020.

PARK CITY MUNICIPAL CORPORATION

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Andy Beerman, MAYOR

ATTEST:

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Michelle Kellogg, City Recorder

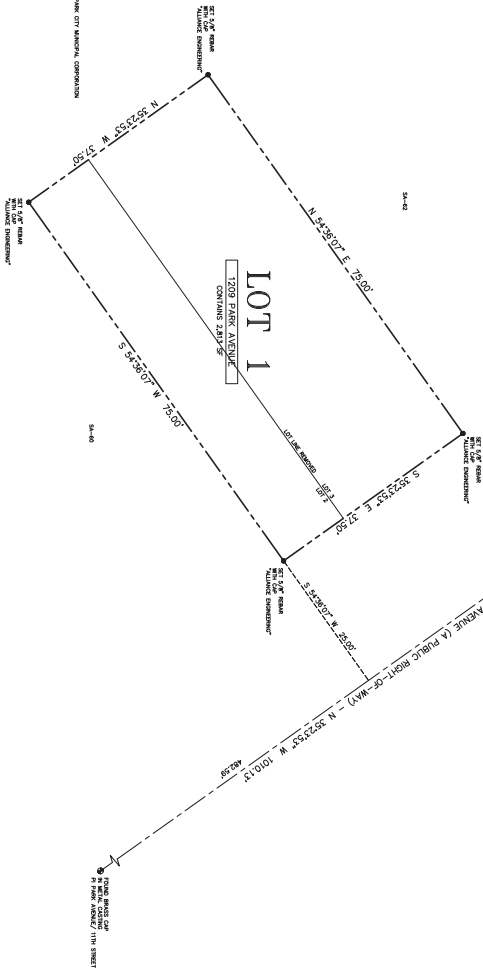
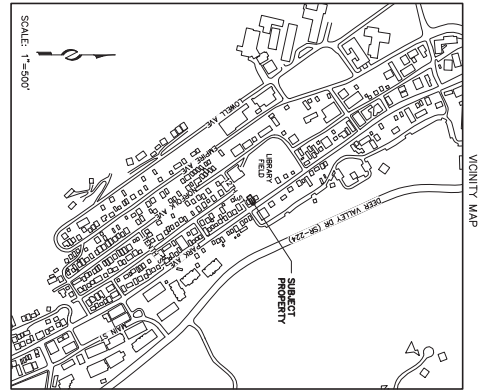
APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Exhibit**

Attachment 1 – 1209 Park Avenue Plat Amendment (Proposed)



# 1209 PARK AVENUE PLAT AMENDMENT

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



**SURVEYOR'S CERTIFICATE**

I, Puggy Hongen, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 248891, 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 tract of land shown on this plat and described hereby, verify that site has been surveyed and does hereby consent to the proposed plat amendment. Also, I do hereby certify that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

All of Lot 1, and the northerly 1/2 of Lot 2, Block 6, Survey's Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

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

KNOW ALL BY THESE PRESENTS that Puggy Hongen, as Trustee of the Puggy Hongen Trust dated October 5, 2016, the undersigned owner of the herein described tract of land, does hereby verify that site has been surveyed and does hereby consent to the proposed plat amendment. Also, I do hereby certify that the same has been correctly surveyed and monumented on the ground as shown on this plat.

In witness whereof, the undersigned set her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: Puggy Hongen, Trustee

STATE OF UTAH )  
                          ) ss:  
COUNTY OF SUMMIT )

**ACKNOWLEDGMENT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, Puggy Hongen personally appeared before me, whose identity is presently known to me or proven on the basis of my knowledge, and acknowledged to me that she executed the foregoing instrument as Trustee of the Puggy Hongen Trust dated October 5, 2016, and that said document was signed by her on 1209 Park Avenue Plat Amendment.

Notary Public \_\_\_\_\_  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

**NOTES**

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2020-\_\_\_\_\_.
2. The property is located in Zone X, 0.2% annual average flood hazard, areas of 1% annual average flood with average depth less than one foot or with discharge areas of less than one acre. Flood hazard information was obtained from the National Flood Hazard Mitigation Agency Panel 919, Map Number 480420919C, updated by LOMR 16-08-1092P, and has an effective date of August 31, 2017.



**PUBLIC SAFETY**  
ANSWERING POINT APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
SUMMIT COUNTY GIS COORDINATOR

**SNODGRASS BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNODGRASS BASIN WATER  
RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
S.A.W.R.D.

**PLANNING COMMISSION**  
APPROVED BY THE PARK CITY  
PLANNING COMMISSION THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
CHAIR

**ENGINEER'S CERTIFICATE**  
I CERTIFY THIS PLAT TO BE IN  
ACCORDANCE WITH THE PLAT  
FILED IN MY OFFICE THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
PARK CITY ATTORNEY

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVAL AND ACCEPTANCE BY THE PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
MAYOR

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS RECORD OF SURVEY  
AND COUNCIL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 2020  
BY: \_\_\_\_\_  
PARK CITY RECORDER

**STATE OF UTAH, COUNTY OF SUMMIT, AND FILED**  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_  
FEE \_\_\_\_\_  
RECORDED \_\_\_\_\_  
ENTRY NO. \_\_\_\_\_

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