

**Ordinance No. 2021-23**

**AN ORDINANCE APPROVING THE JUPITER MOONS PLAT AMENDMENT,  
LOCATED AT 1125 AND 1129 PARK AVENUE AND 1126 AND 1128 WOODSIDE  
AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property located at 1125 and 1129 Park Avenue petitioned the City Council for approval of the Jupiter Moons Plat Amendment; and

WHEREAS, on April 12, 2021, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 12, 2021, staff mailed courtesy notice to property owners within 300 feet of the property; and

WHEREAS, on April 14, 2021, the *Park Record* published notice and City staff published notice on the City and Utah Public Notice websites; and

WHEREAS, on April 28, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a positive recommendation to the City Council; and

WHEREAS, on May 13, 2021, the City Council reviewed the Jupiter Moons Plat Amendment and held a public hearing; and

WHEREAS, the Jupiter Moons Plat Amendment is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, 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 Jupiter Moons Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. 1125 and 1129 Park Avenue are described by metes and bounds and include Lots extending from Park Avenue to Woodside Avenue.
2. The Applicant proposes the creation of three Lots: subdividing 1125 Park Avenue, a 5,462-square-foot metes and bounds parcel in the Historic Residential – 1 Zoning District, into a 2,875-square-foot Lot and a 2,587-square-foot Lot and amending the Lot Line between 1125 and 1129 Park Avenue.
3. 1125 Park Avenue is a one-story cross-wing Single-Family Dwelling constructed in 1901 and is designated a Landmark Historic Structure on the Historic Sites Inventory.
4. 1129 Park Avenue is a one-story hall-parlor Single-Family Dwelling constructed

sometime between 1895 and 1901 and is designated a Significant Historic Structure on the Historic Sites Inventory.

5. 1129 Park Avenue was constructed across Lot lines and encroaches into the 1125 Park Avenue Lot.
6. In the 1920s, a rear addition to 1125 Park Avenue was constructed adjacent to the encroaching home at 1129 Park Avenue. The properties share a common wall.
7. In addition to creating three Lots, this Plat Amendment adjusts the property line between 1125 and 1129 Park Avenue to resolve the 1129 Park Avenue encroachment and to accommodate the Building Footprint of the adjoining Historic Structures.
8. The proposal complies with the Historic Residential – 1 Zoning District requirements.
9. The purpose of the Historic Residential – 1 (HR – 1) Zoning District is in part to encourage the preservation of Historic Structures, encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods, and encourage Single-Family Development on combinations of 25' x 75' Historic Lots.
10. Single-Family Dwellings are an Allowed Use and Duplex Dwellings are a Conditional Use in the HR – 1 Zoning District.
11. Minimum Lot Area is 3,750 square feet for Duplex Lots and 1,875 square feet for Single-Family Lots.
12. Lot A contains 4,669.50 square feet and may accommodate a Duplex, subject to Conditional Use Permit approval; Lot B contains 2,875.80 square feet; and Lot C contains 2,587.50 square feet.
13. Minimum Lot width is 25 feet.
14. Lot A is currently 23 feet wide measured 15 feet from the front Lot line. Proposed Lot A is 24 feet wide measured 15 feet from the front Lot line and does not meet the HR-1 Zoning District 25-foot Lot width requirement. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director pursuant to LMC § 15-2.2-3(B).
15. On April 19, 2021, pursuant to LMC § 15-2.2-3(B), the Planning Director determined that the 24-foot width for Lot A is appropriate because it allows for the creation of two separate Lots for the rehabilitation of the Historic Structures and preserves the unique Building Footprints of the Historic Structures.
16. Lot B is 36.70 feet wide; Lot C is 37.50 feet wide.
17. The Building Pad, Building Footprint, and Height define the maximum Building envelope within which Development must occur.
18. Historic Structures that do not comply with Building Footprints, Height, and Setbacks are valid Non-Complying Structures.
19. The maximum Building Footprint is calculated based on the following formula:  
$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$
20. The maximum Building Footprint for Lot A is 1,804 square feet; Lot B is 1,223 square feet; and Lot C is 1,119 square feet.

21. Front and Rear Setbacks for Lots with a depth up to 75 feet are 10 feet; Front and Rear Setbacks for Lots with a depth of 27 – 100 feet are 12 to 13 feet, for a total of 25 feet; Front and Rear Setbacks for Lots over 100 feet are 15 feet.
22. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. Additions must comply with Setbacks.
23. Lot A (Lot depth is 150 feet) – Front and Rear Setbacks for new construction are 15 feet.
24. Lot B (Lot depth is 81 feet) – Front and Rear Setbacks for new construction will be 12 and 13 feet, for a total of 25 feet.
25. Lot C (Lot depth is 69 feet) – Front and Rear Setbacks are 10 feet.
26. Side Setbacks for Lots up to 37.50 feet wide are three feet.
27. New construction shall comply with three-foot Side Setbacks on Lots A, B, and C.
28. Building Height shall not exceed 27 feet from Existing Grade.
29. On November 4, 2020, the Historic Preservation Board conducted a work session to discuss 1125 Park Avenue, including the 1920s addition that abuts 1129 Park Avenue. The Historic Preservation Board may determine that the 1920s addition contributes to the Historic Integrity of the Historic Structure, or the Historic Preservation Board may approve removal of the 1920s addition.
30. LMC § 15-2.2-3(l)(2) allows for no Side Setback between connected Structures “where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning Districts.” Condition of Approval 10 requires the Applicant to record a party wall agreement prior to plat recordation with Summit County if the Historic Preservation Board requires preservation of the 1125 Park Avenue 1920s addition.
31. Plat amendments shall be reviewed according to Section 15-7.1-6 *Final Subdivision Plat* and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.
32. No Public Street, Right-of-Way, or easement is vacated or amended.

### **Conclusions of Law**

1. There is Good Cause for this Plat amendment because it resolves existing encroachments and allows for the rehabilitation of two Historic Structures while preserving the unique Historic Building Footprints.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.2 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 Applicant shall dedicate a non-exclusive ten foot public snow storage easement on Park Avenue and Woodside Avenue.
  4. 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 does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
  5. 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.
  6. The Building envelope for all new construction must comply with Building Pad, Building Footprint, and Height.
  7. The maximum Building Footprint for Lot A is 1,804 square feet; Lot B is 1,223 square feet; Lot C is 1,119 square feet.
  8. New construction must comply with Height regulations.
  9. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
  10. The Applicant shall record a party wall agreement prior to plat recordation with Summit County if the Historic Preservation Board requires preservation of the 1125 Park Avenue 1920s addition.
  11. To comply with the Building Code, the Building Department requires the following four standards to retain the common wall between the properties:
    - a. Both Historic Structures must be fire sprinklered.
    - b. The walls less than three feet to the Lot line must be built as a one-hour rated assembly.
    - c. The projections within two feet of the Lot line need to be one-hour rated on the underside.
    - d. No windows or doors are allowed in the walls that are within two feet of the Lot line.
  12. The Applicant shall submit verification to the Planning Department that no easement is vacated or amended by this Plat amendment prior to recordation of the plat with Summit County.

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

PASSED AND ADOPTED this 13th day of May, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
*Andy B*  
0340104CDC42481...

Andy Beerman, MAYOR

ATTEST:



DocuSigned by:  
*Michelle Kellogg*  
E5E905BB533E431

City Recorder

APPROVED AS TO FORM:

DocuSigned by:  
*Mark Harrington*  
B7478B7734C7490...

Mark Harrington, City Attorney

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that Wendy Jean Smith and Gordon Miller Saul, wife and husband as joint tenants, the owners of Parcel 1, hereby certify that they have caused this land to be subdivided into three lots, together with easements as set forth to be hereafter known as JUPITER MOONS PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the 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 \_\_\_\_\_, 2021. In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2021.

By: Wendy Jean Smith By: Gordon Miller Saul

ACKNOWLEDGMENT

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

: ss.

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

On this \_\_\_\_ day of \_\_\_\_\_, 2021, Wendy Jean Smith 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 she executed the JUPITER MOONS PLAT AMENDMENT.

A Notary Public commissioned in \_\_\_\_\_

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

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

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

Commission No: \_\_\_\_\_

ACKNOWLEDGMENT

State of \_\_\_\_\_ )

: ss.

County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, Gordon Miller Saul 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 she executed the JUPITER MOONS PLAT AMENDMENT.

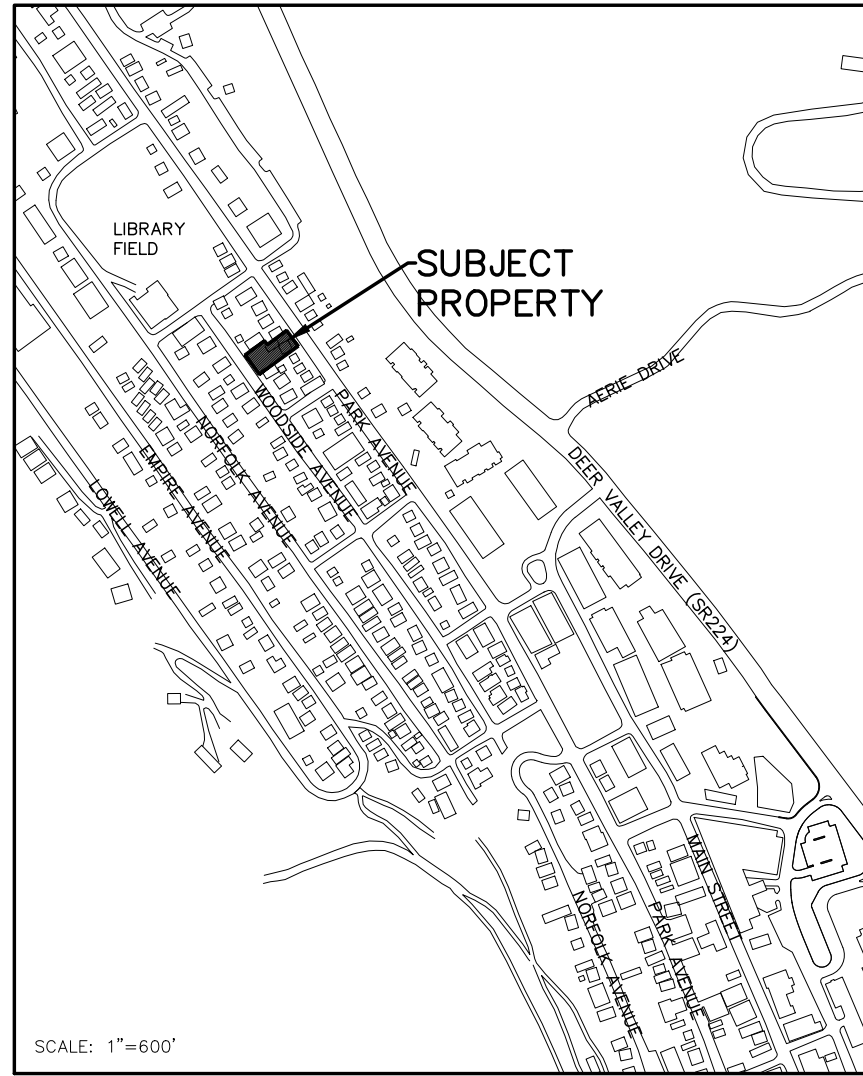
A Notary Public commissioned in \_\_\_\_\_

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

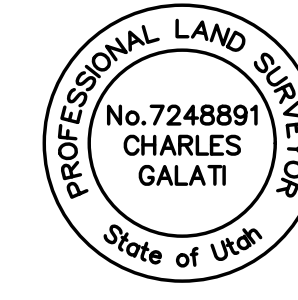
Residing in: \_\_\_\_\_

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

Commission No: \_\_\_\_\_



VICINITY MAP



SURVEYORS CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7248891 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 three (3) lots, hereafter to be known as JUPITER MOONS PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTIONS

Parcel 1

Beginning at a point on a retaining wall, said point being 0.80 feet South 35°59'00" East along the block line from the Northerly most corner of Lot 7, Block 5, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof, on file and of record in the Office of the Summit County Recorder, said point also being 190.00 feet North 35°59'00" West along the monument line from a street monument at the intersection of 11th Street and Park Avenue and 25.00 feet South 54°01'00" West to said Northerly most corner of Lot 7, and 0.80 feet South 35°59'00" East to the point of beginning; and running thence South 52°40'59" West along said retaining wall 44.83 feet; thence South 36°20'15" West 4.40 feet to a corner of the existing house; thence South 52°32'49" West along said house line 16.23 feet; thence South 62°48'15" West 4.87 feet; thence South 56°35'57" West 4.96 feet; thence South 35°59'00" East 9.87 feet; thence South 54°01'00" West 75.00 feet; thence North 35°59'00" West 50.00 feet; thence North 54°01'00" East 75.00 feet; thence South 35°59'00" East 14.50 feet; thence North 54°01'00" East 75.00 feet to a point on the Southerly right-of-way line of Park Avenue; thence South 35°59'00" East 23.80 feet to the point of beginning.

Parcel 2

Beginning at a point on a retaining wall, said point being 0.80 feet South 35°59'00" East along the block line from the Northerly-most corner of Lot 7, Block 5, Snyder's Addition to Park City, according to the official plat thereof, on file and of record in the office of the Recorder, Summit County, said point also being 190.00 feet North 35°59'00" West along the monument line from a street monument at the intersection of 11th Street and Park Avenue and 25.00 feet South 54°01'00" West to said Northerly-most corner of Lot 7, and 0.80 feet South 35°59'00" East to the point of beginning; and running thence South 35°59'00" East 36.70 feet along said block line; thence South 54°01'00" West 150.00 feet to a point on the Southwesterly line of said block; thence North 35°59'00" West 25.00 feet; thence North 54°01'00" East 75.00 feet; thence North 35°59'00" West 9.87 feet; thence North 56°35'57" East 4.96 feet; thence North 62°48'15" East 4.87 feet to a house corner; thence North 52°32'49" East 16.23 feet along the building line to the front of the existing house to the West; thence North 36°20'15" East 4.40 feet to a point on said retaining wall; thence North 52°40'59" East 44.83 feet along said retaining wall to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of Parcel 2, and hereby causes this land to be subdivided into three lots, together with easements as set forth to be hereafter known as JUPITER MOONS PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys 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 \_\_\_\_\_, 2021.

Jupiter Moons, LLC, a Utah limited liability company

By: Wendy Smith, Manager

ACKNOWLEDGMENT

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

: ss.

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

On this \_\_\_\_ day of \_\_\_\_\_, 2021, Wendy Smith 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, did say that she is the Manager of Jupiter Moons, LLC, a Utah limited liability company, and that said document was signed by her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and she acknowledged to me that she executed the JUPITER MOONS PLAT AMENDMENT.

By: Notary Public

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

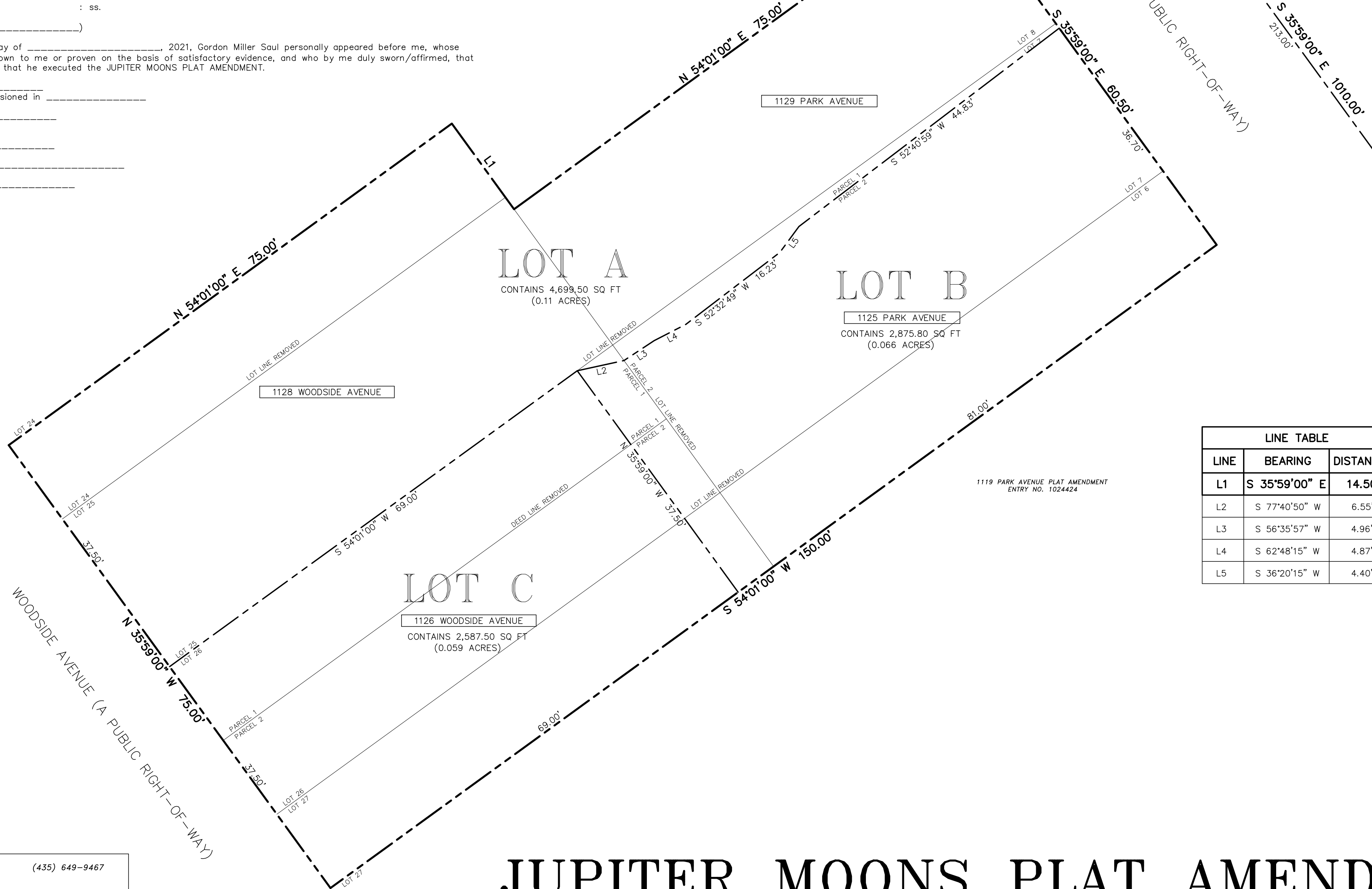
Residing in: \_\_\_\_\_

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

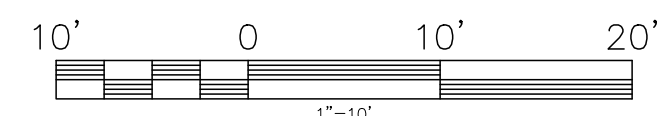
Commission No. \_\_\_\_\_

NOTES

- 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2021-\_\_\_\_\_.
2. The property is located in Zone X, 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile, as shown on the Flood Insurance Rate Map on the Federal Emergency Management Agency, Panel 919, Map Number 49043C0919C, updated by LOMR 16-08-1092P, and has an effective date of August 31, 2017.



LINE TABLE with columns: LINE, BEARING, DISTANCE. Rows: L1 (S 35°59'00" E 14.50'), L2 (S 77°40'50" W 6.55'), L3 (S 56°35'57" W 4.96'), L4 (S 62°48'15" W 4.87'), L5 (S 36°20'15" W 4.40').



JUPITER MOONS 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

Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ ENGINEERING DEPARTMENT

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ CHAIR

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ PARK CITY ENGINEER

APPROVAL AS TO FORM APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ MAYOR

CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ PARK CITY RECORDER

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ SUMMIT COUNTY GIS COORDINATOR

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