

Ordinance 2017-29

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2 ZONING DISTRICTS, CHAPTER 8 ANNEXATIONS AND CHAPTER 15 DEFINED TERMS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the State Code, the Park City General Plan, and City Council goals; and

WHEREAS, Chapter 2.11 provides a description of requirements related to uses and development of land in the Single Family (SF) District that the City desires to revise for clarity of use. These revisions are specifically related to the Front, Rear, and Side Yard Setback requirements for the Thayne's Canyon Subdivisions I and II, Prospector Village Subdivision, and Prospector Park Subdivisions 1, 2, and 3; and

WHEREAS, Chapter 8.7 provides a description of requirements, provisions, and procedures for annexation of land into the Park City Municipal Boundary that the City desires to amend. These amendments concern the amendment of the Annexation Area Expansion area and map to include City owned land currently outside of the Expansion area; and

WHEREAS, Chapter 15 provides a list of defined terms that have definitions specific to this Land Management Code that the City desires to amend by removing the numbering for streamlining the updating process; and

WHEREAS, the Planning Commission hearing was duly noticed, a public hearing was conducted at the regularly scheduled meeting on April 26, 2017, and the Commission forwarded a positive recommendation to City Council; and

WHEREAS, the City Council hearing was duly noticed and a public hearing was conducted at its regularly scheduled meeting on June 15, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park

City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

WHEREAS, the amendment to Chapter 8- Annexations, has been reviewed for consistency with State Code Section 10-2-401.5 - Annexation policy plan, regarding establishment (and amendment) of an annexation policy plan.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (SF Zoning District Chapter 15- 2.11). The recitals above are incorporated herein as findings of fact. Chapter 2.11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

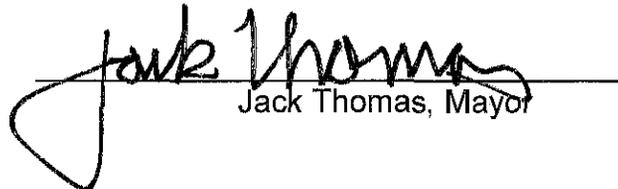
SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Eight (Annexations- Section 15-8-7). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended to remove all numbering from the list of defined terms (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 15th day of June, 2017

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, Mayor

Attest:



Michelle Kellogg
Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington
Mark Harrington, City Attorney

Exhibits

- Exhibit A- Chapter 2.11
- Exhibit B- Chapter 8.7
- Exhibit C- Chapter 15

EXHIBIT A

15-2.11-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- A. **DENSITY.** The maximum Density for Subdivisions is three (3) units per acre. Subdivisions must Cluster Development to maximize common Transferred Development Right (TDR) Open Space.
- B. **FRONT, REAR, AND SIDE YARDS.** All Development activity must comply with the following minimum Yards. ~~See Section 15-2.11-3(I) for Yard exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.~~
- C. **FRONT YARD.**

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Front Yard for Main Buildings is twenty feet (20') and minimum Front Yard for Garages is ten feet (10').

2. In Prospector Park Subdivisions 1, 2, and 3, the minimum Front Yard is 20 feet, including Garages.

3. In all other subdivisions, the minimum Front Yard is twenty feet (20'). New Front -Facing Garages for Single Family and Duplex Dwellings must maintain a minimum of twenty five (25') from Front Lot Line.

~~The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty five feet (25') from the Front Lot Line.~~

D. FRONT YARD EXCEPTIONS.

1. The Planning Commission may designate specific Single Family Lots on which the Front Yard Setback is ten feet (10') for the Main Building and fifteen feet (15') for a new Front Facing Garage or garage element, including any habitable space above the garage. This exception may be granted to:
 - a. solve Access problems with relatively steep Grades,
 - b. preserve Significant Vegetation,
 - c. eliminate or minimize cut and fill Areas,
 - d. promote Clustered Development, and
 - e. preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

~~2. See Section 15-2.11-3(I) for Setback exceptions for Thaynes Canyon Subdivision I and II, Prospector Village Subdivision, and Prospector Park Subdivision 1, 2, and 3.~~

~~3.2. The Front Yard must be open and free of any Structure except:~~

- a. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in

height are prohibited within twenty-five feet (25') of the intersection at back of curb.

- b. Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
- c. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front Yard.
- d. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.
- e. Sidewalks, patios, and pathways.
- f. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.
- g. Circular driveways meeting all requirements stated in Section 15-3-4.

E. REAR YARD.

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Rear Yard is 10 feet (10').

2. In Prospector Park Subdivisions 1, 2, and 3 the minimum Rear Yard is ten feet (10').

3. In all other subdivisions, the minimum Rear Yard is fifteen feet (15').

~~The minimum Rear Yard is fifteen feet (15').~~

F. REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:
The Rear Yard must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:
(ILLUSTRATION DELETED FOR THIS EXHIBIT)
7. Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning

Director may approve minor deviations to the height and stepping requirements based on Site specific review.1

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

G. SIDE YARD.

1. The minimum Side Yard is twelve feet (12').

2. A Side Yard between connected Structures is not required 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 District.

a. Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

G. SIDE YARD.

~~The minimum Side Yard is twelve feet (12').~~

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10').

2. In Prospector Park Subdivisions 1, 2, and 3 the minimum Rear Yard is ten feet (10').

3. In all other subdivisions, the minimum Side Yard is twelve feet (12').

~~4.4.~~ A Side Yard between connected Structures is not required 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 District.

a. Exterior Side Yards shall be based on the required minimum Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

D. **H. SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Side Yard.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Sections 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.²
8. Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed but may not be used for parking, and must maintain a one foot (1') landscaped Setback to the Side Lot Line.
9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side Yard Setback of five feet (5').
10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

E. OTHER EXCEPTIONS:

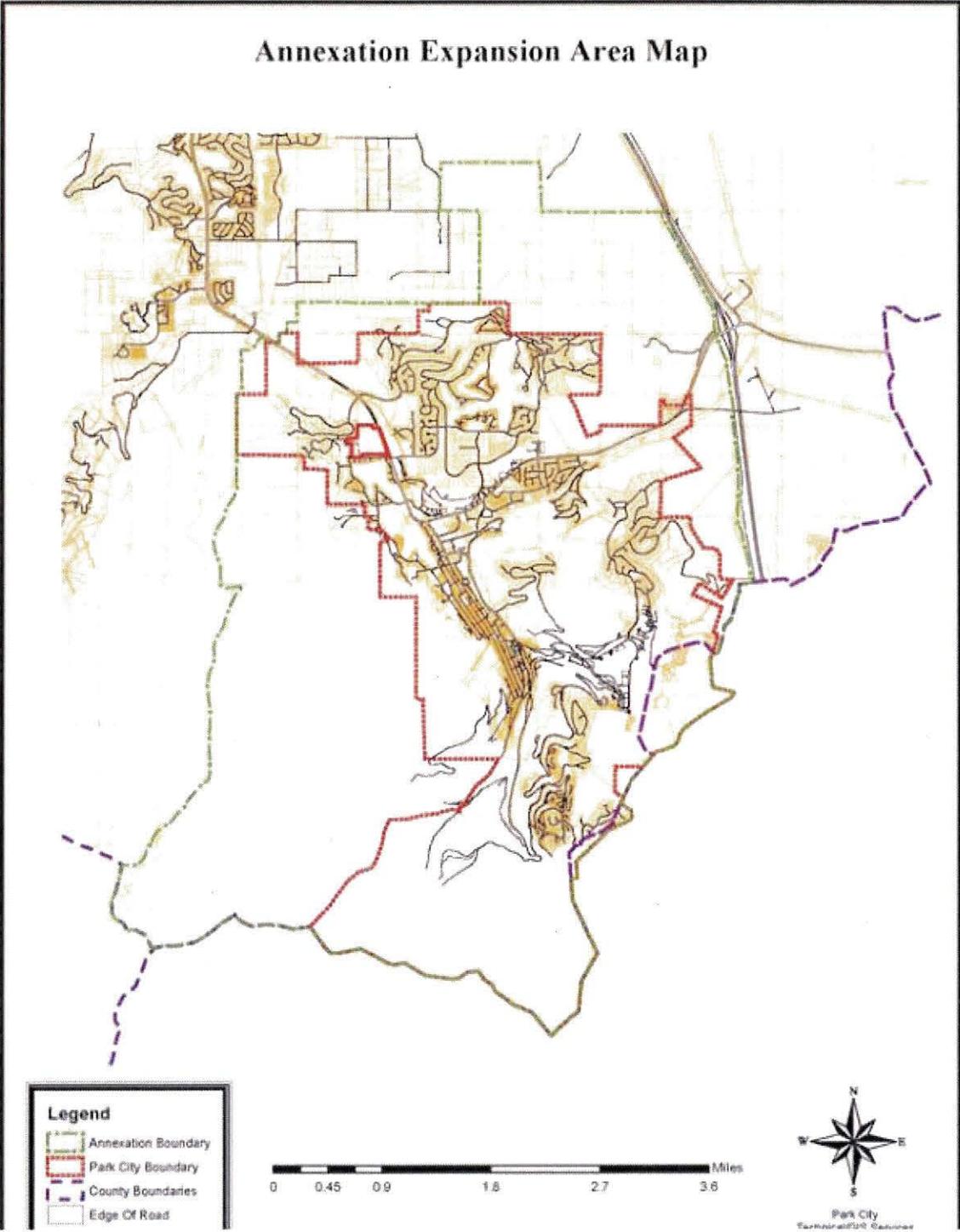
1. ~~In Thaynes Canyon Subdivision I and II, and Prospector Village Subdivision, minimum required Yards are as follows:~~
 - a. ~~FRONT YARD. The minimum Front Yard for Main Buildings is twenty feet (20') and the Front Yard for garages is ten feet (10');~~
 - b. ~~SIDE YARD. The minimum Side Yard is five feet (5'). On Corner Lots the minimum Side Yard abutting a Street is ten feet (10'). In Thaynes Canyon Subdivision I, the minimum Side Yard is ten feet (10');~~
 - c. ~~REAR YARD. The minimum Rear Yard is ten feet (10');~~
2. ~~In Prospector Park Subdivisions 1, 2, and 3, minimum required Yards are as follows:~~
 - a. ~~FRONT YARD. The minimum Front Yard is twenty feet (20');~~
 - b. ~~SIDE YARD. The minimum Side Yard is ten feet (10'). On Corner Lots the Side Yard that faces the Street must not be less than fifteen feet (15');~~
 - c. ~~REAR YARD. The minimum Rear Yard is ten feet (10');~~

EXHIBIT B- Existing LMC Chapter 15-8-7

15-8-7 Expansion Area Boundary Map

A. The Expansion Area Boundary Map is included as Exhibit A below:

Annexation Expansion Area Map

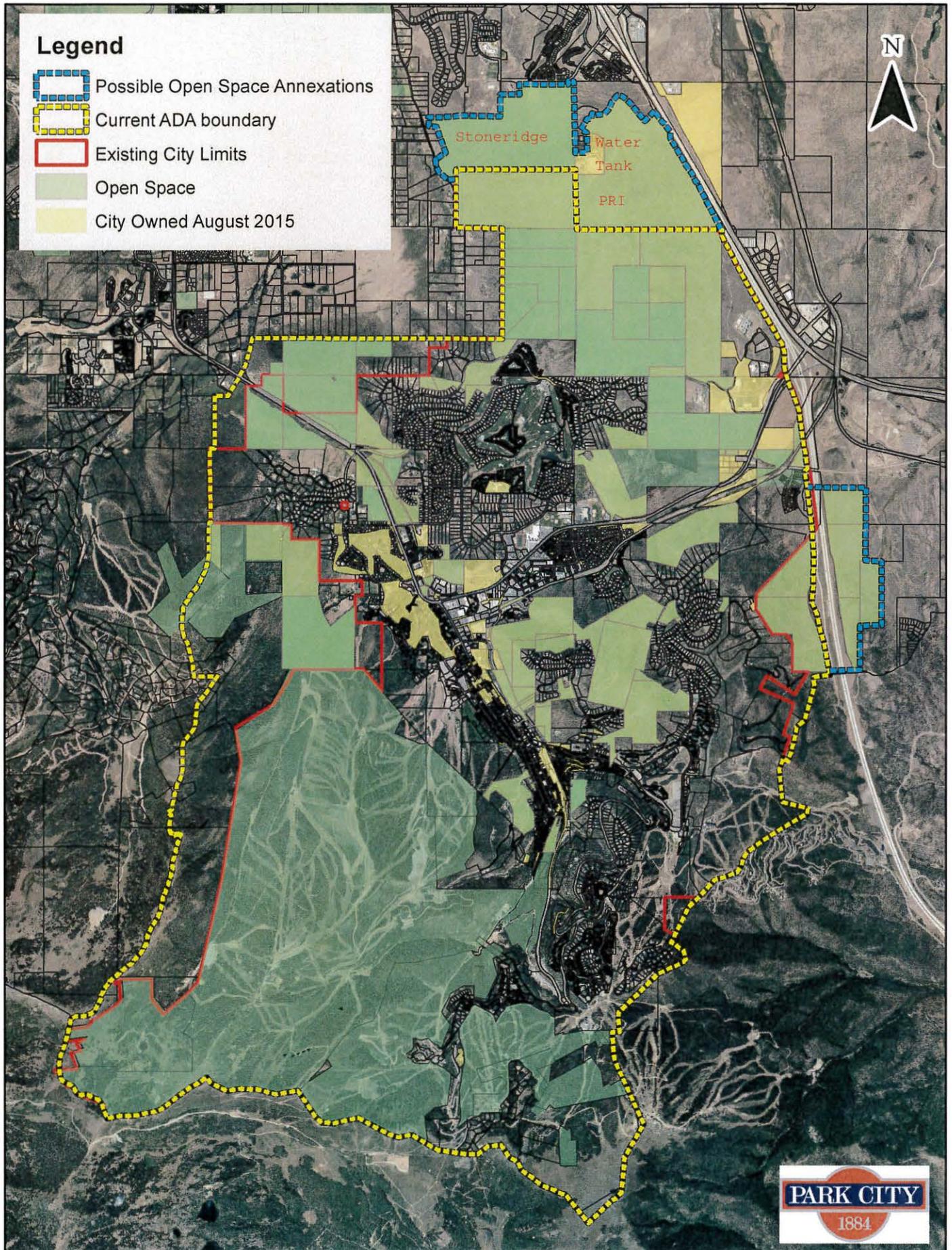


- B. The following criteria were used as justification to exclude from the expansion Area Property considered by State definition to be Urban Development:
 - 1. Topography and other physical constraints to efficient delivery of basic services.

2. Overlapping utility providers with services already being provided by others.
3. Level of existing services and standing of existing roads are below City standards and require expensive upgrades.
4. Other high fiscal implications to the City.
5. Overlapping school districts, i.e. not in Park City School District.
6. Overlapping taxing entities and location in Wasatch County.

Adopted by Ord. 03-01 on 1/9/2003

Annexation Boundary Discussion April 2017 EXHIBIT B1

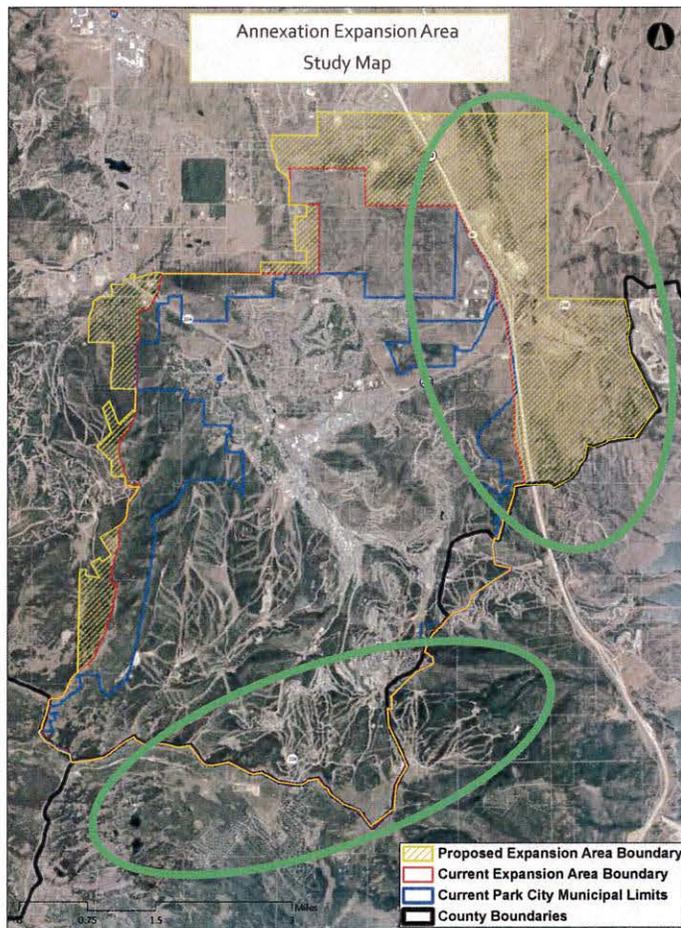


0 0.25 0.5 1 1.5 2 Miles

Annexation Expansion Area

Modifications to the expansion area require full analysis of the annexations within the state and local code. This map represents the need to discuss expansion possibilities with our regional partners and the Park City Planning Commission and City Council. This map is a draft to be utilized for discussions toward adoption of an expansion area that is consistent with the City and Counties' regional planning goals as well as the mandates of the State Code. Additional lands may be considered for annexation after further consultation with adjacent jurisdictions; this map is not intended to exclude such lands.

Area for future discussions with our regional partners in Wasatch County.



Area for future discussions with our regional partners in Summit County.

SMALL TOWN



Annexation Expansion Area (AEA) Outlined

It is worth noting that the Annexation Expansion Area (AEA) that is included within this General Plan is the recommended area for the City to consider formally adopting as part of the Annexation Policy Plan in Chapter 8 of the LMC, pursuant to state code procedure. This process involves public noticing, public input, Planning Commission review and recommendation to the City Council and, ultimately, adoption by the City Council. The areas outlined in yellow crosshatch on the map on the prior page are explained in detail below regarding why these areas might be considered for annexation by the City:

- The proposed AEA boundary to the northeast of the current City boundary will allow the City to bring much of our acquired and protected open space within Round Valley into the City limits. In addition, the

proposed expansion of the AEA east of US40 will allow the City to jointly plan this area in conjunction with the County recognizing that the General Plan recommends this area to primarily be preserved as open space with the consideration of wildlife corridors. Preserving this area along the corridor preserves one of the gateways to the City while also recommending any future development be directed to the existing development nodes of Silver Creek/Summit to the north (where the land is currently zoned by the County as Community Commercial – CC) and the east side of US40 at Quinn’s Junction to the south where the County has the land zoned by the County as Service Commercial (SC). In addition, the land located further to the east – to the Snyderville Basin jurisdictional boundary and south to the Wasatch County line is included also as an opportunity to protect and plan this gateway into the City.

- The proposed AEA boundary to the southeast of the current City boundary will allow the City to ensure that the south gateway to the City will be preserved, specifically in light of the anticipated development that will result as part of the Jordanelle Basin entitlements. Again, the General Plan recommends protecting the corridor from sprawl and concentrating any future development into nodes – in this case, in the Jordanelle Regional Special Planning Area and not allowing corridor creep toward the north.

- The proposed AEA boundary to the west of the current City boundary will allow the City to clean up the existing AEA boundary by following existing property lines. In addition, the proposed AEA expansion to the northwest of the City along SR224 will allow the City to actively plan within the area to protect the

gateway to the City (just before you get to the McPolin Barn). There may be opportunities in this area to look at clustering and/or the creation of a TDR sending zone to protect some of these entitled lands.

Land to the south of the City may be explored for possible inclusion within the AEA subject to collaborative efforts with Wasatch County. Opportunities may exist in this area to mutually plan, consider creating TDR "sending" zones for entitled lands, and/or look at open space and wildlife connections.

Annexation Expansion Area and Open Space/Wildlife Corridor Connectivity

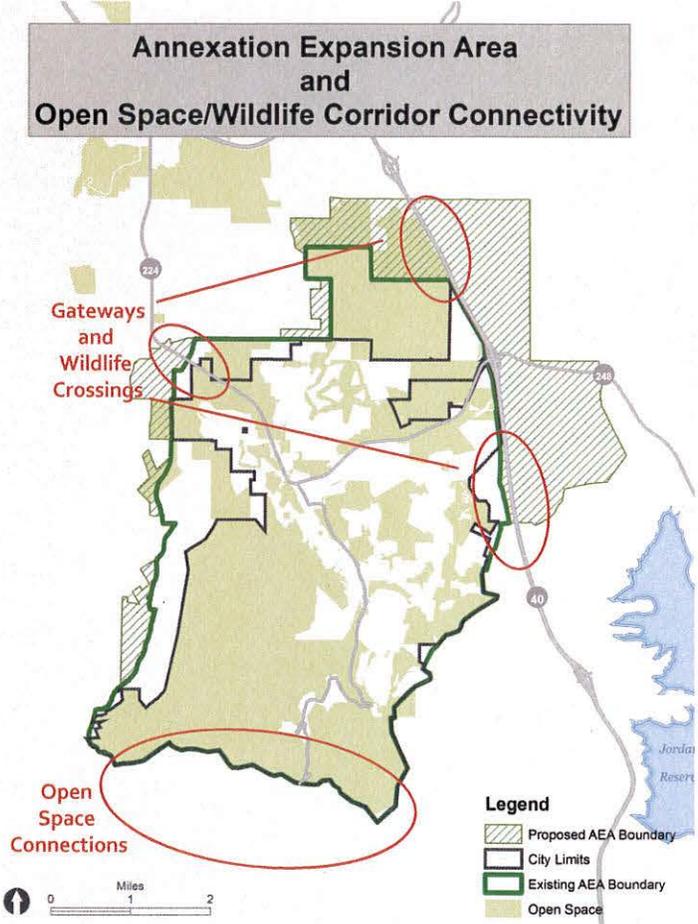


EXHIBIT C

15-15 Defined Terms

- 15-15-1 Definitions
- 15-15-2 List Of Defined Terms

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

~~1.1~~ **ACCESS**. The provision of vehicular and/or pedestrian ingress and egress to Structures, facilities or Property.

~~1.2~~ **ACCESSORY APARTMENT**. A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the Property and are an Accessory Use to the primary Dwelling.

~~1.3~~ **ACCESSORY BUILDING**. A Building on the same Lot as the principal Building and that is:

- A. clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, and other similar Structures that require a Building Permit;
- B. operated and maintained for the benefit of the principal Use;
- C. not a Dwelling Unit; and
- D. also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

~~1.4~~ **ACCESSORY USE**. A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

~~1.5~~ **ACTIVE BUILDING PERMIT**. Any Building Permit that has not expired.

~~1.6~~ **ADMINISTRATIVE PERMIT**. A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

~~(and continue to delete all numbering in this Chapter)~~