

Ordinance No. 2019-37

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CORRECTING SECTION 15-2.11-3(F) SIDE SETBACKS OF CORNER LOTS WITHIN PROSPECTOR PARK SUBDIVISION 1, 2, AND 3 IN THE SINGLE FAMILY (SF) DISTRICT.

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 and identifies necessary amendments to address planning and zoning issues that have come up in the past years, and to address specific LMC issues raised by the public, Staff, the Planning Commission, and City Council to address applicable changes to the State Code, and to align the Code with the Council's goals; implementing the General Plan; and

WHEREAS, Chapter 2.11 Single Family (SF) District provides a description of requirements, provisions, and procedures specific to this zoning district that the City desires to revise; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 12, 2019; and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on July 11, 2019; 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 values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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 2.11

Section 15-2.11-3(F). The recitals above are incorporated herein as findings of fact. Section 15-2.11-3(F) of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

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

PASSED AND ADOPTED this 11th day of July, 2019.

PARK CITY MUNICIPAL CORPORATION





Andy Beerman, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Margaret Plane, Special Counsel

Attachment 1

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 SETBACK**.
 1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Front Setback for Main Buildings is twenty feet (20') and minimum Front Setback for Garages is ten feet (10').
 2. In Prospector Park Subdivisions 1, 2, and 3, the minimum Front Setback is 20 feet (20'), including Garages.
 3. In all other subdivisions, the minimum Front Setback is twenty feet (20'). New Front-Facing Garages for Single Family and Duplex Dwellings must maintain a minimum of twenty five feet (25') from Front Lot Line.

- C. **FRONT SETBACK EXCEPTIONS**.
 1. The Planning Commission may designate specific Single Family Lots on which the Front 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.
 - f. Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.
 2. The Front Setback 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 Setback.
- d. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Setback.
- 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.

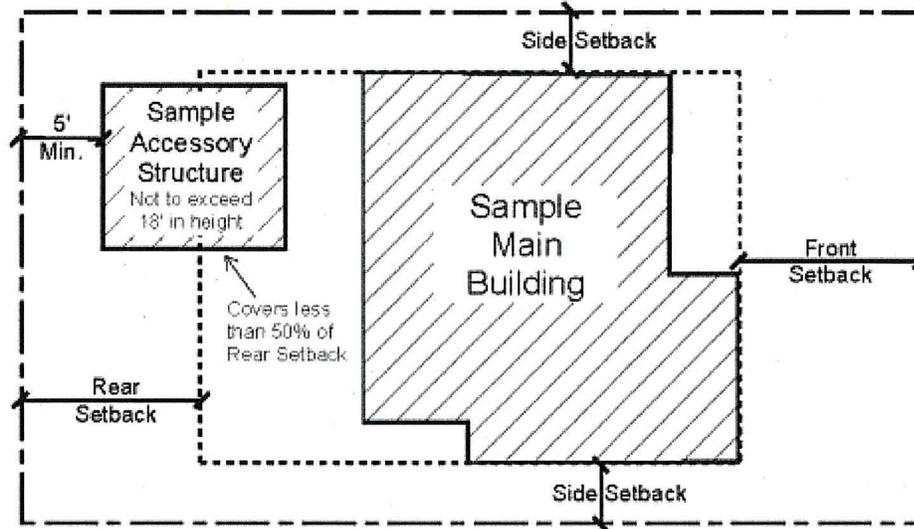
D. REAR SETBACK.

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Rear Setback is 10 feet (10').
2. In Prospector Park Subdivisions 1, 2, and 3 the minimum Rear Setback is ten feet (10').
3. In all other subdivisions, the minimum Rear Setback is fifteen feet (15').

E. REAR SETBACK EXCEPTIONS. The Rear Setback 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 Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Setback.

3. Window wells and light wells projecting not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
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 Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



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.

F. SIDE SETBACK.

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Side Setback is five feet (5'). On Corner Lots the minimum Side Setback abutting a Street is ten feet (10').
2. In Prospector Park Subdivisions 1, 2, and 3 the minimum ~~Rear~~ **Side Setback** is ten feet (10'). **On corner Lots the Side setback that faces the street must not be less than fifteen feet (15').**
3. In all other subdivisions, the minimum Side Setback is twelve feet (12').
4. A Side Setback 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 Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setbacks exceptions continue to apply.

G. SIDE SETBACK EXCEPTIONS. The Side Setback 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 Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side Setback.

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 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.
 - a. ¹Fences and walls greater than six feet (6') in height require an administrative Conditional Use permit.
²Fences or Walls greater than six feet (6') in height requires an administrative Conditional Use permit.

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 06-76 on 11/9/2006

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2017-29 on 6/15/2017

Amended by Ord. 2018-43 on 7/19/2018