

Ordinance No. 04-11

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15-2.18-3 LOT AND SITE REQUIREMENTS (D)10 AND (F)11 ALLOWING
SETBACK EXCEPTIONS IN THE REAR AND SIDE YARDS OF THE GENERAL
COMMERCIAL DISTRICT, AND AMENDING SECTION 15-7.4-1 (PRELIMINARY
PLAT) TO INSERT LANGUAGE THAT WAS PREVIOUSLY DELETED**

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 of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for desired architectural interest and variation;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of the Commercial Districts and to facilitate expansion or redevelopment of existing commercial buildings that are abutting or adjoining designated open space or public plazas;

WHEREAS, the City Council finds it is in the City's best interest to approve an amendment to the Subdivision Regulations to include language that was previously deleted and reinsert the original language.

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

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:


Section 15-2.18-3. Lot and Site Requirements (D)10 and (F)11 allowing setback exceptions on the side or rear yards of the General Commercial District. Section 15-2.18-3 (D)10 and (F)11 are added as redlined on the attached Exhibit A.

Section 15-7.4-1(E)(14)(d) Owners dedication, if any, and consent to record as required by applicable state law. Section 15-7.4-1(E)(14)(d) is added as redlined on the attached Exhibit B.

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

PASSED AND ADOPTED this 15th day of April, 2004.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

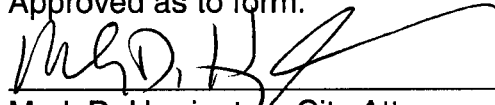
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney

EXHIBIT A
LMC Section 15-2.18-3(D)

Grade, provided it is located at least five feet (5') from the Rear Lot Line.

(10) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Rear Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

(E) SIDE YARD.

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in Height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(F) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

(1) A Bay Window or a chimney not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard. (2) A window well or light well projecting not more than four feet (4') into the Side Yard.

(3) A roof overhang or eave projecting not more than three feet (3') into the Side Yard.

(4) A window sill, belt course, cornice, trim, and other ornamental feature projecting not more than six inches (6") into the Side Yard.

(5) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) An awning over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) A Fence or wall not more than six feet (6') in height. A retaining wall 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 Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹²

- (8) A driveway leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.
- (9) Paths or steps connecting to a City stairway, trail, or path.
- (10) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of five feet (5') from the Side Lot Line.
- (11) An unenclosed porch (includes a roof and open on three sides), or similar structure not more than nine (9') feet into the Side Yard provided the adjoining property is dedicated as natural or landscaped open space and meet minimum Uniform Building Code and Fire Code requirements.

(G) **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

- (1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 45, and 46, and parking Lots A through K as shown on the Prospector Square Subdivision Plat.
- (2) **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed 2.0. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio. Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.
- (3) **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Lots 2 to 38, Front, Side and Rear Yards may be reduced to zero feet (0') except for commercial Lots within the Frontage Protection Zone.

¹²A Fence greater than six feet (6') in height requires a Conditional Use permit.

EXHIBIT B
LMC Section 15-7.4-1(D)

- (9) The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant and/or Developer if other than the Owner, and the name of the land surveyor.
- (10) The date of the map, approximate true north point, scale, and title of the Subdivision.
- (11) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.
- (12) Indication of the Use of any Lot, single family, two-family, multi-family, townhouse, and all use other than residential proposed by the Applicant.
- (13) All Lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- (14) The following notation shall also be shown:
- (a) Explanation of drainage easements, if any.
 - (b) Explanation of Site easements, if any.
 - (c) Explanation of reservations, if any.
 - (d) Owners dedication, if any, and Consent to Record as required by State Law.
- (15) Any restrictions or requirements necessary to ensure solar Access shall be defined.
- (16) All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans.
- (17) A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.