

Ordinance No. 2020-09

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING MASTER PLANNED DEVELOPMENT REQUIREMENTS, SECTION 15-6-5; AND MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT, SECTION 15-6-7.

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 increase affordable housing opportunities and associated services for the workforce of Park City; 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 Council's goals; and

WHEREAS, Park City has an interest in creating a diversity of primary housing opportunities to address the changing needs of residents and finds incentives for affordable housing developments essential to the City's long term community well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the adopted Park City General Plan; and

WHEREAS, the Park City General Plan includes Goal 7 that states, "Create a diversity of primary housing opportunities to address the changing needs of residents." Goal 8 states, "Increase affordable housing opportunities and associated services for the workforce of Park City." and Community Planning Strategy 8.4 states "Update incentives for density bonuses for affordable housing developments to include moderate and mixed income housing."; and

WHEREAS, Park City has an interest in developing and incentivizing private sector development of affordable housing within City Limits; and the purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on January 8, 2020 and forwarded a unanimous positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 16, 2020 and January 30, 2020; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; and to create a diversity of housing options for all income levels.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 – Land Management Code Chapter 15-6-5 Master Planned Development Requirements. The recitals above are incorporated herein as findings of fact. Chapter 15-6-5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-6-7 Master Planned Affordable Housing Developments. The recitals above are incorporated herein as findings of fact. Chapter 15-6-7 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.


PASSED AND ADOPTED this 30th day of January, 2020.

PARK CITY MUNICIPAL CORPORATION



Attest:


Michelle Kellogg, City Recorder


Andy Beerman, Mayor

Approved as to form:


Margaret Plane, Special Counsel

Exhibits

Exhibit A – LMC § 15-6-5 Master Planned Development Requirements

Exhibit B – LMC § 15-6-7 Master Planned Affordable Housing Development

Exhibit A – LMC § 15-6-5 Master Planned Developments

15-6-5 MPD Requirements

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(...)

C. SETBACKS.

1. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels ~~one (1) greater than two (2) acres or larger~~ in size. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') for MPD applications ~~one (1) greater than two (2) acres or larger~~ to the zone required Setback if it is necessary to provide desired architectural interest and variation.
2. For parcels ~~less greater than one (1) two (2) acres~~ in size and located inside the HRM, HR-1, HR-2, HR-L, HRC, and HCB Districts, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.
3. ~~For parcels two (2) acres or less in size, the minimum exterior boundary Setbacks shall be Zone Required Setbacks. For parcels less greater than one (1) two (2) acres in size and located outside of the HRM, HR-1, HR-2, HR-L, HRC and HCB, the minimum Setback around the exterior boundary of an MPD shall be determined by the Planning Commission and shall be no less than the zone required Setback.~~
4. In all MPDs, for either the perimeter setbacks or the setbacks within the project, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements.
5. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(...)

E. OFF-STREET PARKING.

1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:
 - a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
 - b. A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
 - c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

- d. An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- f. Provisions for overflow parking during peak periods.
- g. An evaluation of potential adverse impacts of the proposed parking reduction and density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

2. The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:
 - a. Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;
 - b. Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
 - c. Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and
 - d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.
 - e. The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(...)

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [04-08](#) on 3/4/2004

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [11-05](#) on 1/27/2011

Amended by Ord. [11-12](#) on 3/31/2011

Amended by Ord. [13-23](#) on 7/11/2013

Amended by Ord. [15-36](#) on 6/25/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2017-46](#) on 8/17/2017

Exhibit B – LMC § 15-6-7 Master Planned Affordable Housing Development

15-6-7 MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT

A. PURPOSE. The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

B. RENTAL OR SALES PROGRAM. If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

C. MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS. When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

D. MPD REQUIREMENTS. All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

E. DENSITY BONUS. The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

F. PARKING-OFF-STREET PARKING. ~~Off-Street parking will be required at a rate of one (1) space per Bedroom.~~

(1.) The number of Off-Street Parking Spaces in each Master Planned Affordable Housing Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

- a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- b. A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

- d. An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- f. Provisions for overflow parking during peak periods.
- g. An evaluation of potential adverse impacts of the proposed parking reduction and density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the affordable MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

- (2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:
 - a. Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;
 - b. Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
 - c. Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and
 - d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.
 - e. The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

G. OPEN SPACE. All Master Planned Affordable Housing Developments shall contain a A minimum of ~~twenty percent (20%)~~ Open Space as defined in LMC Chapter 15-15. ~~fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities are encouraged. will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses.~~ Open sSpace may not be utilized for Streets, roads, or Parking Areas.

The Planning Commission may decrease the required Open Space for projects located within 300 feet (300') of a Public Use, including, but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facilities.

H. RENTAL RESTRICTIONS. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

HISTORY

Adopted by Ord. 02-07 on 5/23/2002

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 09-10 on 3/5/2009