

ORDINANCE 2021-18

AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-6.1-3, *ZONING DISTRICTS AND USES*; § 15-6.1-6, *DENSITY*; § 15-6.1-7, *SETBACKS*; § 15-6.1-8, *BUILDING HEIGHT AND FACADES*; § 15-6.1-9, *PARKING*

WHEREAS, the Park City General Plan establishes goals, objectives, and community planning strategies to create a diversity of primary housing opportunities to address changing needs of residents; to increase diversity of housing stock to fill voids within housing inventory to create a variety of context sensitive housing opportunities, to increase density that might allow for affordable housing, to increase affordable housing opportunities and associated services for the workforce of Park City, and to provide increased housing opportunities that are affordable to a wide range of income levels;

WHEREAS, the Park City General Plan recommends updating incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing, to evaluate the Land Management Code to remove unnecessary barriers to affordable housing, and to review the affordable housing Master Planned Development requirements and amend according to existing economics;

WHEREAS, the Park City General Plan Housing Toolbox recommends decreased parking requirements, a density bonus, and increased height for affordable developments;

WHEREAS, the Park City 2020 and 2021 Housing Assessment and Plan establishes goals to build affordable and attainable units on City-owned property through public-private partnerships, to implement zoning incentives for Affordable Units in new developments, to reduce parking for certain affordable housing and amend the Land Management Code to incentivize affordable housing development, and to encourage affordable housing near transit;

WHEREAS, Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;

WHEREAS, Goal 16 is to maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors;

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 City residents and visitors;

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;

WHEREAS, the Historic Preservation Board duly noticed and conducted a public hearing on April 7, 2021, and unanimously forwarded a positive recommendation;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on April 14, 2021, and unanimously forwarded a positive recommendation to City Council,

WHEREAS, the City Council duly noticed and conducted a public hearing on April 29, 2021.

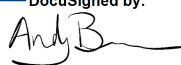
NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMENDMENT: MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Municipal Code of Park City § 15-6.1-6, *Density*; § 15-6.1-7, *Setbacks*; § 15-6.1-8, *Building Height And Facades*; § 15-6.1-9, *Parking*, are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

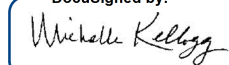
PASSED AND ADOPTED this 29th day of April, 2021

PARK CITY MUNICIPAL CORPORATION

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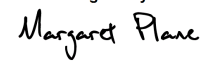
Andy Beerman, Mayor

Attest:

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Michelle Kellogg, City Recorder

Approved as to form:

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City Attorney's Office



1 **15-6.1 Affordable Master Planned Developments**

2 **15-6.1-3 Zoning Districts And Uses**

3 A. **ZONING DISTRICTS**. Affordable Master Planned Developments are Allowed in
4 the following Zoning Districts:

- 5 1. Residential Development
- 6 2. Residential Development Medium
- 7 3. Residential Medium
- 8 4. Recreation Commercial
- 9 5. General Commercial
- 10 6. Light Industrial
- 11 7. Community Transition
- 12 8. **Historic Commercial Business**
- 13 9. **Historic Recreation Commercial, east of Park Avenue**

14 B. **USES**. An Affordable Master Planned Development can only contain Uses that
15 are Allowed or Conditional in the Zoning District in which it is located.

16 C. **COMMERCIAL USES**. An Affordable Master Planned Development may include
17 up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public
18 Uses.

19 HISTORY

20 *Adopted by Ord. [2021-10](#) on 2/25/2021*

21 **15-6.1-6 Density**

22 A. Density for Affordable Master Planned Developments is not determined by the
23 underlying Zoning District, **except for the Historic Commercial Business Zoning**

24 District (see Subsection B). Rather, Density for Affordable Master Planned
25 Developments is volume based and is determined by the requirements outlined
26 in this Affordable Master Planned Development Chapter. Setbacks shall comply
27 with Section 15-6.1-7, Building Height and Facades shall comply with Section 15-
28 6.1-8, parking shall comply with Section 15-6.1-9, Open Space shall comply with
29 Section 15-6.1-10, and Site planning shall comply with Section 15-6.1-11.

30 B. Affordable Master Planned Developments in the Historic Commercial Business
31 Zoning District shall comply with Sections 15-2.3-8, 15-2.6-5, 15-2.6-6, and 15-
32 2.6-7.

33 HISTORY

34 *Adopted by Ord. [2021-10](#) on 2/25/2021*

35 **15-6.1-7 Setbacks**

36 A. The minimum Setback around the exterior boundary of an Affordable Master
37 Planned Development is twenty-five feet (25') for Property greater than two (2)
38 acres.

39 1. The Planning Commission may decrease the required perimeter Setback
40 from twenty-five feet (25') for Affordable Master Planned Developments
41 greater than two (2) acres to the zone-required Setback to provide
42 architectural interest and variation.

43 B. For Property two (2) acres or less, the minimum Setback around the exterior
44 boundary of an Affordable Master Planned Development shall be the zone-
45 required Setback.

- 46 C. For perimeter Setbacks or Setbacks within the Affordable Master Planned
47 Development, the Planning Commission may increase Setbacks to retain existing
48 Significant Vegetation or natural features, to create an adequate buffer to
49 adjacent Uses, or to meet Historic Compatibility requirements.
- 50 D. The Planning Commission may reduce Setbacks within the project boundary, but
51 not perimeter Setbacks, from those otherwise required in the Zoning District to
52 match an abutting zone-required Setback, provided the project meets minimum
53 International Building Code and Fire Code requirements, maintains the general
54 character of the surrounding neighborhood in terms of mass, scale, and spacing
55 between Structures, and meets Open Space criteria.
- 56 E. Final Setback approvals shall be specified as a Finding of Fact in the Affordable
57 Master Planned Development approval, in the Development Agreement, and on
58 each plat within the Affordable Master Planned Development.
- 59 F. There are no minimum required Setbacks for Affordable Master Planned
60 Developments in the Historic Commercial Business Zoning District. Building and
61 Fire Code separation regulations apply.

62 HISTORY

63 *Adopted by Ord. [2021-10](#) on 2/25/2021*

64 **15-6.1-8 Building Height And Facades**

- 65 A. **BUILDING HEIGHT.** With the exception of the Historic Commercial Business
66 Zoning District, Affordable Master Planned Development Building Height shall
67 comply with the underlying Zoning District Building Height for the perimeter

68 Building Façade planes. Building Height is forty-five feet (45') from Existing
69 Grade when the following criteria are met:

- 70 1. The Building includes a ten-foot (10') setback on all perimeter Building
71 Façade planes from the underlying Zoning District Building Height to the
72 forty-five foot (45') Building Height;
- 73 2. Infrastructure is in place or can be updated to meet the increased
74 demand; and
- 75 3. The Building complies with Building Façade variation requirements.

76 B. **EXCEPTIONS**. The following may exceed the Building Height:

- 77 1. Antennas, chimneys, flues, vents, and similar Structures may extend up to
78 five feet (5') above the highest point of the Building to comply with
79 International Building Code requirements;
- 80 2. Water towers, mechanical equipment, and Solar Energy Systems, when
81 enclosed or Screened, may extend up to five feet (5') above the forty-five
82 foot (45') Building Height; and
- 83 3. Elevator Penthouses may extend up to eight feet (8') above the forty-five
84 foot (45') Building Height.

85 C. **STEPBACK EXCEPTIONS**.

- 86 1. Chimneys not more than five feet (5') wide and projecting not more than
87 two feet (2') into the setback.
- 88 2. Roof overhangs or eaves projecting not more than two feet (2') into the
89 setback.

- 90 3. Window sills, belt courses, trim, exterior siding, cornices, or other
91 ornamental features projecting not more than six inches (6") beyond the
92 main Structure to which they are attached.
- 93 4. Rooftop Decks projecting not more than six feet (6') into the setback.
- 94 5. Solar Energy Systems.
- 95 6. Green Roofs.
- 96 7. Rooftop gardens projecting not more than six feet (6') into the setback.
- 97 8. Screened mechanical equipment, hot tubs, or similar Structures projecting
98 not more than six feet (6') into the setback.

99 **D. FAÇADE VARIATION.**

- 100 1. Buildings greater than sixty feet (60') but less than one-hundred-twenty
101 feet (120') in length must exhibit a prominent shift in the Façade of the
102 Building so that no greater than seventy-five percent (75%) of the length of
103 the Building Façade appears unbroken. Each shift shall be in the form of
104 either a ten foot (10') change in Building Façade alignment or a ten foot
105 (10') change in the Building Height, or a combined change in Building
106 Façade and Building Height totaling ten feet (10').
- 107 2. Structures that exceed one-hundred-twenty feet (120') in length on any
108 Façade shall provide a prominent shift in the mass of the Building at each
109 one-hundred-twenty-foot (120') interval, or less, reflecting a change in
110 function or scale. The shift shall be in the form of either a fifteen foot (15')
111 change in Building Façade alignment or a fifteen foot (15') change in the
112 Building Height. A combination of both the Building Height and Building

113 Façade change is encouraged and to that end, if the combined change
114 occurs at the same location in the Building plan, a fifteen foot (15') total
115 change will be considered as full compliance.

116 3. The Façade length and variation requirements apply to all sides of a
117 Building.

118 E. Building Height in the Historic Commercial Business Zoning District shall comply
119 with Section 15-2.6-5.

120 HISTORY

121 *Adopted by Ord. [2021-10](#) on 2/25/2021*

122 **15-6.1-9 Parking**

123 A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-
124 Street Parking.

125 B. The Applicant may request that the Planning Commission reduce the parking
126 required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use
127 Categories. To request a parking reduction, the Applicant must:

128 1. Demonstrate that parking reductions materially increase the feasibility of
129 the proposed Affordable Master Planned Development;

130 2. Fund and submit a parking and traffic study completed by a third party
131 selected by the City; and

132 3. Demonstrate that the proposed Affordable Master Planned Development
133 sufficiently addresses the parking demand for the project.

134 C. If the Planning Commission approves a reduction in the parking requirements,
135 the Applicant shall submit a parking management plan for Planning Commission

136 review and approval prior to the issuance of a Certificate of Occupancy for any
137 portion of the Affordable Master Planned Development.

138 1. The Planning Commission may amend the parking management plan at
139 any time to address changing circumstances.

140 D. The Planning Commission may reduce the parking required by Section 15-3-6,
141 Parking Ratio Requirements For Specific Land Use Categories, for Affordable
142 Master Planned Developments according to one or more of the criteria outlined
143 below:

- 144 1. On sites that are one acre or less by deducting 5,000 square feet per
145 15,000 square feet of Gross Floor Area for each floor from the sum of total
146 floor area that is used to calculate parking requirements;
- 147 2. Parking in the Right-of-Way along the perimeter of the Affordable Master
148 Planned Development Site is available;
- 149 3. A clear and irrevocable agreement authorizes Affordable Master Planned
150 Development residents to park in an off-Site Parking Area or Parking
151 Structure that is located within 1,000 feet of the Affordable Master Planned
152 Development perimeter boundary;
- 153 4. The Affordable Master Planned Development is within ¼-mile from a bus
154 stop that includes a waiting shelter consistent with City standards;
- 155 5. On-Site parking is provided for motorcycles and/or scooters;
- 156 6. Bicycle parking exceeds the requirements of Section 15-3-9;
- 157 7. The Affordable Master Planned Development provides dedicated parking
158 spaces for resident carshare vehicles.

159 E. The Planning Commission may not reduce Affordable Master Planned
 160 Development parking requirements below the ratio outlined in Table 1:

161

162 Table 1

Unit Size	Market-Rate Units	Affordable Units
<600 SF	0.5 spaces per unit	None
600-1,000 SF	1 space per unit	0.5 spaces per unit
1,000-2,000 SF	1.5 spaces per unit	1 space per unit
>2,000 SF	2 spaces per unit	1.5 spaces per unit

163 F.

164 G. In mixed-use Affordable Master Planned Developments, the Commercial, Retail,
 165 Office, Public, and/or Quasi-public Uses shall meet the parking requirements
 166 outlined in Chapter 15-3.

167 H. See Section 15-2.6-12 for Affordable Master Planned Development Parking in
 168 the Historic Commercial Business Zoning District.

169 HISTORY

170 *Adopted by Ord. [2021-10](#) on 2/25/2021*