



PLANNING DEPARTMENT

City Council Staff Report

Subject: Land Management Code (LMC)
Amendments to LMC Sections 15-2.1-6, 15-2.2-3, 15-2.2-6, 15-2.3-4, and 15-2.3-7

Author: Laura Newberry, Planner I

Application: PL-18-03895

Date: January 29, 2019

Type of Item: Legislative – LMC Amendments

Summary Recommendation

Staff recommends the City Council review the proposed LMC amendments, open a public hearing and approve the Land Management Code (LMC) amendments to LMC Sections 15-2.1-6, 15-2.2-3, 15-2.2-6, 15-2.3-4, and 15-2.3-7 as outlined in the Draft Ordinance. This report is prepared as a result of the City Council direction of January 15, 2019. The recommendations include the reduction of approval actions (not criteria) for development on Steep Slopes in the Historic residential districts by making the review administrative as well as adding a Planning Director Determination for land survey anomalies for lots within the original Park City Survey, circa 1880. Staff is also recommending continuing the discussion on the remainder of the proposed LMC Changes that were reviewed at the January 15, 2019 City Council meeting.

Description

Project Name: Land Management Code (LMC) Amendments in Sections 15-2.1-6 Development On Steep Slopes, 15-2.2-3 Lot And Site Requirements, 15-2.2-6 Development On Steep Slopes, 15-2.3-4 Lot And Site Requirements, and 15-2.3-7 Development On Steep Slopes

Applicant: Planning Department

Proposal: Revisions to the Land Management Code

Affected Land Management Code Chapters:

- 15-2.1-6 Development On Steep Slopes
- 15-2.2-3 Lot And Site Requirements
- 15-2.2-6 Development On Steep Slopes
- 15-2.3-4 Lot And Site Requirements
- 15-2.3-7 Development On Steep Slopes

Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Executive Summary

The Planning Department recommends updating the Land Management Code (LMC) to clarify and simplify regulations related to development on Steep Slopes and managing lot areas when minor discrepancies occur between survey techniques from the 1800's and today's technology. Staff requests to amend LMC Sections 15-2.1-6, 15-2.2-3, 15-2.2-6, 15-2.3-4, and 15-2.3-7 to change the review body for development on Steep Slopes and to allow for Planning Director Determinations on minor survey discrepancies. Staff is also recommending continuing the discussion on the remainder of the proposed LMC Changes that were reviewed at the January 15, 2019 City Council meeting.

Acronyms

Admin CUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
LMC	Land Management Code

Background

On [November 7, 2018](#), the Historic Preservation Board unanimously forwarded a positive recommendation to Planning Commission to approve these LMC amendments.

The Planning Commission reviewed these proposed amendments on [December 12, 2018](#). There was public comment concerning metal materials in LMC 15-5-5. The Planning Commission unanimously forwarded a positive recommendation to City Council, with the condition that Staff finds a solution to the copper siding question brought up by the public.

One additional change was made after the Public Hearing at Planning Commission, regarding required handrails on steps and decks within the Setback area. This change can be seen in the redlines and has been outlined in the analysis below.

On January 15, 2019, City Council continued these proposed LMC Amendments and directed Staff to isolate two items for review on January 29, 2019. These two items included development on steep slopes and Planning Director Determinations for Lot Sizes within the original, 1880 Park City Survey. Staff was directed to continue the remainder of the proposed LMC amendments to a date uncertain.

Analysis

The following analyses give a brief overview of the proposed LMC Amendments:

Lot Size

The first change staff proposes relates to the minimum Lot Size. The LMC currently requires a minimum Lot Area of 1,875 square feet for Single Family Dwellings in the HR-1 and HR-2 Districts. This lot size is based on the platted lot size of 25 feet by 75 feet, generating 1,875 square feet. The original Park City Survey platted the original town site into 25 by 75 foot lots in 1880; however, contemporary surveys have found

that the lots are not always 25 feet by 75 feet in size. They are occasionally a few inches short. Staff finds that this difference in size is nominal and it is more appropriate for it be addressed administratively, rather than through a variance. For that reason, staff is proposing the following LMC amendment to provide some flexibility for those legally platted lots that no longer meet our minimum Lot Size requirements.

- A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

- B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

Development On Steep Slopes

Another proposed amendment will affect the Development on Steep Slopes sections within the HRL, HR-1, and HR-2 Zones. Staff is proposing to allow Development on Steep Slopes of Lots of 3,750 square feet or less to be reviewed under an Administrative Conditional Use Permit (Admin CUP) instead of a full Conditional Use Permit (CUP). Lots with more than 3,750 square feet will still require a full Steep Slope Conditional Use Permit. An example of the proposed language is included below:

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, and Chapter 5.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

- A. **CONDITIONAL USE Steep Slope Determination**
 - 1. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.)

if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater.

2. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located on or projecting over an existing Slope of thirty percent (30%) or greater.
3. A Steep Slope Conditional Use permit or Administrative Conditional Use Permit is required for any Access driveway located on or projecting over an existing Slope of (30%) or greater.

B. Permits Required.

1. On Lots with 3,750 square feet or less, an Administrative Conditional Use Permit shall be processed by the Planning Department.
2. On Lots greater than 3,750 square feet, a Conditional Use Permit is required. The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission.

~~C. For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.~~

D. Conditional Use Permit Criteria

The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

1. **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.
2. **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
 - a) To determine potential impacts of the proposed Access, and Building mass and design; and
 - b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

3. **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. ~~Common driveways~~ Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.
4. **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.
5. **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent Properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.
6. **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.
7. **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.
8. **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.
9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or

to mitigate differences in scale between the proposed Structure and the historic character of the neighborhood's existing residential Structures.

Staff has attached the complete Draft Ordinance as Exhibit A.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on November 24, 2018 and November 28, 2018, per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input was provided at the Historic Preservation Board meeting on November 7, 2018.

During the December 12, 2018 Planning Commission Public Hearing, Mr. Mammen was concerned that copper, which does not have an SRI value, would not be a permitted siding. Planning Commission agreed and recommended that Staff find a solution for this. Staff brought forward proposed changes to City Council at the January 15, 2019 meeting but was directed to do further research and include an analysis by the Sustainability Department.

Alternatives

- The City Council may approve the proposed Land Management Code as presented or as amended at the meeting; or
- The City Council may deny the proposed amendments; or
- The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action.

Summary Recommendation

Staff recommends the City Council review the proposed LMC amendments, open a public hearing and approve the Land Management Code (LMC) amendments to LMC Sections 15-2.1-6, 15-2.2-3, 15-2.2-6, 15-2.3-4, and 15-2.3-7 as outlined in the Draft Ordinance. Staff is also recommending continuing the discussion on the remainder of the proposed LMC Changes that were reviewed at the January 15, 2019 City Council meeting.

Exhibits

Exhibit A – Draft Ordinance

Exhibit 1 – LMC § 15-2.1-6 Development On Steep Slopes

Exhibit 2 – LMC § 15-2.2-3 Lot And Site Requirements

Exhibit 3 – LMC § 15-2.2-6 Development On Steep Slopes

Exhibit 4 – LMC § 15-2.3-4 Lot And Site Requirements

Exhibit 5 – LMC § 15-2.3-7 Development On Steep Slopes