Planning Commission Staff Report

Subject: PL-19-04400 Land Management Code Amendment § 15-6 Master Planned Development
Author: Hannah M. Tyler, AICP, Senior Planner
Date: January 8, 2020
Type of Item: Legislative – LMC Amendment

Summary Recommendations
The Planning Department requests the Planning Commission open a public hearing, review the proposed Land Management Code (LMC) amendments, and forward a positive recommendation for City Council’s consideration on January 16, 2020.

Description
Project Name: LMC Amendments regarding Master Planned Developments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Reason for Review
Amendments to the LMC require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Background
On December 5, 2019, the Affordable Housing and Planning Department staff held a work session with City Council to present the Final Report concluded by the City’s consultant, Cascadia Partners (December 5, 2019 Staff Report and Audio). Prior to retaining Cascadia partners, the Affordable Housing and Planning Department had proposed LMC Amendments to incentivize Affordable Housing development. Please reference the May 9, 2018 City Council staff report for background of the previous LMC Amendment proposal.

Cascadia Partners was retained in 2019 at the direction of City Council to assist City staff in determining if LMC Changes could actually “move the needle” on incentivizing the development of Affordable Housing by both Public and Private entities. On December 5, 2019, City Council reviewed the Final Report and gave staff direction to pursue the following LMC changes:

- LMC Amendments for Master Planned Developments (MPDs) to be completed as soon as possible (for consideration tonight):
  - Zone Required Setbacks
  - Open Space Reduction
  - Master Planned Affordable Housing Development Parking Requirements to match existing Master Planned Development standards
- LMC Amendments for MPDs to be completed after additional study, consultation, and outreach (at a later date):
The LMC implements goals, objectives and policies of the General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community’s unique character and values. These proposed LMC amendments were reviewed for consistency with the General Plan. The General Plan outlines Park City’s community goals and values as it pertains to Affordable Housing:

- **Core Value: Sense of Community**
  - **Housing Toolbox**: Consider zoning and regulatory incentives for housing diversity thresholds (decreased parking requirements, density bonus, etc.)
  - **Goal**: Create a diversity of primary housing opportunities to address the changing needs of residents.
    - **Strategies**:
      - Increased density that might allow for Affordable/Attainable Housing.
      - Revise zoning codes to permit a wider variety of compatible housing types within Park City neighborhoods.
  - **Goal**: Increase affordable housing opportunities and associated services for the workforce of Park City.
    - **Strategies**:
      - Update incentives for density bonuses for affordable housing developments to include moderate and mixed income housing.

**Analysis**
Planning staff and the Affordable Housing team have collaborated to create Land Use controls with the intent of incentivizing Affordable Housing Development. It is likely that the proposed changes may have more effect on public-private partnerships that direct private sector development. This Staff Report does not include evaluation of the influence of other State or Federal programs. Below, staff has provided analysis and redlines for each amended section of LMC § 15-6:

**LMC § 15-6-5(C) Setbacks:**
**Boundary Setback Requirements for Master Planned Developments**: The current MPD Requirements require a minimum twenty-five foot (25’) Setback around the exterior boundary of an MPD on Parcels greater than one (1) acre in size. However, the Planning Commission has the authority to decrease the required perimeter Setback in order to provide desired architectural interest and variation.

The Cascadia Partners Final Report contemplated development on parcels ranging from 0.5 acres to 2 acres. Cascadia Partners determined that the twenty-five foot (25’) Setback on a one (1) acre or less parcel would not only make the parcel less developable, but also would likely result in a project that was out of character in most instances with the neighboring properties because most neighboring properties would be using the lesser (in most cases) Zone Required Setbacks. In most Zoning Districts, one (1) acre parcels would be infill development on either vacant lots or the result of a redevelopment.
City Council directed staff to eliminate the requirement of the twenty-five foot (25') boundary Setback for certain parcels developed as part of an MPD in order to be consistent with those studied by Cascadia Partners. The result is that parcels less than two (2) acres comply with the underlying Zone Required Setbacks. No changes to the Setbacks for MPDs within the Historic Districts are proposed. Staff also made a spelling correction.

15-6-5(C) Setbacks:
1. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels one (1) 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) 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 than one (1) acre 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 less than one (1) acre 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).

LMC § 15-6-7(F) PARKING
Off-Street Parking: With input from Cascadia Partners, City Council has directed staff to create a level playing field between standard MPDs and Affordable Housing MPDs. The current Parking Requirement for Affordable Housing MPDs (1 per bedroom) typically turns out far greater than that of a standard MPD which is one of the greatest deterrents to using the current section of Code. Staff will match the standard MPD Off-Street Parking Requirements which are based on the uses defined in LMC § 15-3-6 Parking Ratio Requirements for specific Land Use Categories. Staff does not foresee any negative consequences to regulating Parking Requirements in this manner as this is typical of all developments.

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 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.

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.

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.

LMC § 15-6-7(G) Open Space

Open Space Minimums: The current MPD regulations require that all Master Planned Affordable Housing Developments contain a minimum of fifty percent (50%) Open Space. The Planning Commission may reduce the minimum Open Space to 40% in exchange for project enhancements. In regular MPDs (those subject to 15-65) many projects are ultimately awarded a reduction in the minimum Open Space requirement by the Planning Commission in exchange for project enhancements.
Cascadia Partners reported that the existing Open Space minimums are high and that more Open Space doesn’t always lend to better projects or community enhancements. In many cases, lesser and centralized or communal Open Spaces have greater impacts than Open Space that is achieved through required Setbacks. Examples of centralized and communal Open Spaces are the 1450-1460 Park Avenue and Woodside Park Phase I (located at 1333-1353 Park Avenue) Affordable Housing Projects.

**Examples of Affordable Housing Projects: Centralized / Communal Open Space**

*1450-1460 Park Avenue*  
*Woodside Park Phase I*

City Council directed staff to reduce the minimum Open Space requirement. Staff is recommending a reduction in the Open Space requirement for Master Planned Affordable Housing Developments to thirty percent (30%) and that at least fifteen percent (15%) of the minimum Open Space shall be Usable Open Space (see new definition later in analysis).
OPEN SPACE. All Master Planned Affordable Housing Developments shall contain a minimum of thirty percent (30%) Open Space with at least fifteen percent (15%) Usable 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-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 Space may not be utilized for Streets, roads, or Parking Areas.

LMC § 15-15 DEFINED TERMS
Staff has added the following definition for Usable Open Space as directed by City Council.

USABLE OPEN SPACE. An unobstructed portion of a lot which is landscaped and developed for active or passive recreational and leisure use, and is conveniently located and accessible. In a Master Planned Development, Usable Open Space shall be intended to serve all the units of a project and shall be accessible and convenient to all units.

Process
Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review
This report has been reviewed by the Legal Department, Affordable Housing and Community Development Department.

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 December 21, 2019 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.

Recommendation:
The Planning Department requests the Planning Commission open a public hearing, review the proposed Land Management Code (LMC) amendments, and forward a positive recommendation to City Council on January 16, 2020.

Exhibits
Exhibit 1 – Draft Ordinance
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 recently adopted Park City General Plan.

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.”

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.
WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on January 8, 2020 and forwarded a __________ 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

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. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

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

PASSED AND ADOPTED this 16th day of January, 2020

PARK CITY MUNICIPAL CORPORATION

_________________________________
Andy Beerman, Mayor

Attest:
City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits
Exhibit A – LMC § 15-7-5 Master Planned Development Requirements
Exhibit B – LMC § 15-7-6 Master Planned Affordable Housing Development
Exhibit C – LMC § 15-15 Defined Terms
15-6-7 MASTER PLANNED DEVELOPMENTS
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) 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) 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 than one (1) acre 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 less than one (1) acre 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).

(…)
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 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.

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.

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 minimum of thirty percent (30%) Open Space with at least fifteen percent (15%) Usable 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-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 Space may not be utilized for Streets, roads, or Parking Areas.

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
15-15 DEFINED TERMS

**USABLE OPEN SPACE.** An unobstructed portion of a lot which is landscaped and developed for active or passive recreational and leisure use, and is conveniently located and accessible. In a Master Planned Development, Usable Open Space shall be intended to serve all the units of a project and shall be accessible and convenient to all units.

HISTORY
Amended by Ord. 2016-44 on 9/15/2016
Amended by Ord. 2018-24 on 5/31/2018
Amended by Ord. 2018-27 on 5/31/2018
Amended by Ord. 2018-55 on 10/23/2018
Amended by Ord. 2018-55 on 10/23/2018
Amended by Ord. 2019-06 on 5/16/2019
Amended by Ord. 2019-30 on 5/30/2019