Summary Recommendations
The Planning Department requests the City Council open a public hearing, review the proposed Land Management Code (LMC) amendments as recommended by Planning Commission, and consider approving the Ordinance.

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, but concerns remained regarding their efficacy. Please reference the May 9, 2018 City Council staff report for background of the previous LMC Amendment proposal.

As a result, Cascadia Partners was retained in 2019 at the direction of City Council to determine 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 in two phases:

- Phase 1: LMC Amendments for Master Planned Developments (MPDs) to be considered as soon as possible by the Planning Commission (for consideration tonight):
  - Zone Required Setbacks
  - Open Space Reduction
  - Master Planned Affordable Housing Development Parking Requirements to match existing Master Planned Development standards
• Phase 2: LMC Amendments for MPDs to be considered with additional study, consultation, and outreach:
  o Maximum Building Height
  o Parking Reductions or alternative Parking Requirements
  o Reducing % of Affordable Housing necessary to qualify for Affordable Housing MPD [currently 100%]

The LMC implements goals, objectives and policies of the General Plan that maintain the quality of life and experiences for residents and visitors, and to preserve the community’s unique character and values. The proposed LMC amendments were reviewed for consistency with the General Plan, which also 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.

The Planning Commission reviewed the proposed Phase 1 LMC Amendments on January 8, 2020, and forwarded a unanimous positive recommendation, with amendments – outlined in the Analysis section.

**Analysis**
Planning staff and the Affordable Housing team collaborated to create Land Management Code amendments with the intent of incentivizing Affordable Housing 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:

**REGULAR MPD REQUIREMENTS: 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 as City Council elected for the Historic Districts to remain status-quo. 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) 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 less 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).

100% AFFORDABLE HOUSING MPD SUB-SECTION: LMC § 15-6-7(F) PARKING
Off-Street Parking: With input from Cascadia Partners, City Council 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.

The Planning Commission requested additional language (green font). This change will also be made in 15-6-5(E) which is included as Exhibit A of the Draft Ordinance.

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.
   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

(3) 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.

100% AFFORDABLE HOUSING MPD SUB-SECTION: 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 15-6-5), 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. Cascadia Partners recommended a Minimum Open Space requirement of 15%. Examples of centralized and communal Open Spaces are the 1450-1460 Park Avenue and Woodside Park Phase I (located at 1333-1353 Park Avenue) regular MPDs, which included Affordable Housing.

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 and define/require Usable Open Space. Staff analyzed how much of a lot is dedicated Minimum Setback Requirements as a means of defining the approximate amount of Open Space achieved by the underlying Zoning Requirements. The Setback analysis below does not take into account required vehicular and pedestrian ingress and egress.

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>RC</th>
<th>GC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 acre</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>2 acre</td>
<td>13%</td>
<td>13%</td>
</tr>
</tbody>
</table>

In addition, staff provided information that the centralized grass area at Woodside Park Phase I represents just 5% of the entire project area (see photo on page 5 of this Staff Report). Planning Commission discussed the chart and the effects of Setbacks in depth as a means of establishing their recommended Minimum Open Space Requirement. This included in-depth discussions regarding whether or not Usable Open Space was really necessary knowing that many projects may be located adjacent to public amenities and the general proximity of our community to Open Space opportunities. Ultimately, Planning Commission recommended adding a discretionary outlet for projects seeking further Open Space reductions if the project was located within close proximity to a public amenity in addition to lowering the Minimum Open Space Requirement.

Planning Commission recommended further Open Space reductions than what staff was originally recommending. Staff has outlined the different Open Space options that Planning Commission discussed (at length). Planning staff is in favor of the reduction in Open Space to 20% as recommended by Planning Commission; however, after further review and analysis, Planning Staff recommends removing the requirement and definition of Usable Open Space because we find that it will be difficult to define, implement, and regulate. The proposed amendments as recommended by Planning Commission (green font) are reflected after the list below. Staff’s new recommendation is identified in blue font below.

**Open Space Options Discussed by Planning Commission (green identifies Planning Commission’s recommendation):**

- 30% minimum Open Space with at least 15% Usable Space (staff’s original recommendation)
- 25% Open Space (no Usable Open Space requirement)
- 20% Open Space (no Usable Open Space requirement) – Planning staff’s new recommendation
- 20% Open Space with at least 10% Usable Open Space – Planning Commission’s recommendation
- 15% Open Space (No Usable Open Space requirement and recommended by Cascadia Partners).
**OPEN SPACE.** All Master Planned Affordable Housing Developments shall contain a minimum of **twenty percent (20%)** Open Space with at least ten percent (10%) 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.

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.

**LMC § 15-15 DEFINED TERMS**

Staff has added the following definition for Usable Open Space as directed by City Council and based on recommendations from the Planning Commission. After further review and analysis, Planning Staff does not recommend defining or requiring Usable Open Space. If City Council makes a recommendation to remove the Usable Open Space requirement and definition, staff will return with an updated Ordinance.

**USABLE OPEN SPACE.** Usable Open Space shall have a slope that is less than 5% and contains an area not less than ten feet (10’) in any direction. Usable Open Space shall be landscaped and developed for active recreational use or passive recreational and leisure use. Usable Open Space is conveniently located and accessible to all residents within a Master Planned Development. If Usable Open Space must be altered or exchanged to accommodate access roads, public infrastructure, or other future development, Usable Open Space in similar acreage with comparable natural and recreational qualities shall be established on-site or within proximity to the Master Planned Development.

**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.

**Housing Department Recommendation**

Housing staff is sensitive to goals stated in the General Plan working to protect the quality of life and preserve the community’s unique character and values, but feels that the development of affordable housing is a key component in achieving these goals.
Based on the recommendations of the hired third party consultant, and in an effort to further the Community’s critical priority of Housing, including the development of 800 units by 2026, the Housing Department feels that bolder changes to the LMC are needed.

The recommended changes proposed by the Planning Department will begin to reduce barriers for development of affordable housing but do not go far enough. The housing staff has provided alternative recommendations on the three areas of focus that are being discussed.

**Setbacks**
Housing staff feels that any MPD, regardless of size, that is not located within any of the Historic Districts should have the right to design to the minimum setbacks that meet that zone. This should be granted without the approval of the Planning Commission.

**Parking**
Housing staff is in favor of matching the parking requirements of the Affordable MPD with the current requirement for regular MPDs. While Housing staff would like to see a further reduction, it is understood that additional analysis is needed to help determine how additional parking reductions will affect the surrounding area, and what parking programs (enforcement) need to be in place prior to additional reductions. Parking requirements are often seen as the greatest barrier to making an affordable project financially viable. They are also the most controversial during project review among residents and neighbors.

**Open Space**
Housing staff agrees with the recommended reduction from the current 50% requirement down to 20%. The issues lie with the idea of including a requirement for 10% usable space. This term is not clearly defined and may cause confusion. It is the recommendation of the Housing staff that open space requirements be reduced to 20% with no requirement for usable open space. If usable open space is required, a better definition needs to be created. In addition, Housing staff supports the Planning Commission’s ability to further reduce Open Space requirements if a project is located in close proximity to a Public Use.

**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 City Council open a public hearing, review the proposed Land Management Code (LMC) amendments as recommended by Planning Commission and consider approving the Ordinance.

**Exhibits**
Exhibit 1 – Draft Ordinance
   - 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
Exhibit 1 – Draft Ordinance

Ordinance No. 2020-09

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

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 hearings 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

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 4. 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
Exhibit A – LMC § 15-6-5 Master Planned Developments

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) 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 less 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.

(…)
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 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.

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.

OPEN SPACE. All Master Planned Affordable Housing Developments shall contain a minimum of twenty percent (20%) Open Space with at least ten percent (10%) 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-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 Space 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.

G. 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
Exhibit C – LMC § 15-15 Defined Terms

15-15-1 DEFINED TERMS

**USABLE OPEN SPACE.** Usable Open Space shall have a slope that is less than 5% and contains an area not less than ten feet (10’) in any direction. Usable Open Space shall be landscaped and developed for active recreational use or passive leisure use. Usable Open Space is conveniently located and accessible to all residents within a Master Planned Development. If Usable Open Space must be altered or exchanged to accommodate access roads, public infrastructure, or other future development, Usable Open Space in similar acreage with comparable natural and recreational qualities shall be established on-site or within proximity to the Master Planned Development.

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

15-15-2 LIST OF DEFINED TERMS

-U-
UDOT
Uniformity Ratio
Unit Equivalent
**Usable Open Space**
Use
Use, Intensity of
Utah Public Notice Website