

ORDINANCE 2021-10

AN ORDINANCE REPEALING LAND MANAGEMENT CODE § 15-6-7, *MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT*; ENACTING CHAPTER 15-6.1, *AFFORDABLE MASTER PLANNED DEVELOPMENTS*; AND AMENDING CHAPTER 15-15, *DEFINED TERMS*

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, 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 Planning Commission duly noticed and conducted work sessions on October 28, 2020, November 11, 2020, December 9, 2020, and duly noticed and

conducted public hearings on January 27, 2021 and February 10, 2021 and unanimously forwarded a positive recommendation to City Council,

WHEREAS, the City Council duly noticed and conducted a public hearing on February 25, 2021.

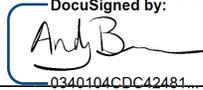
NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. REPEAL AND 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 Section 15-6-7, *Master Planned Affordable Housing Development* is hereby repealed; Chapter 15-6.1, *Affordable Master Planned Developments* is hereby enacted; and Chapter 15-15, *Defined Terms*, is hereby amended as outlined in Attachment 1.

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

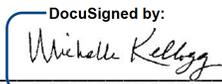
PASSED AND ADOPTED this 25th day of February, 2021

PARK CITY MUNICIPAL CORPORATION

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Andy Beerman, Mayor

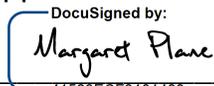
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City Recorder



Approved as to form:

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City Attorney's Office

1 **15-6-7 [Master Planned Affordable Housing Development]**

2 **Repealed**

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

8
9 Master Planned Developments, which are one hundred percent (100%)
10 Affordable Housing, as defined by the housing resolution in effect at the time of
11 Application, may be considered for a Density incentive greater than that normally
12 allowed under the applicable Zoning District and Master Planned Development
13 regulations with the intent of encouraging quality Development of permanent
14 rental and permanent Owner-occupied housing stock for low and moderate
15 income families within the Park City Area.

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

21 C. **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS**. When projects are
22 approved that comprise both rental and Owner/occupant Dwelling Units, the
23 combination and phasing of the Development shall be specifically approved by

24 ~~the Planning Commission and become a condition of project approval. A~~
25 ~~permanent rental housing unit is one which is subject to a binding agreement~~
26 ~~with the City.~~

27 ~~D. **MPD REQUIREMENTS**. All of the Master Planned Development requirements~~
28 ~~and findings of this Chapter shall apply to Affordable Housing Master Planned~~
29 ~~Development projects.~~

30 ~~E. **DENSITY BONUS**. The Planning Commission may increase the allowable~~
31 ~~Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit~~
32 ~~Equivalent formula applies.~~

33 ~~F. **OPEN SPACE**. All Master Planned Affordable Housing Developments shall~~
34 ~~contain a minimum of twenty percent (20%) Open Space as defined in Chapter~~
35 ~~15-15. On-Site amenities, such as playgrounds, trails, recreation facilities, bus~~
36 ~~shelters, significant landscaping, or other amenities are encouraged. Open~~
37 ~~Spaces may not be utilized for Streets, roads, or Parking Areas.~~

38
39 ~~The Planning Commission may decrease the required Open Space for projects~~
40 ~~located within 300 feet (300') of a Public Use, including, but not limited to a public~~
41 ~~park, Recreation Open Space, public trail, public school, or Public Recreation~~
42 ~~Facilities.~~

43 ~~G. **RENTAL RESTRICTIONS**. The provisions of the moderate income housing~~
44 ~~exception shall not prohibit the monthly rental of an individually owned unit.~~
45 ~~However, Nightly Rentals or timesharing shall not be permitted within~~
46 ~~Developments using this exception. Monthly rental of individually owned units~~

47 ~~shall comply with the guidelines and restrictions set forth by the Housing~~
48 ~~Authority as stated in the adopted Affordable Housing resolution in effect at the~~
49 ~~time of Application.]~~

50 HISTORY

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

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

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

54 *Amended by Ord. 2020-09 on 1/30/2020*

55 *Amended by Ord. 2020-45 on 10/1/2020*

56 **15-6.1 Affordable Master Planned Developments**

57 **15-6.1-1 Purpose**

58 **15-6.1-2 Requirements**

59 **15-6.1-3 Zoning Districts And Uses**

60 **15-6.1-4 Process**

61 **15-6.1-5 Approved Affordable Master Planned Developments**

62 **15-6.1-6 Density**

63 **15-6.1-7 Setbacks**

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

65 **15-6.1-9 Parking**

66 **15-6.1-10 Open Space**

67 **15-6.1-11 Site Planning**

68 **15-6.1-12 Required Findings And Conclusions of Law**

69 **15-6.1-13 Deed Restrictions**

70 15-6.1-14 Compliance

71 **15-6.1-1 Purpose**

72 The purpose of Affordable Master Planned Developments is to:

73 A. Incentivize public, private, and public-private development of Affordable Units for
74 the workforce of Park City;

75 B. Create developments that include market-rate and Affordable Units and increase
76 housing opportunities that are affordable to a wide range of incomes;

77 C. Increase Building Height and Density and decrease parking requirements for
78 Affordable Units if impacts to the community are mitigated;

79 D. Ensure neighborhood Compatibility; and

80 E. Encourage mixed-use, walkable, and sustainable development and
81 redevelopment that provides innovative and energy efficient design, including
82 innovative alternatives to reduce impacts of the automobile on the community.

83 **15-6.1-2 Requirements**

84 A. Affordable Master Planned Developments must contain at least ten (10)
85 Residential Unit Equivalents (20,000 square feet).

86 B. At least fifty percent (50%) of Affordable Master Planned Development
87 Residential Unit Equivalents shall be Affordable Units.

88 C. Affordable Units may differ from market rate units with regard to interior
89 amenities and Gross Floor Area provided that:

90 1. These differences, excluding differences related to size, are not apparent
91 in the general exterior appearances of the market-rate units within the
92 Affordable Master Planned Development;

93 2. These differences do not include insulation, windows, heating systems,
94 and other features related to the energy efficiency of the Affordable Master
95 Planned Development.

96 D. Nightly Rentals and Timeshares are prohibited for market-rate and Affordable
97 Units within an Affordable Master Planned Development.

98 **15-6.1-3 Zoning Districts And Uses**

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

- 101 1. Residential Development
- 102 2. Residential Development Medium
- 103 3. Residential Medium
- 104 4. Recreation Commercial
- 105 5. General Commercial
- 106 6. Light Industrial
- 107 7. Community Transition

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

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

113 **15-6.1-4 Process**

114 A. **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-
115 Application conference with Planning Department staff to become acquainted
116 with the Affordable Master Planned Development procedures and requirements.

117 B. **APPLICATION.** An Applicant shall submit a Complete Application for an
118 Affordable Master Planned Development to the Planning Department. The
119 Application shall include written consent by all Owners of the Property to be
120 included in the Affordable Master Planned Development. The Planning Director
121 shall assign the Application to a staff planner who will review the Application for
122 completeness. The staff planner will inform the Applicant if additional information
123 is required to constitute a Complete Application.

124 C. **PUBLIC OUTREACH.** It is recommended that the Applicant conduct public
125 outreach and that the Applicant host neighborhood meetings prior to submitting
126 an Application for an Affordable Master Planned Development.

127 D. **WORK SESSION.** After the staff planner determines an Affordable Master
128 Planned Development Application is complete, the Applicant may request a work
129 session with the Planning Commission in order to provide an opportunity for the
130 public and the Planning Commission to give preliminary input.

131 E. **ADDITIONAL STUDIES.** The Planning Commission may require Applicants to
132 submit and fund additional studies for Affordable Master Planned Development
133 proposals that significantly increase the Density and intensity of Use of a Site. If
134 the Planning Commission requires an Applicant to submit a traffic study, the

135 Transportation Department and City Engineer shall recommend a method of
136 modeling and scope of the study area.

137 F. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary
138 review body for Affordable Master Planned Developments.

139 G. **PUBLIC HEARING.** The Planning Commission is required to hold a public
140 hearing prior to taking action on an Affordable Master Planned Development.
141 Multiple public hearings may be necessary for larger, complex projects. Staff
142 shall notice each public hearing in accordance with Sections 15-1-12 and 15-1-
143 21.

144 H. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve,
145 approve with modifications, or deny a requested Affordable Master Planned
146 Development, based on the findings outlined in Section 15-6.1-12. The Planning
147 Commission action shall be in the form of written findings of fact, conclusions of
148 law, and in the case of approval, conditions of approval.

149 I. **APPEALS.** Appeals of Planning Commission action shall be conducted in
150 accordance with Section 15-1-18.

151 **15-6.1-5 Approved Affordable Master Planned Developments**

152 A. **DEVELOPMENT AGREEMENT.** Planning Commission approval of an Affordable
153 Master Planned Development shall be put in the form of a Development
154 Agreement approved by the City Attorney and shall contain, at a minimum, the
155 following:

156 1. A legal description of the land;

- 157 2. All relevant zoning and Land Management Code parameters, including all
158 findings, conclusions, and conditions of approval, specifying any
159 exceptions;
- 160 3. An express reservation of the future legislative power and zoning authority
161 of the City;
- 162 4. A provision to allow for minor, administrative modifications without revision
163 of the Agreement;
- 164 5. A copy of the approved Site plan, architectural plans, Landscaping plans,
165 Grading plan, trails and Open Space plans, and other plans, which are a
166 part of the Planning Commission approval;
- 167 6. A description of all Developer exactions or agreed upon public
168 dedications;
- 169 7. Developer agreement to pay all specified impact fees;
- 170 8. The Initial Purchase Price of the Affordable Units, as defined in the
171 Housing Resolution in effect at the time of a Complete Application;
- 172 9. The form of ownership anticipated for the project;
- 173 10. A specific project phasing plan;
- 174 11. A list and map of all known Physical Mine Hazards on the Property, as
175 determined through the exercise of reasonable due diligence by the
176 Owner, as well as a description and GPS coordinates of those Physical
177 Mine Hazards;

178 12. A map and inventory of all Historic Structures on the Property and a
179 Historic Structures Report prepared by a qualified Historic Preservation
180 Professional.

181 **B. DEVELOPMENT AGREEMENT RATIFICATION.**

- 182 1. The Applicant shall submit a draft Development Agreement to the
183 Planning Department within six (6) months of the date the Planning
184 Commission approved the Affordable Master Planned Development or the
185 Planning Commission approval shall expire.
- 186 2. The Planning Commission shall hold a public hearing prior to ratifying a
187 Development Agreement.
- 188 3. A Development Agreement ratified by the Commission shall be signed by
189 the Mayor and the Applicant and recorded with the Summit County
190 Recorder within eighteen (18) months of Planning Commission approval.

191 **C. LENGTH OF APPROVAL.** Construction, as defined by the International Building
192 Code, is required to commence within two (2) years of the date of the execution
193 of the Development Agreement. After construction commences, the Affordable
194 Master Planned Development shall remain valid as long as it is consistent with
195 the approved project phasing plan set forth in the Development Agreement. The
196 project phasing plan may require Planning Commission review and reevaluation
197 of the project at specified points in the Development of the Affordable Master
198 Planned Development.

199 **D. EXTENSION.** The Planning Commission may grant an extension of an
200 Affordable Master Planned Development for up to two (2) additional years when

201 the Applicant demonstrates no change in circumstance that would result in
202 unmitigated impacts or that would result in a finding of non-compliance with the
203 Affordable Master Planned Development requirements in the Land Management
204 Code in effect at the time of the extension request. Change in circumstance
205 includes physical changes to the Property or surrounding Properties. Applicants
206 must submit a written extension request to the Planning Department prior to the
207 expiration of the Affordable Master Planned Development. Staff shall notice
208 extension request public hearings according to Sections 15-1-12 and 15-1-21.

209 E. **MODIFICATIONS.** The Planning Commission shall determine whether a
210 proposed modification to an approved Affordable Master Planned Development
211 is minor or substantive.

212 1. **Minor Modification.** A minor modification to an approved Affordable
213 Master Planned Development is a modification that complies with the
214 Land Management Code and Affordable Master Planned Development
215 approval and does not trigger additional Off-Street Parking requirements,
216 does not reduce Open Space, and does not increase traffic by 5% or more
217 as demonstrated by a traffic generation study. The Planning Director shall
218 review and take Final Action on a minor modification to a Master Planned
219 Development and shall issue an Administrative Permit for an approval.
220 The Administrative Permit approval may be appealed to the Planning
221 Commission.

222 2. **Substantive Modifications.** Substantive modifications to an approved
223 Affordable Master Planned Development create additional impacts and

224 require review of the entire Affordable Master Planned Development and
225 Development Agreement by the Planning Commission, unless otherwise
226 specified in the Development Agreement. Substantive modifications
227 include but are not limited to a change to a Finding of Fact or Condition of
228 Approval, a change in Use or an increase in Floor Area that triggers
229 additional Off-Street Parking requirements, a change in Use or an
230 increase in Floor Area that generates more than a 5% increase in traffic
231 demonstrated by a traffic generation study, or a reduction in Open Space.

232 F. **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned
233 Development may require additional review by the Planning Commission as a
234 Conditional Use, if so required by the Planning Commission at the time of the
235 Affordable Master Planned Development approval.

- 236 1. Site specific approvals must comply with the review criteria of the
237 Affordable Master Planned Development approval and the Conditional
238 Use permit criteria in Section 15-1-10.
- 239 2. The Planning Department will review Site specific plans, including Site
240 layout, architecture, and Landscaping plans for compliance with the
241 Affordable Master Planned Development approval and Land Management
242 Code prior to issuance of Building Permit.

243 **15-6.1-6 Density**

244 A. Density for Affordable Master Planned Developments is not determined by the
245 underlying Zoning District. Rather, Density for Affordable Master Planned
246 Developments is volume based and is determined by the requirements outlined

247 in this Affordable Master Planned Development Chapter. Setbacks shall comply
248 with Section 15-6.1-7, Building Height and Facades shall comply with Section 15-
249 6.1-8, parking shall comply with Section 15-6.1-9, Open Space shall comply with
250 Section 15-6.1-10, and Site planning shall comply with Section 15-6.1-11.

251 **15-6.1-7 Setbacks**

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

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

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

262 C. For perimeter Setbacks or Setbacks within the Affordable Master Planned
263 Development, the Planning Commission may increase Setbacks to retain existing
264 Significant Vegetation or natural features, to create an adequate buffer to
265 adjacent Uses, or to meet Historic Compatibility requirements.

266 D. The Planning Commission may reduce Setbacks within the project boundary, but
267 not perimeter Setbacks, from those otherwise required in the Zoning District to
268 match an abutting zone-required Setback, provided the project meets minimum
269 International Building Code and Fire Code requirements, maintains the general

270 character of the surrounding neighborhood in terms of mass, scale, and spacing
271 between Structures, and meets Open Space criteria.

272 E. Final Setback approvals shall be specified as a Finding of Fact in the Affordable
273 Master Planned Development approval, in the Development Agreement, and on
274 each plat within the Affordable Master Planned Development.

275 **15-6.1-8 Building Height and Facades**

276 A. **BUILDING HEIGHT.** Affordable Master Planned Development Building Height
277 shall comply with the underlying Zoning District Building Height for the perimeter
278 Building Façade planes. Building Height is forty-five feet (45') from Existing
279 Grade when the following criteria are met:

- 280 1. The Building includes a ten foot (10') stepback on all perimeter Building
281 Façade planes from the underlying Zoning District Building Height to the
282 forty-five foot (45') Building Height;
- 283 2. Infrastructure is in place or can be updated to meet the increased
284 demand; and
- 285 3. The Building complies with Building Façade variation requirements.

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

- 287 1. Antennas, chimneys, flues, vents, and similar Structures may extend up to
288 five feet (5') above the highest point of the Building to comply with
289 International Building Code requirements;
- 290 2. Water towers, mechanical equipment, and Solar Energy Systems, when
291 enclosed or Screened, may extend up to five feet (5') above the forty-five
292 foot (45') Building Height; and

- 293 3. Elevator Penthouses may extend up to eight feet (8') above the forty-five
294 foot (45') Building Height.

295 **C. STEPBACK EXCEPTIONS.**

- 296 1. Chimneys not more than five feet (5') wide and projecting not more than
297 two feet (2') into the setback.
- 298 2. Roof overhangs or eaves projecting not more than two feet (2') into the
299 setback.
- 300 3. Window sills, belt courses, trim, exterior siding, cornices, or other
301 ornamental features projecting not more than six inches (6") beyond the
302 main Structure to which they are attached.
- 303 4. Rooftop Decks projecting not more than six feet (6') into the setback.
- 304 5. Solar Energy Systems.
- 305 6. Green Roofs.
- 306 7. Rooftop gardens projecting not more than six feet (6') into the setback.
- 307 8. Screened mechanical equipment, hot tubs, or similar Structures projecting
308 not more than six feet (6') into the setback.

309 **D. FAÇADE VARIATION.**

- 310 1. Buildings greater than sixty feet (60') but less than one-hundred-twenty
311 feet (120') in length must exhibit a prominent shift in the Façade of the
312 Building so that no greater than seventy-five percent (75%) of the length of
313 the Building Façade appears unbroken. Each shift shall be in the form of
314 either a ten foot (10') change in Building Façade alignment or a ten foot

- 315 (10') change in the Building Height, or a combined change in Building
316 Façade and Building Height totaling ten feet (10').
- 317 2. Structures that exceed one-hundred-twenty feet (120') in length on any
318 Façade shall provide a prominent shift in the mass of the Building at each
319 one-hundred-twenty-foot (120') interval, or less, reflecting a change in
320 function or scale. The shift shall be in the form of either a fifteen foot (15')
321 change in Building Façade alignment or a fifteen foot (15') change in the
322 Building Height. A combination of both the Building Height and Building
323 Façade change is encouraged and to that end, if the combined change
324 occurs at the same location in the Building plan, a fifteen foot (15') total
325 change will be considered as full compliance.
- 326 3. The Façade length and variation requirements apply to all sides of a
327 Building.

328 **15-6.1-9 Parking**

- 329 A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-
330 Street Parking.
- 331 B. The Applicant may request that the Planning Commission reduce the parking
332 required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use
333 Categories. To request a parking reduction, the Applicant must:
- 334 1. Demonstrate that parking reductions materially increase the feasibility of
335 the proposed Affordable Master Planned Development;
- 336 2. Fund and submit a parking and traffic study completed by a third party
337 selected by the City; and

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

340 C. If the Planning Commission approves a reduction in the parking requirements,
341 the Applicant shall submit a parking management plan for Planning Commission
342 review and approval prior to the issuance of a Certificate of Occupancy for any
343 portion of the Affordable Master Planned Development.

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

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

350 1. On sites that are one acre or less by deducting 5,000 square feet per
351 15,000 square feet of Gross Floor Area for each floor from the sum of total
352 floor area that is used to calculate parking requirements;

353 2. Parking in the Right-of-Way along the perimeter of the Affordable Master
354 Planned Development Site is available;

355 3. A clear and irrevocable agreement authorizes Affordable Master Planned
356 Development residents to park in an off-Site Parking Area or Parking
357 Structure that is located within 1,000 feet of the Affordable Master Planned
358 Development perimeter boundary;

359 4. The Affordable Master Planned Development is within ¼-mile from a bus
360 stop that includes a waiting shelter consistent with City standards;

- 361 5. On-Site parking is provided for motorcycles and/or scooters;
 362 6. Bicycle parking exceeds the requirements of Section 15-3-9;
 363 7. The Affordable Master Planned Development provides dedicated parking
 364 spaces for resident carshare vehicles.

- 365 E. The Planning Commission may not reduce Affordable Master Planned
 366 Development parking requirements below the ratio outlined in 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

367 Table 1

- 368 F. In mixed-use Affordable Master Planned Developments, the Commercial, Retail,
 369 Office, Public, and/or Quasi-public Uses shall meet the parking requirements
 370 outlined in Chapter 15-3.

371 **15-6.1-10 Open Space**

- 372 A. Affordable Master Planned Developments shall contain a minimum of twenty
 373 percent (20%) Open Space. On-Site amenities, such as playgrounds, trails,
 374 recreation facilities, bus shelters, and significant landscaping are encouraged.
 375 Open Space may not be used for Streets, roads, or Parking Areas.
- 376 B. The Planning Commission may decrease the required Open Space for projects
 377 located within 300 feet (300') of a Public Use, including but not limited to a public
 378 park, Recreation Open Space, public trail, public school, or Public Recreation
 379 Facility.

380 **15-6.1-11 Site Planning**

381 An Affordable Master Planned Development shall be designed to take into consideration
382 the characteristics of the Site upon which it is proposed to be placed. The Development
383 should be designed to fit the Site, not the Site modified to fit the project. The Applicant
384 shall address the following in the Site planning:

- 385 A. **CLUSTERED DEVELOPMENT.** Units shall be clustered on the most
386 developable and least visually sensitive portions of the Site. Open Space shall
387 separate the clusters. The Open Space should be designed so that existing
388 Significant Vegetation is maintained on the Site.
- 389 B. **GRADING.** Projects shall be designed to minimize Grading and the need for
390 large retaining Structures. Roads, utility lines, and Structures should be designed
391 to work with Existing Grade. Cuts and fills shall be minimized.
- 392 C. **TRAILS.** Existing trails shall be incorporated into the Open Space elements of
393 the project and shall be maintained in their existing location whenever possible.
394 Applicants may be required to grant the City a trail easement to connect
395 proposed trails with existing trails. Construction of new trails shall be consistent
396 with the Park City Trails Master Plan.
- 397 D. **INTERNAL CIRCULATION.** Adequate internal vehicular, pedestrian, and bicycle
398 circulation shall be provided. Pedestrian and bicycle circulations shall be
399 separated from vehicular circulation and shall provide safe travel within the
400 boundaries of the Affordable Master Planned Development and safe travel to
401 adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may

402 be considered for Condominium projects if they meet the minimum emergency
403 and safety requirements.

404 E. **SNOW REMOVAL.** The Site plan shall include adequate Areas for snow removal
405 and snow storage. The Landscaping plan shall allow for snow storage Areas.
406 Structures shall be set back from any hard surfaces so as to provide adequate
407 Areas to remove and store snow. Snow shall be stored on-Site, unless otherwise
408 approved by the Planning Commission.

409 F. **TRASH AND RECYCLING.** The Site plan shall include adequate Areas for trash
410 and recycling containers and shall include an adequate circulation area for pick-
411 up vehicles. Convenient pedestrian Access shall be provided within the
412 Affordable Master Planned Development to the trash and recycling containers.
413 No Site plan with a Commercial Development or Multi-Unit Dwelling shall be
414 approved unless there is a mandatory recycling program, which may include
415 Recycling Facilities for the Site. Single Family Dwellings shall include a
416 mandatory recycling program with curb side recycling, and may also include
417 Recycling Facilities. The Recycling Facilities shall be identified on the Site plan to
418 accommodate for materials generated by the tenants, residents, users,
419 operators, or owners of such Master Planned Development. Such Recycling
420 Facilities shall include, but are not limited to, glass, paper, plastic, cans,
421 cardboard or other household or commercially generated recyclable and scrap
422 materials. Centralized trash and recycling containers shall be located in a
423 completely enclosed Structure with a pedestrian door and a truck door or gate.
424 The enclosed Structure shall be designed with materials that are compatible with

425 the principal Structures in the Affordable Master Planned Development and shall
426 be constructed of masonry, steel, or other substantial materials. The Structure
427 shall be large enough to accommodate a trash container and at least two
428 recycling containers to provide for the option of dual-stream recycling.

429 G. **TRANSPORTATION AMENITIES.** The Site plan shall include transportation
430 amenities including drop-off Areas for van and shuttle service, and a bus stop, if
431 applicable.

432 H. **SERVICE AND DELIVERY.** Access and loading/unloading Areas must be
433 included in the Site plan. The service and delivery should be kept separate from
434 pedestrian Areas.

435 I. **LANDSCAPE AND LIGHTING.** A preliminary Landscaping plan must be
436 submitted with the Affordable Master Planned Development Application. The
437 Landscaping plan shall comply with all criteria and requirements of Section 15-5-
438 5(N). All noxious weeds, as identified by Summit County, shall be removed from
439 the Property in accordance with the Summit County Weed Ordinance prior to
440 issuance of Certificates of Occupancy. Lighting must meet the requirements of
441 Section 15-5-5(J).

442 J. **SENSITIVE LANDS COMPLIANCE.** Applicants for an Affordable Master
443 Planned Development that contains any Area within the Sensitive Land Overlay
444 Zone shall conduct a Sensitive Lands Analysis and shall conform to Chapter 15-
445 2.21.

446 K. **CHILD CARE.** A Site designated and planned for a Child Care Center may be
447 required for an Affordable Master Planned Development if the Planning

448 Commission determines that the project will create additional demands for Child
449 Care.

450 L. **MINE HAZARDS.** Applications shall include a map and list of all known Physical
451 Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.

452 M. **HISTORIC MINE WASTE MITIGATION.** An Applicant for an Affordable Master
453 Planned Development with Property that is located within the Park City Soils
454 Ordinance Boundary shall submit a soil remediation mitigation plan and shall
455 indicate areas of hazardous soils and proposed methods of remediation and/or
456 removal subject to the requirements and regulations of the Municipal Code of
457 Park City Chapter 11-15.

458 N. **GENERAL PLAN REVIEW.** The Planning Commission shall review Affordable
459 Master Planned Developments for consistency with the goals and objectives of
460 the General Plan; however such review for consistency shall not alone be
461 binding.

462 O. **HISTORIC SITES.** Applicants shall submit a map and inventory of Historic
463 Structures and Sites on the Property and a Historic Structures Report prepared
464 by a Qualified Historic Preservation Professional.

465 **15-6.1-12 Required Findings And Conclusions Of Law**

466 The Planning Commission must make the following findings in order to approve an
467 Affordable Master Planned Development. In some cases, conditions of approval will be
468 attached to the approval to ensure compliance with these findings. The Affordable
469 Master Planned Development, as conditioned:

470 A. Provides at least 50% Affordable Units;

- 471 B. Complies with requirements of the Land Management Code;
- 472 C. Meets the minimum requirements of this Chapter;
- 473 D. Provides meaningful Open Space for residents and the public;
- 474 E. Strengthens and enhances the resort character of Park City;
- 475 F. Compliments the natural features on the Site and preserves significant features
- 476 or vegetation to the extent possible;
- 477 G. Meets the Sensitive Lands requirements of the Land Management Code and is
- 478 designed to place Development on the most developable land and least visually
- 479 obtrusive portions of the Site;
- 480 H. Promotes the Use of non-vehicular forms of transportation through design and by
- 481 providing trail and pathway connections;
- 482 I. Was noticed and the Planning Commission held a public hearing in accordance
- 483 with this Chapter;
- 484 J. Incorporates best planning practices for sustainable development, including
- 485 water conservation measures and energy-efficient design and construction, per
- 486 the Residential and Commercial Energy and Green Building program and codes
- 487 adopted by the Park City Building Department in effect at the time of the
- 488 Application, and includes Energy Star qualified products for appliances;
- 489 K. Addresses and mitigates Physical Mine Hazards according to accepted City
- 490 regulations and policies;
- 491 L. Addresses and mitigates Historic Mine Waster and complies with the
- 492 requirements of the Park City Soils Boundary Ordinance;

- 493 M. Addresses Historic Structures and Sites on the Property, according to accepted
- 494 City regulations and policies, and any applicable Historic Preservation Plan;
- 495 N. Addresses and mitigates traffic;
- 496 O. Addresses and mitigates parking reductions and parking management.

497 **15-6.1-13 Deed Restrictions**

- 498 A. Prior to a Certificate of Occupancy for any market rate or Affordable Unit within
- 499 the Affordable Master Planned Development, provisions to ensure continued
- 500 affordability of Affordable Units shall be embodied in legally binding deed
- 501 restrictions, approved by the City Attorney, and recorded with the County.
- 502 B. The deed restrictions shall conform with the deed restriction requirements
- 503 outlined in the Park City Affordable Housing Resolution in effect at the time of a
- 504 complete Affordable Master Planned Development Application submission, or as
- 505 otherwise determined by the Park City Housing Authority.
- 506 C. The deed restriction shall continue in full force and effect for a period not less
- 507 than forty (40) years. Upon expiration of the initial forty (40) year term, or any
- 508 subsequent term, the City shall have six (6) months in which to determine, based
- 509 on an independent market study, that the Affordable Units within the Affordable
- 510 Master Planned Development are no longer necessary to satisfy the affordable or
- 511 workforce housing needs of the City. The City Council or its successor shall
- 512 make the final determination of such continuing need, and if the City makes no
- 513 such determination, the deed restrictions shall automatically renew for one or
- 514 more additional consecutive ten (10) year terms.

515 **15-6.1-14 Compliance**

516 A. Each Property Owner of an Affordable Unit within the Affordable Master Planned
517 Development shall submit to the City an annual compliance report, as amended
518 from time to time by the City or its designee, verifying deed restriction
519 compliance.

520 B. The Municipal Code of Park City Section 8-3-6 establishes that it is a crime to
521 commit affordable housing fraud. Violation of Section 8-3-6 is subject to criminal
522 prosecution.

523

524 **15-15-1 Defined Terms**

525 **AFFORDABLE HOUSING.** Housing that is priced affordable to households with
526 incomes at or below 80% of Area Median Income.

527 **AFFORDABLE UNIT.** Affordable Master Planned Development units that are deed
528 restricted to the housing size and type for individuals meeting occupancy guidelines
529 approved and adopted by the City Council and outlined in the Housing Resolution in
530 effect at the time of a Complete Affordable Master Planned Development Application.

531 **MICRO UNIT.** A unit that is between 250 and 600 square feet designed around a single
532 room incorporating features of a living room, bedroom, dining room/kitchen, and
533 bathroom.

534 **RESIDENTIAL UNIT EQUIVALENT.** For Multi-Unit Dwellings, Residential Unit
535 Equivalents are calculated on the basis of one (1) Unit Equivalent per 2,000 square feet
536 and portions of Unit Equivalents for additional square feet above or below 2,000. For

537 example: 2,460 square feet of a Multi-Unit Dwelling equals 1.23 Residential Unit

538 Equivalents.

539 **15-15-2 List Of Defined Terms**

540

541 **-A-**

542 Access

543 Accessory Apartment

544 Accessory Building

545 Accessory Use

546 Active Building Permit

547 Administrative Permit

548 Affected Entity

549 Affordable Housing

550 Affordable Unit

551 Agent

552 Agriculture

553 Allowed Use

554 Alteration, Building

555 Ancillary Structure

556 Anemometers and Anemometer Towers

557 Antenna

558 Antenna, Test Drive

559 Antenna, Enclosed

- 560 Antenna, Freestanding
- 561 Antenna, Roof Mounted
- 562 Antenna, Temporary
- 563 Antenna, Wall Mounted
- 564 Apartment
- 565 Applicant
- 566 Application
- 567 Application, Complete
- 568 Architectural Detail
- 569 Area or Site
- 570 Attic
- 571
- 572 **-M-**
- 573 Master Planned Development (MPD)
- 574 Material Deconstruction or Dismantling
- 575 Maximum Extent Feasible
- 576 Maximum House Size
- 577 Medical Cannabis Pharmacy
- 578 Medical Cannabis Production Establishment
- 579 Micro Unit
- 580 Model Home
- 581

- 582 -R-
- 583 Receiving Site
- 584 Reconstruction
- 585 Recreation Equipment, Outdoor
- 586 Recreation Facilities, Commercial
- 587 Recreation Facilities, Private
- 588 Recreation Facilities, Public
- 589 Recycling Facility
- 590 Recycling Facility, Class I
- 591 Refractive Light Source
- 592 Regulated Use
- 593 Rehabilitation
- 594 Residential Unit Equivalent
- 595 Residential Use
- 596 Resort Support Commercial
- 597 Restaurant
- 598 Restaurant, Drive-Through
- 599 Restoration
- 600 Resubdivision
- 601 Rhythm and Pattern
- 602 Retail and Service, Commercial-Auto Related
- 603 Retail and Service, Commercial-Major
- 604 Retail and Service, Commercial-Minor

- 605 Retail and Service, Commercial-
- 606 Personal Improvement
- 607 Ridge Line Area
- 608 Riding Stable, Commercial
- 609 Right-of-Way
- 610 Road, Collector
- 611 Road Classification
- 612 Road Right-of-Way Width
- 613 Roof Form
- 614 Roof Form, Contributing
- 615 Roof Form, Flat
- 616 Roof Form, Secondary
- 617 Roof, Total