

ORDINANCE NO. 2021-38

**AN ORDINANCE AMENDING PRIMARILY RESIDENTIAL ZONING DISTRICTS
IN THE LAND MANAGEMENT CODE SECTIONS § 15-2.1-2; § 15-2.2-2; § 15-2.3-2;
§ 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2;
§ 15-2.15-2; § 15-15-1; and § 15-15-2 AND ENACTING SECTION 15-4-7.1,
*INTERNAL ACCESSORY DWELLING UNITS***

WHEREAS, the Utah Legislature enacted the 5th Substitute of H.B. 82 *Single-Family Modifications*;

WHEREAS, on March 16, 2021, the Governor signed H.B. 82;

WHEREAS, on October 1, 2021, H.B. 82 pre-empts certain municipal regulations regarding what the state defines as Internal Accessory Dwelling Units, an accessory dwelling unit created within the Building Footprint of a Single-Family Dwelling that is occupied as the primary residence of the owner of record and for the purpose of offering a long-term rental of 30 consecutive days or longer;

WHEREAS, the City has allowed Accessory Apartments—dwelling units within a Single-Family Dwelling, attached to a Single-Family Dwelling, or added to a detached garage—in most primarily residential Zoning Districts since 1994;

WHEREAS, the City is in the process of amending land use regulations for Accessory Apartments to incentivize private development of affordable units;

WHEREAS, Land Management Code amendments regarding Internal Accessory Dwelling Units are proposed as a stopgap to prepare for State pre-emption while the final Accessory Apartment amendments are reviewed by the Planning Commission with public hearings in October, and November, and the City Council in December;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on September 15, 2021 and unanimously forwarded a positive recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on September 23, 2021.

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


SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE

15. The recitals above are incorporated herein as findings of fact. Municipal Code of Park City § 15-2.1-2; § 15-2.2-2; § 15-2.3-2; § 15-2.4-2; § 15-2.9-2; § 15-2.10-2; § 15-2.11-2; § 15-2.12-2; § 15-2.13-2; § 15-2.14-2; § 15-2.15-2; § 15-15-1; and § 15-15-2 are hereby amended as outlined in Attachment 1. Section 15-4-7.1 *Internal Accessory Dwelling Units* is hereby enacted as outlined in Attachment 1.

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


PASSED AND ADOPTED this 23rd day of September 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Andy Beerman, Mayor

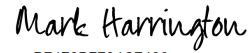
Attest:

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City Recorder



Approved as to form:

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City Attorney's Office

1 **ATTACHMENT 1**

2 **15-2.1-2 Uses**

3 Uses in the HRL District are limited to the following:

4 A. **ALLOWED USES.**

- 5 1. Single Family Dwelling
- 6 2. Home Occupation
- 7 3. Child Care, In-Home Babysitting
- 8 4. Child Care, Family¹
- 9 5. Child Care, Family Group¹
- 10 6. Accessory Building and Use
- 11 7. Conservation Activity
- 12 8. Agriculture
- 13 9. Residential Parking Area or Structure with four (4) or fewer spaces
- 14 10. Internal Accessory Dwelling Unit⁹

15

16 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
17 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
18 subject to an Administrative Conditional Use Permit.

19 **15-2.2-2 Uses**

20 Uses in the HR-1 District are limited to the following:

21 A. **ALLOWED USES.**

- 22 1. Single Family Dwelling
- 23 2. Lockout Unit¹
- 24 3. Nightly Rental¹
- 25 4. Home Occupation
- 26 5. Child Care, In-Home Babysitting²

- 27 6. Child Care, Family²
- 28 7. Child Care, Family Group²
- 29 8. Accessory Building and Use
- 30 9. Conservation Activity
- 31 10. Agriculture
- 32 11. Residential Parking Area or Structure, with four (4) or fewer spaces
- 33 12. Internal Accessory Dwelling Unit¹⁰

34

35 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
36 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
37 subject to an Administrative Conditional Use Permit.

38 **15-2.3-2 Uses**

39 Uses in the HR-2 District are limited to the following:

40 A. **ALLOWED USES.**

- 41 1. Single Family Dwelling
- 42 2. Lockout Unit¹
- 43 3. Nightly Rental²
- 44 4. Home Occupation
- 45 5. Child Care, In-Home Babysitting³
- 46 6. Child Care, Family³
- 47 7. Child Care, Family Group³
- 48 8. Accessory Building and Use
- 49 9. Conservation Activity
- 50 10. Agriculture
- 51 11. Residential Parking Area or Structure with four (4) or fewer spaces
- 52 12. Recreation Facility, Private

53 13. Internal Accessory Dwelling Unit¹²

54

55 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
56 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
57 subject to an Administrative Conditional Use Permit.

58 **15-2.4-2 Uses**

59 Uses in the HRM District are limited to the following:

60 A. **ALLOWED USES.**

- 61 1. Single Family Dwelling
- 62 2. Duplex Dwelling
- 63 3. Secondary Living Quarters
- 64 4. Lockout Unit¹
- 65 5. Accessory Apartment²
- 66 6. Nightly Rental³
- 67 7. Home Occupation
- 68 8. Child Care, In-Home Babysitting
- 69 9. Child Care, Family⁴
- 70 10. Child Care, Family Group⁴
- 71 11. Accessory Building and Use
- 72 12. Conservation Activity
- 73 13. Agriculture
- 74 14. Parking Area or Structure with four (4) or fewer spaces
- 75 15. Internal Accessory Dwelling Unit¹¹

76

77 (Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units. Single-Family Dwellings
78 designated Significant or Landmark Historic Sites on the Park City Historic Sites Inventory are
79 subject to an Administrative Conditional Use Permit.

80 **15-2.9-2 Uses**

81 Uses in the E-40 District are limited to the following:

82 A. **ALLOWED USES.**

- 83 1. Single Family Dwelling
- 84 2. Secondary Living Quarters
- 85 3. Lockout Unit¹
- 86 4. Accessory Apartment²
- 87 5. Nightly Rental³
- 88 6. Home Occupation
- 89 7. Child Care, In-Home Babysitting
- 90 8. Child Care, Family⁴
- 91 9. Child Care, Family Group⁴
- 92 10. Accessory Building and Use
- 93 11. Conservation Activity
- 94 12. Agriculture
- 95 13. Raising, grazing of horses
- 96 14. Residential Parking Area or Structure, with four (4) or fewer spaces
- 97 15. Internal Accessory Dwelling Unit⁹

98

99 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

100 **15-2.10-2 Uses**

101 Uses in the Estate (E) District are limited to the following:

102 A. **ALLOWED USES.**

- 103 1. Single Family Dwelling
- 104 2. Duplex Dwelling
- 105 3. Secondary Living Quarters
- 106 4. Lockout Unit¹
- 107 5. Accessory Apartment²
- 108 6. Nightly Rental^{1,3}
- 109 7. Home Occupation
- 110 8. Child Care, In-Home Babysitting⁴
- 111 9. Child Care, Family⁴
- 112 10. Child Care, Family Group⁴
- 113 11. Accessory Buildings and Uses
- 114 12. Conservation Activity
- 115 13. Agriculture
- 116 14. Raising, grazing of horses
- 117 15. Parking Area or Structure with four (4) or fewer spaces
- 118 16. Internal Accessory Dwelling Unit¹²

119

120 (Footnote 12) See Section 15-4-7.1, Internal Accessory Dwelling Units.

121 **15-2.11-2 Uses**

122 Uses in the SF District are limited to the following:

123 A. **ALLOWED USES.**

- 124 1. Single Family Dwelling
- 125 2. Duplex Dwelling¹
- 126 3. Secondary Living Quarters²
- 127 4. Accessory Apartment³
- 128 5. Nightly Rental⁴

- 129 6. Home Occupation
- 130 7. Child Care, In-Home Babysitting⁵
- 131 8. Child Care, Family⁵
- 132 9. Child Care, Family Group⁵
- 133 10. Accessory Building and Use
- 134 11. Conservation Activity
- 135 12. Agriculture
- 136 13. Parking Area or Structure with four (4) or fewer spaces
- 137 14. Internal Accessory Dwelling Unit¹⁰

138

139 (Footnote 10) See Section 15-4-7.1, Internal Accessory Dwelling Units.

140 **15-2.12-2 Uses**

141 Uses in the R-1 District are limited to the following:

142 A. **ALLOWED USES.**

- 143 1. Single Family Dwelling
- 144 2. Duplex Dwelling
- 145 3. Secondary Living Quarters
- 146 4. Lockout Unit¹
- 147 5. Accessory Apartment²
- 148 6. Nightly Rental³
- 149 7. Home Occupation
- 150 8. Child Care, In-Home Babysitting⁴
- 151 9. Child Care, Family⁴
- 152 10. Child Care, Family Group⁴
- 153 11. Accessory Building and Use
- 154 12. Conservation Activity

- 155 13. Agriculture
- 156 14. Parking Area or Structure with four (4) or fewer spaces
- 157 15. Internal Accessory Dwelling Unit¹¹

158

159 (Footnote 11) See Section 15-4-7.1, Internal Accessory Dwelling Units.

160 **15-2.13-2 Uses**

161 Uses in the RD District are limited to the following:

162 A. **ALLOWED USES.**

- 163 1. Single-Family Dwelling
- 164 2. Duplex Dwelling
- 165 3. Secondary Living Quarters
- 166 4. Lockout Unit¹
- 167 5. Accessory Apartment²
- 168 6. Nightly Rental³
- 169 7. Home Occupation
- 170 8. Child Care, In-Home Babysitting⁴
- 171 9. Child Care, Family⁴
- 172 10. Child Care, Family Group⁴
- 173 11. Accessory Building and Use
- 174 12. Conservation Activity Agriculture
- 175 13. Parking Area or Structure with four (4) or fewer spaces
- 176 14. Recreation Facility, Private
- 177 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 178 16. Food Truck Location¹⁶
- 179 17. Internal Accessory Dwelling Unit¹⁷

180

181 (Footnote 17) See Section 15-4-7.1, Internal Accessory Dwelling Units.

182 **15-2.14-2 Uses**

183 Uses in the RDM District are limited to the following:

184 A. **ALLOWED USES.**

- 185 1. Single Family Dwelling
- 186 2. Duplex Dwelling
- 187 3. Triplex Dwelling
- 188 4. Secondary Living Quarters
- 189 5. Lockout Unit¹
- 190 6. Accessory Apartment²
- 191 7. Nightly Rental³
- 192 8. Home Occupation
- 193 9. Child Care, In Home Babysitting⁴
- 194 10. Child Care, Family⁴
- 195 11. Child Care, Family Group⁴
- 196 12. Accessory Building and Use
- 197 13. Conservation Activity
- 198 14. Agriculture
- 199 15. Parking Area or Structure with four (4) or fewer spaces
- 200 16. Recreation Facility, Private
- 201 17. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 202 18. Food Truck Location¹⁴
- 203 19. Internal Accessory Dwelling Unit¹⁵

204

205 (Footnote 15) See Section 15-4-7.1, Internal Accessory Dwelling Units.

206 **15-2.15-2 Uses**

207 Uses in the RM District are limited to the following:

208 A. **ALLOWED USES.**

- 209 1. Single Family Dwelling
- 210 2. Duplex Dwelling
- 211 3. Triplex Dwelling
- 212 4. Secondary Living Quarters
- 213 5. Lockout Unit¹
- 214 6. Accessory Apartment²
- 215 7. Nightly Rental³
- 216 8. Home Occupation
- 217 9. Child Care, In-Home Babysitting⁴
- 218 10. Child Care, Family⁴
- 219 11. Child Care, Family Group⁴
- 220 12. Accessory Building and Use
- 221 13. Conservation Activity
- 222 14. Agriculture
- 223 15. Bed and Breakfast Inn
- 224 16. Parking Area or Structure with four (4) or fewer spaces
- 225 17. Internal Accessory Dwelling Unit⁹

226

227 (Footnote 9) See Section 15-4-7.1, Internal Accessory Dwelling Units.

228 **15-4-7.1 Internal Accessory Dwelling Units**

229 Internal Accessory Dwelling Units are subject to the following criteria:

230 A. **CRITERIA FOR USE.**

231 **1. SIZE.** One Internal Accessory Dwelling Unit may be constructed on a Lot that is 6,000
232 square feet or greater and contains one Single-Family Dwelling subject to Zoning and
233 this Section.

234 **2. PARKING.** One (1) Parking Space per Internal Accessory Dwelling Unit must be
235 provided in addition to the existing requirement for the Single-Family Dwelling. Parking
236 Spaces for Internal Accessory Dwelling Units need not be covered and may be provided
237 in tandem subject to one of the following criteria:

238 a. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
239 provided in tandem if the existing driveway length equals or exceeds twenty-five
240 feet (25') as measured from the Property Line. Parking is permitted only within
241 approved garages and on paved driveways.

242 b. One (1) Parking Space for an Internal Accessory Dwelling Unit may be
243 provided in tandem in an effort to preserve existing Significant Vegetation and
244 when all other parking alternatives are undesirable.

245 c. **Historic District Zones.** One (1) tandem Parking Space, parking one vehicle
246 behind another, for an Internal Accessory Dwelling Unit proposed in any
247 residential Historic District Zone may be provided when the Applicant has
248 secured a Conditional Use permit and the Planning Commission has made the
249 following findings:

250 1. Tandem Parking will not create an undue hardship for the
251 neighborhood.

252 2. Other parking options are less desirable than the proposed tandem
253 space.

254 3. Reasonable efforts, such as automatic garage door openers, lease
255 provisions and/or limitation of garage storage, have been made to
256 encourage the Use of all Off-Street Parking.

257 **3. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC ON**
258 **THE PARK CITY HISTORIC SITES INVENTORY.** Internal Accessory Dwelling Units are
259 an Administrative Conditional Use for Single-Family Dwellings designated Significant or
260 Historic on the Park City Historic Sites Inventory. The Planning Department shall review
261 Internal Accessory Dwelling Units proposed for Single-Family Dwellings designated
262 Significant or Landmark on the Park City Historic Sites Inventory for compliance with
263 Chapter 15-13 *Design Guidelines for Historic Districts and Sites* and Section 15-1-10(E),
264 *Conditional Use Permit Criteria.*

265 **4. REQUIREMENTS FOR REVIEW.** The Applicant for an Internal Accessory Dwelling
266 Unit must submit a floor plan, architectural elevations, and Site plan showing any
267 proposed changes to the Structure or Site.

268 **5. OWNERSHIP.** The Single-Family Dwelling shall be occupied by the Owner and the
269 Internal Accessory Dwelling Unit shall not be sold separately.

270 **6. DEED RESTRICTION.** A deed restriction "Notice to Purchaser" must be filed with the
271 County Recorder, which states:

272 "A permit for an Internal Accessory Dwelling Unit was issued to _____,
273 the current Owner of this Property on _____. This permit runs with the land
274 and is automatically transferred to the new owner by the sale or transfer of this Property,
275 provided however, if the Use by the new Owner does not continue to comply with the
276 conditions of approval, the permit may be invalidated by the Planning Department
277 pursuant to Section 15-4-7.1(C). Prospective purchasers should be advised that only
278 one (1) unit on the Property may be rented; the other must be occupied by the Owner.
279 The Owner shall strictly adhere to all the conditions of approval and the prohibition of the
280 rental of either Dwelling Unit for short term rentals of less than thirty (30) days."

281 **7. NIGHTLY RENTALS.** Neither the Single-Family Dwelling or Internal Accessory
282 Apartment may be rented for periods of time less than thirty (30) days.

283 **8. HOMEOWNERS ASSOCIATION NOTIFICATION.** All Internal Accessory Dwelling
284 Units shall be subject to the Homeowners Association notification requirements
285 established in Section 15-1-12(F).

286 **B. REVIEW.** Applicants shall submit a complete Administrative Permit application to the
287 Planning Department for an Internal Accessory Dwelling Unit and pay the Application fee as
288 established by the fee schedule. The Planning Department shall review and take Final Action on
289 applications for Internal Accessory Dwelling Units pursuant to Section 15-1-8.

290 **C. PERMIT REVOCATION.** The Planning Department may revoke an Administrative Permit for
291 an Internal Accessory Dwelling Unit for non-compliance with the criteria of this Section. The
292 permittee may appeal the determination pursuant to Section 15-1-18.

293 **15-15-1 Definitions**

294

295 **ACCESSORY APARTMENT.** A self-contained Apartment, with cooking, sleeping, and
296 sanitary facilities, created ~~either by converting part of and/or~~ by adding on to a Single-
297 Family Dwelling or detached garage. Accessory Apartments do not increase the
298 residential Unit Equivalent of the Property and are an Accessory Use to the primary
299 Dwelling.

300

301 **INTERNAL ACCESSORY DWELLING UNIT.** An accessory dwelling unit created within
302 the Building Footprint of a Single-Family Dwelling that is occupied as the primary
303 residence of the owner of record and for the purpose of offering a long-term rental of 30
304 consecutive days or longer.

305 **15-15-2 List Of Defined Terms**

306

307 -I-

308 Impact Analysis

309 Impervious Surface

310 Inaction

311 Incidental Retail Sales

312 Indoor Entertainment Facility

313 Internal Accessory Dwelling Unit

314