

HARRISVILLE CITY  
ORDINANCE 562

HOUSING AFFORDABILITY OVERLAY ZONE

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING  
AND REPLACING TITLE 11 SECTION 16 OF THE  
HARRISVILLE CITY CODE TO BE ENTITLED "HOUSING  
AFFORDABILITY OVERLAY ZONE; SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE

**WHEREAS**, Harrisville City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, Title 10, Chapter 9a of the *Utah Code Annotated* enables municipalities to regulate land use and development;

**WHEREAS**, Utah Code Annotated §10-8-84 and §10-8-60 allow municipalities in the state of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, after publication of the required notice the City's Planning Commission held its public hearing on March 12, 2025, to take public comment on the proposed ordinance, and subsequently gave its recommendation to approve this ordinance;

**WHEREAS**, the City Council received a positive recommendation from the Planning Commission and held a public meeting November 18, 2025, and now desires to act on this Ordinance;

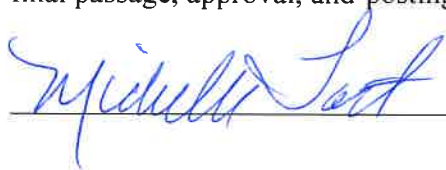
**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City as follows:

**Section 1: Repealer.** Title 11 Section 16 entitled "Clustered Development" is hereby repealed along with any word, sentence, paragraph, or phrase inconsistent with this Ordinance and any reference thereto is hereby vacated.

**Section 2: Replaced.** Title 11 Section 16 entitled "Housing Affordability Overlay Zone" set forth as Exhibit "A", incorporated herein by this reference, is hereby adopted.


**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of the Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.



MICHELLE TAIT, Mayor  
Harrisville City

ATTEST:

  
\_\_\_\_\_  
Jack Fogal, City Recorder

RECORDED this 11<sup>th</sup> day of December, 2025.

PUBLISHED OR POSTED this 11<sup>th</sup> day of December, 2025.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.

  
\_\_\_\_\_  
City Recorder

DATE: 12/11/2025

## HARRISVILLE CITY DEVELOPMENT CODE CHAPTER

### HOUSING AFFORDABILITY OVERLAY ZONE (HAOZ)

Section 11.16.010. Definitions.

Section 11.16.020. Purpose.

Section 11.16.030. Description.

Section 11.16.040. Allowed Uses.

Section 11.16.050. Requirements for HAOZ Projects.

Section 11.16.060. Approval Process.

Section 11.16.070. Amendments to Development Plan.

#### Section. 11.16.010. Definitions

For purposes of this Chapter, the following definitions apply:

- a) “Affordable housing” means a dwelling offered for sale to an owner-occupier at a purchase price affordable to a household with gross income of no more than 120% of area median income for the county in which the residential unit is offered for sale.
- b) “Critical and Essential Workers” means persons who are actively employed within Harrisville City and surrounding cities at jobs considered critical and essential, including employees of Harrisville City, and employees in the sectors of health care, law enforcement, first responders, education, military and veterans, other government entities.
- c) “Legitimate Offer” means a qualified offer to purchase a residential unit, with assurances of the means to complete the purchase, of at least the average sales price of other comparable units in the Development over the past twelve months.
- d) “Harrisville Resident” means a person whose permanent residence has been within the boundaries of Harrisville City for each of the past twelve months.
- e) “Owner Occupied” means an individual who owns, solely or jointly, a housing unit in which the individual lives as the individual's primary residence.
- f) “Hardship” means significant medical emergencies, loss of employment or significant loss of income, divorce, relocation for employment, military service, religious service, or death of a spouse or co-owner. In the event of a Hardship, owners shall be allowed an exemption to the owner-occupancy requirement.
- g) “Minor Revision” means a modification or adjustment to an approved subdivision plat, plan, or associated documents that does not substantially alter the original intent, design, layout, or conditions of approval. Such revisions typically address minor corrections, clarifications, or updates and do not significantly impact the subdivision’s infrastructure, lot configuration, public improvements, or compliance with applicable ordinances and regulations.

#### Section. 11.16.020. Purpose.

**Housing Affordability Developments in Harrisville offer a new approach to affordable housing. The zone overlay creates a path to homeownership for a wider range of residents by providing attainable housing without compromising quality or aesthetics. Echoing Harrisville's rich history of multigenerational communities, these developments foster diverse, inclusive neighborhoods where families can thrive, put down roots, and build a strong foundation for their future. Through innovative design and efficient land use, they create attractive living spaces where affordability and a strong sense of community go hand in hand.**

The Housing Affordability Overlay Zone (HAOZ) is an overlay zone to be applied over an underlying

zoning designation. It does not need to be adjacent to other HAOZ zones.

The provisions of the HAOZ in this code establish a zoning district aimed at creating homeownership opportunities for Critical and Essential Workers, as well as others, by increasing the availability of financially attainable single-family detached homes within the City.

The intent of the HAOZ is to provide accessible and affordable homeownership opportunities in Harrisville City, fostering a multigenerational community where families can thrive across generations, promoting long-term residency and stability. By encouraging homeownership, the HAOZ seeks to:

- Provide single family housing at a significantly more attainable price for the majority of current and future Harrisville residents who desire to own a home.
- Provide priority opportunities for homeownership to Critical and Essential Workers.
- Provide a variety of housing choices into all parts of Harrisville City appropriate for residents in all stages of life.
- Allow flexible development options for single-family detached housing in areas where existing zoning, lot configurations, and standard development requirements make housing unattainable.
- Provide flexibility in architectural design, placement of buildings, setbacks, parking, and other related cost saving considerations.
- Support reductions in development costs and ongoing maintenance costs to aid in significantly reducing the cost of the homes being built in the HAOZ.
- Provide for efficient use of public services and improvements.
- Promote an attractive and safe living environment.
- Provide pride and stability through homeownership that will provide city residents with a higher life satisfaction and increased control over their lives.

#### **Section 11.16.030. Description.**

**A Housing Affordability Development is a subdivision designed to offer more attainable housing by incorporating price adjusting factors generally restricted by traditional zoning ordinances. The primary goal is to ensure and provide a balanced opportunity for home ownership in Harrisville; specifically, to serve the critical and essential workers as well as the first-time homebuyers in Harrisville. These developments must be planned and designed in a coordinated, functional, and unified manner, with the home's sale price driving the design strategy. By focusing on creating more affordable housing options, the zone allows for greater flexibility in development standards while maintaining the aesthetic appeal and desirability of Harrisville.**

#### **Section 11.16.040. Allowed Uses.**

The Housing Affordability Overlay Zone allows a variety of single family detached residential types that meet the purpose outlined above as a permitted use.

#### **Section 11.16.050. Requirements for Housing Affordability Overlay Zone Projects.**

- Qualifying Districts. Housing Affordability Developments may be allowed at the discretion of the City Council, following a public hearing by the Planning Commission and review with recommendations from City Staff. These developments are only allowed in current or future residential zones and shall be governed by an approved Master Development Agreement.
- Minimum Acreage. To be considered for the Housing Affordability Overlay the overall project acreage must be a minimum of 5 acres.
- Density and Design. **The following design standards shall be followed unless the developer can present a compelling reason to deviate from the given standards.**

1. Allowed Density: Total units allowed in any given area shall be no more than 6 units per acre.
  2. Minimum Lot Area for a Dwelling: 4000 sf
  3. Lot Width and Lot Frontage:
    - (a) Dwelling without a Public-Street-Facing Garage Door: 40 feet
    - (b) Dwelling with a Public-Street-Facing Garage Door: 50 Feet
  4. Front Yard Setback:
    - (a) Dwelling without a Public-Street-Facing Garage Door: 15 feet
    - (b) Dwelling with a Public-Street-Facing Garage Door: 25 Feet
  5. Side Yard Setback:
    - (a) Single Story: 5 feet
    - (b) More Than One Story: 7 feet
    - (c) Corner Lot Without a Public-Street-Facing Garage Door: 12 feet
    - (d) Corner Lot with Public-Street-Facing Garage Door: 20 feet
    - (e) Zero side yard setbacks may be considered, provided a minimum separation of 10 feet is maintained between all buildings and appropriate access and maintenance easements are recorded with the affected properties.
  6. Rear Yard Setback:
    - (a) Dwelling: 20 feet
    - (b) Garage Door Facing Ally or Share Private Lane: 5 feet
- D. Park Connectivity. Proposed Developments must show a possible connection to an existing city park. Developers shall be required to complete connectivity within their development through sidewalk and/or trails in addition to all or part of the pathway connecting the development to an existing park facility.
- E. Critical and Essential Housing. To ensure that units within the Housing Affordability Overlay Zone (HAOZ) remain attainable to the target customers, 50% of the units shall be subject to target pricing on initial sales and recorded deed restrictions. For the initial sale of the property, the developer shall, accept a price no more than the Target Price (as defined below). Recorded deed restrictions must contain at least the following:
1. Duration of Deed Restrictions: The deed restrictions shall be in effect and applicable to the units for no less than twenty years following the issuance of the first certificate of occupancy for each home. Following the expiration of the deed restriction, they shall have no further force nor effect.
  2. Owner Occupancy Requirement: Units must be owner occupied, unless the owner experiences a documented Hardship. In such case the unit may be rented for a temporary period of up to 12 months. This period may be extended for an additional 12 months upon proof that the Hardship continues.
  3. Enforceability: The deed restriction shall be enforceable by the City, or another entity as identified in the deed restriction.
  4. Priority for ownership: For the first 30 days after a unit is listed or advertised for sale, (including any subsequent sales after the initial sale) the owner may not accept an offer to purchase unless such offer comes from one or more of the following:
    - (a) Critical and Essential Workers,
    - (b) a Harrisville Resident who does not currently own a home, or
    - (c) a first-time homebuyer.
  5. General Public Sales: If, after 30 days of listing or advertising the unit for sale (including on, but not limited to, the local MLS) an owner has not received a Legitimate Offer from a qualified buyer under section 4, the owner may offer the property to the general public and accept offers from any buyer.

### **Section 11.16.060. Approval Process.**

Housing Affordability Developments, are to be reviewed and approved in accordance with the following process:

- A. Establishment of Target Price. Target home price for developments in the HAOZ shall be set at a price that qualifies the home as Affordable Housing (“**Target Price**”).
- B. Concept Plans. Applicants shall submit three concept plans simultaneously to the City Council for consideration at the time of rezoning application. Developer’s concept plans shall include:
  1. Two concept plans of single-family detached lots, showing a typical “unattainable” development with standard lot sizes and development standards, contrasted against a concept plan with adjusted development standards that meet the Target Price for attainable development.
    - (a) Base Concept: The first concept plan must show the lot count and lineal footage of infrastructure under the current zoning district of the subject property.
    - (b) Attainable Concept: The second concept plan shall show the lot count and lineal footage of infrastructure based on the design standards in section 11.16.050 C.
    - (c) Developer’s concept plan should avoid the creation of a Homeowner’s Association (HOA) that can impose assessments, when possible, unless specific conditions determined by the City Council require an HOA.
    - (d) Homes of varying lot size, building size, and price points should be distributed throughout the development.
  2. A concept plan showing an off-street-path connecting the proposed development to an existing city park. The path may consist of sidewalk completion, paved trail completion, or gravel/natural pathway completion.
- C. Development Agreement. The applicant and City Staff shall prepare a Development Agreement that formalizes the accepted Target Price, proposed lot and building area criteria, subdivision design, unit design, and park connection plan in accordance with the Developer’s Concept Plan. The Development Agreement shall also include an exhibit detailing the form of the deed restrictions, which outlines the qualification, terms and conditions, and the party responsible for enforcing the deed restriction.
- D. Zone Change and Development Agreement Adoption. Once the Development Agreement and Concept Plan have been prepared, the Developer shall apply to the City for adoption of the Housing Affordability Overlay Zone and the Development Agreement. Approval of Housing Affordability Developments is subject to the requirements of this Chapter and the procedures outlined in this Code. The approval of both the Housing Affordability Overlay Zone and the accompanying Development Agreement are legislative decisions made by the City Council and are subject to established procedures for zone changes, including a public hearing at Planning Commission stage. If approved, the overlay zone should be approved first, followed by the approval of the Development Agreement.
- E. Preliminary Plat. Following the approval and adoption of the HAOZ and the Development Agreement, the review of the preliminary plat becomes an administrative and technical process. The Preliminary Plat assesses the subdivision design in accordance with the approved concept plan and development agreement. Preliminary approval shall only be granted when there is reasonable certainty that the Housing Affordability Development will meet all the requirements of this Chapter, the concept plan, and development agreement.

The preliminary application requirements for a Housing Affordability Development are the same as those for a preliminary subdivision plat as identified in Section 12.02.06.02, except where conflicts arise between this code, the Concept Plan, or the Development Agreement, in which case the former controls. The Planning Commission will approve the Preliminary Plat after review by the appropriate city departments.

- F. Final Plat. Review of the final plat is an administrative and technical process. The applicant shall submit all detailed and technical information necessary to demonstrate compliance with all City standards, requirements, and conditions. Final approval may only be granted if the final plat conforms to the preliminary plat approval and meets the City requirements for final subdivision plat approval as outlined in Section 12.02.06.04.

#### **Section 11.16.070. Amendments to the Development Plan.**

Applicants may request revisions to approved preliminary or final Housing Affordability Development plans. All requests for revisions shall be submitted in writing to the City. Changes and amendments to approved preliminary and final Planned Housing Affordability Development plans may be processed using the same procedure as the original review and approval, unless the changes qualify as a Minor Revision as identified in Section 11.16.010 of this Code.