

**ORDINANCE NO. 2010-01**

AN ORDINANCE AMENDING HEBER CITY MUNICIPAL CODE, CHAPTER 18.102, **AFFORDABLE HOUSING**, AND AMENDING SECTION 17.20.020, **PRELIMINARY PLANS**.

**BE IT ORDAINED** by the City Council of Heber City, Utah that Section 18.102.010 Title, 18.102.020 Findings, 18.102.030 Purpose and Intent, and Section 18.102.040 Requirements, of the Heber City Municipal Code, are amended and re-titled to read as follows:

**Section 18.102.010 Purpose.**

The purposes of this ordinance are to:

- A. Implement the affordable housing goals, policies, and objectives contained in the Heber City General Plan;
- B. Provide the opportunity of affordable housing for employees of businesses that are located in or will be located in the community;
- C. Maintain a balanced community that provides housing for people of all income levels; and
- D. Implement planning for affordable housing as required by Section 10-9a-403 of the Utah State Code.

**Section 18.102.020 Required Affordable Housing Fees and Optional Incentives.**

- A. All developments that result in or contain 10 (ten) or more new residential lots or dwelling units shall contribute an Affordable Housing Fee.
- B. Federal, State, or Local Governmental Agencies constructing price restricted affordable housing shall be exempt from payment of the Affordable Housing Fee. The City Council may waive the Affordable Housing Fee for a development with an authorized agreement with the Wasatch County Housing Authority, provided the development targets affordable renter occupied housing for those earning 60% or less of Area Median Income (AMI), or affordable owner occupied housing for those earning 80% or less of AMI. Developments with such waiver shall provide housing aimed at the following priority groups:
  1. Elderly or senior citizens, including assisted care and independent care, and targeted senior retirement communities (55 years plus);
  2. Families in crisis and the handicapped; or

3. Families that work within Wasatch County that are being assisted by the Wasatch County Housing Authority.
- C. The total Affordable Housing Fee shall be determined by the formula in Section 18.102.040.
  - D. At the discretion of the City Council, the city may accept a donation of land either onsite or offsite from the development or other non-monetary contribution of a value not less than the amount that would have been paid as the Affordable Housing Fee. Title to all dedicated lots shall be unencumbered, including being clear of all taxes and liens, all such being paid and cleared. All dedicated lots shall be buildable, being of sufficient size and shape to accommodate at least the minimum sized home permitted by the zoning ordinance, plus accommodate required parking spaces and setbacks.
  - E. At the request of a petitioner for a development which is required to contribute an Affordable Housing Fee, the City Council may permit one or more of the following incentives. The monetary value of the incentives approved for the development shall not exceed the monetary value of the Affordable Housing Fee. The approved development incentives for the development shall be noted upon the official plat and/or the development agreement.
    1. A density bonus of no more than 10% (ten percent).
    2. The minimum lot width, lot area, and open space required within a development may be reduced by a proportionate amount to accommodate bonus density units.
    3. The permitted height of buildings may be increased by no more than one story if deemed compatible with surrounding development as determined by the City Council.
    4. The ratio of required parking stalls may be reduced from that required by the Zoning Ordinance for all residential units within the development or subdivision by no more than 0.1 stalls per dwelling unit (one (1) parking stall for each ten (10) units).
    5. Setbacks from property lines to the main building or dwelling unit may be reduced by no more than 30 percent. However, garages must be setback at least 30 feet from the public street from which they face.
    6. Public Utility Easement widths may be established to a distance equal to or less than the width of the minimum side setback distances.
    7. The required housing mix and district allocation requirements of the PCMU Zone may be altered by no more than 10 percent.

**Section 18.102.030 Affordable Housing Development Plan and Development Agreement.**

- A. An Affordable Housing Plan shall be required for all developments which are required to contribute an Affordable Housing Fee. This plan shall be incorporated into the Development Agreement and shall be utilized to establish the total amount of the Affordable Housing Fee and permitted incentives for that development. The Affordable Housing Development Plan shall contain, at a minimum, the following information concerning the development, and shall be submitted no later than preliminary approval:
1. A calculation of the number of units permitted by the underlying zone.
  2. The specific need for any incentives offered by this Chapter.
  3. A written appraisal by an MAI Certified Appraiser of the retail value of the developed residential component of the project. The city may require, in lieu of the appraisal, submittal of a copy of the development appraisal used for financing approval of the development.
  4. A calculation of the amount of the Affordable Housing Fee.
  5. Letter of Recommendation from the Wasatch County Housing Authority.
  6. Proposed payment method and timing of the Affordable Housing Fee. The fee shall normally be paid in cash prior to recording of the subdivision plat, or prior to issuance of a building permit for multifamily residential developments or if a plat is not required. All lot contributions shall occur simultaneously with the recording of the subdivision plat. A multi-phased development may pay the Affordable Housing Fee as each phase is developed. The city may consider accepting the Affordable Housing Fee in payments provided:
    - a. At least 50% of the Affordable Housing Fee is paid as cash prior to recording of the subdivision plat or prior to issuance of a building permit for multifamily residential developments or if a plat is not required; and
    - b. Any remaining amount of the Affordable Housing Fee shall be paid upon completion or issuance of a certificate of occupancy (for multifamily, apartments, PUDS, etc), or upon subdivision acceptance by Heber City.

7. Prior to the recording of a subdivision plat, or prior to the issuance of a building permit for multifamily residential developments or if a plat is not required, the applicant shall have entered into a Development Agreement with Heber City. The development agreement shall set forth the commitments and obligations of Heber City and the applicant, including, as necessary, Affordable Housing Fee payment plan, lot dedications if applicable, and approved bonus density units and incentives.

**18.102.040          Affordable Housing Fee Formula.**

- A. For developments with single family lots, the Affordable Housing Fee shall be calculated as 3% (three percent) of the value of the subdivision as determined by a written appraisal by an MAI Certified Appraiser.
- B. For all other residential developments, the Affordable Housing Fee shall be calculated as 1% (one percent) of the value of the development as determined by a written appraisal by an MAI Certified Appraiser.
- C. The Affordable Housing Fee shall be adjusted to current market conditions for developments that have not recorded or have not been constructed within 2 years of approval. It is the responsibility of the developer to submit an updated appraisal of the development value to determine the updated Affordable Housing Fee.
- D. Heber City and/or the Wasatch County Housing Authority reserves the right to obtain and utilize a second opinion from an Appraiser or Qualified Real Estate Professional to determine the development value used to calculate the Affordable Housing Fee.

**BE IT ORDAINED** by the City Council of Heber City, Utah that Section 18.102.050 Standards, Section 18.102.060 Fees Paid in Lieu of Construction, Section 18.102.070 Affordable Housing Agreement as a Condition of Development, Section 18.102.080 Enforcement, Section 18.102.090 Severability, and Section 18.102.100 Definitions, of the Heber City Municipal Code, are repealed.

BE IT ORDAINED by the City Council of Heber City, Utah that Section 17.20.020 of the Heber City Municipal Code is amended, by adding Subsection N.4. as follows:

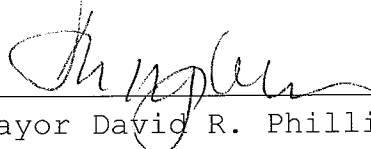
N.4. Affordable Housing Plan as required by Section 18.102.030.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, and (c) a short summary of it has been published in the Wasatch Wave or a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the 21 day of January, 2010.

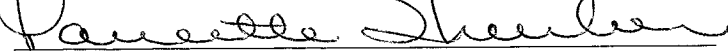
ADOPTED AND PASSED by the City Council of Heber City, Utah this 21 day of January, 2010, by the following vote:

	AYE	NAY	
Councilman Eric Straddeck	_____	_____	<i>Excused</i>
Councilman Nile D. Horner	<u>  X  </u>	_____	
Councilman Robert L. Patterson	<u>  X  </u>	_____	
Councilman Alan Wayne McDonald	<u>  X  </u>	_____	
Councilman Benny Mergist	<u>  X  </u>	_____	

APPROVED:

  
\_\_\_\_\_  
Mayor David R. Phillips

ATTEST:

  
\_\_\_\_\_  
Paulette Shuler

RECORDER

(Seal)

Date of First Publishing:

January 27, 2010