

**ORDINANCE NO. 2012-02**

AN ORDINANCE ADOPTING SECTION 18.08.305 AND AMENDING CHAPTER 18.102 OF THE HEBER CITY MUNICIPAL CODE, "LAND USE AUTHORITY" and "AFFORDABLE HOUSING" RESPECTIVELY.

BE IT ORDAINED by the City Council of Heber City, Utah, that Section 18.08.305 of the Heber City Municipal Code is **adopted, and Chapter 18.102 is amended** to read as follows:

**Section 18.08.305 Land Use Authority.**

"Land Use Authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

**Chapter 18.102 Incentives for Voluntary Affordable Housing Contribution.**

**Section 18.102.010 Purpose.**

The purpose of this Ordinance is to provide development incentives in Heber City to encourage the voluntary donation of money to the Wasatch County Housing Authority to further the goals of the Heber City Moderate Income Housing Plan. Voluntary Affordable Housing Contribution is defined as "a voluntary donation of money by a developer of land to the Wasatch County Housing Authority in an amount of approximately 3% of the value of the residential portion of the completed development."

**Section 18.102.020 Incentives.**

A. The City may accept a Voluntary Affordable Housing Contribution from a development on behalf of the Wasatch County Housing Authority. The Land Use Authority may refuse to accept a Voluntary Affordable Housing Contribution (and to therefore refuse granting the associated incentives) if the Land Use Authority determines the proposed incentives would result in a development pattern that is inconsistent with the intent of the general plan and out of character with surrounding land uses.

B. In the event the Land Use Authority chooses to accept a Voluntary Affordable Housing Contribution, the Land Use Authority shall permit one or more of the following incentives in exchange for the Voluntary Affordable Housing Contribution. The ratio of the monetary value of the incentives approved for the development to the monetary value of the Voluntary Affordable Housing Contribution shouldn't exceed a ratio of 2:1.

1. A density bonus of up to 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 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 up to .1 stalls per dwelling unit (one stall per 10 dwelling units).

4. Setbacks from property lines to the main building or dwelling unit may be reduced by up to 30 % (30 percent). However, garages must be setback at least 30 feet from the public street property line from which they face.

5. Public Utility Easement widths may be established to a distance equal to or less than the width of the minimum side setback distances.

### **Section 18.102.030 Voluntary Affordable Housing Contribution Plan.**

A. A Plan shall be required for all developments which provide a Voluntary Affordable Housing Contribution. This Plan shall be incorporated into the Development Agreement and/or the subdivision plat, and shall be utilized to establish the total amount of the Voluntary Affordable Housing Contribution, payment plan, permitted incentives for that development, and obligations of the developer and the City. The Plan shall contain, at a minimum, the following information concerning the development:

1. A calculation of the number of units permitted by the underlying zone and the number of units requested.

2. A list specifying the requested incentives offered by this Chapter.

3. A copy of the development appraisal used for financing approval of the development, or a written appraisal by an MAI Certified Appraiser of the retail value of the developed residential component of the project.

4. A calculation of the amount of the Voluntary Affordable Housing Contribution.

5. An engineer's estimate of the monetary value of the requested incentives.

6. Letter of Recommendation from the Wasatch County Housing Authority.

7. Proposed payment method and timing of the Voluntary Affordable Housing Contribution. The contribution 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. A multi-phased development may pay the Voluntary Affordable Housing Contribution as each phase is developed. The City may consider accepting the Voluntary Affordable Housing Contribution in payments provided:

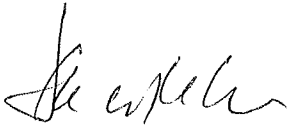
a. That the development or developer and the Housing Authority have entered into an written agreement/contract with mutually agreed terms regarding affordable housing contributions, consistent with State and Federal Law, and

b. That prior to a building permit being issued or a subdivision plat being recorded, the developer shall submit to Heber City (1) Receipt of payment to the Housing Authority; (2) A copy of the contract between the developer and the Wasatch County Housing Authority which specifies the agreed upon terms; and (3) A photocopy of the deed restriction or notice of interest or other officially recorded device used to ensure payments are received.

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, but not prior to the 16 day of February, 2012.

ADOPTED and PASSED by the City Council of Heber City, Utah this 16 day of February, 2012, by the following vote:

	AYE	NAY
Council Member Robert L. Patterson	<u>X</u>	_____
Council Member Benny Mergist	<u>X</u>	_____
Council Member Alan W. McDonald	<u>X</u>	_____
Council Member Erik Rowland	<u>X</u>	_____
Council Member Jeffery Bradshaw	<u>X</u>	_____

APPROVED: 

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

ATTEST:

  
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RECORDER

Date of First Publishing: March 7, 2012