

**GRAND COUNTY, UTAH**  
**ORDINANCE \_\_\_\_\_ (2019)**

**ORDINANCE ADOPTING REVISED CHAPTER 4.7 HIGH DENSITY HOUSING  
OVERLAY (HDHO) DISTRICTS TO THE GRAND COUNTY LAND USE CODE AND  
REPEALING ORDINANCE 584**

**WHEREAS, the purpose of this Ordinance is to:**

- A. Encourage the development and availability of housing that is accessible and affordable to a broad range of households with varying income levels within the County;
- B. Promote the County's goal to add housing units to the County's housing stock that may be owned or rented by households actively employed within the County;
- C. Facilitate new development in a compact and orderly manner;
- D. Minimize the impacts of new development on existing neighborhoods and residents within HDH districts;
- E. Reduce the cost of constructing and maintaining infrastructure associated with new development;
- F. Actualize the affordable housing goals and policies identified in the Grand County General Plan, which includes incentives for increasing density in strategically identified areas throughout the County;

**WHEREAS, the County Council finds and determines:**

- A. The Moab Area, which includes the City of Moab, Town of Castle Valley, and unincorporated areas of Grand County, faces a serious housing problem that threatens its

economic security, quality of life, and environment. The extreme lack of access to affordable housing has a direct impact upon the health, safety, and welfare of residents of the County. While no single housing program will solve all of the Area's needs, the High Density Housing (HDH) Overlay has been identified as one solution among a broader set of solutions;

- B. Population in the Moab Area has increased rapidly, reflecting overall trends in the State of Utah. Between 2000 and 2017, the population in Grand County rose from 9,225 to 10,292, equivalent to a 11.6 percent increase, and similar to the Utah growth rate of 12.6 percent<sup>1</sup>. This rapid population increase is expected to continue, driving demand for housing. The fastest growing demographic is the population over the age of 65, followed by young adults between the ages of 18 to 24;
- C. More homeownership and rental housing is needed to accommodate future growth. Between 2010 and 2017, the number of family and non-family households expanded, although non-family households experienced a somewhat higher rate of increase. This pace is expected to continue, which means more homeownership and rental housing will be needed;
- D. Real estate prices have escalated across all residential product types. In 2017, the median sales price for a single-family home was \$325,000, \$352,000 for a townhouse, and \$275,000 for a condominium. Between 2014 and 2017, the median price increased by 30 percent for townhomes, and 42 percent for single-family homes and condominiums;
- E. Despite a high proportion of renter households (35 percent in Grand County<sup>2</sup>), there is a limited inventory of multifamily apartments. Higher density workforce housing products that could be more affordable to the workforce, such as apartments and condominiums, must compete with visitor accommodations, such as hotels and nightly rental units, for land. The economics of visitor accommodations allow them to pay more for land, making

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<sup>1</sup> US Census Bureau 2010; ESRI 2017

<sup>2</sup> Grand County Assured Housing Feasibility Study completed by BAE Urban Economics in 2018.

it difficult to build housing affordable to the workforce;

- F. The area's rapidly appreciating home prices has made housing out-of-reach for many working families. Housing costs have increased rapidly, substantially outpacing increases in household incomes. In general, no homes sold in 2017 were affordable to households earning up to 80 percent of Area Median Income, which is equivalent to a family of four earning \$54,150 annually. Households at 100 percent of median income (\$67,700 for a family of four) had limited homeownership options. Rental housing may be priced such that it is more within reach of moderate-income households, although there is a shortage of units available for rent.
- G. Tourism-related industries are the fastest growing employment sector in Grand County, accounting for approximately 43% of all employment<sup>3</sup>. Employment in accommodation and food services account for one out of every three jobs in Grand County. The next largest industries are retail and arts, entertainment, and recreation;
- H. Jobs in tourism-related industries tend to be relatively low-paying, with some positions offering only seasonal or part-time employment with limited wage growth. The 2017 median household income in Grand County (\$46,070) was lower than the statewide median of \$62,902<sup>4</sup>;
- I. Because affordable housing is in short supply within the Moab Area, lower-income households may be forced to live in less than adequate housing, pay a disproportionate share of their incomes to live in adequate housing, or commute ever-increasing distances to their jobs from housing located outside the Moab Area. These circumstances harm the County's ability to provide high levels of service, attain goals articulated in the General Plan, and preserve a high quality of life for residents;

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<sup>3</sup> Grand County Assured Housing Feasibility Study completed by BAE Urban Economics in 2018.

<sup>4</sup> The 2017 median household income data is taken from ESRI. This is different from the HUD Area Median Family Income (HAMFI), which is based on a four-person family household and was \$56,700 in 2017. The median household income described here accounts for all households of all different sizes, including non-family households.

- J. State and federal funds for the construction of new affordable housing are insufficient to fully address the current and projected shortages of affordable housing within the County. While the County has repeatedly amended its Land Use Code (LUC) to spur additional housing development, the private market has not provided adequate housing opportunities to extremely low-, very low-, low-, and moderate-income households;
- K. The HDH Overlay was developed over a two-year period that involved dozens of public meetings, workshops, open houses, and public hearings; Public input greatly informed the overlay regulations and map boundaries.

**WHEREAS**, the Planning Commission is statutorily responsible for making recommendations to the County Council regarding textual amendments to the LUC;

**WHEREAS**, the Grand County Planning Commission held a public hearing on September 25, 2018 to solicit public comment on draft high density housing overlay (HDHO) Ordinance No. 584 and recommended approval to the County Council;

**WHEREAS**, the Grand County Council held a public hearing on November 7, 2018 to solicit public comment on Ordinance No. 584 and voted to approve the same;

**WHEREAS**, the Grand County Council passed, adopted, and approved Ordinance No. 584 on January 15, 2019 establishing the High Density Housing Overlay Districts;

**WHEREAS**, Grand County has determined that certain provisions of Ordinance No. 584 require modification or clarification to best serves its purposes;

**WHEREAS**, the Grand County Planning Commission held a public hearing on April 23, 2019 to solicit public comment this revised ordinance and recommended approval to the County Council; and,

**WHEREAS**, the Grand County Council held a public hearing on May 21, 2019 to solicit public comment on this revised ordinance and voted to approve the same.

**NOW, THEREFORE BE IT RESOLVED**, Section 4.7 of the Grand County LUC shall read:

See attached Section 4.7 High Density Housing Overlay (HDHO) Districts in Appendix A.

**PASSED, ADOPTED, AND APPROVED** by Grand County Council in a regular public meeting on \_\_\_\_\_, 2019 by the following vote:

*Those voting aye:* \_\_\_\_\_

*Those voting nay:* \_\_\_\_\_

*Those absent:* \_\_\_\_\_

**ATTEST:**

**GRAND COUNTY COUNCIL**

\_\_\_\_\_

Chris Baird, Clerk\Auditor

\_\_\_\_\_

Evan Clapper, Chair

DRAFT

## Appendix A

### Section 4.7 High Density Housing Overlay Districts

#### Sections:

- 4.7.1 Purpose.
- 4.7.2 Applicability.
- 4.7.3 Definitions.
- 4.7.4 Permitted Uses.
- 4.7.5 Development Standards.
- 4.7.6 Assurance of Primary Residential Housing and Occupancy.
- 4.7.7 Development Incentives
- 4.7.8 HDHO District Application.
- 4.7.9 HDHO Development Plat and Site Plan Approval.
- 4.7.10 Expiration of High-Density Housing Ordinance.
- 4.7.11 Enforcement.
- 4.7.12 Repeal/Savings Clause

#### **4.7.1 Purpose.**

The High Density Housing Overlay Districts (“HDHO Districts”) are designed to provide for modification of the otherwise applicable development standards of the underlying base district as specified in Articles 2 and 5 of the Grand County Code, in order to accomplish one or more of the following purposes:

- A. Facilitating the provision of new housing units used for Primary Residential Occupancy by Actively Employed Households;
- B. Achieving the goals of the housing element of the County’s General Plan;
- C. Implementing the policies and goals of the housing element of the County’s General Plan;

- D. Encouraging the development of new high quality housing units by assisting both the public and private sector in making the provision of these units economically viable; and
- E. Encouraging the provision of primary residential housing through the combination of multiple-family and single-family residential zoning districts within the County where the residential housing projects are determined to be feasible and are consistent with the County's General Plan.

#### **4.7.2 Applicability.**

The regulations set forth in this Section may be applied to real property located within the HDHO Boundaries, as shown in Exhibit A, upon application to and approval by the County Council pursuant to the provisions herein. Upon approval, the HDHO District zoning, Development Agreement, and Master Plan shall control development of the Property.

#### **4.7.3 Definitions.**

- A. "Active Employment Household" or "Actively Employed Household" means a household with at least one adult who meets one of the following criteria; provided, however, where there are unrelated individuals living together in one household, at least fifty percent (50%) of all the adults comprising the household shall meet one of the following criteria:
  - 1. A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within Grand County; or
  - 2. An owner or owner's representative of a business or entity with a primary place of business within Grand County; or
  - 3. A full-time (aggregate of 30 hours of employment per week) worker who is self-employed or works out of their home must provide their entire list of clients/workload so that it can be verified that a minimum of 75% of their work/clients are based

within Grand County;

4. A person who is unable to work or does not have a work history required under subsections (1) through (3) above due to a Disability; or
  5. A retiree with a work history required under subsections (1) through (3) above for the five (5) years prior to retirement.
- B. “Developer” means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks approval of an application for an HDHO Development.
- C. “Development Agreement” means a Development Agreement and Deed Restriction, which is a contract between Grand County and a Developer or Subdivider, which is recorded as an encumbrance upon the Property to ensure compliance hereunder. A Development Agreement shall run with the land and be binding upon the parties and their successors in title, as provided by its terms.
- D. “High Density Housing Overlay District” or “HDHO District” means a zoning district applied to the Property that benefits from a higher density than that allowed under the existing underlying zoning designation, which attendant increased density encourages the provision of new housing units used for primary residential occupancy as further described in this Section.
- E. “High Density Housing Overlay Development” or “HDHO Development” means a subdivision or site plan approved within an HDHO District in which at least eighty percent (80%) of the lots or units developed on the Property are restricted for Primary Residential Housing occupied by Actively Employed Households.
- F. “High Density Housing Overlay Lot” or “HDHO Lot” is a Lot restricted for Primary

Residential Housing occupied by Actively Employed Households that otherwise meet the requirements of this Section.

- G. “HDHO Lots or Units” or “HDHO Lots and Units” shall refer to HDHO Lots and/or HDHO Units.
- H. “High Density Housing Overlay Unit” or “HDHO Unit” is a dwelling unit restricted for Primary Residential Housing occupied by Actively Employed Households that otherwise meet the requirements of this Section.
- I. “Household” means one (1) adult living alone, two (2) or more adults related to each other by blood, marriage, or another legally recognized relationship, or a maximum of five (5) unrelated adults residing in the same residence.
- J. “Master Plan” means a planning document which guides development of the Property based on the County’s planning goals, existing development, and physical characteristics of the particular HDHO Development. A Master Plan shall be recorded, run with the land, and be binding upon the parties and their successors in title, as provided by its terms
- K. “Primary Resident” means an adult that meets the “Primary Residential Occupancy” requirement.
- L. “Primary Residential Housing” or “Primary Residential Development” shall have the same meaning as “High Density Housing Development,” which terms may be used interchangeably throughout this Section.
- M. “Primary Residential Occupancy” means the owner of record occupying the dwelling unit

for a minimum of nine (9) months out of any twelve (12) month period or a renter occupying the dwelling unit through a lease term no shorter than six (6) months out of any twelve (12) month period.

N. “Property” means a specific parcel of real property upon which an HDHO District is applied.

O. “Subdivider” means any person creating a subdivision and offering lots for sale to the public.

#### **4.7.4 Permitted Uses.**

The following uses are permitted within an HDHO Development upon the County Council’s approval of application of an HDHO District to a specific parcel:

A. Residential developments at a density greater than normally permitted by the underlying zoning district as described in the table below, when a Subdivider or Developer ensures a minimum of eighty percent (80%) of lots or units developed on the Property are deed restricted for Primary Residential Occupancy for Actively Employed Households. HDHO Lots and Units may be owner-occupied or renter-occupied as long as the residents meet the occupancy and active employment requirements of Section 4.7.4.A. The maximum density (units/acre) limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation. Residential development qualifying for greater density pursuant to the provisions of this ordinance shall be permitted to obtain such density by constructing residential housing types not otherwise allowed in the underlying zoning district. For example, multi-family units may be constructed in a single-family residential zone.

High Density Housing (HDH) District	Maximum Density
HDH 35a	35 lots or units per acre

HDH 35b	35 lots or units per acre
HDH 25	25 lots or units per acre
HDH 15	15 lots or units per acre
HDH 10	10 lots or units per acre
HDH 5	5 lots or units per acre

- B. Accessory uses or structures incidental to the principally permitted use pursuant to Section 3.3 of this Land Use Code. Any Accessory Dwelling Unit permitted under Section 3.3 in an HDHO Development shall meet the occupancy and active employment requirements of Section 4.7.4.A.

**4.7.5 Development Standards.**

- A. Eligibility. In order to reduce costs associated with the development and construction of Primary Residential Housing, the property development standards set forth in Section 4.7.5.C are established for and shall apply to all HDHO Developments within the HDHO Districts upon approval of a site plan or preliminary plat approval.
- B. Property Development Standards. The following development standards shall apply to HDHO Developments within the HDHO Districts:
  1. General Design Standards. The development shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the development site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.

2. Minimum Design Standards. Minimum design standards are included to ensure a high degree of quality in the development of HDHO Lots and Units. The following design standards shall apply to a development that utilizes the density increases allowed by this Section.
  - a. Sidewalks shall be installed along all street frontages where otherwise required by this LUC.
  - b. Screening Requirements.
    1. Outdoor Storage Screening. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall follow the standards outlined in Section 6.4.3.
    2. Parking Lot Screening. Parking lot screening must be provided between an off-street parking area containing six (6) or more parking spaces and either 1) a different zoning district or 2) a public street, and shall:
      - a. Be provided within ten feet (10') of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bio-retention systems, other landscape features, or where screening may negatively impact the traffic sight distance (as defined by the American Association of State Highway and Transportation Officials (AASHTO) and verified by the County Engineer);
      - b. Be not less than eighty percent (80%) opaque and be a minimum of three feet (3') in height as measured from the highest finished adjacent grade of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2') tall at planting and anticipated to grow to at least three feet (3') tall at maturity;

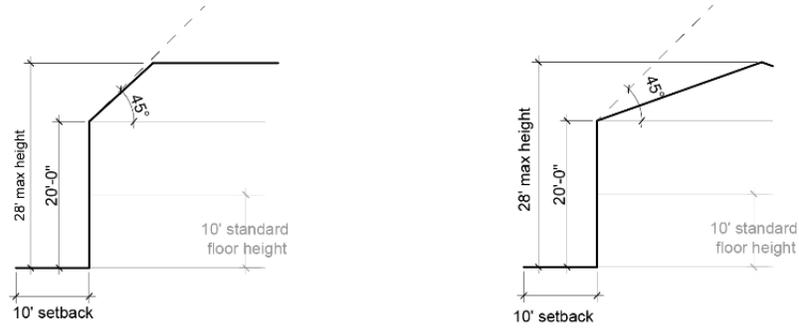
- c. Not interfere with driver or pedestrian visibility for vehicles entering or exiting the premises;
  - d. Utilize plants found in Section 6.4.3.F, where required;
  - e. Consist of at least two (2) of the following:
    - i. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity.
    - ii. A berm with plantings as described above.
    - iii. Transit shelters, benches, bicycle racks, and similar features may be integrated as a part of the screen.
    - iv. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.
  - f. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.
- c. Parking Island Design. Off-street parking areas with at least twenty-five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb, pervious curbing, or an approved equivalent and shall contain mulch to retain soil moisture. This provision shall not apply to parking structures. Landscaped parking lot islands shall:
- 1. Be located at the beginning and end of each parking row and shall contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9’);
  - 2. Include at least one (1) tree per island;

3. Incorporate shrubs, perennials, and ornamental grasses, where required;
  4. Be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient, and moisture retention levels for the establishment of plantings; and
  5. Be equipped with an irrigation system adequate for establishing and maintaining the plant materials within it.
- d. Building Exterior Façade Standards.
1. Exterior finishes may be of wood, masonry, stone, stucco, HDO board or other high quality material permitted by the building code, but shall not utilize vinyl siding; cedar or wood shakes; highly reflective, shiny, or mirror-like materials; or exposed plywood or particle board.
  2. Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the residence:
    - a. Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bay windows
    - b. Dormers.
    - c. Gables.
    - d. Recessed entries, a minimum of three (3) feet deep.
    - e. Covered front porches.
    - f. Cupolas.
    - g. Architectural Pillars or Posts.
    - h. Quoins.
    - i. Corbeling on wall.
    - j. Decorative lintel.
    - k. Incorporation of brick or stone on at least 25% of front surface area.

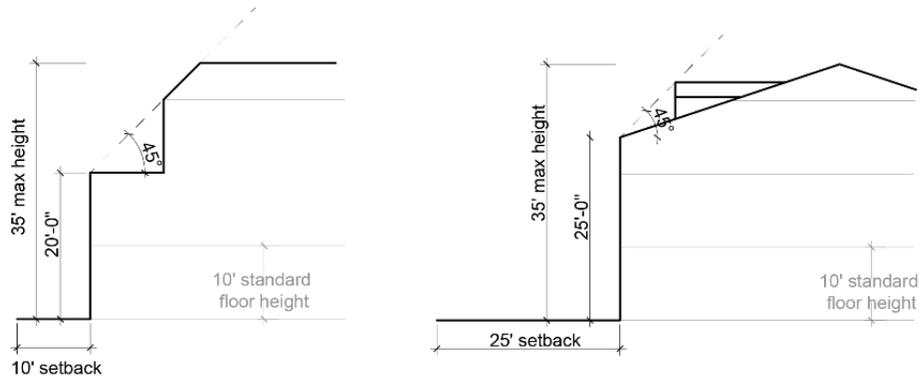
- e. Where HDHO units may be placed on the same lot as current or future temporary or short-term accommodations, dedicated HDHO units shall be clustered together so as to minimize the exposure of residents to temporary guests. In all other developments, where temporary or short-term accommodations units do not exist and cannot exist due to zoning restrictions, dedicated HDHO units shall be dispersed throughout the residential development.
  - f. Where there is a combination of commercial and residential uses, the commercial uses shall front along the highest road designation. Residential development shall be located behind commercial development or on upper floors above commercial development.
  - g. The County Council may waive, or modify, any, or all, of these requirements when the Council finds it is infeasible to comply due to physical or other constraints on the lot.
3. **Minimum Building Site Area and Lot Width.** There shall be no minimum building site area, minimum lot width, or maximum lot coverage requirements for individual lots or individual dwelling sites in a HDHO Development. However, the building site area lot widths, and lot coverage percentages shall be designated on a preliminary plat or site plan pursuant to Section 4.7.9 below.
4. **Density.** Overall density of site development within an HDHO District shall not exceed the limits established in Section 4.7.4.
5. **Building Height**
- a. Maximum building heights shall not exceed the limits defined in the underlying zone district except that buildings constructed in the HDHO 35b District shall not exceed four (4) stories or forty-two (42) feet in height.

- b. To the maximum extent possible, building heights and locations shall minimize shading and interruption of solar access to adjacent properties with existing residential structures or commercial agricultural operations.
- c. All structures shall conform to the Ridgeline Standards of Section 6.9.8.
- d. Structures built within an HDHO Development must comply with the setback and buffer requirements of the underlying zone. The maximum height of the building at the exterior wall shall be the greater of:
  - 1. 20 feet
  - 2. The building's setback at that point
- e. From the exterior wall, the building's height may increase to its maximum height at a rate not greater than a 45° angle from the maximum allowable height of the exterior wall.

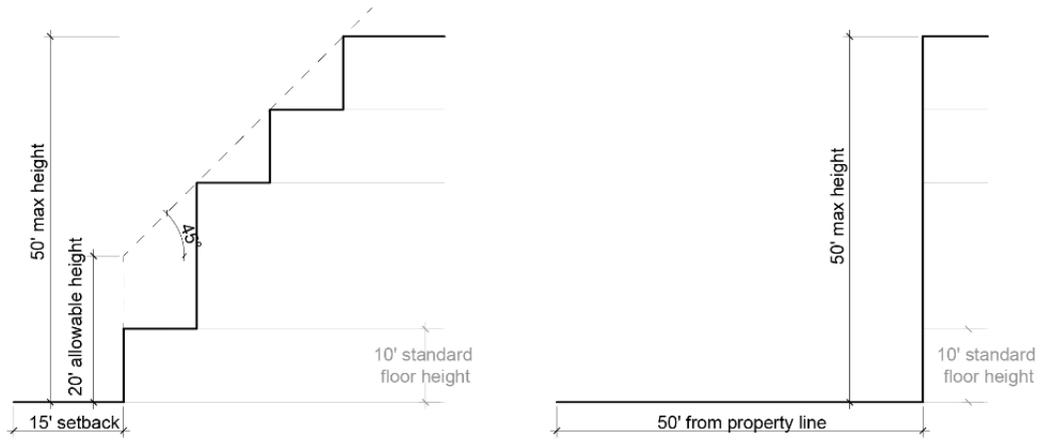
# Examples of HDH Height-Compliant Structures



28' Max. Height Examples



35' Max. Height Examples



50' Max. Height Examples

6. Setbacks. The minimum setbacks from the lot line of the development shall be determined by the buffer requirements of Section 5.4.1.B and the compatibility standards of Section 6.10.

7. Parking.

a. Number of spaces required

1. For every single-family or two-family dwelling, there shall be provided at least two (2) off-street parking spaces for each unit. Parking spaces provided in a garage or carport may count towards the minimum requirement.
2. For every attached multifamily dwelling, off-street parking spaces shall be provided in accordance with Section 6.1.4:

Multi-family dwellings	Efficiency and one-bedroom	1.5 per dwelling unit
	Two-bedroom	1.75 per dwelling unit
	Three-bedroom and Larger	2.0 per dwelling unit

b. Parking design requirements

1. Parking areas for single-family or two-family dwellings need not be paved.
2. Parking areas for attached multifamily dwellings shall be subject to the off-street requirements outlined in Section 6.1.7.
3. Uncovered surface parking may be permitted in the rear and side setbacks but is not permitted in the front or street-side setback.
4. Garages, carports, and individual locking storage units are subject to the setback standards outlined in Section 5.4.1.
5. Required spaces for multifamily developments equal to or greater than five units shall be covered in a carport or a garage except that for multifamily dwellings with four or fewer units, parking spaces can be uncovered.

8. **Minimum Standards of Physical Condition.** Each HDHO Unit is required to have and maintain those minimum standards of physical conditions set forth in Exhibit B - Minimum Standards.
9. **Streets.** All public streets within or abutting the proposed planned development shall be dedicated and improved to County specifications for the particular classification of street.
10. **Signs.** Signs shall be permitted only to the extent allowed under Section 6.5, Signs, and must be approved by the Planning and Zoning Administrator.
11. **Construction Timing.** The HDHO Units shall be ready for occupancy no later than the date of the initial or temporary occupancy of any unrestricted units within the development or applicable phase thereof. If the unrestricted units are developed in phases, then the HDHO Units may be developed in proportion to the phasing of the unrestricted units. For example, for each unrestricted unit constructed at least four (4) HDHO Units shall be constructed.

#### **4.7.6 Assurance of Primary Residential Housing and Occupancy.**

- A. **General.** HDHO Lots and Units shall be used for Primary Residential Housing for Actively Employed Households in perpetuity.
- B. **Deed Restriction.** The following Deed Restriction shall be integrated into the Development Agreement, the Master Plan, each Final Plat or Site Plan, and each deed of conveyance:

The Property shall be used for Primary Residential Housing for Actively Employed Households as required by Grand County Land Use Code, Section 4.7, High Density Overlay Districts Overlay, in perpetuity. The Property is further subject to a [this] Development Agreement and the [this] Master Plan recorded in the real property records of Grand County, Utah on \_\_\_\_\_ at Entry No[s]. \_\_\_\_\_ [and \_\_\_\_\_ , respectively].

Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Deed Restriction by a record owner of any HDHO Lot or Unit in Grand County.

- C. Enforcement. In addition to other remedies preserved herein, Grand County reserves the right to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval upon a violation or breach of this Section by a record owner of any HDHO Lot or Unit in Grand County.

#### **4.7.7 Development Incentives.**

- A. General. As a further inducement to the development of Primary Residential Housing beyond the relaxation and flexibility of development standards, the County, where appropriate, may also extend one or more Development Incentives to an HDHO Development, as set forth in Section 4.7.7.B, the selection of which shall depend on the quality, size, nature, and scope of the development being proposed. Incentives shall be targeted to improve the development design or to yield the greatest number of HDHO Units, so as to permit the County to meet its estimate of additional housing needs and the goals of the housing element of the County's General Plan.
- B. Additional Development Incentives. The County may also offer impact fee deferrals or waivers, property tax abatements, or direct financial contributions should the County Council determine that such incentives are warranted and in the best interest of the County.

#### **4.7.8 HDHO District Application.**

- A. Preapplication Conference. Prior to submission of an HDHO District Application, as defined in this Section, the Developer or Subdivider shall meet with the Community and

Economic Development Director or their designee(s), including other County staff deemed desirable or necessary by the Community and Economic Development Director, to discuss the procedures, standards, and regulations hereunder.

- B. Procedure. An HDHO District Application shall be reviewed and approved in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezoning), and shall be considered to be a zoning map amendment.
- C. Application. A Developer or Subdivider shall submit an HDHO District Application with the information contained in Section 9.2.3 together with a Development Agreement, Master Plan, and Conceptual Site Plan as follows:
1. The Development Agreement shall include the following information:
    - a. Legal description of the Property;
    - b. Narrative summarizing the proposed development of the Property by gross acre; number of Lots or Units, common area and open space acreage, overall character and architectural style, and other related development features as proposed by the Developer or requested by the County;
    - c. Percentage of HDHO Lots or Units to be developed on the Property; and
    - d. Deed Restriction required by 4.7.6.B.
  2. The Master Plan shall include the following information:
    - a. Legal description of the Property;
    - b. Number and location of Lots or Units to be developed on the Property;
    - c. Percentage of HDHO Lots or Units to be developed on the Property, including designation of the specific HDHO Lots or Units in accordance with Section 4.7.4; and
    - d. Identification of site planning features designed to ensure compatibility between proposed HDHO Development and surrounding neighborhoods and land use.

3. The Conceptual Site Plan shall include the information required under Section 9.17.3.A through N.

- D. Recordation. The Developer or Subdivider shall record the Development Agreement and Master Plan in the real property records of Grand County, Utah prior to recordation of a final plat approved hereunder or issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the Development Agreement and Master Plan may not be amended or modified without reapplication to the County.
- E. Effect. Review and consideration of an HDHO District Application is a discretionary legislative decision. Further, approval of an HDHO District Application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this Section and the Master Plan.
- F. Lapse of approval. The HDHO District approval shall automatically expire and be void unless the County approves and Developer records a site plan or final plat for the HDHO Development in accordance with Sections 4.7.9 and 9.5 within 24 months of the date of HDHO District approval.
- G. Conflict. In the event of conflict between the provisions of Section 9.2 and this Section 4.7.8, this Section shall control.

#### **4.7.9 HDHO Development Plat and Site Plan Approval.**

- A. Application Procedure. Review of an HDHO Development plat or site plan is an administrative decision, which shall be consistent with the County's prior legislative approval of an HDHO District, the Development Agreement, and the Master Plan.
- B. HDHO Development Preliminary Plat and Final Plat. Each Subdivider shall submit and the County shall review a preliminary plat application and final plat application in

accordance with Sections 9.4 and 9.5, Preliminary Plat and Final Plat, and this Section 4.7.

1. In addition to the requirements of Section 9.4.2 and 9.5.1, Submittal Requirements, each plat shall include:
  - a. Designation of HDHO Lots in accordance with Section 4.7.4;
  - b. Deed Restriction as required by Section 4.7.6.B.

C. HDHO Development Site Plan. Each Developer of a mixed use or multifamily residential HDHO Development shall submit and the County shall review a site plan application in accordance with Section 9.17, Site Plan Review, and this Section 4.7.

1. In addition to the requirements of Section 9.17.3, Submittal Requirements, each site plan shall include:
  - a. Designation of HDHO Units in accordance with Section 4.7.4;
  - b. Deed Restriction as required by Section 4.7.6.B

D. In the event of conflict between the provisions of Section 9.4, 9.5, or 9.17 and this Section 4.7.9, this Section shall control.

#### **4.7.9 Expiration of High Density Housing Ordinance.**

This Ordinance shall automatically expire after three hundred (300) HDHO Lots or Units have been approved or after two (2) years, whichever occurs first. A record of the number and location of HDHO Lots and Units approved shall be kept on file within the Community and Economic Development Department at all times.

#### **4.7.10 Enforcement.**

- A. Penalties for Violation. As more particularly set forth in Section 1.9, Penalties for Enforcement, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this Section shall be guilty of a Class C misdemeanor. Without limiting the generality of the foregoing, it shall also be a Class C misdemeanor for any person, firm, entity, or corporation to sell or rent an HDHO Lot or Unit to a household not qualified under this Section. It shall further be a Class C misdemeanor for any person, firm, entity, or corporation to provide false or materially incomplete information to the County or its designee or to a seller or lessor of an HDHO Lot or Unit to obtain occupancy of housing for which the person is not eligible.
- B. Legal Action. In addition to the remedies set forth in Sections 1.9, the County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Section, including:
1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;
  2. Actions to recover from any violator of this Section civil fines, restitution to prevent unjust enrichment, and/or enforcement costs, including attorney fees;
  3. Actions to seek judicial enforcement of such fines, restitution and costs, including judgment liens and foreclosure; and
  4. Any other appropriate action for unlawful detainer, injunctive relief or damages.

#### **4.7.12 Repeal/Savings Clause**

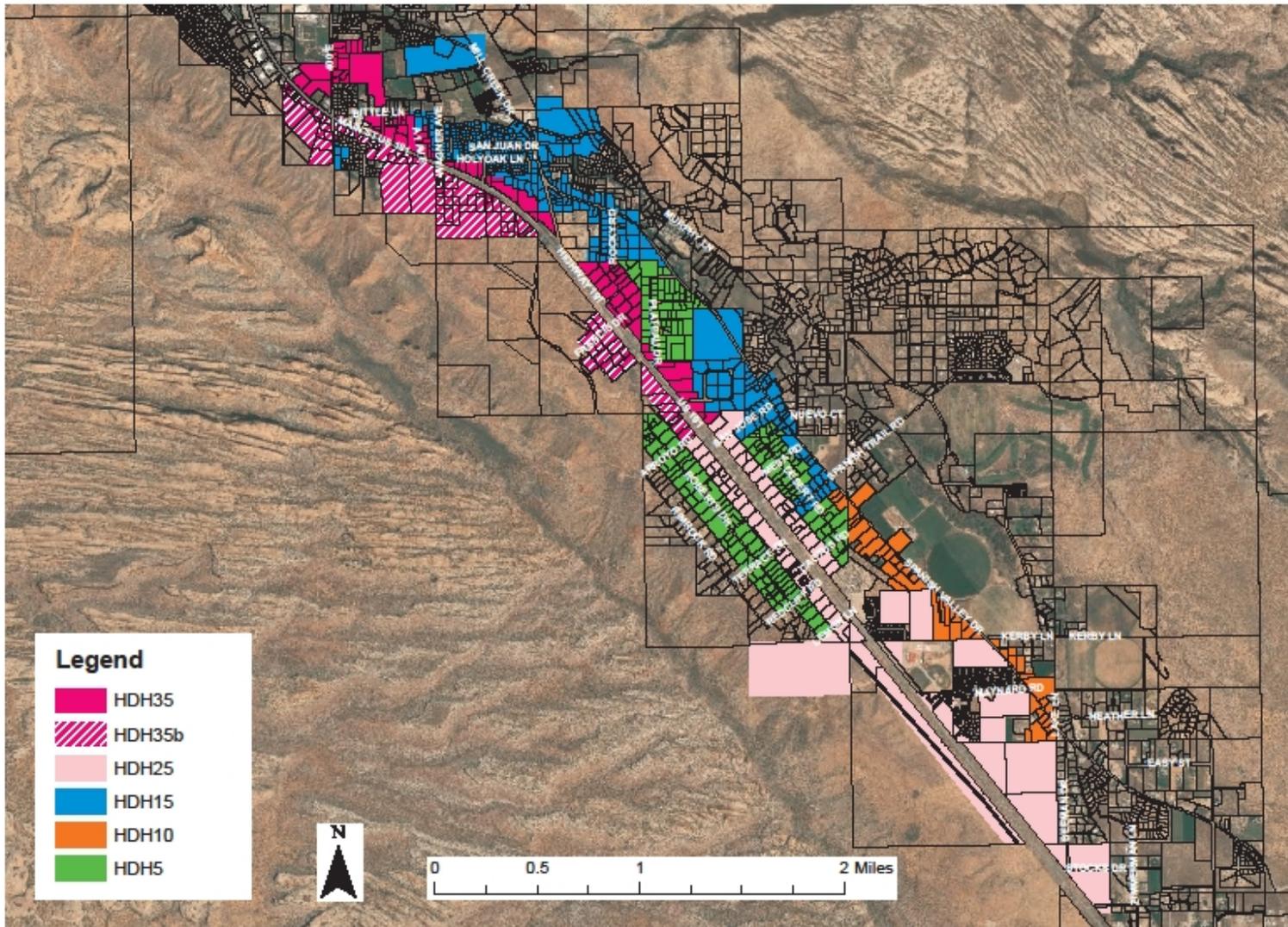
Ordinance No. 584, enacted January 15, 2019, is hereby repealed; provided, however, that Ordinance No. 584 shall remain in force to authorize the arrest, prosecution, conviction, and

punishment of a person who violates Ordinance No. 584 prior to the Effective Date of this Ordinance.

DRAFT

Exhibit A to HDH District

High Density Housing Overlay Boundaries



## Exhibit B to HDH District

### **Minimum Standards for Physical Conditions of High Density Housing Overlay (HDHO) Units**

- Clean unit
- Carpets steam-cleaned two or three days prior to closing
- All scratches, holes, burned marks repaired in hardwood floors, linoleum, tile, and counter tops, etc.
- No broken or foggy windows
- All screens in windows (if screens were originally provided)
- All doors will be in working order with no holes
- All locks on doors will work
- All keys will be provided; e.g., door, mail box, garage
- All mechanical systems shall be in working order
- Walls paint ready
- Normal wear and tear on carpet; if carpet has holes, stains, etc., the carpet and padding shall be replaced or escrow funds at current market value per square foot for a comparable product shall be held at the time of closing to be used by the new buyer
- No leaks from plumbing fixtures
- Any safety hazard remedied prior to closing
- Satisfaction of radon issue if found at time of inspection
- All light fixtures shall be in working order
- All appliances that existed in the original Unit, remain and are in good working order and good condition

#### DEFINITIONS

- Clean Unit: All rooms will be cleaned as stated below:
- Kitchen:
  - Range - Inner and outer services will be cleaned.
  - Range hood and Exhaust Fan
  - Refrigerator and Freezer - Inner and outer surfaces of refrigerator and freezer will be clean.

Freezer will be defrosted.

- Cabinets and Countertops - Exterior and interior surfaces of cabinets and drawers will be clean. Door and drawer handles, if provided, shall be clean and in place.
- Sink and Garbage Disposal - Sink and plumbing fixtures will be clean. Garbage disposal must be in working order.
- Dishwasher - Must be in working order and inner and outer surfaces shall be clean.
- Blinds, Windows, Screens:
  - Mini-blinds, Venetian Blinds, Vertical Blinds, and Pull Shades - Will be clean.
  - Windows - All window surfaces, inside and outside of the window glass, shall be clean.
  - Screens - Screens will be clean and in place with no holes or tears.
- Closets: Closets, including floors, walls, hanger rod, shelves and doors, shall be clean.
- Light Fixtures: Light fixtures will be clean and shall have functioning bulbs/florescent tubes.
- Bathrooms:
  - Bathtub, Shower Walls, Sinks - Bathtubs, shower walls and sinks shall be clean.
  - Toilet and Water Closet - Water closets, toilet bowls and toilet seats will be clean. If the toilet seat is broken or peeling, the seat shall be replaced.
  - Tile - All tile and grout will be clean.
  - Mirrors and Medicine Cabinets - Mirrors and medicine cabinets shall be cleaned inside and out.
  - Shelves and/or Other Cabinetry - All other shelving or cabinetry shall be cleaned inside and out.
- Walls, Ceilings, Painted Doors and Baseboards: Painted surfaces must be cleaned with care to ensure the surface is clean without damaging the paint.
- Floors: Floor cleaning includes sweeping and mopping and could include stripping, waxing and buffing. Types of floor surfaces include bamboo and marmoleum.
- Interior Storage/Utility Rooms: Storage/utility rooms shall be cleaned. Properly cleaned storage/utility rooms will be free from odors, removable stains, grease marks or accumulations.
- Washer/Dryer- Must be in working order and inner and outer surfaces shall be clean
- Safety Hazard: Any item that provides a safety hazard shall be fixed. This would include, but is not limited to, exposed electrical wiring, satisfaction of any radon issue found, ventilation for gas hot water system, etc.
- Walls Paint-Ready: All holes shall be patched; all posters, pictures, etc., shall be removed from all walls; all nails, tacks, tape, etc., shall be removed from all walls; and all walls shall be clean and ready for the

new buyer to paint. If wallpaper has been placed on the wall and in good condition, the wallpaper can remain; if the wallpaper is peeling off, the wallpaper must be removed.

- Windows: If a window is broken, including the locking mechanism, the window shall be replaced. If the window has a fog residue in the inside, it shall be replaced.