

FARMINGTON CITY, UTAH

ORDINANCE NO. 2026 - 30

AN ORDINANCE AMENDING SECTION 11-4 OF TITLE 11, PLANNING AND ZONING, TO IMPLEMENT CRITERIA FOR REPORTING ON AFFORDABLE AND MODERATE INCOME HOUSING. (26-12)

WHEREAS, the Planning Commission held a public hearing in which the text changes proposed to the Zoning Ordinance were thoroughly reviewed and recommended that this ordinance be approved by the City Council; and

WHEREAS, the Farmington City Council has also reviewed the proposed amendment and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

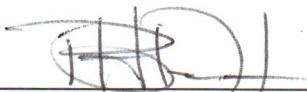
Section 1. Amendment. The specific sections identified in Exhibit A attached hereto are enacted as identified

Section 4. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

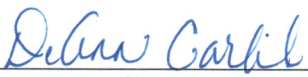
PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 4th day of August, 2026.

FARMINGTON CITY



Brett Anderson, Mayor

ATTEST:



DeAnn Carlile, City Recorder

Exhibit A:

§11-2-020: DEFINITIONS OF WORDS AND TERMS:

ENHANCED DEVELOPMENT RIGHTS: Concessions permitted or granted by the City for bonus density, deviations from code requirements, or other benefits, based upon covenants by the Person (as defined in Utah Code § 68-3-12.5) or Entity to provide Affordable Housing or Moderate Income Housing as part of or all of the consideration for which the Enhanced Development Rights were granted.

§11-4-110: Moderate Income Housing Compliance Reports:

A. Purpose: To ensure compliance with covenants regarding Affordable and Moderate Income housing made in exchange for concessions from the City during the development process.

B. Report Required:

Every Person or Entity who has received Enhanced Development Rights, or their successors in interest in the case of affordable or moderate income rental units, shall provide a written report to the Community Development Director or a designee, demonstrating faithful performance of the covenants upon which such Enhanced Development Rights were obtained:

1. For rental units, a report compliant with section 11-4-110 (C) of this code is required annually on January 31 of each calendar year. There shall be imposed and collected a cumulative \$100.00 fine for each 30 day period or portion thereof that the report is not filed.
2. For homes sold subject to deed restrictions, reporting by the seller is required within thirty (30) days of each sale of the deed restricted home.

C. Rental Unit Report:

Covenants which required the applicant to set aside of a portion (hereinafter, the “set aside” portion or unit) of the development’s housing for rent shall make such report in the form as set forth herein and shall provide evidence demonstrating which units are designated as Affordable or Moderate Income housing and that they are in fact leased or rented to qualifying persons. Such evidence shall include to the following elements:

1. For each set aside unit, a statement under penalty of perjury by an authorized representative of the Landlord that each tenant occupying such set aside units qualifies under the definition of a recipient of Moderate Income Housing;
2. The methodology of how such determination is made by the Landlord;
3. The differential in rent, if any, paid by the occupants of such set aside unit from like non-set aside units; and

4. The total number of units in the development and the total number of set aside units.