

Attachment A – DRAFT MPDU Ordinance Revision

Section 13.5-3 Definitions

Significantly More MPDUs means fifteen percent (15%) more units than the number of MPDUs that are required to be built on the site of the proposed development, but will not be constructed onsite.

Senior or Special Needs Housing with Services means apartments and individual residential dwelling units along with common areas for communal dining, activities and socializing along with an indivisible package of services that meet the majority of needs of daily living, including, but not limited to utilities, apartment/grounds maintenance, property taxes, one or more meals per day, housekeeping, transportation, social and wellness activities, and emergency care.

Housing with Services means an indivisible package of housing and facilities that includes common ownership, amenities, or other similar fees in a residential development.

Sec. 13.5-5 Requirement

(f)

(1) Instead of building the required number of MPDU's an applicant may offer to:

- a. Build ~~S~~significantly ~~M~~more MPDU's at one (1) or more other sites in the city.
- b. Convey land in the city that is suitable in size, location and physical condition for ~~S~~significantly ~~M~~more MPDU's.
- c. Contribute to the Moderately Priced Housing Fund an amount that will produce ~~S~~significantly ~~M~~more MPDU's; or
- d. Do any combination of these alternatives that will result in building ~~S~~significantly ~~M~~more MPDU's.

(2) The offer may be accepted if the Mayor and Council finds that:

- a. 1) In the project or subdivision originally proposed by the applicant, an indivisible package of resident services and facilities to be provided to all households would cost the occupants of the MPDU's so much that it is likely to make the MPDU's effectively unaffordable by eligible households; ~~and OR 2) d. Extraordinary circumstances make building the required number of MPDU's as part of the project impractical; AND;~~

b. An offer made by an applicant under subsection (f)(1) will achieve significantly more MPDU's or units which low and moderate-income households can more easily afford; ~~and~~ AND

c. Acceptance of the applicant's offer will achieve the objective of providing a broad range of housing opportunities throughout the City; ~~and~~

~~d. Extraordinary circumstances make building the required number of MPDU's as part of the project impractical.~~

(3) If an applicant proposes onsite Senior or Special Needs Housing with Services:

a. The applicant must establish an alternative MPDU agreement if the total monthly fee for housing and services equals or exceeds 150 percent of the current MPDU monthly rents.

b. Under the alternative agreement, the monthly fee for Senior or Special Needs Housing with Services cannot exceed 70 percent of the median of the monthly MPDU household income range.

c. The applicant can request to provide a lower percentage of onsite MPDUs if the applicant can demonstrate that providing the reduced percentage of MPDUs is the only option that will achieve the objective of providing a broad range of housing opportunities throughout the City. The percentage reduction is limited to two and one-half percent (2.5%) from the required percentage of MPDU units.

(34) The procedures for considering and implementing alternative offers shall be established by the Mayor and Council in the MPDU Regulations. ~~The City Manager or designee will work with the applicant to establish an alternative agreement to present to Mayor and Council for approval.~~ To implement an offer, the applicant must sign an agreement with the City not later than a time provided by the Mayor and Council in its approval of the offer.

~~(35) Notwithstanding any other provisions of the subsection, the City may reject a request ~~n election by an applicant to~~ establish an alternative agreement to meet MPDU requirements transfer land to the City in whole or in part whenever the public interest would best be served thereby. Any such rejection and the reasons for the rejection may be considered by the Mayor and Council in deciding whether to grant the applicant a waiver of this chapter under section 13.5-6(b).~~

(6)

~~(1) An applicant may satisfy this section by obtaining approval from the Mayor and Council to transfer land to the City before applying for a building permit. The applicant must sign a written land transfer agreement approved by the Mayor and Council and by the City Attorney. For the Mayor and Council to consider the request and take timely action, a written notice of the applicant's intent to submit an agreement should be served upon the City Clerk at least ninety (90) days before the application for a building permit is filed. The land transfer agreement must covenant that so much of the land, designated in the approved subdivision plan or use permit as land to which the provisions for MPDU's apply, as is necessary in order to construct the number of finished lots, shall be transferred to the City or to the City's designee before the building permit is issued, so that the City might cause MPDU's to be constructed on the transferred land. After the submission of supporting documentation and review and approval by the city for the~~

~~transfer of finished lots, the City shall reimburse the applicant for the costs the applicant actually incurred, which are directly attributable to the finishing of the MPDU lots so transferred. Reimbursable costs include but are not limited to engineering costs; clearing, grading, and paving streets, including any required bonds and permits; installation of curbs, gutters and sidewalks; sodding of public right-of-way; erection of barricades and signs; installation of storm sewers and street lighting; and park and other open space and recreational development directly benefitting the MPDU lots transferred. The City shall not reimburse an applicant for the cost or value of the transferred lots.~~

~~(2) If an applicant transfers land to the City under this subsection and no funds have been appropriated to reimburse the applicant for his finished costs, the City may accept from the applicant undeveloped land rather than finished lots, or the applicant may transfer the finished lots to the City without requiring payment for finishing the lots.~~

~~(3) Notwithstanding any other provisions of the subsection, the City may reject an election by an applicant to transfer land to the City in whole or in part whenever the public interest would best be served thereby. Any such rejection and the reasons for the rejection may be considered by the Mayor and Council in deciding whether to grant the applicant a waiver of this chapter under section 13.5-6(b).~~