Willard City Ordinance No. 2025-06

An Ordinance Codifying the Zoning Code of Willard, Utah

WHEREAS, the City Council of Willard, Utah, recognizes the necessity of compiling, organizing, and codifying the existing zoning ordinances for the efficient governance and benefit of its citizens; and

WHEREAS, it is the desire of the City Council to provide an accessible reference for the citizens, officials, and employees of Willard City;

NOW, THEREFORE, be it ordained by the City Council of the City of Willard, Utah, as follows:

Section 1. Title and Purpose

This ordinance shall be known as the "Zoning Code Codification Ordinance of Willard, Utah." The purpose of this ordinance is to compile, organize, and codify the existing zoning ordinances of the City of Willard to provide an efficient and accessible reference for the citizens, officials, and employees of Willard City.

Section 2. Adoption of Codified Zoning Code

The following compilation of the zoning ordinances, referred to as the "Willard Zoning Code," is hereby adopted as the official zoning code of ordinances for the City of Willard.

Section 3. Repeal of Inconsistent Ordinances

All zoning ordinances or parts of ordinances in conflict with the provisions of the Willard Zoning Code are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date

This ordinance shall take effect immediately upon its adoption and publication as required by law.

Willard City

Box Elder County, Utah

Zoning Code

Compiled: Wednesday, January 8, 2025

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PREFACE

The Zoning Code of Willard City, Utah began in-house in 2020 with the assistance of Municipal Code Corporation. This Zoning Code shall be cited as Willard Zoning Code or “WZC” as an acronym.

WZC references found within the code maintain a structure by subject matter using a decimal numbering system which identifies the title, chapter and section (**for example: WZC 24.04.010**). This complete set of numbers is designed to aid in searching and/or referencing the Zoning Code, and to assist in subsequent codification as new ordinances are added to the Zoning Code.

- The first number in the sequence (**24**.04.010) designates the **TITLE** level, as written in the table of contents
- The second series of numbers (24.**04**.010) designates the **CHAPTER** level, as written in the table of contents
- The last series (24.04.**010**) designates the **Section** level, and is expressed using three numerical values

To outline, give structure, and more granularly reference the legislation herein, the following list order or pattern of ascending alphanumeric characters is used: **A, 1, a, (1), (A), (a)**. Drafting future legislation with this list order reconciles it with the online code's list order. To forego the naming of each list item and to more granularly reference legislation that employs alphanumeric characters, use “subsection” (always capitalized) followed by the desired alphanumeric reference(s), comma separated. For example, “subsection B,7,d”, specifically references item “d”, of item “7”, of item “B”—whereas “subsection B” refers more generally to any or all of subsection B’s descendants.

State law references herein to "Utah Code" imply a reference to the "Utah State Legislature".

Vacant titles, chapters, or sections may be designed for future use and may be marked “Reserved” to ease internal expansion. The legislative history identifies the specific legal sources of a section as may be provided in footnotes.

The Zoning Code is supplemented from time to time with amendments and additions made by the City of Willard. The specific legal sources that comprise this Zoning Code have been adopted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Zoning Code and the official hard copy, the official hard copy governs. Municipal Code Corporation, provides a searchable database of the Zoning Code for easy reference and convenience.

NOTICE: THE ZONING CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE CITY COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE ZONING CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE ZONING CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS. FOR MORE INFORMATION CALL THE CITY RECORDER.

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24.01.010 Short Title

This title shall be known as the "Willard Zoning Code" or "WZC" and may be so cited and pleaded.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.020 Purpose

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Willard City including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and to ng streamline procedures for subdivision application review and determination, and to comply with Utah Code
§10-9a-6 .

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.030 Interpretation

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.040 Conflict

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.050 Effect On Previous Ordinances And Maps

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein, provided, however, that this ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances are included in this ordinance, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.060 Definitions - Zoning

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular, the word "building" shall include the word "structure"; and the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word"person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

"Accessory Use or Building" means a use or building on the same lot with, and of a

nature customarily incidental and subordinate to, the principal use or building.

"Agent of Owner" means any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; breeding, grazing, and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

"Agricultural Industry or Business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

"Airport" means any area of land or water designed and set aside for the landing and the taking off of aircraft.

"Alley" means a public access-way less than twenty-six feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this ordinance.

"Alterations, Structural" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Amusement Park" means any place of organized amusement activity not conducted wholly within a completely enclosed building.

"Architectural Projection" means any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

"Automatic Car Wash" means a facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half tons capacity.

"Automobile Paint Shop" means a facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.

"Automobile Sales Area" means an open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

"Automobile Service Station" means a place where gasoline, or any other motor fuel or

lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.

"Average Percent of Slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred feet between two points one hundred feet apart, measured on a horizontal plane is a one hundred percent slope.

"Basement" means a story whose floor is more than twelve inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurements and as a half-story for the purpose of side-yard determination.

"Basement House" means a residential structure without a full story structure above grade.

"Beginning of Construction" means the pouring of concrete footings for a building or structure.

"Block" means the land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

"Boarding House" means a dwelling where, for compensation, meals are provided for a least three but not more than fifteen persons.

"Body and Fender Shop" means a facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders and including rebuilding.

"Buildable Area" means the portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen percent shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or sanitarian as required by the planning commission.

"Building" means any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

"Building, Accessory" means a building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

"Building, Height of" means the vertical distance from the average finished grade surface to the highest point of the building roof or coping.

"Building Inspector" means the official designated as the building inspector for the local jurisdiction by the governing body. The building inspector may also be the zoning administrator, if so designated.

"Campground" means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping.

"Camping" means a temporary establishment of living facilities such as tents or recreational coaches as regulated by this ordinance.

"Carport" means a private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

"Cellar" means a room or rooms wholly under the surface of the ground, or having more than fifty percent of its floor to ceiling height under the average level of the adjoining ground.

"Child Nursery" means an establishment for the care and/or the instruction of five or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

"Clinic, Dental or Medical" means a building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

"Club, Social" means any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.

"Conditional Use" means a use of land for which a conditional use permit is required, pursuant to this ordinance.

"Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.

"Corral" means an enclosure for confining livestock.

"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

"Coverage, Building" means the percent of the total site area covered by buildings.

"Crosswalk or Walkway" means a right-of-way to facilitate pedestrian access through a subdivision block, designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

"Dairy" means a commercial establishment for the manufacture, processing or packaging of dairy products; and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

"District" means a portion of the territory of the local jurisdiction, established as a zoning district by this ordinance, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance; also includes "zone", and "zoning district".

"Driveway" means a private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

"Dwelling" means any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, nursing home, or mobile home.

"Dwelling, Farm or Ranch housing" means dwelling units constructed to provide housing for migratory or temporary farm workers; or for persons permanently working on a farm or ranch.

"Dwelling, Mobile Home" (See "Mobile Home")

"Dwelling, Single-family" means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

"Dwelling, Two-family" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

"Dwelling, Three-family" means a building arranged or designed to be occupied by three families, the structure having only three dwelling units.

"Dwelling, Four-family" means a building arranged or designed to be occupied by four families, the structure having only four dwelling units.

"Dwelling, Multiple-family" means a building arranged or designed to be occupied by more than four families and having more than four dwelling units.

"Dwelling Group" means a group of two or more detached buildings used as dwellings, located on a lot or parcel of land.

"Dwelling Unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

"Easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

"Essential Facilities" means utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty KV or greater capacity, except by conditional use permit.

"Family" means an individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

"Family Food Production" means the keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

"Flood Hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

"Floor Area" means area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.

"Forest Industry" means an industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.

"Frontage, Block" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side

of the street which it intercepts or that common line between a lot and a public street.

"Frontage, Lot" means the lineal measurement of the front lot line.

"Garage, Private" means a detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having the capacity in excess of one and one-half tons, and not including space for more than a total of four such vehicles for each dwelling unit on the premises, except that not more than two snowmobiles may be stored in addition to the number of other vehicles herein permitted.

"Garage, Repair" means a structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.

"Geological Hazard" means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

"Grade" means:

A. For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

B. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.

D. Any wall parallel or nearly parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"Governing Body" means the elected legislative body of the local jurisdiction.

"Home Occupation" means a use conducted by persons residing on the same lot as their dwelling, which use is clearly incidental and secondary to the use of the premises for residential purposes and which does not change the residential character thereof. Conduct of the use shall be confined to the dwelling unit or to accessory buildings normally associated with residential activities, equipment or machinery shall not be in open display or used unless enclosed in a permitted structure and the number of

employees shall be limited to two other persons on premises. Approval of the home-occupation use shall be subject to individual application to the Planning Commission and shall be judged as to its appropriateness based on, among other considerations:

A. Access to the property

B. Parking

C. Nature of use

D. Attitude of adjoining owners

E. Compatibility with neighborhood

"Hospital" means institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

"Hotel" means a building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals who are, for compensation, lodged, with or without meals.

"Household Pets" means animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this ordinance. Household pets may also include the keeping of not more than two pairs of chinchillas, but not including the keeping of normally dangerous animals, such as lions or tigers.

"Inundation" means ponded water or water in motion of sufficient depth or velocity to damage property, due to the presence of the water or to the deposit of silt.

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

"Junk Yard" means the use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

"Kennel" means any premises where three or more dogs older than four months are kept, except that more than three of such dogs may be kept in the rural residential, agricultural, and multiple-use districts as accessory uses to a use allowed in the district.

"Local Attorney" means the attorney employed by or officially representing the local jurisdiction.

"Local Building Inspector" means the building inspector employed by or officially representing the local jurisdiction.

"Local Engineer" means the engineer employed by or officially representing the local jurisdiction.

"Local Governing Body" (See Governing Body)

"Local Health Officer" means the health officer or department employed by or officially representing the local jurisdiction.

"Local Jurisdiction" means Willard City

"Local Planner" means the planner employed by or officially representing the local jurisdiction.

"Lodging House" means a dwelling with not more than ten guest rooms where, for compensation, lodging is provided for at least three but not more than fifteen persons, but not including motels or hotels.

"Lot" means a parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three or more smaller units.

"Lot, Corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees.

"Lot, Depth" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

"Lot, Interior" means a lot other than a corner lot.

A. Flag Lot. A lot (flag) created by partition of a larger lot with a dwelling, to allow a second dwelling behind the original dwelling. The access (flag pole) to the second lot (flag) must be owned by the second lot.

"Lot Frontage Required" means the length of the front lot line, which is coterminous with the front street line.

"Lot Lines" means the property lines bounding the lot.

"Lot Line, Front" means for an interior lot, the lot line adjoining the street; or a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

"Lot Line, Rear" means ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.

"Lot Line, Side" means any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

"Lot, Restricted" means a lot having an average slope of twenty-five percent or more or which does not contain a buildable area of at least seventy-five feet by one hundred feet with an average slope of less than fifteen percent, such lot being prohibited as a building site, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning commission.

"Lot Right-of-way" means a strip of land of not less than sixteen feet in width connecting a lot to a street for use as private access to that lot.

"Lot Width" means the horizontal distance. between the side lot lines, measured at the required front yard setback lines.

"Lot, Unrestricted" means a lot having an average slope of less than twenty-five percent and containing a buildable area of at least seventy-five feet by one hundred feet with an average slope of less than fifteen percent, which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen percent.

"Manufactured Housing" means a structure designed and constructed for human habitation, its major component parts being either partially or entirely factory fabricated in single or multiple sections for erection on a site other than its place of fabrication. Manufactured housing shall include modular and panelized structure but not mobile homes as defined herein.

A. Modular Home. A manufactured dwelling structure constructed after June 15, 1976, in compliance with Federal Mobile Home Construction and Safety Standards, or the Uniform Building Code as adopted by the local jurisdiction, designed for erection and installation on a site-built permanent, continuous wall foundation at least thirty-six inches in depth, and which is intended to remain indefinitely at the place of erection and for the purposes of this ordinance, has a body of not less than twenty-four feet in width and forty feet in length.

B. Panelized Home. A manufactured dwelling structure consisting of sub-assemblies or component parts, factory joined and erected at a construction site in compliance with building codes adopted by the local jurisdiction.

"Mobile Home" means a transportable dwelling other than a modular or panelized structure, in one or more sections, having self-contained plumbing, heating, and electrical systems, which when installed on a site, with or without a permanent foundation, is at least eight feet in body width and thirty-two feet in body length.

"Mobile Home Lot" means a lot within a mobile home subdivision, designed and to be used for the accommodation of one mobile home.

"Mobile Home Park" means a space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the zoning ordinance and mobile home park ordinance for mobile home parks.

"Mobile Home Space" means a space within a mobile home park, designed and to be used for the accommodation of one mobile home.

"Mobile Home Stand" means that part of the mobile home space which has been reserved for the placement of the mobile home and its appurtenant structures or additions.

"Mobile Home Subdivision" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

"Motel" means a building or group of buildings for the drive-in accommodation for transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

"Non-conforming Building or Structure" means a building or a structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

"Non-conforming Use" means the use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

"Nursing Home" means an institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

"Official Map" means a map which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivisions which have been approved by the planning commission, and/or other street extensions, widening, narrowing, or locations which have been accurately surveyed and definitely located.

"Off-street Parking Space" means the space required to park one 911 passenger vehicle, which space shall meet the requirements of this ordinance.

"Off-site Facilities" means improvements, not on individual lots, but generally within the boundaries of the subdivision which they serve, and as further outlined in this ordinance.

"On-site Facilities" means construction or placement of the dwelling and its appurtenant improvements on a lot.

"Open Space" means the area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of planned unit developments.

"Open space, Usable" means usable open space shall be any portion of a lot or building which meets all the following conditions:

A. The space shall be open to the sky or shall be open to view on at least two sides.
B. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.
C. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the zoning administrator to assure reasonably safe usage by children and adults.
D. The space shall not be provided from any required front or side yard, parking area, or driveway space.

"Owner" means the holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity, recognized by law, and his or its lessees, permittee, assignees, or successors in interest.

"Package Agency" means any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

"Parcel of Land" (See "Lot").

"Parking Lot" means an open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation, or

accommodation for clients or customers.

"Pedestrian-way" (See "Cross-walk").

"Planned District" means a zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the zoning ordinance, after public hearing, as required for other zoning districts.

"Planned Unit Development (PUD)" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

"Plot Plan" means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.

"Private Non-profit Locker Club" means a social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Non-profit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

"Private Non-profit Recreational Grounds and Facilities" means non-profit recreational grounds and facilities operated by a non-profit corporation, association, or group.

"Recreational Coach" means a vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

"Recreational Coach Park" means any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational coaches for a temporary time not to exceed thirty days. Such park may also be designated as "Overnite Park".

"Recreational Coach Space" means a plot of ground within a recreational coach park designated and intended for the accommodation of one recreational coach.

"School, Private" means a school which is operated by a quasi-public or private group, individual, or organization, and which has a curriculum similar to that provided in any public school in the state of Utah. Private schools may be non-profit, or profit-making establishments.

"School, Public" means a school operated by a school district or other public agency in the state of Utah.

"Sign" means a presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

"Sign, Animated" means a sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

"Sign Area" means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one exposed exterior surface. Should the sign have more than one surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one direction at one time.

"Sign, Free-standing" means a sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

"Sign, Identification and Information" means a sign displayed to indicate the name or nature of a building, or of a use.

"Sign, Illuminated" means a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

"Sign, Marquee" means any sign attached to or made an integral part of a marquee.

"Sign Ordinance" means the sign ordinance of the local jurisdiction.

"Sign, Projecting Wall" means a sign which is affixed to an exterior wall or building or structure and which projects more than eighteen inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

"Site Plan" means a plan required by, and providing the information required by Section 11-2 herein.

"Stable, Private" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for hire, remuneration, or sale.

"Stable, Public" means any stable where horses are boarded and/or kept for hire.

"State Store" means an outlet for the sale of liquor located on the premises, said premises owned or leased by the State of Utah.

"Story, half" means a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls do not extend more than four feet above the floor of such story, and the ceiling area of which does not exceed two-thirds of the floor area of the same half story.

"Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes "building".

"Subdivision, Cluster" means a subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

"Vicinity Plan" means a map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred feet of the property proposed for development.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this ordinance.

"Yard, Front" means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

"Yard, Rear" means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

"Yard, Side" means a space on the same lot with a building, between the sideline of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the sideline of the building.

"Zone" (See "District")

"Zoning Ordinance" means the zoning ordinance of the local jurisdiction.

"Zoning Administrator" means the local official designated by the local governing body to enforce the regulations of this ordinance, the zoning administrator may also be the building inspector or building official.

24.01.070 Building Permit Required

The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this ordinance shall not be commenced or continued except after the issuance of a zoning permit by the City Planner and a written building permit from the building inspector. The zoning permit will be approved by the City Planner if the planned project is in compliance with the requirements of this ordinance. Work not started within one year will revoke the previously issued permit and will require a new permit.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.080 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the City Planner to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.090 Site Plans Required

A. A detailed site plan, with scale and sheet size determined by the City Planner, shall be filed as part of any application, prior to request for a zoning permit. It shall show the following where pertinent:

    1. Scale of plan, and direction of north point;
    2. Lot lines, adjacent streets, roads, rights-of-way;
    3. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned;
    4. Location of proposed construction and improvements, with location and

dimension of all new utilities, utility connection points, street lights, and signs;

5. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location;
6. Necessary explanatory notes;
7. Name, address, telephone number of builder and owner; and
8. All other information required as determined by the City Planner

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.100 Inspection

The City Planner is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect all uses to determine compliance with zoning ordinance provisions. The City Planner or any authorized employee of the local jurisdiction shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any unoccupied building in the absence of an owner or tenant thereof, or without written permission of an owner, or written order of a court of competent jurisdiction.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.110 Enforcement

The City Planner is authorized as the enforcing officer for this ordinance, and shall enforce all provisions, entering actions in court if necessary, and their failure to do so shall not legalize any violations of such provisions. The governing body may, by resolution or ordinance, from time to time entrust administration of this ordinance, in whole or in part, to another officer of the local jurisdiction, without amendment to this ordinance.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.120 Nuisance And Abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this ordinance, and any use of land, building or premise established, conducted or maintained contrary to provisions of this ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and

the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinment thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.130 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this ordinance shall be deemed to be guilty of separate offense for each day during which any portion of any violation of this ordinance is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.140 Amendments

The local governing body may from time to time amend the number, shape, boundaries or areas of any district, or regulation, or other provision of the zoning ordinance, but any such amendment shall be made and become effective only after complying with WZC 24.40, the Short-Term Zoning plan (See General Plan), and any requirement of Utah Law.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.150 Hearing And Publication And Notice Before Amendment

Before finally adopting any such amendment, pursuant to Utah Code §10-9a-205, the governing body shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be given by publication on the Utah Public Notice Website, circulationthe city's official website, and post physical noticein the local jurisdiction or posted in three places within the City.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.160 Licensing

All departments, officials and public employees of the local jurisdiction which are

vested with duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.170 Fees

Fees may be charged applicants for building, occupancy, conditional use permits, design review, subdivision and master plannedcommunity developmentzoneapproval, planning commission and hearing officer hearings, and such other services as are required by this ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.01.180 Severability

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or without effect by any final judgement or decree of a court of competent jurisdiction, such judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.04 PLANNING COMMISSION AND APPEAL AUTHORITY AS HEARING OFFICER

24.04.010 Planning Commission
24.04.020 Hearing Officer

24.04.010 Planning Commission

This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of the Willard City Zoning Code. The commission shall act as the Administrative Land Use Authority, referred to as “the ALUA,” that conducts the preliminary subdivision application review and determination arising from a subdivision application for single-family dwellings, two-family dwellings, or townhomes.

A. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall have and perform such duties as are assigned to it by law ordinance relating to planning and zoning and land use administration. The commission shall consist of six (6) members, including the chairperson. Two (2) alternate members may be appointed to act as voting members of the commission in the absence of any regular voting member(s). If only one (1) alternate member of the commission is needed for any meeting, the commission Chairperson should select the alternate on a rotating basis

B. Terms For Members. The terms of office for the members shall be three (3) years. Members may serve consecutive terms. Term of office begins on February 1, and expires January 31 of the particular year. shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

C. Of Members. All members shall be appointed by the mayor and approved by the legislative body of the jurisdiction served. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the commission shall be residents of the jurisdiction served. Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed by the mayor and approved by the legislative body of the jurisdiction. Members appointed to fill vacancies shall serve for the remaining period of the position being filled

D. Chairperson Election andAnd Rules Adoption. The chairperson shall be appointed by the mayor and approved by the legislative body of the jurisdiction. The commission shall establish and adopt rules for its organization and

transaction of business and shall keep a public record of its proceedings.

E. Commission Secretary. A secretary to assist the commission shall be appointed by the mayor. The secretary shall keep minutes of the commission meetings for public record and conduct all correspondence including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

F. Duties And Powers

1. General Plan. It shall be the duty of the commission, after a holding publichearing hearings, to create and recommend to the legislative body a general plan for the physical development of property within the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The general plan shall include at least the following elements:

    a. Official maps

    b. Growth and land use.

    c. Commercial/industrial uses

    d. Transportation and utilities

    e. Community facilities

    f. Housing

    g. Environmental

    h. Geologic/natural hazards

    i. The commission shall be permitted also to recommend amendments to the general plan regarding the administration or maintenance of the Zoning Code.

2. Zoning Code. It shall be the duty of the commission to develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the general plan, establishing zones within the jurisdiction. Such a code shall be made in regard to the character of each district and the most appropriate use of land within the jurisdiction. The commission shall make periodic reports and recommendations to the legislative body.

3. Division Of Land Regulations. It shall be the duty of the commission to develop and certify regulations governing the division of land. All division of land shall be in accordance with the adopted regulations

4. Conditional-Use Permits. In conjunction with Wi1lard City Code 24-20,

the commission shall review, hear, and decide conditional use permit applications after receiving a recommendation from the Conditional Use Review Committee.

5. Official Zoning Map. The legislative body shall adopt an official zoning map for all areas included within the jurisdiction

6. Appeals and Hearing. Any person withstanding who desires to appeal any land use decision of the commission shall follow and comply with the requirements as set forth in Willard City Code submit any such appeal to the designated Hearing Officer for Willard City.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.04.020 Hearing Officer

A. Willard City hereby establishes an appeal authority to hear and decide requests for variances from the terms of land use ordinances; appeals from land use decisions applying land use ordinances; and appeals from a fee charged by Willard City under Utah Code Annotated §10-9a-510. The appeal authority shall be an appointed Appeals Hearing Officer (hereinafter "Hearing Officer"). The Hearing Officer shall be appointed by the Mayor with the approval of the City Council. Any previously ordained or appointed Board of Adjustments is dissolved effective upon passage of this ordinance.

B. Term. The Hearing Officer shall be appointed for a period of three (3) years, may be removed by a majority vote of the City Council at any time, and may serve until a replacement is appointed. A vacancy shall be filled in the same manner as the original appointment for the unexpired term.

C. Organization. The Hearing Officer may adopt such rules for its own proceedings as are deemed necessary. The Hearing Officer shall keep minutes of all proceedings, showing the decision of the Hearing Officer upon each question, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder, and shall be a public record. Decisions of the Hearing Officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

D. Powers and Duties. The Hearing Officer shall have such powers and duties as provided by Utah Code Annotated §10-9a-702 et seq

E. Appealing Land Use Authority's Decision. An applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision applying a land use ordinance may, within ten (10) business days of the issuance of the written decision applying the land use ordinance, appeal that decision to the Hearing Officer by alleging there is an error in any order,

requirement, decision, or determination made by the land use authority in land use ordinance. When an appeal is taken from a decision of the land use authority, the City Recorder shall immediately transmit to the Hearing Officer all papers, if any, constituting the record upon which the action appealed from was taken.

1. Time to Appeal and Filing Fee. Any appeal, pursuant to this section, must be in writing, with the City Recorder within ten (10) business days of the issuance of the written decision applying the land use ordinance. Upon the filing of any appeal with the City Recorder, the appellant shall pay to the City Recorderthe fee proscribed in the fee schedule of the City. The City Recorder may not transmit papers or records to the Hearing Officer and the Hearing Officer may not consider any appeal unless and until such fee has been paid.

2. Time for Hearing Appeal. The Hearing Officer shall hear the appeal within thirty
(30) business days of the date the appeal was filed.

3. Written Statement Setting Forth Theories of Relief Requested. The appellant shall deliver to the Hearing Officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief the appellant intends to raise at the hearing, along with a brief statement of facts in support thereof.

4. Conditions Precedent to Judicial Review. No person, entity, board, or officer of the City may seek judicial review of any decision applying the land use ordinance until after challenging the land use authority's decision in accordance with this part. No theory or relief may be raised in the District Court unless it was timely and specifically presented to the Hearing Officer and all administrative remedies have been exhausted.

5. Standard of Review and Burden of Proof on Appeal. The Hearing Officer shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The appellant has the burden of proof on appeal.

6. Due Process Rights. An appeal filed in accordance with this section stays all proceedings in the appeal activity, unless the Hearing Officer from whom the appeal is taken certifies that by reason of facts stated in the certification that the stay would in their opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer in person or by the City Attorney.

7. Conditional Use Permit Appeals. The City Council shall continue to hear and decide appeals from the planning commission decisions regarding

conditional use permits.

8. Direct Appeal to the District Court. Notwithstanding the foregoing, decisions of the City Council relative to adopting or amending the general plan or any other land use ordinance may only be appealed directly to the District Court.

9. Decision of Appeal. In exercising its authority, the Hearing Officer may affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination of a land use authority.

A. Variances. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.

1. The Hearing Officer may grant a variance only if:

    a. Literal enforcement of the ordinance of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

    b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

    c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

    d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

    e. The spirit of the land use ordinance is observed and substantial justice done.

2. In determining whether or not enforcement of the land use ordinance would cause an unreasonable hardship, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:

    a. Is located on or associated with the property for which the variance is sought; and

    b. Comes from circumstances peculiar to the property, not from actions of the current property owner or a previous property neighborhood.

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this section, the Hearing

Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

4. In determining whether or not there are special circumstances attached to the property under this section, the Hearing Officer may find that special circumstances exist only if the special circumstances:
    a. relate to the hardship complained of; and
    b. deprives the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The Hearings Officer may not grant a use variance.
8. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
    a. Mitigate any harmful effects of the variance; or
    b. Serve the purpose of the standard or requirement that is waived or modified.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.08 SUPPLEMENTARY AND QUALIFYING REGULATIONS

24.08.010 Effect Of Chapter
24.08.020 Substandard Lots At Time Of Ordinance Passage
24.08.030 Lot Standards
24.08.040 Every Dwelling To Be On A Lot - Exceptions
24.08.050 Yard Space For One Building Only
24.08.060 Private Garage With Side Yard - Reduced Yards
24.08.070 Sale Or Lease Of Required Space
24.08.080 Sale Of Lots Below Minimum Space Requirements
24.08.090 Yards To Be Unobstructed - Exceptions
24.08.100 Area Of Accessory Buildings
24.08.110 Additional Height Allowed
24.08.120 Exceptions To Height Limitations
24.08.130 Minimum Height Of Main Buildings
24.08.140 Maximum Height Of Accessory Buildings
24.08.150 Clear View Of Intersecting Streets
24.08.160 Maximum Height Of Fences, Walls, And Hedges
24.08.170 Sewage Requirements
24.08.180 Curbs, Gutters And Sidewalks
24.08.190 Effect Of Official Map
24.08.200 Lots And Dwellings On Private Streets-Special Provisions
24.08.210 Building Code
24.08.220 Lot-Line Adjustments
24.08.230 Short-Term Rental

24.08.010 Effect Of Chapter

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

24.08.020 Substandard Lots At Time Of Ordinance Passage

Any lot legally held in separate ownership at the time of passage of this ordinance, which lot is below the requirements for lot area or lot width for the District in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width, provided that in no case shall the smaller of the two yards be less than five feet or the total width of the two yards be less than thirteen feet.

24.08.030 Lot Standards

Except for planned unit development and cluster sub-divisions, and as otherwise provided in this Ordinance, every lot, existing or intended to be created, shall have such

area, width and depth as is required by this ordinance for the district in which such lot is located. All building lots for dwellings shall have improved frontage upon a public street. When the owner of any lot requests a building permit for a dwelling, that owner will be required to extend any adjacent street and/or service the entire width of the parcel, as required by the Planning Commission.

Exception: If the service or street described above is deemed to serve no part of the City, or is a "dead-end" street, the City may, at its discretion, choose not to extend the service or street.

The land owner may also apply for relief from the decision.

A. Improved frontage upon a public street shall include:

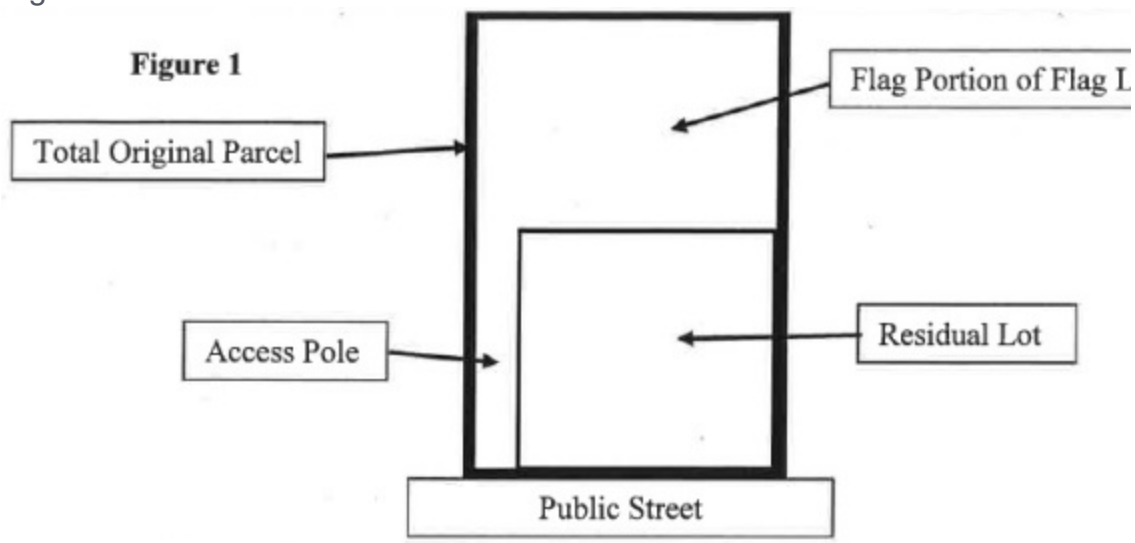
    1. A dedicated right-of-way of not less than sixty (60) feet, with a paved su width of thirty-five (35) feet across the width of the lot when curb and gutte installed. Paving shall be 24 feet when curb and gutter are waived.

    2. An eight-inch water line to and across the width of the lot, includi connection to the Willard City water system and a fire hydrant at a locatic determined by the City. Pipe may be reduced in diameter, if allowed by th code.

    3. Utility easements ten feet wide across the front and rear of the lot as we along one side of the lot, extending for the full depth of the lot.

B. Flag Lots may not be created in any Zone. Flag lots are defined in Figure 1, b Flag lots are created when a parcel, having less than 200 feet frontage on a p street is divided.

Figure 1



C. Parcels within any Zone that have less than 200-foot frontage on a public street not be subdivided regardless of the area of the parcel.

   Exception: If created as part of a planned unit development (PUD), parcel frontag a cul-de-sac may be allowed as a conditional use. * (See WZC 24.44.040, Tab Item 3.)

   * Or as a 2 lot in-fill subdivision within the city limits between 200 North to 200 S and 200 East to 200 West. A subdivided lot must have 1 (one) lot with 100 ft. fror and the second lot must have a minimum of 85 ft. frontage.

D. Any re-zoning of any lot or parcel which includes proposed roads shown or Willard City Land-Use Map will require granting of an easement to the city w encompasses the proposed road. Any Sub-dividing, or developing of any l parcel, which includes proposed roads shown on the Willard City Land-Use Map require dedication of the proposed road to the city. Improvements to the dedic roads will be as required in this chapter of the Willard City Zoning Ordinance an Willard City Subdivision Ordinance.

   Exception: Proposed roads on undeveloped remainder parcels of partially devel parcels need not be dedicated to the city, but will require the granting of an ease which encompasses the proposed road.

24.08.040 Every Dwelling To Be On A Lot - Exceptions

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the District in which the dwelling structure is located, except that group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Ordinance and have approval from the planning commission, may occupy one lot for each such multi-structure complex.

24.08.050 Yard Space For One Building Only

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space be on a lot whereon a building is to be erected or established.

24.08.060 Private Garage With Side Yard - Reduced Yards

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this Ordinance, has a side yard equal to the minimum side yard required for a dwelling in the same district, the width of the other

side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen feet, provided the garage also has a rear yard of at least fifteen feet.

24.08.070 Sale Or Lease Of Required Space

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

24.08.080 Sale Of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, as a residential building lot.

24.08.090 Yards To Be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than two and one-half feet, and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet.

24.08.100 Area Of Accessory Buildings

No accessory building nor group of accessory buildings in any residential district shall cover more than twenty-five percent of the rear yard.

24.08.110 Additional Height Allowed

Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

24.08.120 Exceptions To Height Limitations

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

24.08.130 Minimum Height Of Main Buildings

No dwelling shall be erected to a height less than one story above grade.

24.08.140 Maximum Height Of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or twenty feet.

24.08.150 Clear View Of Intersecting Streets

No obstruction restricting a clear view of oncoming traffic shall be in excess of two feet in height. However, chain link or other type of fences which do not restrict vision and/or create a safety hazard may be allowed even though they are in excess of the two foot limitation.

24.08.160 Maximum Height Of Fences, Walls, And Hedges

A. Fences, walls, and hedges may be erected or allowed to the permitted building height when located within the buildable area, provided that any physical structure over six feet in height shall require a building permit.

B. Fences, walls, and hedges which restrict oncoming vision, and/or create a safety hazard, may not exceed two feet in height within any required front yard or side street yard.

C. Fences, walls, and hedges may not exceed six feet in height within any required rear yard or interior side yard.

D. Notwithstanding any other provision herein, no fence, wall, or hedge exceeding two feet, which restricts oncoming vision or creates a safety hazard, shall be erected or allowed closer to any street line than the required building set back line.

E. For purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five feet.

F. Where a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

24.08.170 Sewage Requirements

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a connection to a public sewer system as defined by the Utah State Division of Environmental Health is not available, the sewage disposal system shall comply with the requirements of the Bear River Health Department. A building permit application shall be accompanied by a certificate of approval from the Bear River

Health Department. Above ground sewerage systems will not be approved in Willard City.

In addition to the private sewage treatment facility noted above, all new construction requiring sewer systems will be provided with a "roughed-in" building sewer extending from the building to the property line, for future connection to the public sanitary sewage system.

24.08.180 Curbs, Gutters And Sidewalks

The installation of curb, gutters, sidewalks or an alternate substitute may be required by the Planning Commission and/or Governing body on any existing or proposed public street. The intent is to provide adequate water drainage, reduced flood hazard and protect the health, safety, improvements, property or the general welfare of the persons residing in the area. Curb, gutters and sidewalks are not required if the street frontage is consistent with the surroundings or conditions of the immediate area and do not conflict with the planned area development. Curb, Gutters and sidewalks may be required in residential housing developments, recreational vehicle or mobile home parks, planned unit developments, school zones, church zones, commercial zones, and/or streets of high traffic intensity. Such curbs, gutters and sidewalks may be required as a condition of building, development or conditional use permit approval.

24.08.190 Effect Of Official Map

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

24.08.200 Lots And Dwellings On Private Streets-Special Provisions

Lots with frontage on private streets shall be allowed by conditional use permit in a planned unit development only, and subject to all applicable requirements of this Ordinance and the Sub-division Ordinance.

24.08.210 Building Code

All residential and commercial building shall conform to the requirements of Willard City General Ordinances, Chapter 9-500-Building Ordinance of Willard City.

24.08.220 Lot-Line Adjustments

A. Lot-line adjustments may be approved by the Planning Commission, provided:
    1. No new dwelling lot or housing unit results from the lot-line adjustment;
    2. The adjoining property owners consent to the lot-line adjustment;

3. The lot-line adjustment does not result in remnant land that did not previously exist;
4. The adjustment does not result in violation of applicable zoning.
5. Parcels located in recorded subdivisions must meet the requirements of Utah Code § 10-9a-608.

B. Applicants (petitioners) will complete an application for a hearing with the Planning Commission, and submit it to the city office accompanied by a non-refundable application fee. Adjoining property owners, affected by the adjustment will complete a concurrence form to accompany the application.

C. Resulting parcels must be in compliance with present zoning requirements.

D. Settlement of property line conflicts resulting from new surveys may be accomplished using lot-line adjustment. Date of the previous conflicting survey will be considered as the basis for determination of compliance with present zoning requirements.

E. The application must include a complete legal description of the resulting parcels or a report of survey plat supporting the lot-line adjustment. Parcels with a change in perimeter, conflict resolution, or other complications, will require a report of survey plat.

The report of survey shall include:

1. Basis for survey;
2. Property corners,
3. Dimensions of resulting parcels;
4. Legal description of resulting parcels;
5. Identification of adjacent streets and parcels;
6. Surveyor's Certificate; and
7. Affidavit of consent of owners, when two or more are involved. (May be separate document.)

F. The zoning administrator will check the survey report for compliance with the Utah Code and present the package to the Planning Commission.

G. The Planning Commission will hear the application and will review the application package for compliance to zoning ordinances and this procedure. If the application package is deficient or the adjustment fails to meet the requirements, it will be returned to the applicant without further action. The applicant may reapply at the following Planning Commission Meeting. Formal complaints may be made to the City Council.

H. Upon their approval the Planning Commission will authorize the zoning administrator to issue a letter or certificate of compliance to the Willard City Zoning Ordinance. The letter will be issued to the applicant for presentation to the County Recorder at the time of recording of the revised deeds.

I. Completed Lot Line Adjustments will be reported to the City Council on a monthly basis.

24.08.230 Short-Term Rental

24.08.230.01 Purpose
21.08.230.02 Definitions
24.08.230.03 Requirements For Approval
24.08.230.04 License Application
24.08.230.05 License Fee
24.08.230.06 Minimum Requirements
24.08.230.07 Parking Regulations
24.08.230.08 License Renewal
24.08.230.09 Business License Not Transferable
24.08.230.10 Required Posting
24.08.230.11 Inspections
24.08.230.12 Penalties
24.08.230.13 Appeals

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.01 Purpose

The purpose of this section is to accomplish the following:

A. To promote the public health, safety, and welfare by requiring short-term rentals to be safe and fit for human occupancy;

B. To provide contact information, through licensing, for each short-term rental to allow problems to be resolved expeditiously;

C. To provide consistency with licensing of all other businesses in the city by requiring licensing of short-term rentals;

D. To allow an existing residential dwelling to be used and occupied as a short-term rental while also maintaining its character and function as a dwelling; and

E. To minimize the impact of short-term rentals on adjacent properties, residential dwellings, and surrounding neighborhoods.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

21.08.230.02 Definitions

Short-Term Rental. Temporary lodging located in a residential dwelling for charge or fee and for a rental period of less than thirty (30) continuous days. A Short-Term Rental excludes hotels, motels, bed & breakfast establishments, and Accessory Dwelling Units.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.03 Requirements For Approval

A. No dwelling or structure shall be occupied or used as a Short-Term Rental within the corporate limits of Willard City without the owner having first obtained a conditional use permit, and Short-Term Rental business license from Willard City.

B. All Short-Term Rentals must obtain a conditional use permit. A conditional use permit may be granted by the Planning Commission for a Short-Term Rental, provided that the requirements of this section are met in addition to the requirements of Chapter 12-105.

C. The granting ofa conditional use permit for a Short-Term Rental shall not exempt the owner and/or applicant from meeting other applicable ordinances, covenants, or law.

D. No Short-Term Rental may used by an individual for more than twenty-nine (29) consecutive days or for more than sixty (60) days within a three-hundred sixty-five (365) day period.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.04 License Application

An application for a Short-Term Rental business license and conditional use permit shall conform to the requirements of the Willard City Code and shall also include the following information:

A. A detailed floor plan drawn to scale with labels on rooms indicating uses or proposed uses;

B. A copy of the Utah State tax license number for remittance of transient lodging taxes;

C. The name and contact information of the owner, and if applicable, the designated local contact, residing in the State of Utah, who is authorized by the owner for service of process.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.05 License Fee

A. The fee for a Short-Term Rental license shall be as set forth in the fee schedule adopted by the Willard City Council;

B. The business license shall be paid annually and shall be due and payable on or before the license expiration date of owner's application for a business license. A license shall be delinquent if paid after said date in the year for which it is due.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.06 Minimum Requirements

A. All Short-Term Rental properties shall, at all times, have a designated local contact or property manager that resides within one (1) hour travel time of the property. The property owner shall provide the registered local contact person's contact information at the time of submission of their application. The local contact shall be available twenty-four (24) hours per day to respond to questions or concerns.

B. Upon receipt of a notification regarding a complaint, the designated local contact shall contact the occupant of the Short-Term Rental and resolve the issue giving rise to the complaint. The designated local contact shall have sixty (60) minutes from the time of notification of a complaint to resolve the problem giving rise to the complaint. Failure to resolve the problem within sixty (60) minutes shall constitute a violation of this code unless the designated local contact can demonstrate that they contacted the occupant ofthe Short-Term Rental within sixty (60) minutes and attempted to resolve the problem but were unable to do so. In that event, the designated local contact shall visit the Short-Term Rental property to address the problem and resolve the complaint if reasonably possible within sixty (60) minutes thereafter.

C. Failure to resolve any complaints as required in this Section, may be a violation of this chapter and may be caused for the issuance of enforcement action, criminal penalties, administrative fines, and potential termination of business

licensing. The City may take enforcement action against a Short-Term Rental for any violation of this Section separately from and in addition to any enforcement action taken to address the violation underlying the complaint, if any.

D. The Short-Term Rental floor plan and principal function shall remain as a residential dwelling to be used for its main purpose when not used as a Short-Term Rental.

E. Each Short-Term Rental unit shall meet the zoning, building code requirements for installation, maintenance, and operation in effect at the time the Short-Term Rental unit was legally permitted.

F. Each sleeping room must meet current international code requirements for egress and be equipped with smoke and carbon monoxide detectors. A fire exiting plan and maximum occupancy number must be posted in each sleeping room.

G. Each Short-Term Rental shall comply with the noise ordinance of the Willard City Code. Quiet hours shall be established, posted, and enforced for the Short-Term Rental which shall be between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m.

H. The Short-Term Rental owner and designated local contact, upon notification that the Short-Term Rental occupants and/or their guests have created unreasonable noise or disturbances or violated any provision of the Willard City Municipal Code pertaining to noise or disorderly conduct, will promptly act within sixty (60) minutes to prevent continuation and/or reoccurrence of such conduct by those Short-Term Rental occupants and/or their guests.

I. No later than ten (10) days following the issuance of a Short-Term Rental license, the property owner shall disseminate the designated local contact information, a copy of the conditional use permit, and a copy of the Short-Term Rental license to all properties located within a three hundred (300) foot radius of the Short-Term Rental. The property owner shall also mail the same information to each property owner of record as listed with the Box Elder County Recorder's office within the three hundred (300) foot radius. Proof of mailing and a copy of the information sent to residents and adjoining property owners shall be provided to the Willard City Recorder within fourteen (14) days of mailing.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.07 Parking Regulations

A. The owner of any property licensed as a Short-Term Rental shall provide off street parking for their guests in accordance with the following:

1. Off street parking shall be provided on the same lot as the dwelling which is
   licensed as a Short-Term Rental.
2. Parking shall be provided at one (1) vehicle per bedroom. Tandem spaces on a driveway may be used. The number of vehicles allowed by occupants of the Short-Term Rental shall be restricted to the number of off-street parking spaces provided by the owner.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.08 License Renewal

A. The owner of a Short-Term Rental shall include with their renewal application evidence that minimum Utah State Sales Tax and Transient Taxes were submitted for the prior year.
B. Failure to renew the business license within thirty (30) days of the license expiration date may result in revocation of the Short-Term Rental license and subject the property to the license limitations or forfeiture as outlined in Willard City Code.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.09 Business License Not Transferable

A business license for a Short-Term Rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the City Recorder after having transferred or otherwise disposed of legal or equitable control of any Short-Term Rental. Such notice of transferred interest shall include the name, address, and information regarding the person(s) or entity succeeding to the ownership or control thereof. The new owner shall obtain a Short-Term Rental license within thirty (30) days of the date of purchase and as required by this Chapter.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.10 Required Posting

The following information must be posted in a clear, concise, and unambiguous manner in a conspicuous location inside all Short-Term Rentals:

A. A copy of the Short-Term Rental license.

B. The name, address, and phone number of the owner/property manager.

C. Emergency exit plan and the location of all fire extinguishers.

D. A list of all rules applicable to Short-Term Rentals.

E. The maximum occupancy of the Short-Term Rental, the maximum number of vehicles allowed, and the location of parking stalls.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.11 Inspections

A. The City or authorized agency shall conduct a safety inspection of the Short-Term Rental at the time of application for the initial Short-Term Rental license. Short-term Rental license renewals will not automatically require subsequent re-inspections unless the City Planner, in their discretion, determines a renewal inspection is necessary.

B. The City or other authorized agency shall be permitted to inspect any Short-Term Rental unit to enforce any part of this title or any other applicable statute or ordinance if the Short-Term Rental unit has a recorded and valid complaint. Complaints may be submitted by any person including a Willard City employee.

C. No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the business license official or their designee for the purpose of inspection and examination to ensure compliance with this title. If the property owner or other responsible person refuses to allow an inspection, the business license official or their designee may obtain and execute an administrative search warrant.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.12 Penalties

A. Violation of any of the provisions of this Chapter may be punishable by a Class B misdemeanor upon conviction and subject to a $750.00 fine.

B. Any Short-Term Rental that fails to comply with any duty imposed under this chapter may face suspension, denial, or revocation ofa Short-Term Rental

License and/or business license.

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.08.230.13 Appeals

The owner of a Short-Term Rental shall have the right to appeal by filing a written notice of appeal within 15 days of the receipt of the notice of denial, suspension, revocation of a Short-Term Rental and/or business licenses to the Hearing Officer of Willard

HISTORY
Adopted by Ord. 2024-09 on 8/8/2024

24.12 LEGAL NONCONFORMING BUILDINGS AND USES

24.12.010 Maintenance Permitted
24.12.020 Repairs And Alterations
24.12.030 Additions, Enlargements, And Moving
24.12.040 Alteration Where Parking Is Insufficient
24.12.050 Restoration Of Damaged Buildings
24.12.060 One-Year Vacancy
24.12.070 Continuation Of Use
24.12.080 Occupation Within One Year
24.12.090 Change Of Use
24.12.100 Expansion Permitted
24.12.110 Nonconforming Use Of Land

24.12.010 Maintenance Permitted

A nonconforming building or structure which is not in violation of any existing ordinances, at the date of passage of this Ordinance, may be maintained, and shall herein be referred to as legal nonconforming buildings and structures.

24.12.020 Repairs And Alterations

Repairs and structural alterations may be made to a legal nonconforming building or to a building housing a legal nonconforming use.

24.12.030 Additions, Enlargements, And Moving

A. A building or structure occupied by a legal nonconforming use and a legal nonconforming building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by subsection B and C hereof:

B. A building or structure occupied by a legal nonconforming use or a legal nonconforming building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the board of adjustment, which may be issued, provided that said Board, after hearing shall find:

    1. The addition, or enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance.

    2. That the proposed change does *not impose any unreasonable burden upon the lands located in the vicinity of the legal nonconforming use or structure*.

C. A legal non-conforming building or structure which has a valid building occupancy permit and which meets all other height, coverage and setback

requirements currently in effect may be enlarged. *The enlargement shall not impose any unreasonable burden upon the adjacent properties located in the vicinity*.

24.12.040 Alteration Where Parking Is Insufficient

A legal nonconforming building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

24.12.050 Restoration Of Damaged Buildings

A legal nonconforming building or structure or a building or structure occupied by a legal nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to complection.

24.12.060 One-Year Vacancy

A building or structure or portion there of occupied by a legal nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a legal nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

24.12.070 Continuation Of Use

The occupancy of a building or structure by a legal nonconforming use, existing at the time this Ordinance became effective, may be continued.

24.12.080 Occupation Within One Year

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one year after the use became nonconforming.

24.12.090 Change Of Use

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

24.12.100 Expansion Permitted

A legal nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

24.12.110 Nonconforming Use Of Land

The nonconforming use of land, which is not in violation of any existing ordinance, at the date of passage of this Ordinance, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provisions of this Ordinance. That such nonconforming uses shall herein be referred to as legal nonconforming uses.

24.16 OFF-STREET PARKING REQUIREMENTS

24.16.010 Off-Street Parking Required
24.16.020 Size
24.16.030 Access To Individual Parking Space
24.16.040 Number Of Parking Spaces
24.16.050 Access Requirements
24.16.060 Location Of Gasoline Pumps
24.16.070 Maintenance Of Parking Lots

24.16.010 Off-Street Parking Required

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobiles in accordance with the following requirement:

24.16.020 Size

The dimensions of each off-street parking space shall be at least nine feet by twenty feet for diagonal or ninety-degree spaces; or nine by twenty-two feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots of not less than twenty parking spaces the building inspector may approve a design allowing not more than twenty percent of such spaces to be not less than seven and one-half feet by fifteen feet to be marked and used for compact automobiles only.

24.16.030 Access To Individual Parking Space

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

24.16.040 Number Of Parking Spaces

The number of off-street parking spaces required shall be as follows:

A. Business or professional offices. One parking space for each 100 square feet of floor area.

B. Churches with fixed seating. One parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.

C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms. One parking space for each three seats of maximum seating capacity.

D. Dwellings. Two parking spaces for each dwelling unit.

E. Furniture and Appliance Stores. One parking space for each 600 square feet of floor area.

F. Hospitals. Two parking spaces for each bed.

G. Hotels, Motels, Motor Hotels. One space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.

H. Nursing Homes. Four parking spaces, plus one space for each five beds.

I. Restaurants, Taverns, Private Clubs, and all other similar dining and/or drinking establishments. As determined by conditional use permit or by planned unit development requirements, if applicable, or by the Planning Commission, but in no case fewer than one space for each employee projected for the highest employment shift.

J. Retail stores, shops, except as provided in subsection E above. One parking space for each 100 square feet of retail floor space.

K. Wholesale establishments, Warehouses, Manufacturing Establishments, and all Industrial uses. As determined by conditional use permit or by planned unit development requirements, if applicable, or by the Planning Commission, but in no case fewer than one space for each employee projected for the highest employment shift.

L. Shopping centers or other groups of uses not listed above. As determined by conditional use permit or planned unit development procedure, if applicable, or by the Planning Commission, but in no case less than one parking space for each 100 square feet of total floor space.

M. All other uses not listed above. As determined by the zoning administrator, based on the nearest comparable use standards.

24.16.050 Access Requirements

Adequate ingress and egress to and from all uses shall be provided as follows:

A. Residential Lots. For each residential lot not more than two driveways, each of which shall be a maximum of twenty feet wide at the street lot line, and such driveways shall not be closer than twelve feet to each other.

B. Other Than Residential Lots. Access shall be provided to meet the following requirements:

1. Not more than two driveways shall be used for each one hundred feet or fraction thereof of frontage on any street.

2. No two of said driveways shall be closer to each other than twelve feet, and no driveway shall be closer to a side property line than three feet.

3. Each driveway shall be not more than thirty five feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall

fall within the right-of-way.

4. No driveway shall be closer than ten feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.
5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the local surveyor or engineer.
6. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb, or, in place thereof shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height.

24.16.060 Location Of Gasoline Pumps

Gasoline pumps shall be set back not less than eighteen feet from any street line to which the pump island is vertical, and twelve feet from any street line to which the pump island is parallel, and not less than ten feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

24.16.070 Maintenance Of Parking Lots

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

A. Surface. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

B. Screening. The sides and rear of any off-street parking lots which face or adjoin a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than four or more than six feet in height.

C. Landscaping. Each parking lot shall be adequately landscaped and permanently maintained.

D. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any R or A district, and from street traffic.

24.20 CONDITIONAL USES

24.20.010 Purpose Of Conditional Use Provisions
24.20.020 Permit Required
24.20.030 Application
24.20.040 Required Documents
24.20.050 Public Notice
24.20.060 Conditional Use Review Committee
24.20.070 Factors To Be Considered By The Conditional Use Review Committee
24.20.080 Standards And Criteria For Conditional Use Permit
24.20.090 Reasonable Conditions Imposed
24.20.100 Expiration
21.20.110 Revocation
21.20.120 Appeals
21.20.130 Review
21.20.140 No Presumption Of Approval

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.010 Purpose Of Conditional Use Provisions

The purpose of the issuance of a conditional use permit is to allow the proper integration into Willard City of land uses which may be suitable only under special conditions and in specific locations in Willard City or in the applicable zoning district, or only if such uses are designed or conducted in a particular manner.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.020 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.030 Application

A Conditional Use Permit Application shall be made to the City Planner on forms provided by the City Planner. Only property owners or their duly authorized agents shall make application for a Conditional Use Permit. No Conditional Use Permit may be processed without the submission of an application, payment of the processing fee, and providing all supporting mate1ials as required by the City Planner, the Conditional Use Review Committee, and this Chapter.

HISTORY

Amended by Ord. 2023-2 on 3/9/2023

24.20.040 Required Documents

The Conditional Use Permit Application shall be submitted with the material listed in this Section. The City Planner and/or the Conditional Use Review Committee may determine and require items not listed herein be submitted in order to evaluated the proposed conditional use application. The application for the Conditional Use Permit shall include at least the following:

A. A written statement explaining details surrounding the proposed Conditional Use Permit Application is consistent with all the standards and requirements of this Chapter and other applicable sections of the Willard City Zoning and Land Use Ordinances.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.050 Public Notice

No public hearing need be held. However, a hearing may be held if the City Planner, Conditional Use Review Committee or the Planning Commission deem a public hearing to be necessary and in the public interest. When such public hearing is required, the City will send notice by mail, at the applicant's sole cost and expense, to all property owners within 500 feet from the location where the proposed conditional use is to be conducted, inform them of the nature of the intended use, the date, time and place of the public hearing, name and address of the applicant and location of the intended use. A complete list of names and addresses of all impacted property owners shall be forwarded to the City by the applicant and where such list is inaccurate or incomplete the conditional use may be denied or revoked.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.060 Conditional Use Review Committee

Upon submission of a Conditional Use Permit Application the City Planner will determine the completeness of the application. If the Conditional Use Application is complete, the City Planner will forward the application and all supporting materials to the Conditional Use Review Committee. The Conditional Use Review Committee shall be comprised of the following individuals: The Chief of Police, Fire Chief, City Attorney, a member of the Planning Commission, Director of Public Works, City Planner, City Engineer, and City Manager. Upon review of the application, proposed site plan if required, and any other necessary documentation or information, the Conditional Use Permit Review Committee will transmit a recommendation for the proposed Conditional

Use Permit to the Planning Commission.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.070 Factors To Be Considered By The Conditional Use Review Committee

In considering an application for a Conditional Use Permit, the Conditional Use Review Committee should analyze the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed Conditional Use Permit meets the standards set forth in this Chapter:

A. The suitability of the specific property for the proposed use;

B. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;

C. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;

D. The economic impact of the proposed facility or use on the surrounding area;

E. The aesthetic impact of the proposed facility or use on the surrounding area;

F. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;

G. The safeguards proposed or provided to ensure adequate utilities, transpo1tation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection and pedestrian and vehicular circulation;

H. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;

I. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and

J. The impact of the proposed facility or use on the health, safety and welfare of the City, the area and persons owning or leasing property in the area

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.080 Standards And Criteria For Conditional Use Permit

Upon receiving a recommendation from the Conditional Use Permit Review Committee,

the Planning Commission shall consider the following general standards and criteria prior to approving or denying a conditional use permit:

A. The Conditional Use is authorized in the zoning district where the use is proposed;

B. The use applied for at the proposed location is necessary or desirable to provide service or facility that will contribute to the general well-being of the area and Willard City;

C. Compatibility of the proposed use with the interest, function and policies established in the Willard City General Plan;

D. Compatibility of the proposed use within the character of the site, neighboring properties and other existing and proposed development.

E. Streets and other means of access to the Conditional Use are adequate to carry anticipated traffic and shall not materially reduce the level of service on adjacent streets;

F. The Conditional Use shall not unreasonably interfere with the lawful use of surrounding property;

G. Fencing, screening and landscaping, and other adequate buffering, is provided as needed to protect adjacent property from light, noise and visual impacts associated with the proposed use;

H. The availability of or ability to provide adequate services, drainage, parking, fire protection, and safe transportation access.

I. The proposed conditional use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or interests to property or improvements in the vicinity;

J. In the event the Planning Commission determines that the standards of this Chapter cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the applicable standards and criteria, the Planning Commission may deny the request for a conditional use pe1mit.

K. Within and adjoining the proposed site, the Planning Commission may impose reasonable conditions as deemed necessary for the protection of the site location and adjacent properties and the public interest.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.090 Reasonable Conditions Imposed

The Planning Commission may issue a Conditional Use Permit to be located within any zoning district in which the particular Conditional Use is allowed by the use regulations of this Chapter. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as required by law and as may be necessary for the protection of neighboring properties and the general welfare of the public. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, density, ingress/egress, fencing, parking, screening, buffering parking, hours of operation, or lighting.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.20.100 Expiration

A Conditional Use Permit shall expire one (I) year after the date of approval and shall be null and void unless the property owner or their duly authorized agent has obtained a Building Permit, where required, or a Business License or other permits or licenses required for the operation. A one (1) year extension may be granted by the Planning Commission when deemed to be in the public interest.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

21.20.110 Revocation

A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditions of the permit, for any violation of this Title occurring on the site for which the permit was approved, or if the use is not maintained or abandoned. Prior to taking action concerning revocation of a Conditional Use Permit, a meeting shall be held by the Planning Commission. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (I0) days prior to the hearing.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

21.20.120 Appeals

Any applicant shall have the right to appeal the decision of the Planning Commission to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the applicant or City to the District Court within thirty (30) days from the issuance of the written decision.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

21.20.130 Review

The Planning Commission may review compliance with an issued Conditional Use Permit at regular intervals at the discretion of the Planning Commission or upon recommendation of the City Planner.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

21.20.140 No Presumption Of Approval

The listing of a conditional use in any district does not constitute an assurance that the conditional use shall be approved by the Planning Commission or City Planner. Each conditional use application shall be evaluated individually to determine compliance with the standards set forth in this chapter, the standards of the district where the proposed use shall be located, and any standards applicable to the conditional use.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.24 MASTER PLANNED COMMUNITY ZONE

24.24.010 Purpose
24.24.020 Minimum Size
24.24.030 Open Space Required
24.24.040 Fee In Lieu Of Open Space
24.24.050 Density
24.24.060 Preliminary Site Plan
24.24.070 Subdivision Requirements
24.24.080 Phase Development
24.24.090 Planning Commission Recommendation
24.24.100 Development Standards
24.24.110 Modification By City Council
24.24.120 Development Agreement
24.24.130 No Guarantee Of Approval
24.24.140 Findings Required For Approval
24.24.150 Designation
24.24.160 Permit Approval
24.24.170 Amendments To Plan
24.24.180 Commencement Of Work
24.24.190 Performance Bonds

HISTORY
Repealed by Ord. 2021-1 on 2/11/2021

24.24.010 Purpose

Each Master Planned Community Zone ("MPC Zone") is intended lo allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and initiative in a large-scale site development while maintaining the rural nature of Willard City. Each MPC Zone will be developed in accordance with an approved development agreement and compliance with the Willard City Zoning and Land Use Ordinances and with the general requirements outlined herein. Further, this ordinance is intended to provide a benefit to Willard City and is not intended to solely benefit an applicant of an MPC Zone.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.020 Minimum Size

Each MPC Zone shall be at least ten (20) acres. Parcels must form one (1) contiguous area and cannot be bisected except by a public right-of-way, easement, or natural barrier.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.030 Open Space Required

A minimum of twenty percent (20%) Open Space shall be provided in each MPC Zone to include natural maintained choice Open Space, improved parks as approved by the City Council. Open Space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space.

A. Detention basins may count as Open Space only if they provide recreational amenities, including but not limited to: Playgrounds, gazebos, exercise stations, or sports fields with parking lots.

B. Park strips, curb, gutter, sidewalks, common yards, private yards and publicly dedicated streets shall not count as Open Space.

C. A method approved by the City Council to maintain Open Space shall be established prior to the sale of any lots in an MPC Zone. Preservation, maintenance, and ownership of required Open Spaces within the MPC Zone may be accomplished by any of the following:

1. Dedication of the land as a public park or trails system.

2. Granting to the City a permanent Open Space easement on or over any privately owned Open Space to guarantee that the Open Space remains perpetually in public recreational use, with ownership and maintenance being the responsibility of the owner of a Home Owner's Association ("HOA") established by bylaws which are satisfactory to and approved by the City.

    a. If an applicant desires to transfer ownership of the Open Space to an HOA, (1) year period, beginning at the time the HOA is controlled by the property the City may provide temporary approval of an HOA for a probationary one owners within the MPC Zone. During this probationary period, the City Council may monitor the effectiveness of the HOA in preserving and maintaining the Open Space. If at the end of the one (1) year probationary period it is determined by the City Council that the HOA is unable or unwilling to maintain the Open Space within the bylaws established for the HOA and the approved Development Agreement the City may terminate the probationary approval of the HOA and create a special assessment area for the purposes of maintaining the Open Space.. An HOA may have the right to appeal a City Council decision to terminate the approval of the HOA by filing a written notice of the appeal with the City Recorder within 15 days of the City Council's decision. Any such appeal shall be heard by the Hearing Officer.

    b. The City may at their discretion, create a special assessment area to provide for the benefit, improvement, and maintenance of

the Open Space areas.

(1) An agricultural conservation easement in a manner approved by the City Council.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.040 Fee In Lieu Of Open Space

As an alternative, the City Council may at its discretion charge a fee in lieu of open space to allow for more centralized parks of other municipal off-site improvements as the City Council determines.

A. A fee in lieu of Open Space may be provided if the following requirements are met:

1. The amount of acreage that is required as Open Space shall be reviewed and recommended by the Planning Commission as part of the MPC Zone application process.
2. The fee in lieu of Open Space shall be determined by an appraised price per acre and the amount shall be approved by the City Council.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.050 Density

The Density of the MPC Zone shall be consistent with the policies of the General Plan

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.060 Preliminary Site Plan

A preliminary site plan shall be submitted and considered concmTently with an application for approval of a MPC Zone. The preliminary site plan shall show at least the following:

A. The proposed zone name and location.

B. A proposed development agreement.

C. Permitted, conditional, accessory uses proposed for and in the MPC Zone.

D. Proposed residential use density.

E. Minimum lot sizes.

F. The range of average lot sizes.

G. Building locations.

H. Building elevations.

I. Open Space in the MPC Zone.

J. Parking.

K. Landscaping.

L. Pedestrian and traffic circulation.

M. Drainage and stormwater retention plan.

N. Utility Layout including a plan for the installation of fiber optic lines and a secondary water system.

O. Plans for grading.

P. Proposed development standards providing:

1. Lot standards establishing requirements for lot area and dimensions;
2. Building, setback standards for front, side and rear yards; and
3. Building regulations addressing building height, building orientation, and architectural design guidelines.

Q. A conceptual master plan showing:

1. The location of any proposed and/or existing easements, and rights-of-way.
2. The location, arrangement and configuration of Open Space, including the location, a1Tangement, and configuration of any parks and/or trails.
3. The location and design of street infrastructure and that the proposed street infrastructure is in harmony with the City's Road Master Plan.

R. Impact statement, showing the effect the proposed MPC Zone will have on the environment, city utilities, traffic, and schools. The City Engineer may on their own or at the request of the Planning Commission or City Council conduct a traffic and/or environmental studies to determine the impact the proposed MPC Zone may impose on existing infrastructure and future development. The application shall solely bear the costs of any impact study, either done at the applicant's direction or at the direction of the City Engineer, City Council, or Planning Commission.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.070 Subdivision Requirements

Compliance with the requirements of this ordinance does not exempt any applicant from meeting any other applicable requirements of this Chapter and the Willard City Zoning and Land Use Ordinances.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.080 Phase Development

If the MPC Zone is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction and operation of each phase is feasible as a unit, independent of any subsequent phase.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.090 Planning Commission Recommendation

After consideration of the site plan, application, and proposed development agreement, the Planning Commission shall make a recommendation to the City Council regarding the MPC Zone. At the same time, the Planning Commission shall approve, approve with conditions or recommend the disapproval of the preliminary site plan for the proposed MPC Zone. Planning Commission approval of a preliminary site plan, application, and/or development agreement shall not be effective unless and until a corresponding MPC Zone is approved by the City Council.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.100 Development Standards

The development standards may include development regulations regarding processing of applications, common and private Open Space guidelines, natural resource protections, grading, drainage and street standards.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.110 Modification By City Council

In considering an application for an MPC Zone, the proposed site plan, application, and

development agreement may be modified by the City Council to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by this Chapter.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.120 Development Agreement

An MPC zone shall only be established with the concurrent approval of a development agreement that is mutually agreeable between the applicant of an MPC Zone and the City.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.130 No Guarantee Of Approval

Submittal of an application for an MPC Zone does not guarantee the application will be approved. An MPC Zone may be approved only if the City Cow1cil, after receiving a recommendation from the Planning Commission, finds the MPC Zone and the associated preliminary plan, application, and development agreement meet the findings required for approval.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.140 Findings Required For Approval

The proposed MPC Zone may be approved only if the City Council makes all of the following findings:

A. The proposed MPC Zone conforms to the guidelines and policies of the General Plan.

B. The MPC Zone provides equal or greater compatibility with surrounding land uses.

12-106-15. Additional Factors Considered but not Required

A. The MPC Zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.

B. The MPC Zone provides equal or greater protection to sensitive lands than would occur with conventional zoning.

C. The MPC Zone avoids incompatible development on lands subject to natural

hazards.

D. The MPC Zone promotes efficient land use by allowing housing and/or commercial develop at densities that are appropriate for the area.

E. The MPC provides equal or greater opportunities for alternative modes of transpo11ation such as walking, bicycling, or transit, than would occur with conventional zoning by:

1. Encouraging or requiring significant mixed-use development where appropriate; and

Providing a master plan with direct and convenient pedestrian or bicycle connections between all land uses.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.150 Designation

Upon approval, each MPC Zone shall be given a unique name following the designation "MPC-" and shall be independent of any other MPC Zones.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.160 Permit Approval

Within an MPC Zone, applications for subdivision approval, site plan, conditional use permits and any other needed permits shall be submitted and approved as required to implement the conceptual master plan. The conceptual master plan shall meet the conceptual subdivision review requirements of the Willard City Ordinances.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.170 Amendments To Plan

Amendments to an approved preliminary plan and application shall be obtained by following the procedures required for first approval as set forth in this section.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.180 Commencement Of Work

Any Developer of an MPC Zone created under this ordinance shall be begin and show

diligent and consistent work towards the construction of an MPC Zone commenced within one (1) year of the date from which the City Council grants approval of the Zone and the accompanying development agreement; or the MPC Zone application shall be denied and the zone shall revert to the previous zone.

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.24.190 Performance Bonds

Prior to the commencement of "Development Activities" as defined in Utah Code Ann. §10-9A-101 et seq., or the recording of any subdivision plat, a developer must file a cash bond, or an escrow bank account bond, or an irrevocable letter of credit as an improvement assurance in a form approved by the Willard City Attorney

HISTORY
Adopted by Ord. 2021-2A on 3/10/2022

24.28 PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

24.28.010 Purpose
24.28.020 General Provisions
24.28.030 Performance Standards Procedure
24.28.040 Enforcement Provisions Applicable To All Uses
24.28.050 Nonconforming Uses
24.28.060 Locations Where Determinations Are To Be Made For Enforcement Of Performance Standards
24.28.070 Dangerous And Objectionable Elements

24.28.010 Purpose

To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

24.28.020 General Provisions

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbance; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements". No use shall be undertaken or maintained unless it conforms to the regulations of this section in addition to the regulations set forth for the district in which such use is situated.

24.28.030 Performance Standards Procedure

The zoning administrator may require performance standards review for any use in any district when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this chapter.

24.28.040 Enforcement Provisions Applicable To All Uses

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the zoning administrator against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

24.28.050 Nonconforming Uses

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five years in which to conform therewith.

24.28.060 Locations Where Determinations Are To Be Made For Enforcement Of Performance Standards

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement;

A. In any district, except an M-District, at the lot line of the establishment or use.

B. In an M-District at one or more points five hundred feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than an M-District.

24.28.070 Dangerous And Objectionable Elements

A. Noise. At points of measurement stated in WZC 24-28.060, the maximum sound pressure level radiated in each standard octave band by any use of facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in TABLE I, after applying the corrections shown in TABLE II. The sound pressure level shall be measured with a sound level meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standards Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New Your, N. Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., N. Y., N. Y., shall be used.)

TABLE I

Frequency Range * (Cycles per second)	Pressure Level ** (Decibels)
0 to 74	69
75 to 149	54
150 to 299	47
300 to 599	41

600 to 1,199	37
1,200 to 2,399	34
2,400 to 4,799	31
4,800 and above	28

*Frequency ranges containing standard octave band in cycles per second.
**Octave band sound pressure level in decibels re 0.0002 dynes/cm2.

TABLE II

Type or Location of Operation or Character of Noise	Correction in Decibels
1. Emission only between 7:00 A.M. and 7:00 P.M.	+5[a]
2. Noise source operated less than 5 % of any one-hour period.	+5[a]
3. Property is not located in one of the R-districts and is not within 500 feet of any R-district.	+5[a]
4. Noise of impulsive character (hammering, etc.)	-5[b]
5. Noise of periodic character (hum, screech, etc.)	-5[b]

a. Apply one plus correction only.
b. Apply one minus correction only.

B. Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in WZC 24.28.020.

C. Odors. No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four of clean air at points of measurement specified in WZC 24.28.060, or at point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail. (There is hereby established as a guide in determining such quantities of offensive odors TABLE III, "Odor Thresholds," in Chapter 5, Air Pollution Abatement Manual, copyright 1951, Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual and/or table as subsequently amended.)

D. Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in WZC 24.28.060. This restriction shall not apply to signs or lighting of buildings or

grounds for protection as otherwise permitted by the provisions of this Ordinance.

E. Fire and Explosion Hazards. All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

F. Radioactivity or Electric Disturbances. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

G. Smoke. No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with air pollution provisions of the Utah State Board of Health.

H. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted except in accordance with air pollution provisions of the Utah State Board of Health.

I. Liquid or Solid Wastes. No discharge at any point into public sewer, private sewage system or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards equivalent to those approved by such Department. No materials or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

24.32 DESIGN REVIEW

24.32.010 Purpose
24.32.020 Application And Review
24.32.030 Exception
24.32.040 Planning Commission Approval
24.32.050 Design Guidelines; Commercial Projects

24.32.010 Purpose

The purpose and intent of design review is to secure the general purposes of the Ordinance and the General (Master) Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of the chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

24.32.020 Application And Review

All applications for occupancy permits or building permits for all buildings and structures, subdivisions, except for individual single-family dwellings and accessory units, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of the adjacent street, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Planning Commission, except that the review and approval of such permits by the zoning administrator may be authorized by the Planning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuing of a building permit.

24.32.030 Exception

For buildings and uses covered by conditional use permits or planned development approval, design review shall be incorporated within such conditional use permit or planned development approval and need not be a separate application, provided that requirements of this chapter are met. Agricultural buildings are exempt.

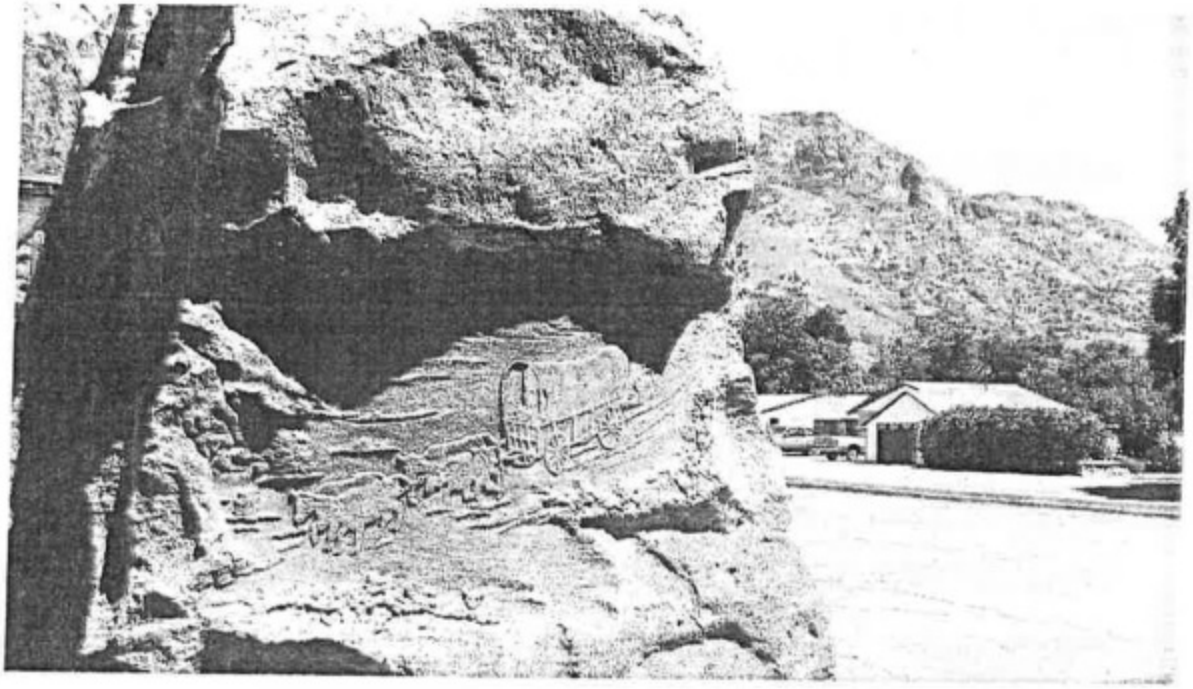
24.32.040 Planning Commission Approval

The Planning Commission, or the zoning administrator when authorized by the Planning Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial of approval by the zoning administrator may be appealed to the Planning Commission.

24.32.050 Design Guidelines; Commercial Projects

Commercial Design Goals:

To encourage project designs which are attractive and safe for customers;
To encourage project designs that are functional for business;
To yield a variety of retail and business opportunities;
To contribute to creating active gathering places for the community, and;
To promote commercial building architecture reflective of Willard City's diversity with attention to detail.



A. General Design Intent.

1. Site Design.

a. Purpose. To ensure that natural features such as: topography wetlands; and other features such as: open space; view co conditions; setbacks; landscape and utility easements; relations land uses and the street; have been appropriately incorporate selection of the best location for a building or buildings on a partic

(1) To stimulate original design solutions that are tailored to generic or trademark buildings and site design.

(2) To seek site designs that conserve community attributes a natural setting and continuity with the past.

(3) To integrate the natural and built environment th enhancement of natural features of a site as an element wi

(4) To encourage design that adds to the character of the opportunities for integration of the project with the neighborhood and the City.

(5) To encourage design that incorporates the use of natural the project.

(6) To encourage site design that incorporates orientation energy conservation.

(7) To ensure commercial project sites are designed to i landscape/open space/parks and parking and circul proportions that create appropriate mass and scale relatio adjacent projects/properties.

B. Site Planning and Building Placement.

1. Building coverage shall not exceed the maximum coverage or floor a established in the City of Willard Zoning Ordinance. Actual building cove than the maximum allowed due to site constraints including, but not l requirements, topography, wetlands, easements or other natural or physi or other open space areas, as may be required by the Zoning Ordinan features, shall constitute a portion of the parcel area for calculation coverage or floor area ratio.

2. All new design proposals shall consider the influence on neighbori

integrate the relationships between the old and new developments to c
Adjacent properties zoned differently shall minimize impacts on the
density. This can be achieved through orientation, setbacks, building
landscaping, or design details. This site plan shall reflect the need for pri

3. The site plan shall exhibit a desirable transition with the streetscape
planting, drainage, safe pedestrian movement, parking areas and la
and/or a portion of a main building on a site shall be located along stree
add definition to the streetscape/street edge.

4. Buildings shall be designed to take advantage of sunlight, existing circul
open space and attractive views such as prominent landmarks, historic
environment.

5. Buildings within commercial centers shall avoid "Linear Placement". T through varied setbacks, multi-building developments and vertica articulation.

6. Where multiple buildings are proposed, grouping/orientation of structur pedestrian scaled plazas, gathering places and open spaces.

7. All commercial projects shall be linked to existing commercial projects th This can be accomplished through sidewalks, covered walkways, lands feasible, parking areas shall also be linked for internal vehicular traffic.

8. Apartments and multi-family units should be encouraged on the upper sto commercial buildings throughout Willard. Second story apartments shall which can be located at both the front and back of the building.

9. Development design should include preservation of natural site features large trees, to the extent feasible. Said resources should be incorpora public views of them should be maintained.

C. Building Setbacks.

1. The setbacks for individual projects shall comply with the minimum re Zoning ordinance.
2. Building setbacks shall be minimized in Commercial areas along stre pedestrian zone along the street and encourage a safe pedestrian enviro
3. Projects with more than one story should have increasingly larger setb from adjacent residential or open space zones. When abutting resider side and rear setbacks shall allow for a sufficient landscape area adjac buffer impacts of the commercial development and screen potentially u residential into the commercial property.
4. Building setbacks from public streets in infill developments must consid setbacks. Building facades shall utilize a minimal front setback and inco feasible.

D. Grading and Hillside Development.

1. The amount of cut and fill required to prepare a site for development s preserving and accentuating the relationship between the natural building(s). Buildings should incorporate existing natural hillsides an design elements. The use of local stone is strongly encouraged.
2. Siting of the building should address the conformation of the facili topographic features of the site while providing the required disabled acc
3. Where extensive grading is necessary, cut and fill slope areas shall be tr

slope, and variation in slope face ratios (i.e. 2:1; 3:1; 4:1) to achieve a nat

4. Graded areas shall be treated for erosion control and shall be planted im and vegetation selected and placed to create a "natural forest" character

5. To avoid long planes and high walls, building masses should be br different floor variations to achieve harmony with the slope. Walls on stepped at regular intervals to follow the terrain.

6. Street and walkway layouts should follow existing natural contours to ca with the hillside terrain, and minimize cut and fill on hillsides.

7. Retaining wall structures over six feet in height are strongly discourag blend in with natural features of the site. Where retaining walls are nece six feet must be architecturally treated or articulated to reduce overall ma plane or creating landscaped terrace areas).

   Retaining Walls Should Blend in with Natural Features

   Plant materials should be selected for their effectiveness of erosion c drought tolerance. Irregular plant spacing will achieve a more natural a trees should be planted along contour lines or in swale areas to create a effect.

8. All building site excavations and exposed slopes should be suitably stab by acceptable engineering methods. Slopes should be rounded and c

existing topography. Development on slopes of 30% or greater shoulc grading and improvement. Slopes greater than 2:1 are not encourage when evaluated on a case by case basis by the Development Revie Engineer.

9. Development design should include preservation of significant vie silhouettes.

10. Development design should consider preserving significant trees on the Where feasible, project design should preserve a minimum of 20% of th greater on the site.

11. The removal of any existing tree 24" DBH or greater on a devel replacement with mitigation trees.

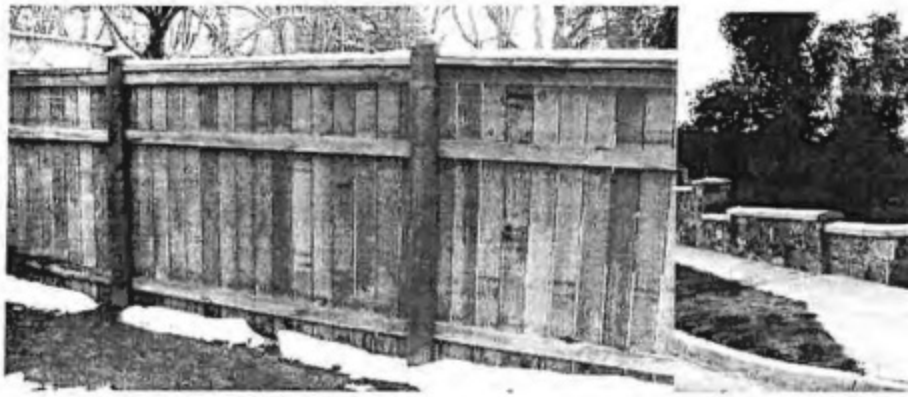
    (Definition: Tree diameter at breast height. This has traditionally been where measurements are taken and a multitude of calculations are ma growth, volume, yield and forest potential. Tree d.b.h. is outside bark Breast height is defined as 4.5 feet (1.37m) above the forest floor on the the purposes of determining breast height, the forest floor includes t present, but does not include unincorporated woody debris that may rise

E. Fencing and Screening.

1. Commercial sites that abut residentially zoned properties shall provide minimum height of six feet continuously along the boundary except at points, where feasible, or when mature vegetation or trees would need to (i.e. vines) is also encouraged.

2. Walls and solid fences on public streets are discouraged.

3. Fencing between commercial uses and open space is discouraged. Wh of security, such fencing shall be an open type (i.e., wrought iron) to allow



4. Walls and fences shall be made of native stone, masonry with cement clad, detailed wrought iron or brick. (vinyl clad natural color chain link zones or as temporary fencing and may require vinyl slat screening as c site.)

5. Screen materials and colors shall complement the buildings archit prevalent materials and design for the structure and the neighborhood. M be durable, able to withstand local climatic conditions and easily maintai

F. Storage and Building Equipment.

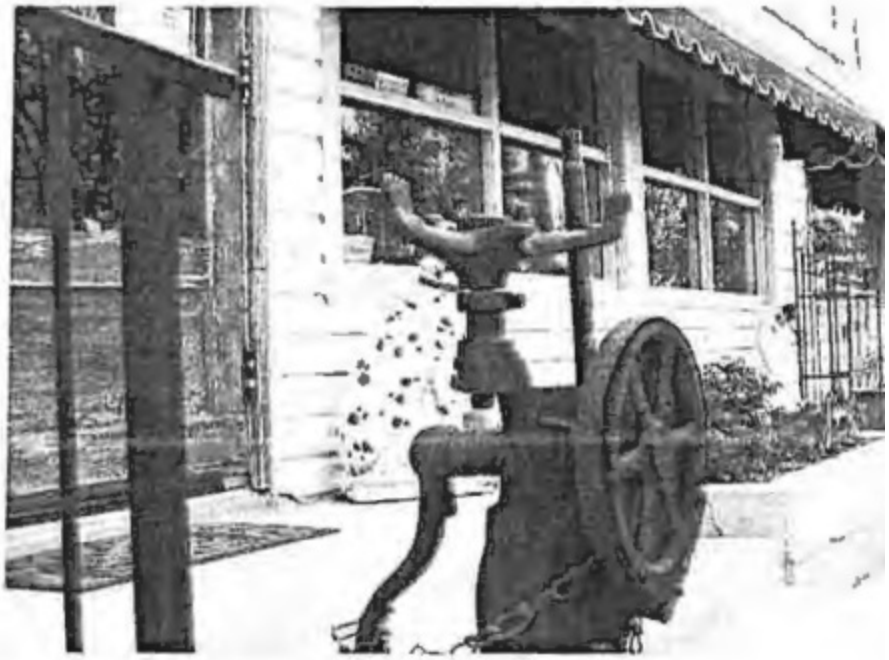
1. Screening of building equipment shall be integrated into the building des views from public roadways, adjacent properties and other areas from public may occur.

2. Outdoor storage in commercial projects shall be screened from th combination of location on property, building design and landscaping wit

3. New public utilities revisions and infrastructure shall be placed undergrou

4. Ground mounted utility infrastructure, including HVAC units, electric telephone or cable boxes, gas meters, fire sprinkler risers, irrigation cor shall be oriented away from public view corridors and appropriately s enclosures (integrated into the building design) or landscape scr shrubbery) to the maximum extent permitted by the utility.

5. Roof mounted equipment shall be screened from view of adjacent prope areas. Special attention should be given to changes in elevations w adjacent roadways occur. In this case equipment should be screened by height or enclosed in a screen shelter.



6. Solar panels are encouraged and should be integrated into the de components are of such a nature that they cannot be made visually pleas from view with screening.

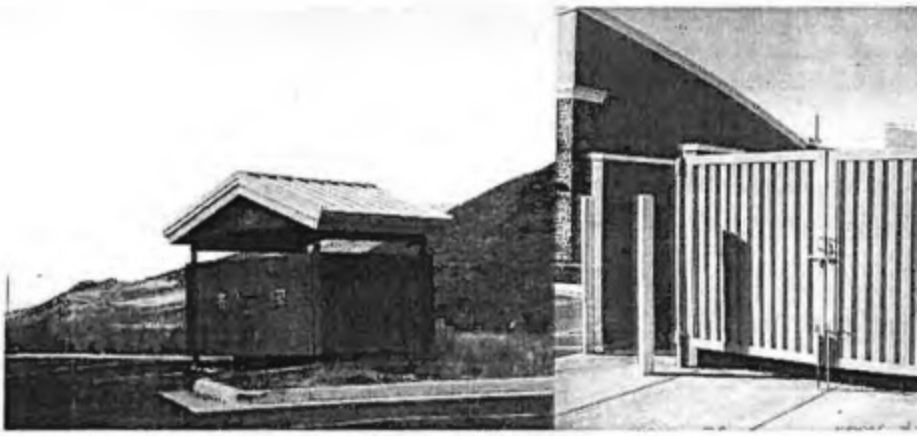
G. Loading and Service.

1. Loading and service areas for delivery or transfer of merchandise includi areas shall be screened from public view corridors and building entries b design, layout, grade separations, masonry walls and dense landscaping

2. Delivery vehicle circulation should not mingle with the general publ access or circulation on site. Loading/delivery shall be permitted during p

H. Trash/Recycling Enclosures.

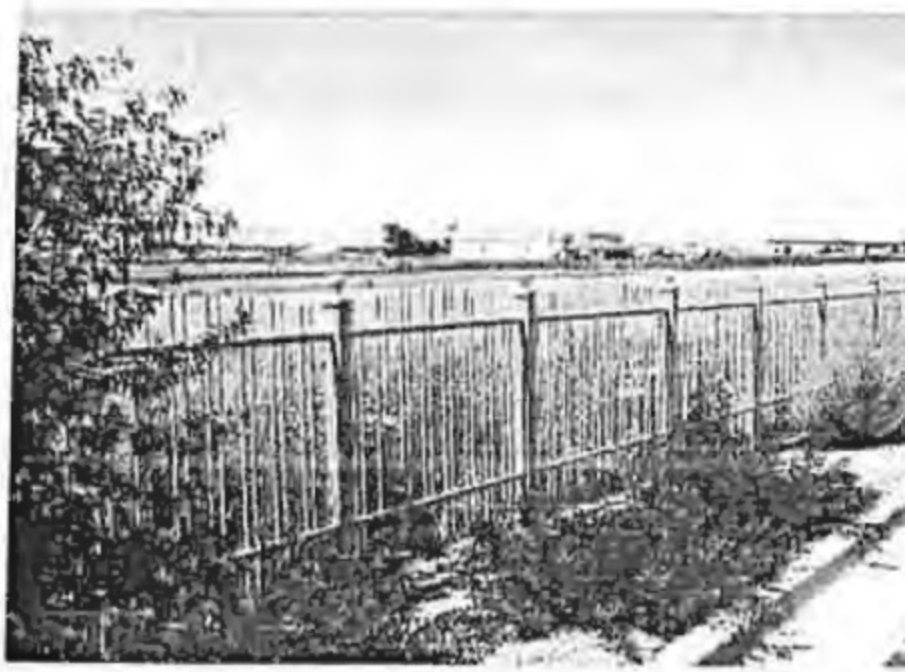
1. All refuse and recycling containers shall be placed within screened stora are designed with current City of Willard waste management standards.
2. Enclosures must be sized to accommodate the anticipated volume of tra of centralizing enclosures in situations of multiple buildings and/or users.



3. Enclosures shall be constructed of six-foot high masonry walls with so finishes should match the building in color and texture and should inclu berms, wood and other natural elements common to Willard.
4. Enclosures shall be constructed of non-combustible materials and shall five feet (5') from any building in accordance with the Willard Fire Departr
5. Trash enclosures for commercial projects shall not be placed within residential zoned properties. Enclosures shall be located remotely from entrances, public view corridors and main circulation paths.
6. Enclosures shall allow for a minimum three-foot (3') landscape buffer on a
7. Recycling drop-off areas shall be located away from the primary publi direct impact on pedestrian or vehicular circulation. Convenient acces provided to encourage their use.
8. Enclosures on the ground should be screened from public view w complement the building and the environment.
9. Enclosure design shall be treated with importance to ensure quality and a

I. Landscaping.

1. The natural characteristics of the site including existing trees, rock outcr natural features, soil type, climatic conditions, topography, drainage pat should be incorporated into the landscape design to visually enhance de



2. Landscape designs shall complement and enhance, rather than landscaping. Native plant materials shall be used.

3. Landscape designs shall be used to soften hardscape. Use of turf sha activity areas with the goal of reducing unnecessary water usage.

4. Site areas not used for buildings, parking or other designated functions sl

5. Planting trees, shrubs vines and ground cover in combination with be placed screen walls should be used for screening. Plant materials use predominantly evergreen which are combined and spaced appropri screening.

6. Plant types should be selected according to the appropriateness for the use (drought tolerant-xeriscape), size, branching structure, density, (flowering, leaf color, fall color), maintenance considerations, and the cor plantings (See City Plant Selection Guide).

7. As per City ordinance, the use of automatic irrigation systems whic maintained are required. Plants must be grouped according to their separately from other groupings with dissimilar water needs.

8. The top and toe of slopes within landscape areas should be setback a m fences, walls, property lines, street curbs, pedestrian paths or other harc prevent drainage across these surfaces. Landscape drainage should walks, plazas, parking lots and other paved surfaces.

9. As per City ordinance, landscape planting and irrigation plans shall b licensed Landscape Architect registered in the State of Utah and shall be

City.

J. Public Spaces.

1. Commercial centers shall provide outdoor public spaces like plazas, s with seating areas to complement the commercial uses and to provide a employees to relax and enjoy the outdoors.

2. Public spaces shall be located along streets within sight and easy walkir to provide a continuous, well-linked sequence of pedestrian destinations.

3. Public spaces shall provide a contrast to adjacent buildings by use of lan walkways. Types of seating should range from single benches to groups low walls and planters can also provide seating. Some seating should areas and some should be located in quiet places.

4. Public spaces shall incorporate built and natural amenities that will attrac amenities include water features, sun, shade, sitting areas, public landscaping. Design selection and placement of all site furnishings su trash receptacles should be based on consideration of the overall

architectural character of the project as well as any design "theme" that r
by adjoining uses.

5. Materials including native stone, brick, stamped or color pavement an
used in pedestrian networks, plazas and sitting areas to emphasize detai

6. Visual features such as art, sculptures, fountains, historic elements or c
be located within Public Spaces to create a sense of character throughou

7. Public spaces shall be designed to human (pedestrian) scale resulting
are comfortable and desire to use.

8. Outside vending machines, newspaper stands, telephone outlets, auto
other assorted mechanical fixtures or devices should not have a visually
should be designed into the architecture of the project.

K. Architectural Characteristics.

1. Purpose. To promote high quality building design through a careful creati
problem solving which will provide visual interest, diversity and conti
Willard" feeling in all new, rehabilitated and expanded structures.

L. General Design Considerations.

1. Building design shall preserve and enhance the existing community cl
diverse approaches to design.

2. Building design shall recognize and protect the major view corridors
neighborhood to and from the natural and built environment.

3. Building design shall add to the existing identifiable and unique sense of or create that feeling through pedestrian scale facilities and appurtenance
4. Building design shall encompass the whole building (i.e., all side architectural elements, treatments, colors and careful attention to details.
5. Infill building design shall be consistent with the neighborhood's histo terms of scale, design and materials.
6. Building design shall be completed by a licensed Architect or building de to state law.
7. New development shall recognize, respect, preserve and be compa structures of Willard. Older buildings, which retain much of their original and restored where feasible.
8. Building design should incorporate design for climate and energy conser

M. Massing and Form.

1. Building design shall respect the height and scale of the surroundings i environment.
2. Building design shall utilize materials, colors and forms to reduce t

attention to detail that enhances Willard's community character.

3. Street facades shall have a pedestrian oriented scale through app articulation and detail.
4. Multi-story building facades shall be proportioned and articulated ve create human scale at street level, and reduce overall mass.
5. Large blank walls in pedestrian traffic areas are discouraged. Articulate setbacks, facade treatments and detailing techniques shall be used to c horizontal wall articulation, such as variation in the wall plane, color cha be used to visually divide the building into smaller sections.
6. Building elevations visible from freeways, major streets and adjacent pro so as not to present the appearance of a rear elevation with loading do absence of architectural features. Angled walls, painted patterns, vari architectural wall treatments, and extensive landscaping and screening t to minimize visual impacts.
7. All buildings shall have a definable base, mid body and cap elemen facade should be placed to create rhythm which reduces building mass.

N. Roofs.

1. Roof forms are an integral part of the building design and shall be enhance the building style and Architecture.
2. Rooflines should be varied and articulated to enhance building character
3. Roofline cornices, shadow lines and detailed eaves should be carefully a create interest on the building facade.

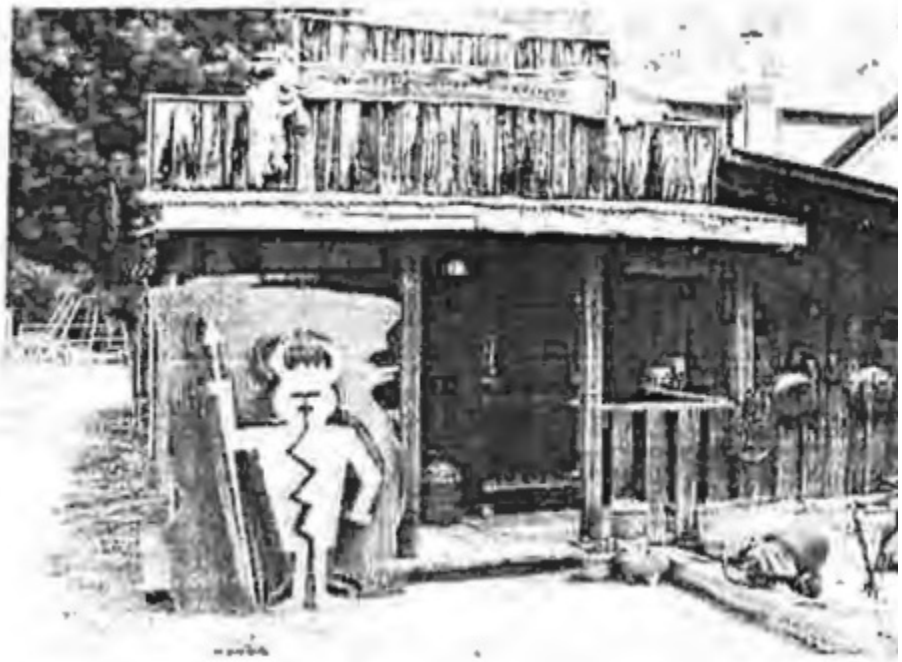
4. Roof materials shall be consistent with the existing neighborhood and th building materials used. Appropriate roofing material considerations fo include, but are not limited to, slate, concrete tile (flat with smooth or rak seam or batten metal roof (factory applied enamel finishes only), corruga shakes or shingles and architectural grade composition shingles.

5. Roof overhangs on south and west facing walls of buildings offer effe areas from the summer sun, while allowing in the lower winter sun rays.

O. Materials and Finishes.

1. Construction materials that will replicate a sense of Willard City's pionee in new construction. These include but are not limited to metal roofing an

   faced block, and stone. Attention to detail in application is the key in succ



2. High quality durable materials, such as stone, river cobble, brick, block and batten siding and horizontal siding shall be utilized in the natural or and placed carefully to ensure that the material will not require sub colorization for long term appearance and maintenance.
3. Texture and color shall be used to reduce apparent size of building and c

   enhancing the streetscape appearance of the building. Aesthetic use

colors should be extended to all elevations.

4. Color selection for buildings shall reflect or complement the natural envi
utilizing earth tone and natural colors. Color palettes may include the ir
colors for emphasizing details.

5. Any metal exposed on buildings shall be of architectural quality, color
harmonious with the surrounding neighborhood buildings. It should b
materials, which will not result in off-site light glare or have an unfa
viewed from public streets or from other surrounding areas.

P. Architectural Elements.

1. Main building entries shall be emphasized through building articulati identifiable and visible from the street and parking areas and to create elevation. All buildings located at street or pedestrian corners shall provi On larger buildings, detail treatments at doors and entries should in canopies, arches, tile, color ornamental techniques, moldings, small architectural features.

2. Access ramps, and other entry access ways for the disabled should be d
   of the building.
3. All facades shall exhibit three-dimensional detailing to cast shadows ar
   the facade. The elements used to provide relief can include awnings
   detailed parapets and arcades.
4. Windows, entry ways, columns, awnings and other architectural feature
   the streetscape and create a repetitive rhythm that creates human scale
   walking along the street.
5. Designs shall relate to the surrounding architecture by providing similar fa

6. Architectural elements such as horizontal bands, window lines overhang awnings should be used to make buildings appear shorter.
7. Protected courtyards, porches, arcades, verandas and overhangs shou means for shading exterior wall surfaces and windows from direct sun e visual character to the building.
8. Continuous arcades should be added along the frontage of comm pedestrian protection from rain, snow and summer sun, allowing them another without having to leave the arcade.
9. 50 to 80 percent of ground floor retail areas should be transparent "s appropriate.
10. Windows shall have details appropriate to the buildings architectural styl
11. Outside vending machines, newspaper stands, public telephones, auto other fixtures shall not be visually prominent, and must be designed i project.

12. Mail delivery facilities in commercial projects should be "Gang" type del
    These facilities should be included on site (located out of pedestrian anc
    paved areas for pedestrian access and landscaped screening as dete
    Service.

13. All railing including stairway handrails and guardrails and decorative rai
    wood or metal and should be painted to coordinate with other building fea

14. Plexiglas and glossy vinyl illuminated awnings are discouraged. Can
    finish vinyl and fabric awnings are encouraged.

15. Existing wood and metal canopies located in the downtown should b
    town's historical ambiance. Projects involving these structures should
    prolong their life.

Q. Streetscape Design.

1. Purpose. to create an area adjacent to the street where pedestrian a combine to create the public open space and "Street Edge" that expre thereby linking development along the public corridor that, although di town character of Willard.

R. General Design Considerations.

1. Buildings shall be set back from the front property line along a public w and sufficient width of landscaped area along the length of the frontage presence.
2. "Canopy" street trees shall be planted at consistent intervals along the s groupings of "vertical" trees to create a "natural" street edge environment
3. Consistent and uniform street furniture including, benches, trash and rec bicycle racks, transit shelters and community art and water features sl Commercial Project Streetscape designs to create an enjoyable ar atmosphere.
4. Landscaping shall be used to enhance the streetscape design of comm by providing shade, defining public areas, softening hardscape, ar elements.

5. The "street edge" shall be defined through consistent setbacks, lar placement and street trees that define pedestrian and vehicular co welcoming "pedestrian friendly" space.

S. Walkways and Sidewalks.

1. Sidewalks should include features to improve pedestrian safety includin a planting strip, bulb-outs at intersections, rumble strip crosswalks and mi
2. The use of alternative paving materials such as brick, interlocking pa paving, stamped concrete and granite pavers on sidewalks, walkways a encouraged precisely at locations where pedestrian and vehicular traffic

T. Street Furniture.

1. Furnishings should be selected based on usefulness, durability, mainte Styles of furnishings shall be consistent with or complementing to styles
2. Bench styles should be complementary to the Community character a design.
3. Trash and Recycling containers should be consistent with bench style needed to promote a clean environment.

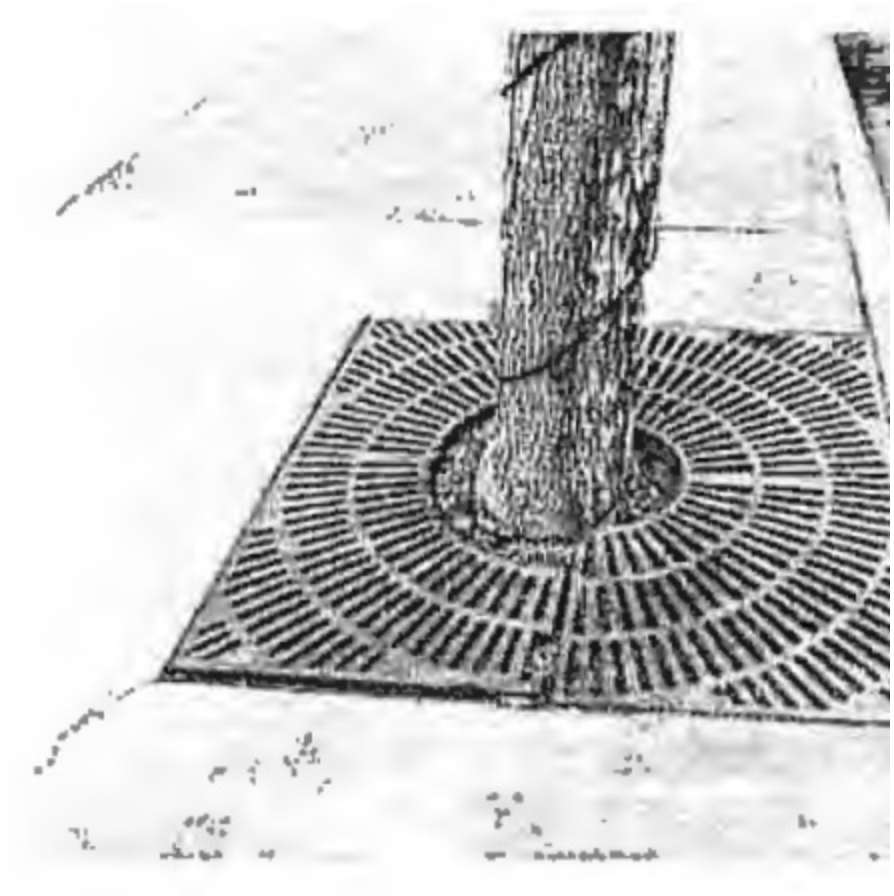
4. Planters containing trees, shrubs and flowers should be located in c public spaces, and provide for seating which enhances the pedestrian en
5. Bicycle racks should be encouraged in commercial areas near building to promote alternative modes of transportation.
6. Design of transit shelters shall be compatible with other street furniture throughout town. They should be visible and easily accessible for pedest

U. Streetscape Landscaping.

1. Street trees should be planted at intervals to create a full canopy of sl walkways, when the trees mature. Trees should be protected with tree gı appropriate to allow for growth and maturing of the tree.

2. Primary street trees should provide shade for the pedestrians, define the street; Secondary street trees should complement and support the ı function; Accent trees should be used to define entrances, add variety in other focal points of the streets.

3. Low growing (max 36") shrubs should be used to frame the sidewalk, plazas and screen parked cars in parking areas abutting the street.
4. Ground plane treatments, ground cover and seasonal plants for incorporated into the streetscape landscaping.



5. Trees and shrubs planted at all intersections and driveways shall be maintain a safe sight line distance for vehicles and pedestrians, defined shape whose base and side is measured a distance of twenty five feet pa the intersection or driveway. The entire area of this triangle shall be ke thirty inches above finished grade.
6. Landscaping should have little or no mess, should be drought tolerant or have relatively open structure to allow light to penetrate. Plant materials selected and located to avoid future conflicts with underground a easements, services and equipment.
7. Medians should be incorporated into the streetscape by use of landscap the street edge landscaping. (See Plant Selection Guide).

V. Circulation.

1. Purpose. To improve pedestrian access in Willard by requiring proje pedestrian and transit linkages with adjacent properties and within th maintaining and enhancing parking availability.

W. General Circulation Guidelines.

1. Parking lot designs shall provide clearly identifiable and easily acces sites, integrate and separate the needs of pedestrians and vehicles patterns with avoidance of dead-end aisles, and provide or address the between adjacent similar uses. Whenever feasible, curb cuts on-site, a should be combined to minimize the number of entrances on a public righ

2. Commercial project design should provide safe and efficient access fo public transportation systems, existing pedestrian travel systems and ac compatible uses.

3. Active street environments should promote walking, riding a bicycle and comfort. Commercial projects in Willard shall be designed to acco transportation by providing facilities and links needed for pedestrians anc

4. Efficient and safe vehicle circulation between the building and the st provided in all commercial projects.

X. Vehicle Access and On-Site Circulation.

1. Shared access drives between adjacent parcels of similar use should number of curb cuts to the street. Reciprocal access and parking agreer adjacent land uses, for pedestrians and vehicles are strongly encouragec

2. Major access points to commercial centers or adjacent developments access points whenever possible. Separated ingress and egress point should be provided. Ingress or egress points shall be coordinated w

median and existing or planned access points on the opposite side of the

3. On-site vehicle circulation should be designed to discourage speeding t minimize the potential conflict with pedestrians and parked vehicles designed to facilitate emergency vehicles to the satisfaction of the Fire De

4. Commercial auto repair garages, tire stores, service stations, car wa banks, fast food restaurants and all types of buildings with drive through l avoid service bays and/or drive through lanes fronting on the street fro should be dedicated lanes separated by planters from the remainder of circulation areas. The lanes should have a minimum stack length of 180 line of the service window or ATM machine to the entry point.

5. Traffic Calming techniques such as sidewalk bulb outs, mid-block crossw strip" pedestrian crossings should be provided to slow traffic, making t more safe and enjoyable.

6. Avoid use of bumpers in the parking areas to facilitate lot cleaning and sr

Y. Pedestrian Access.

1. All pedestrian circulation walkways shall be designed to provide a compliance with the American Disabilities Act (ADA).

2. New commercial projects and significant remodels shall provide continuc the public right-of-way or landscape corridor. Street sidewalks should be of six feet exists between the sidewalk and back of curb to allow for stree strip or tree well. Walks shall align with the curb at intersections, public tr walks.

3. Pedestrian access shall be clearly defined by sidewalk corridors of a r Accent paving materials should be used at entry and transition areas pavement areas.

4. Pedestrian pathways should utilize common design elements, i.e., pedestrian scale lighting, furniture, trash receptacles, signage, etc.

5. Bicycle routes, lanes and pathways should be developed throughout V projects to encourage alternatives to vehicle travel. Where bike routes projects shall incorporate connections into the project design.

Z. Parking.

1. Disabled accessible parking spaces shall be provided and located as Disabilities Act (ADA) Disabled path of travel from the accessible stalls, p transportation and between all structures on site shall be provided.

2. Each site shall provide the minimum number of parking spaces and the aisle dimensions as required by the Zoning Ordinance. Compact parkir shall be dispersed evenly throughout parking area.

3. Customer parking shall be located near primary building entrances and a truck traffic. Employee parking should be located away from main entr truck/car conflicts.

4. All new parking areas shall be located behind or beside buildings or pr street edge. Existing parking areas located adjacent to the street shou view by a combination of berming and/or screen walls with appropriate sc

5. Parking runs shall be limited to a maximum of six (6) spaces separated of six feet (6') in width (measured inside curb face) by the depth of the sta of a large canopy shade tree(s). Planters shall be protected from vehicle curbs. Trees planted in parking lots should be deciduous and spaced sc coverage at maturity.

6. End row parking spaces should be protected from the turning movemer curb.

7. Pedestrian corridors through building groups shall be provided for par structures. Sidewalk corridors in parking lots should have five feet of lar on at least one side of the walkway or alternating from one side to the and the potential of shading for pedestrians.

8. Raised reinforced barrier curbing shall be used at all perimeter spac standard size stall depth may be reduced by eighteen inches (18") to be allow the car to overhang into the planter. Where an overhang is ut minimum of five (5) feet in depth. The additional eighteen inches of area the perimeter planting area as additionally provided landscaping area for

9. Shopping cart return areas, in size and numbers appropriate to the size c be provided in conveniently located areas. Cart return areas shall not spaces or conflict with pedestrian and vehicular circulation.

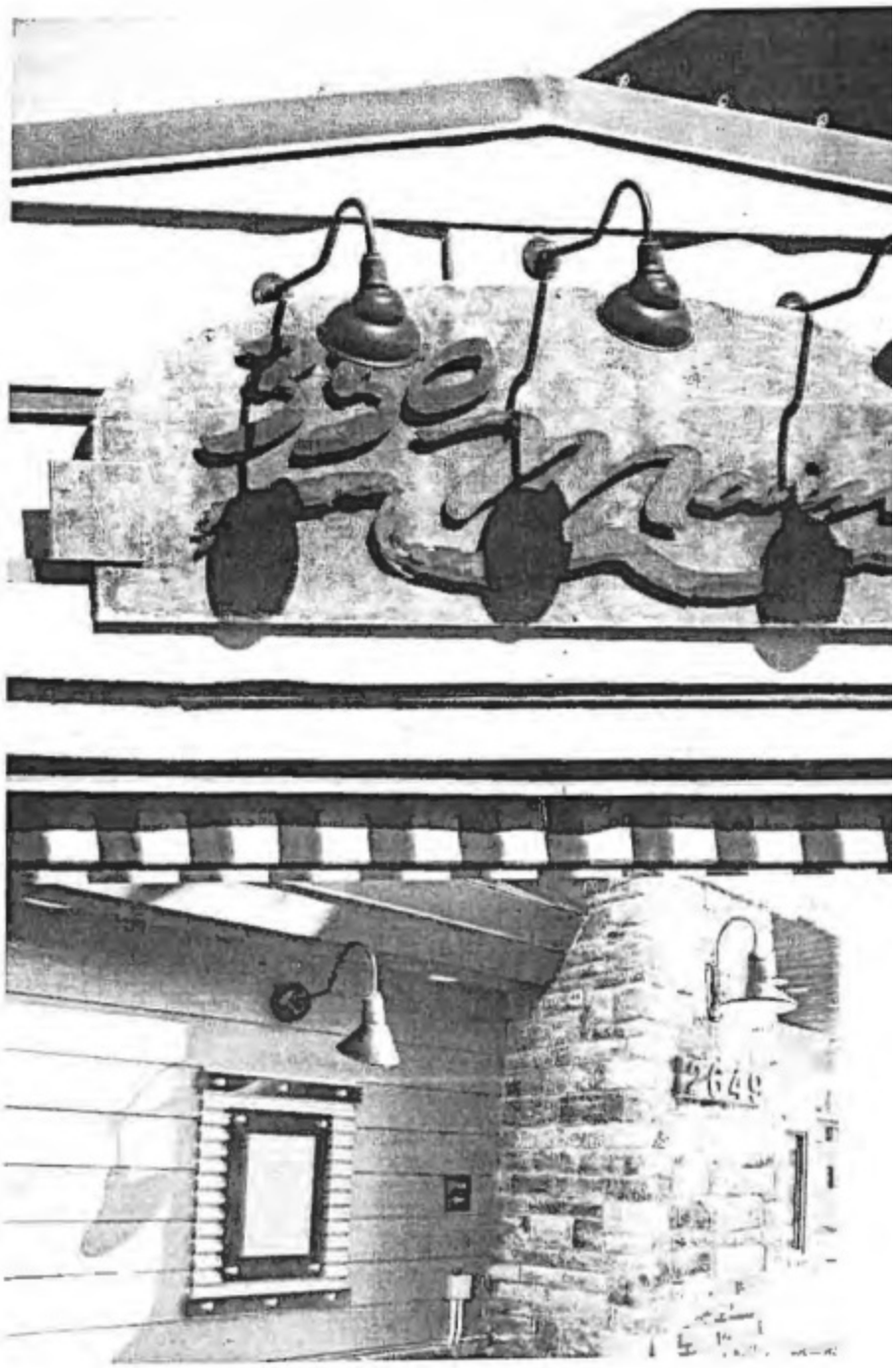
10. On street parallel parking should be encouraged where permitted to slow provide a buffer between the streets edge and the street.

11. Parking facilities including garages, carports and parking lots should be of buildings or properly screened along the street edge. Parking areas should be connected to the street or main building entry through de separated from vehicle traffic. Sidewalk corridors in parking lots should h with shade trees on at least one side of the walkway or alternating fro provide shading for pedestrians.

12. See wzc 24.16 for additional requirements.

AA. Lighting.

1. Purpose. To improve the appearance of Willard and the security of its c friendlier and safer spaces through the artful illumination of building plazas, landmarks and other highlights.



AB. General Lighting Guidelines.

1. Exterior lighting should be used to enhance architectural, landscaping with the exception of roof lights or lighted roof panels. Fixtures, standarc accessories should be harmonious with building design.

2. Main building entries should have the highest amount of illumination f walkways.

3. Lighting levels should be limited to the minimum levels necessary to pro fixtures should be thoughtfully placed to avoid light spillage and gla "Down shine" luminare should be utilized.
4. Lighting fixtures should be thematic to complement the architecture of th durable and vandal resistant materials and construction. Energy effic utilized.
5. Neon lighting, if used, should be limited in application to proper architec styling.
6. Lighting "spill over" shall not exceed 0.5 foot candles at any point on resi and other sensitive uses.

   For further information on Neon Lighting, refer to WZC 24.60 General Sig

AC. Parking Areas, Drives and Pedestrian Ways.

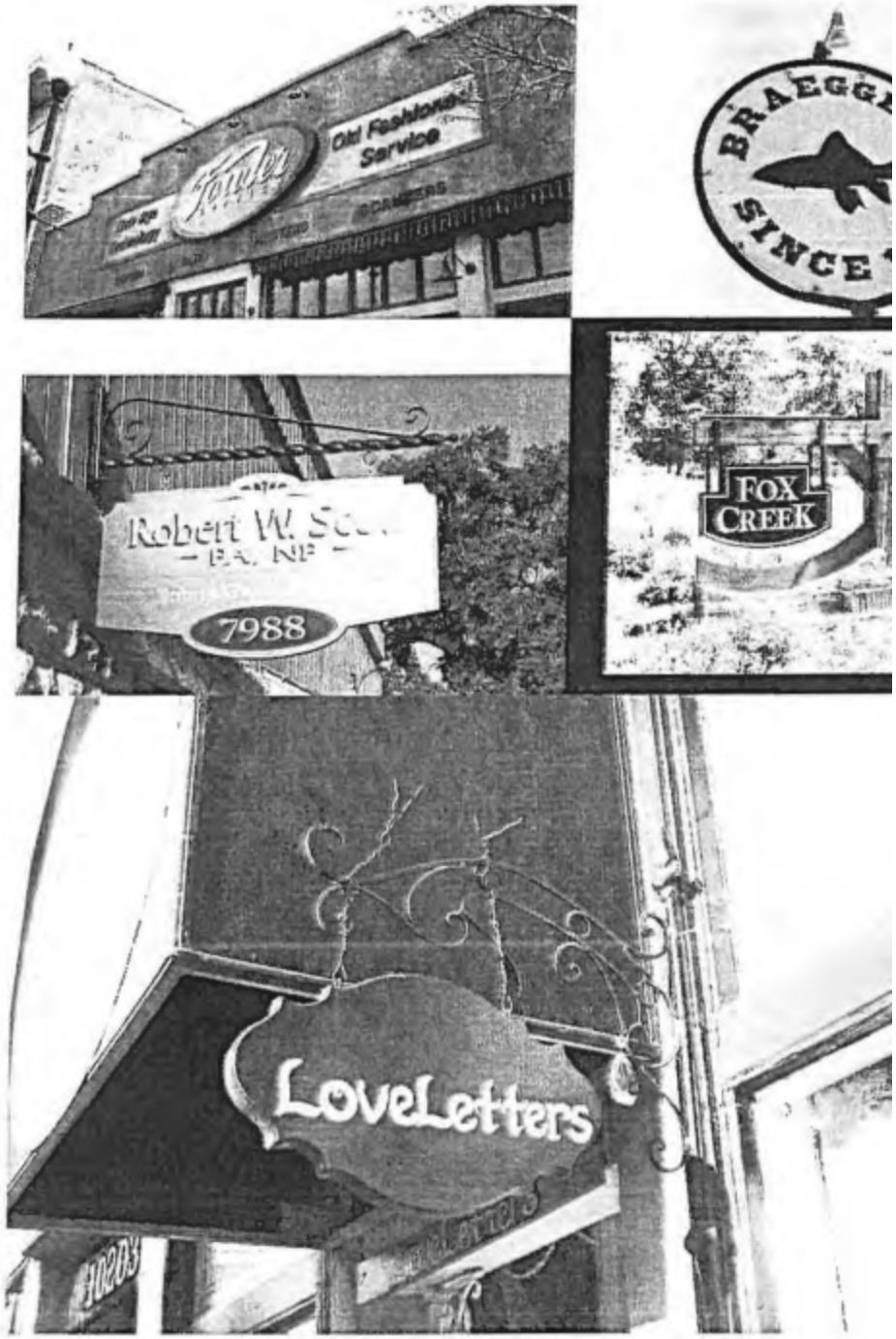
1. A photometric lighting plan of site illumination including all site and lighting indicating the level of illumination proposed throughout the entire City staff before project approval.
2. Parking areas and drive entries should have illumination levels of 1.0 fo surface for increased safety and adequate identification. However, ma levels on abutting residential properties shall be limited to no more thar the property line.
3. Parking and vehicle circulation area light standards shall not exceed twe the adjacent finished grade of the lot. Lighting should be located to ensu dispersed evenly throughout the lot. The lighting plan and landscape pl avoid conflicts with trees.
4. Commercial projects abutting residential uses shall not place light fixture in parking areas unless the fixture is setback from the property line a c

height of the proposed fixture (maximum twenty feet (20') high).

5. Pedestrian walkway lighting should have a minimum illumination level (surface to identify any level changes. This can be achieved through tl luminaries' three to four feet (3'-4') maximum height or taller ornamenta feet (15') maximum height. The posts should be located to avoid ha vehicles, they should be placed to minimize glare and the coverings shou

AD. Signage.

1. Purpose. To encourage architecturally integrated signage that comple theme and style.



AE. General Sign Guidelines.

1. Permitted number of signs, sizes, types and locations shall be determ Willard Sign Ordinance.
2. Multiple building projects shall establish a full signage criteria package f pad building(s) that defines the parameters of sign type, size, font, placem

construction to ensure integration of all tenant and center signage.

3. No signs should be placed in public right-of-ways on sidewalks or st sidewalks.
4. Freeway oriented signs are strongly discouraged in Willard City. Signa the community even though it may be viewed incidentally from the freewa
5. Roof signs are discouraged in Willard. The sign ordinance prohibits any or parapet roof line of the building. Roof signs, where allowed, shall inc frames or supporting structures should be concealed from public viev background roof materials.
6. Attached signing is encouraged. Detached or freestanding signs may l within a low profile structure, architecturally related to and compatible witl
7. Signage should be designed as an integral architectural element of the relates. Sign placement on a facade should complement building elemen

8. All signs should be compatible with other signs on the premises and Identification signs of prototype design and corporation logos should co other signs.

9. All signs should be minimum size and height to adequately identify the bu of graphic elements such as letters, numbers and logos on a sign shou needed to convey the sign's major message and should be composed the sign's face. Additional information, such as products and servic unnecessary advertising, is discouraged. The use of telephone nu discouraged.

10. All buildings shall have address numerals, in colors that contrast with th be placed in a location visible from the street. All detached signs s address number it identifies.

11. Color of signs and sign components should be complementary to the and character.

12. Illumination shall be indirect lighting with the light source shielded fror sign, only the letters of the business name may be illuminated. Sign back

13. Landscaping should be incorporated into the signage design of all groun

14. Signage is encouraged to be thematic with use of images represen advertised.

15. Neon signage within the Historical District should be limited to replacer enhancement to existing signs. Neon on historical buildings is genera building period and/or styling is designed to accommodate neon features

16. Any new neon signage or neon building features shall be subject to sep by the Design Review Committee.

17. The use of neon window signs in or near the Historical District is discoura

18. Neon signage or neon building features should be used as an enhanc related architecture. It should help identify the business but not advertise or name brands.

19. The use of red, yellow or green neon is discouraged where these colc traffic signals.

20. Awning signs should be integrated into the awning and be limited to the the end panels of angled, curved or box awnings. Canvas awning sigr separately pasted or applied on as a different material.

    For further information on signage, refer to the Willard City Sign Ordinanc

24.36 CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS

24.36.010 Requirements

24.36.010 Requirements

A. When the Planning Commission or the zoning administrator deems it necessary, any application for a conditional use permit, a planned unit development approval, or a building or use permit, shall be accompanied by a geologic and soils survey report for the land, lot or parcel for which application approval is sought. The report shall be prepared at applicant's expense by a geologist or soils engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

B. Whenever a geologic and soils survey report indicates a parcel to be subject to unusual potential or actual hazards, the applicant shall meet the special conditions required by the Planning Commission or zoning administrator, to reduce or eliminate such hazard, or if such conditions cannot be met, or will not be met, the application shall be denied.

Also see the Sensitive Area Ordinance, WZC 24.72.

24.40 ZONING DISTRICTS

24.40.010 Establishment Of Zoning Districts
24.40.020 Filing Of Ordinance And Map
24.40.030 Rules For Locating Boundaries
24.40.040 Application For Zoning Changes
24.40.050 Rural Developments And Rezoning

24.40.010 Establishment Of Zoning Districts

For the purposes of the Ordinance the Territory of the local jurisdiction to which this Ordinance applies is divided into the following listed zoning districts:

A. Agricultural or Rural.

   Multiple Use District MU-40
   Agricultural District A-5 and A-3

B. Residential.

   Residential District R-1/2 and R-1

C. Commercial.

   Neighborhood Commercial District C-N
   General Commercial District C-G

D. Planned. A Planned District will be created when a Planned Development (PD) is approved. The existing district will be changed to a Planned District by adding a "P" prefix to the existing district. For example, an Agricultural District, A-3, would become a Planned Agricultural District, PA-3.

24.40.020 Filing Of Ordinance And Map

This Ordinance and map shall be filed in the custody of the clerk of the local jurisdiction and may be examined by the public subject to the reasonable regulations established by said clerk.

24.40.030 Rules For Locating Boundaries

Where uncertainty exists as to the boundary of any District, the following rules shall apply:

A. Wherever the District boundary is indicated as being approximately upon the center line of a street, alley, or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley, block, or such property line, shall be considered to be the boundary of such

District.

B. Whenever such boundary line of such District is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such District.

C. When such District boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

D. Where the application of the above rules does not clarify the District boundary location, the Board of Adjustment shall interpret the map.

24.40.040 Application For Zoning Changes

The Planning Commission will consider zoning change applications at public meetings. A complete application package must be submitted to the City Recorder at least twenty-one (21) days prior to the initial Planning Commission meeting to consider the rezone request. The application package must include:

A. A completed rezone application.

B. The rezone fee (non-refundable).

C. A legal description of the parcel to be rezoned, and proof of ownership.

D. A copy of the county assessor's plat map, or equivalent drawing, annotated to show the location and boundaries of the parcel to be rezoned.

E. A written petition designating the change desired and the reason for such change. A description of how the request is consistent with the General Plan. The petition for zone change shall be signed by the fee title owner(s) of the parcel, or designated agent.

F. A list of all property owners within 1/4 mile of the desired zone change.

After a complete application has been received by the applicant, the Planning Commission shall give notice of a public hearing to consider such change as provided by law for zoning amendments. The City shall, by regular U.S. mail at the expense of the Applicant, provide a written notification of the public hearing to consider rezone to all property owners within 1/4 mile of the property proposed for rezoning.

The Planning Commission shall recommend adoption of the proposed zone change when the following conditions are met:

A. The proposed change is in accord with the goals of the Willard City General Plan and Zoning Ordinance; and.

B. The approval shall not place the city in a negative financial position and the applicant documents that all utilities and access have been obtained.

After a public hearing and receipt of the written recommendations of the Planning Commission for acceptance, the City Council shall give notice of a public meeting to consider such change as provided by law for zoning amendments.

If change is necessary after the public meeting or as advertised, the proposed amendment may be returned to the Planning Commission for review and recommendation.

After the required public meeting on the proposed zone amendment, the City Council may:

A. adopt the zoning ordinance change as proposed;

B. amend the zoning ordinance change and adopt or reject the zoning ordinance change as amended; or

C. reject the ordinance change.

If an application for zoning amendment has been denied by the City Council, the re-submittal process shall be in accordance with the procedure outlined above. Furthermore, resubmissions shall not be accepted within a twelve-month period from date of denial for reconsideration unless a material change has been made to the request.

HISTORY
Amended by Ord. 2021-3 on 4/22/2021

24.40.050 Rural Developments And Rezoning

A. Rural Developments (lot sizes greater than or equal to three acres) agricultural or and non-residential, commercial developments may be considered for rezoning A-5 to A-3.

B. Rural development and rezoning must still be under constraints of the Sensitive Ordinance and will not be considered for A-3 zoning if they are in a prohibited Building Constraint area. Fifty one percent or more of the parcel must be outside the Building Constraint area to be eligible for rezone to A-3.

C. Not all areas of the City are appropriate for A-3 rezoning. The zone will be considered only as a gradation between residential areas and A-5 or MU-40.

24.44 MULTIPLE USE, AGRICULTURAL OR RURAL, AND RESIDENTIAL DISTRICTS

24.44.010 Purpose
24.44.020 Codes And Symbols
24.44.030 Uses
24.44.040 Uses Not Listed
24.44.050 Setback And Height Regulations

24.44.010 Purpose

A. Multiple Use Districts.

1. To establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources.
2. To reduce unreasonable requirements for public utility and service expenditures.
3. To avoid uneconomic and unwise dispersal and scattering of population.
4. To encourage use of the land, where appropriate, for forestry, grazing, agriculture, wildlife habitat, and recreation.
5. To avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and wildlife values.
6. To promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

This District is referred to as MU-40, minimum lot size: 40 acres.

B. Rural Districts. To promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain green belt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses inimical to the continuance of agricultural activity. Included in these districts are Rural Developments for people who wish to be in a rural district, but are not primarily engaged in agriculture. These Districts are referred to as:

1. A-5, minimum lot size: 5 acres
2. A-3, minimum lot size: 3 acres

Planned Unit Development is a conditional use and will be allowed in these districts.

C. Residential Districts. To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

1. R-1/2, minimum lot size: 1/2 acre
2. R-1, minimum lot size: 1 acre

D. Old Willard Township Infill District. Infill lots shall only be allowed in the Old Willard Township Infill District. No permit for an Infill home shall be granted unless the proposed Infill lot meets the requirements of this chapter. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Willard City Code and Standards and Specifications.

1. Purpose. The purpose of the Old Willard Township Infill District is to provide increased flexibility and compatibility of infill housing within the Old Willard Township area; to encourage the preservation of historical appearance of housing; to encourage the infill of overly large lots and vacant lots with housing that is compatible in design, height, setback, scale, and placement with existing housing; to limit residential density and preserve a character consistent with the Old Willard Township; to promote redevelopment and revitalization of the core of the City; to promote neighborhoods with quality homes, and preserve the look and feel of the Old Willard Township.
2. Old Willard Township Infill Defined. The Old Willard Township Infill District is hereby created and shall be defined as that area comprised of and encompassed by 200 North, 200 South, 200 East, 200 West Willard, Utah.
3. Application. Any lot for which an application for development has not been originally filed under the Willard City Zoning Ordinances and in the Old Willard Township District, but have not yet, nor have had a building permit prior to the adoption of this chapter shall be subject to the infill lot requirements of this chapter.
4. Area and Frontage Regulations.
    a. The minimum Old Willard Township Infill lot size shall be no less than fifteen-thousand-five hundred (15,500) square feet.
    b. The minimum lot width for any Old Willard Township Infill lot shall not be less than eighty-five (85) feet at the front yard setback line, however, a corner Infill lot width shall not be less than One-hundred (100) feet at the front yard setback line.

5. Yard Regulations.

    a. Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.

    b. Old Willard Township Infill Homes shall be setback from property lines as follows:

        (1) Front yard setbacks. The front setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced twenty (20') feet or the same as the average for said two existing dwellings, whichever is the greater setback distance. Attached garages shall be setback a minimum often (10') feet from the front main wall of the dwelling.

        (2) Side yard setbacks. Infill dwellings with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of fifteen (15) feet. Rear yard detached garages shall be set back a minimum of five (5') feet from the side property line. Side yard attached garages shall be setback no less than ten (10) feet from the side property line. Infill corner dwellings shall have a minimum of thirty (30') side yard setback from the street property line to the house or detached garage.

        (3) Rear yard setback. All dwellings shall be located at least 30 feet from the rear property line. All dwellings shall be located at least 10 feet from the door face of any detached garage, with no other point of the garage located closer than 10 feet to the dwelling. Detached garages shall be located at least 10 feet from the rear property line.

        (4) Setbacks for the Old Willard Township Infill lots shall be measured from the property line to the foundation of the building, with the exception of interior side yard setbacks which will be measured from any cantilever or bay window, etc., which extends past the foundation of the building.

6. Application of Other Regulations. Unless otherwise provided in this section, Old Willard Township Infill developments shall conform to the requirements of the Willard City Zoning Ordinance, other Willard City

Ordinances, and applicable law.

7. Waiver of Regulations. Where, upon application by the developer and upon recommendation of the Willard City Planning Commission, City Engineer, and Flood Control Board, and in the opinion of the Willard City Council, the literal enforcement of the design and improvement standards in the Old Willard Township area would result in an unreasonable utilization of land, or undue hardship, due to unique circumstances, waivers may be issued from one or more of the design and improvement standards according to the following procedure:

    a. Application for a waiver shall include:

        (1) A description of the land to be subdivided;

        (2) An identification of the ordinance provision for which the variance is requested;

        (3) A description of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area;

        (4) A description of the hardships, which will accrue to the detriment of the property or property owner, if the requested variance is not granted;

        (5) Any supporting materials intended to be presented as evidence of unreasonable utilization of land, or undue hardship, due to unique circumstances.

    b. The application shall be submitted to the planning commission for review and comments at the next regularly scheduled meeting of the planning commission.

    c. The planning commission shall review the waiver application at a regularly scheduled meeting, and shall submit its recommendations for approval or disapproval of such application to the Willard City Council.

    d. Subsequent to the planning commission's recommendation, the City Council shall approve or deny the waiver application.

    e. Waiver shall be granted only if the City Council makes a finding upon the record that:

        (1) The issuance of the waiver will be in the interest of the public safety, health, or welfare;

        (2) Describing the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area; and,

(3) A description of the hardships, which will accrue to the detriment of the property or property owner, if the requested variance is not granted.

24.44.020 Codes And Symbols

The following sections of this chapter, uses of land or buildings which are allowed in the various Districts are shown as "Permitted Uses", indicated by a "P" in the appropriate column, or as "Conditional Uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district it is either not named in the use list or it is indicated in the appropriate column by a dash, "-". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

24.44.030 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected structurally altered, enlarged or maintained in the multiple use, rural, or residential districts except as provided in this Ordinance. (See Table I)

TABLE I	MU-40	A-3	A-5	R-1/2	R-1
1. Accessary buildings and uses customarily incidental to permitted uses...	P	P	P	P	P
2. Accessory uses and buildings customarily incidental to conditional uses...	C	C	C	C	C
3. Temporary buildings, for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work...	C	C	C	C	C
4. AGRICULTURE AND FORESTRY					
a. Agriculture, except grazing and pasturing of animals	P	P	P	P	P
b. Agriculture, including grazing and pasturing of animals	C	P	P	P	P
c. Agriculture, business or industry	C	C	C	C	C
d. Animals and fowl for recreation or for family food production for the primary use of persons	P	P	P	P	P

residing on the premises					
e. Nursery or green house, wholesale or retail	C	P	P	P	P
f. The tilling of the soil, the raising of crops, horticulture and gardening	C	P	P	P	P
g. Farms devoted to raising and marketing chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	C	C	P	C	C
h. Forestry, except forest industry	P	P	P	P	P
i. Forest industry, such as a sawmill, wood products plant, or others	C	-	-	-	-
5. APIARY	P	C	P	C	C
6. AVIARY	P	P	P	P	P
7. PLANNED UNIT DEVELOPMENT (PUD) OR CLUSTER SUBDIVISION OF SINGLE FAMILY DWELLINGS:					
a. Provided that the residential unit density of the total parcel is not increased above two units per acre.	C	C	C	C	C
b. Provided that the area, in acres, of the total parcel is not less than thirteen acres.	A	A	A	A	A
8. DUDE RANCH; family vacation ranch	C	-	C	-	-
9. DWELLINGS:					
a. Single-family dwelling	C	C	C	P	P
b. Multi-family dwelling	C	C	C	C	C
c. Seasonal Home or Cabin	C	-	-	-	-
d. Farm or Ranch Housing	C	C	C	-	-
e. Manufactured Housing	C	C	C	P	P
f. Mobile Homes					
1) When located in a mobile home park or subdivision	P	P	P	P	P
2) When not located in a mobile home park or subdivision	-	-	-	-	-
10. Home occupation	C	C	C	C	C
11. Household Pets	P	P	P	P	P

12. Kennel	-	-	C	-	-
13. Power generation	C	P	P	P	P
14. Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory	C	-	C	-	-
15. Public and quasi-public					
a. Churches	-	-	-	C	C
b. Parks, golf courses, swimming pools and other recreation areas	-	-	-	P	P
c. Public buildings	-	-	-	C	C
d. Private schools	-	-	-	C	C
16. Public stable, riding academy or riding ring, horse show barns or facilities	C	-	P	-	-
17. Residential Housing Developments					
a. Mobile home park	C	-	C	C	C
b. Mobile home subdivision	C	-	C	C	C
c. Subdivisions and Planned Unit Developments.	C	C	C	C	C
18. Signs (See Sign Ordinance WZC 24.60)					

HISTORY
Amended by Ord. 2022-9 on 12/8/2022

24.44.040 Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for multiple-use, agricultural, and residential zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.44.050 Setback And Height Regulations

TABLE II	MU-40	A-3	A-5	R-1/2	R-1
1. AREA REGULATIONS. The minimum lot area in acres for any main use in the districts regulated by this chapter shall be...	40	3	5	1/2	1
2. WIDTH REGULATIONS. The minimum width in feet for any lot in the districts regulated by this chapter except as modified by planned unit developments or cluster subdivisions, shall be...	660	200	270	100	150
3. FRONTAGE REGULATIONS: The minimum frontage in feet for any lot in the districts regulated by this chapter on a public street or a private street approved by the governing body shall be...	100	100	100	100	100
Exception: The minimum frontage in feet for a lot in a planned unit development or an odd-shaped lot that meets the width requirements above, may, upon approval of the governing body, be reduced to:	60	50	50	40	40
4. FRONT YARD REGULATIONS. The minimum depth in feet for the front yard for main buildings in districts regulated by this chapter shall be...	25	30	30	30	30
Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings, otherwise they shall be set back at least ten feet in the rear of the main building.	A	A	A	A	A
5. REAR YARD REGULATIONS. The minimum depth in feet for the rear yard in the districts regulated by this chapter shall be...					
For main buildings...	60	30	60	30	30
For accessory buildings...	60	10	60	10	10
Except on corner lots two front and two rear yards are required...	A	A	A	A	A
6. SIDE YARD REGULATIONS. The minimum side yard in feet for any dwelling or other main or accessory buildings regulated by this chapter shall be...	60	10	10	10	10
A total width of the two required side yards of not less than...	120	50	100	25	25
Provided the small width of each side yard shall					

not be contiguous with the neighbor's small-width side yard...	A	A	A	-	-
Except that private garage and other accessory buildings located in the rear and at least ten feet behind the main building, shall have a side yard of not less than.	3	3	3	3	3
Except that structure may not be placed on utility easements.	A	A	A	A	A
Provided the drainage from any roof shall not fall on the adjacent property...	A	A	A	A	A
Provided that no private garage or other accessory buildings shall be located closer to a main structure on an adjacent lot than...	10	10	10	10	10
Except on corner lots two front and two rear yards are required...	A	A	A	A	A
7. HEIGHT REGULATIONS. The maximum height for all buildings in districts regulated by this chapter shall be...					
In feet...	35	35	35	35	35
In number of stories...	2.5	2.5	2.5	2.5	2.5
8. COVERAGE REGULATIONS. The maximum coverage in percent for any lot in the districts regulated by this chapter shall be...	-	20	-	20	20

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.48 COMMERCIAL AND MANUFACTURING ZONES, C-N, C-G AND M

24.48.010 Purpose
24.48.020 Use Regulations
24.48.030 Uses Not Listed
24.48.030 Height Regulations
24.48.040 Area, Width, Frontage, Yard And Coverage Regulations
24.48.050 Special Provisions

24.48.010 Purpose

To provide areas in appropriate locations with conditions favorable to specific commercial needs. Such Districts are intended to include activities normally and necessarily related to the commercial need as herein defined:

The city does not pre-endorse any specific categories but will consider all enterprise proposals.

A. Neighborhood Commercial District, C-N. To provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhood. The regulations of this District are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents.

B. General Commercial District, C-G. To provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained and protected. Regulations of this District are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, but some of which would be intrusive and disruptive in a shopping center type of commercial development.

C. Manufacturing District, M.

    1. Manufacturing District M has been designated as the required location within which all manufacturing activity shall be established. It is the policy of the City Council to review any manufacturing enterprise which is considering building in the city, with the intent of approving only those for which a mutual benefit for both the enterprise and the city would exist.

    2. Factors which will be considered in deciding approval or disapproval will include, but not be limited to, the following:

        a. Water requirements and water availability and sewage treatment requirements.

        b. Storm drainage requirements.

        c. Energy requirements and availability.

d. Raw material characteristics and means of delivery.

e. Manufactured foods characteristics and warehousing/shipping requirements.

f. Potential pollutants used in or resulting from manufacturing process, and plans for containment and/or control.

g. Inherent noises, odors, or other undesirable factors or environmental concerns.

h. Expected number and education requirements of employees by work shift.

i. Type of construction and size of planned facilities.

j. And special requirements. (WMC 14.12) Willard City Nuisance Ordinance Nuisance Ordinance.

24.48.020 Use Regulations

In the following Section of this Chapter, uses of land or buildings which are allowed in the various districts are shown as "permitted uses," indicated by a "P" in the appropriate column, or as "conditional uses," indicated by a "C" in the appropriate column. If a use is not listed then it is either not allowed in a given district or it is indicated in the appropriate column by a dash,"-." No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Commercial or Manufacturing zones except as provided for in this ordinance. If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A." If the regulation does not apply, it is indicated in the appropriate column by a dash"-"

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.48.030 Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

(See TABLE I)

A. Accessory Buildings/dwellings/manufacturing/storage	**M**	**C-N**	**C-G**

Accessory uses and buildings customarily incidental to the permitted uses.	P	C	P
Single-Family Dwelling Multi-Family Twin Home Multi-Family Attached Multi-Family Stacked Accessory Dwelling Units Manufactured and Modular Homes	C C C C P C	P P P P P C	P P P P P C
Manufacturing/Industrial Heavy	P	-	C
Manufacturing/Light	P	C	C
Refineries	C	-	-
Renewable Energy Systems	C	C	C
Storage Facility/Units	P	-	C
Temporary Buildings	C	C	C
Warehousing/Distribution	P	C	C
Warehousing/Distribution Motor Fuels/Propane/Plant/Storage Facilities	C	-	C
B. Public Facilities/Utilities	**M**	**C-N**	**C-G**
Air BNB or any short-term lodging facility	C	C	C
Communication Towers and Antennas	C	C	C
Churches/Places of Worship	P	P	P
Educational Facilities	p	p	p
Public Utility installations	P	P	P
C. Recreations/Entertainment	**M**	**C-N**	**C-G**
Bowling Alley	C	C	P
Dance Studio	C	C	C
Fitness Center	C	C	P
Golf Course	C	C	P
Recreation Center	P	C	P
Recreational Vehicle Park	-	-	C
Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600	C	-	-
Swimming Pool	C	C	C

Theater/Entertainment	C	C	C
D. Retail	**M**	**C-N**	**C-G**
Alcohol or Tobacco Specialty Store	C	-	C
Art and/or Art Supply	P	C	P
Book Store	P	P	P
Christmas Trees Sales	P	C	P
Clothing/Department Store	C	C	P
Convenience Store	P	C	P
Craft/Hobby Store	P	P	P
Fireworks Stand	C	C	C
Florist Shop/Nursery	C	C	P
Fruit Stand	P	P	P
Grocery Store	P	P	P
Hardware Store/Lawn and Garden	P	C	C
Pet Shop	C	C	P
Retail, Big Box Store	P	P	P
Retail, General	P	C	P
Shoe Store/Repair	P	C	P
Sporting Goods	P	P	P
E. Restaurant/Food Establishments	**M**	**C-N**	**G-G**
Bakery	P	P	P
Candy/Ice Cream Store	C	C	P
Private Club/Bar/Tavern	C	C	P
Restaurant/Fast Food	C	C	P
F. Service	**M**	**C-N**	**C-G**
Agriculture, Existing	P	P	P
Agricultural Industry/Food	P	C	P
Automobile Service and Sales Station (Includes Fuel)	C	C	C
Bank/Credit Union/Financial	P	C	P

Barber/Beauty Salon/Tanning/ Nales	P	P	P
Bed and Breakfast/ Air BNB	-	P	-
Business/ Professional Office	C	C	C
Car Wash	C	C	C
Check Cashing, Payday Lender, Title Loans	C	C	C
Childcare/Preschool: See Willard General Ordinances Title 9-000 for Home Business	C	C	C
Dry Cleaning	P	C	P
Fabrication/Welding	P	C	P
Hospital	P	P	P
Hotel/Motel	C	-	P
Kennel: See Willard City General Ordinances Title 13-00-0-00	C	C	C
Locksmith/Key and Lock	P	C	P
Laundromat	P	P	P
Medical and Dental Clinic	P	C	P
Nursing Home	-	C	C
Pet Grooming	P	P	P
Pharmacy	P	C	P
Residential Facilities for Persons With Disabilities	P	C	P
Slaughterhouse	C	C	C
Tattooing/Body Art	P	C	P
Towing/Impound Yard	P	-	C
Transportation/Trucking	P	C	P

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.48.030 Height Regulations

Height Regulations	M	C-N	C-G
The maximum height for all buildings and structures in districts regulated by this chapter shall be:			
In feet...	50	35	50

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.48.040 Area, Width, Frontage, Yard And Coverage Regulations

A. Area, Width, Frontage, Yard and Coverage Regulations	M	C-N	C-G
Any parcel larger than one acre at the time of passage of this ordinance may be divided or developed only under planned unit commercial development approval.	A	A	A
Regulations as may be required by conditional use permit or by planned unit development approval. Except that no commercial building shall be located closer than fifteen feet to any residential district boundary line or to any street line which continues as frontage into a residential district.	A	A	A
Except as may be allowed through planned unit development approval, buildings and structures may cover no more (percentage) of the lot area than.	50	30	50

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.48.050 Special Provisions

A. Special Provisions	M	C-N	C-G
Any area outside of a building used for any accessary activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels.	A	A	A
All uses shall be free from objectionable noise, hazards, or nuisances.	A	A	A
All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational vehicle or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit.	A	A	A

HISTORY
Amended by Ord. 2023-2 on 3/9/2023

24.52 SEXUALLY ORIENTED BUSINESSES

24.52.010 Definitions - Sexually Oriented Businesses
24.52.020 Purpose
24.52.030 Locations
24.52.040 Permitted Sign Type

24.52.010 Definitions - Sexually Oriented Businesses

"Sexually Oriented Business" shall be defined as provided in Willard City General Ordinance 02-11-99.

For the purposes of this ordinance "Main Corridor" means the major traffic routes into and out of Willard City. At the date of this ordinance this means Highway 89 and Highway 315.

24.52.020 Purpose

The City Council finds that, in order to protect the health and welfare of the citizens, there is a compelling interest in restricting the location of sexually oriented businesses in Willard City, as well as limiting the type of signs related thereto. To respond to these concerns and to the concerns of the public, the City Council has enacted this ordinance to restrict the location and signage of sexually oriented businesses as follows:

24.52.030 Locations

Sexually oriented businesses, as defined above, shall be allowed only in a Commercial General (CG) Zone. Further, no sexually oriented business shall be located within 350 feet of any school, day care public park, library, religious institution, residence or other sexually oriented business, measured in a straight line from the nearest entrance of the proposed sexually oriented business to the nearest property boundary of the public or private school, day care, park, library, religious institution, residence or other sexually oriented business.

Sexually oriented businesses, as defined above, shall be located a minimum of 350 feet from the main business corridors, (in Willard City these business corridors are Highway U.S. 89 and State Route 315. The distance shall be measured from the nearest entrance of the proposed sexually oriented business to the nearest boundary of the right-of-way.

24.52.040 Permitted Sign Type

The type of exterior sign permitted to be used by a sexually oriented business shall be limited as follows:

A. A maximum of one wall sign shall be permitted for sexually oriented business

premises, to be located at or near the entrance. Such wall sign shall be limited to a flat, one-faced, design.

B. There shall be no off-premises signs permitted referring to sexually oriented businesses.

C. A permitted sign for any sexually oriented business premises shall not exceed 16 square feet in area..

D. No sign animation, or flashing lights, shall be permitted on or around any sign used by a sexually oriented business.

E. No descriptive act or design depicting adult activity related to, or inferring the nature of the business shall be allowed on any permitted business sign. A permitted sign shall contain alpha-numeric copy only.

F. Painted signs or painted wall advertising shall not be allowed as a permitted sign on or upon any sexually oriented business premises.

G. A sign on the exterior of the building, other than the type specifically allowed as a permitted sign for sexually oriented businesses is not allowed to be constructed or placed on the premises. There shall be no temporary sign, banner, light, decorated window, spotlight, or other device exterior to the building, or visible from the exterior of the building, to draw attention to the business location of any sexually oriented business.

Exception to subsection G, above: Conventional security or parking area lighting will be required and is exempt from this limitation. Such lighting must meet the requirements of the Willard City Zoning Ordinance and must be approved by the Planning Commission before installation.

24.56 TELECOMMUNICATIONS

24.56.010 Purpose
24.56.020 Definitions - Telecommunications Ordinance
24.56.030 Applicable Regulations
24.56.040 Non-Applicable Regulations
24.56.050 Amateur Radio Operator (HAM) Telecommunication Facilities
24.56.060 Site Master Plan
24.56.070 Permitted Uses
24.56.080 Conditional Uses
24.56.090 Design/Location Requirements
24.56.100 Landscaping
24.56.110 Site Access
24.56.120 Accessory Building(s)
24.56.130 Antennae And Mounting Structures On Or Over Public Right-Of-Ways
24.56.140 Non-Maintained Or Abandoned Facilities
24.56.150 Engineering Review
24.56.160 Building Permits
24.56.170 Exemptions
24.56.180 Planning Commission Review

24.56.010 Purpose

The purpose of this ordinance is to provide guidelines and regulations for the construction, use and maintenance of telecommunication facilities and antennae.

24.56.020 Definitions - Telecommunications Ordinance

"Antenna" means any system of wires, poles, rods, reflector discs or similar devices of various sizes, materials and shapes, including but not limited to solid or wire-mesh dish, horn, spherical or bar configuration, used for the transmission and reception of electromagnetic (radio) waves.

"Antenna Tower or Mast" means any structure used to support an antenna. These are generally tall, thin structures used to place the antenna at some distance above the surface of the earth. The purpose of the tower is to get the antenna high enough in the air to avoid ground effects, electrical interference, and to overcome line-of-sight limitations such as hills, buildings, etc.

A. Lattice Tower. A self-supported, multi-sided, open support structure.

B. Monopole Tower. A single pole, free standing support structure.

"Co-location" means a telecommunication facility comprising a single telecommunication tower or building supporting one or more antennae, dishes, or similar devices owned or used by more than one public or private entity.

"Stealth Design" means antennae and accessory structures so designed as to blend with the surrounding land, building and landscaping.

"Telecommunication Facility/Accessory Building" means any building, shelter, or cabinet used by telecommunication providers to house equipment at the telecommunication site. It may be an integral part of the building/tower complex or may be located adjacent, but not attached, to the tower.

24.56.030 Applicable Regulations

The following regulations are applicable to this ordinance:

A. Federal Communication Commission (FCC) regulations;

B. National Electric Code;

C. Uniform Building Code.

24.56.040 Non-Applicable Regulations

Federal Aviation Administration (FAA) allowable communication tower height requirements (Part 77.13) are not applicable to this ordinance because (1) the distance between Willard and the Brigham City Municipal Airport exceeds the line-of-sight distances specified in said regulations and (2) there are no helipads, landing strips, etc., presently located within the Willard City limits.

If and when construction of a helipad and landing strip is requested, FAA part 77.13 shall then apply.

24.56.050 Amateur Radio Operator (HAM) Telecommunication Facilities

Amateur Radio Operator (HAM) owned and operated telecommunication facilities, even though exempt from most of the regulations of this section, are still subject to FCC regulations, part 97, the National Electric Code, and the Uniform Building Code.

Requirements imposed upon an amateur radio operator by this ordinance include the following:

A. HAM antennae structures and facilities shall be permitted only on property owned or rented by the amateur radio operator.

B. All HAM antennae structures shall be fenced or barricaded to prevent unauthorized persons, especially children, from climbing the structure.

C. Antenna tower height shall not exceed 25 feet above the roof line of the facility or any adjacent building.

D. Tower location shall be such that in the event of a structural failure, the tower will

not fall on adjacent property.

E. The amateur radio operator shall display his/her station license in accordance with FCC regulations.

F. The telecommunication facility shall be maintained in good operating condition and be free from electrical shock hazard, etc.

G. The owner of the amateur telecommunication facility shall allow inspection of the facility by the Zoning Administrator or his designated representative without recourse for permission through the courts, etc. The inspection, when conducted, shall be at a time convenient to both the amateur radio operator and the Zoning Administrator.

24.56.060 Site Master Plan

Any person or company desiring to establish a commercial telecommunications facility within the boundaries of the City of Willard shall submit for review, a telecommunications master site plan showing the proposed location, site details, equipment and antennae, support structures, roads, utility easements, right-of-ways, etc. A preliminary review by the Zoning Administrator or his designated representative shall be conducted prior to submission of the site plan to the Planning Commission for its consideration. Accompanying the site master plan shall be a detailed technical discussion justifying the aspects of the master site plan, which shall include operational frequency, signal strength, signal-to-noise-ratios, power output, electrical power consumption, utilities required, tower design and height, antenna length, coverage radius, etc.

Upon Planning Commission approval the master site plan will be submitted to the Willard City Council for review and approval or denial.

24.56.070 Permitted Uses

Wireless telecommunication facilities are "permitted uses", providing the antenna towers are no greater than 100 feet in height and are located west of Interstate 1-15, no more than 800 feet east of Interstate 1-15, or are located on city property. Facilities utilizing stealth, wall/roof-mounted antennae, and co-location of multiple antennae are encouraged.

Any authorization to allow such facilities on city-owned property shall be reviewed annually by both the Planning Commission and the City Council as per the requirements of the Utah Code.

24.56.080 Conditional Uses

Any wireless telecommunication facility requiring a tower height greater than 100 feet and no more than 150 feet shall be considered a conditional use. Tower heights greater

than 150 feet are not permitted.

Tower locations within the 100-year flood plain boundaries, the historic district and landmark sites are also considered conditional and shall not extend more than 20 feet above the roof line of the building or buildings in the immediate area. Locating antennae in this area are strongly discouraged. Any tower or antenna structure located within the flood plain will also require permission of the Flood Control District.

All such permits shall expire one year from the final approval date unless an annual extension is approved by both the Planning Commission and the City Council.

24.56.090 Design/Location Requirements

The following types of antennae structures pertinent to this ordinance are:

A. Wall-mounted antennae;

B. Roof-mounted antennae;

C. Monopole towers and associated antennae structures;

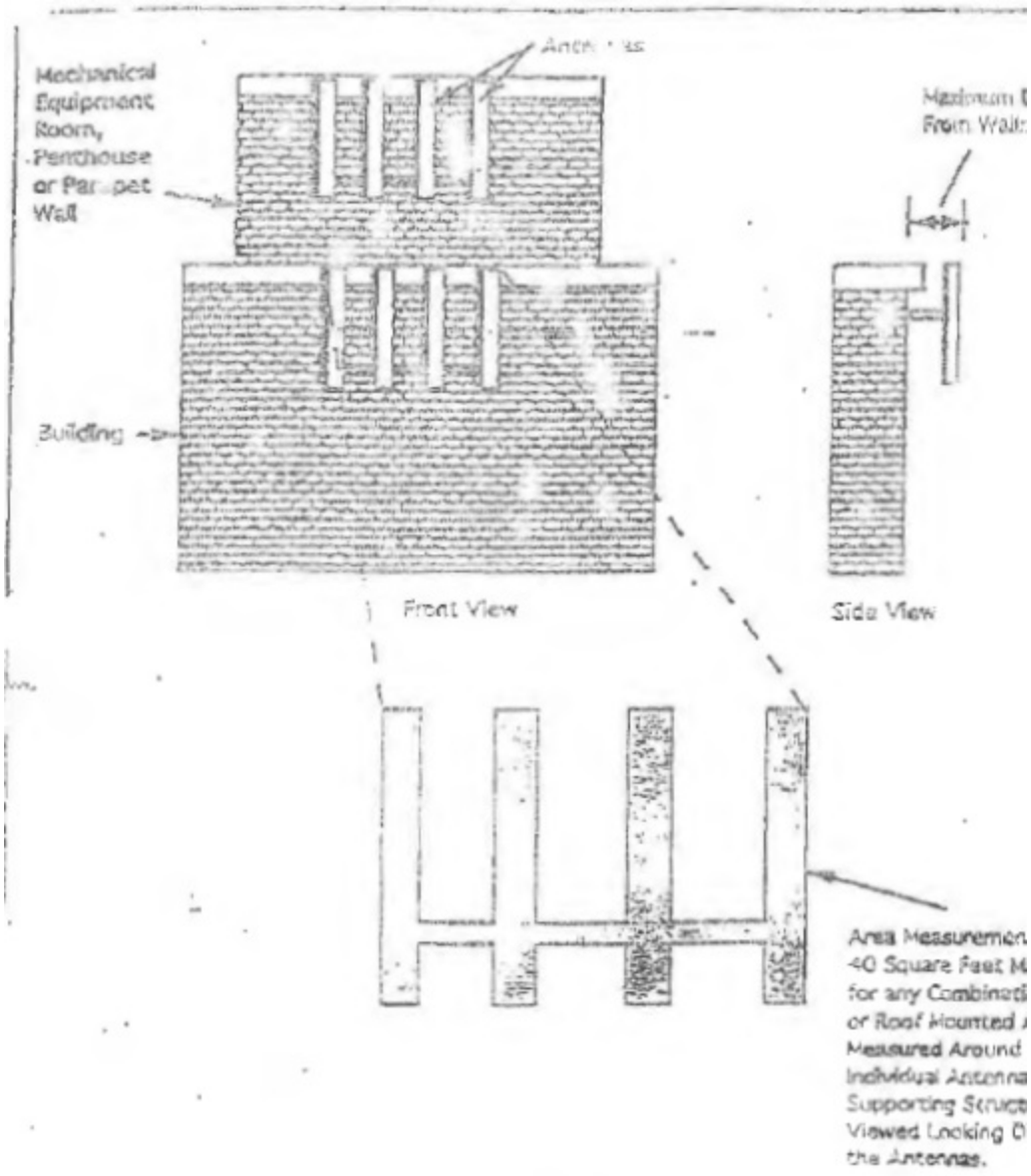
D. Lattice towers and associated antennae structures.

The design criteria for each of these four types follows:

A. Wall-Mounted Antennae.

1. A wall-mounted antenna mast shall not extend more than 25 feet above of the building or extend more than four (4) feet horizontally from the building. It is understood that the antenna will be placed on the top of th length of the antenna placed on top of the mast is dependant upon th frequency of the transmitter.

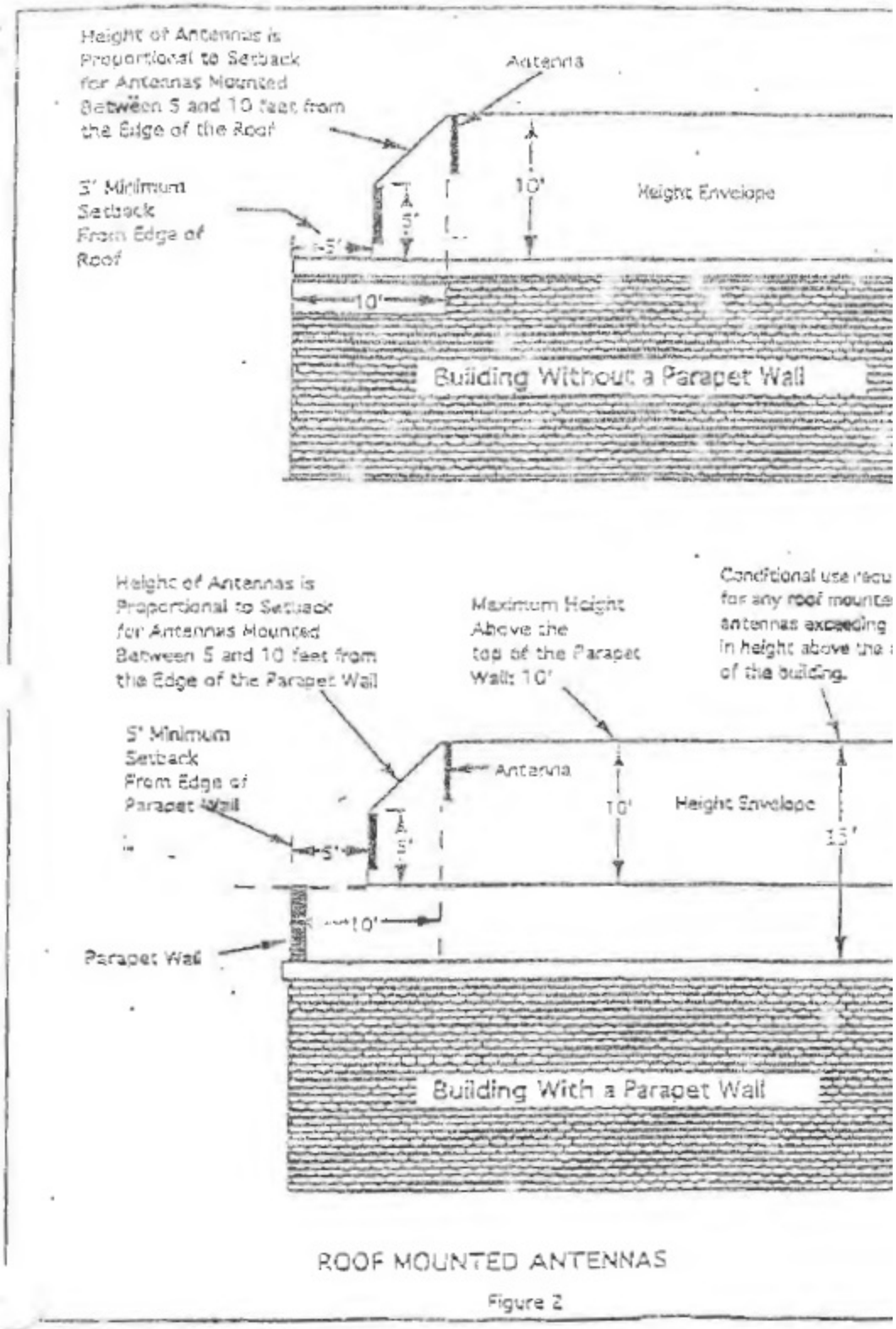
2. The antenna supporting structure and any accessory equipment shall b harmonize with the building and the general landscape of the locat technology shall be used where it harmonizes with the building architectu



WALL MOUNTED ANTENNAS

Figure 1

B. Roof-Mounted Antenna. A roof-mounted antenna mast shall not extend more tha height above the highest point of the roof. It is understood that the antenna will b the top of the mast. The length of the antenna is dependant upon the frequ transmitter.



ROOF MOUNTED ANTENNAS

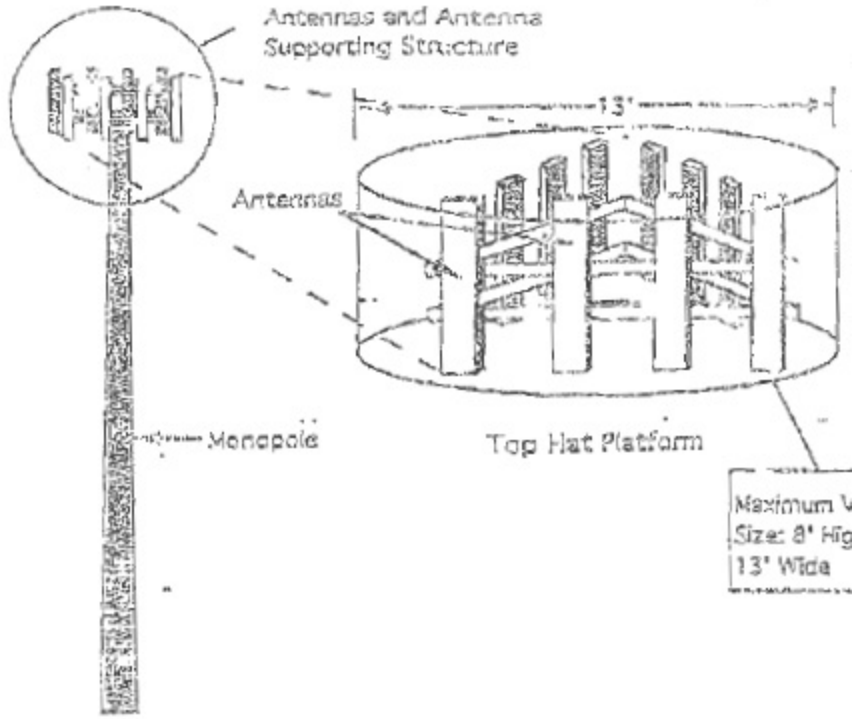
Figure 2

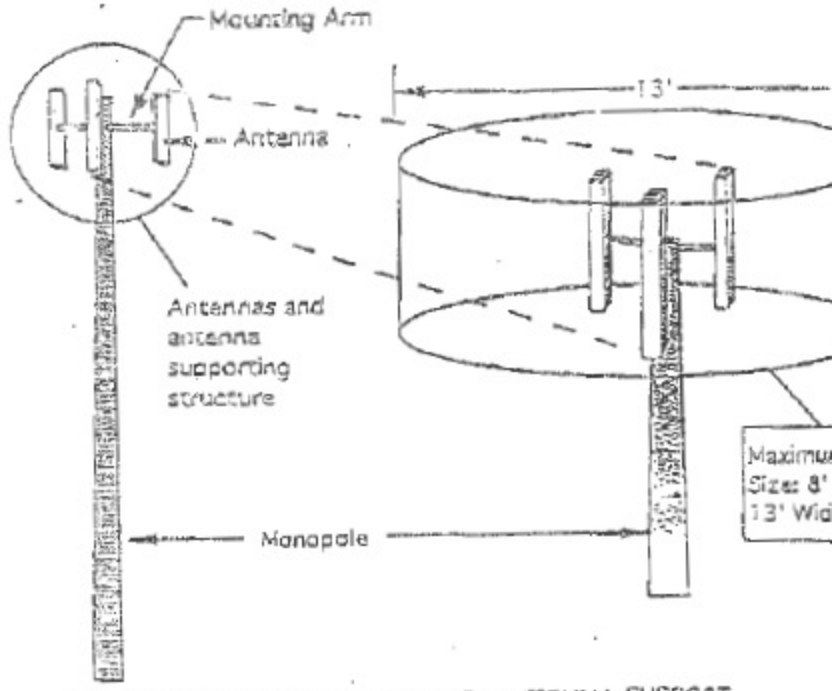
C. Monopole And Supporting Antennae Structures

1. The maximum height of the monopole shall not exceed 100 feet, unle

shown by signal propagation measurements that an acceptable signal-t
cannot be achieved without increasing the tower height. In such cases he
100 feet but no more than 150 feet are allowable by conditional
Verification by a disinterested third party can by required if the Planning
deems it prudent.

2. The maximum dimensions of the antenna structure mounted on top of th
is dependant upon the frequency at which the communication e
operating.





MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURES

Figure 3

D. Lattice Tower. A lattice tower design is permitted west of Interstate I-15 and shall the same requirements as those for a monopole tower.

E. Guyed Tower. A tower that requires guy wires or cable stays, etc., is not permittec

24.56.100 Landscaping

The telecommunication site shall be landscaped to match the general landscaping of the area in which the facility is located.

24.56.110 Site Access

The site shall be fenced, etc., to prevent entrance by unauthorized persons, especially children, and careful attention shall be taken to prevent unauthorized persons from climbing the tower.

24.56.120 Accessory Building(s)

Accessory buildings shall comply with the required setback and landscaping requirements of the zoning district in which they are located. Ground based antennae structures shall be appropriately fenced to prevent children, etc., from climbing the structure.

All power lines, antenna feed lines, etc., on the lot between the accessory building(s) and the tower shall be underground and comply with the current edition of the regulatory electric code.

24.56.130 Antennae And Mounting Structures On Or Over Public Right-Of-Ways

Antennae or mounting structures are not permitted within or over public right-of-ways and public sidewalks.

24.56.140 Non-Maintained Or Abandoned Facilities

The Zoning Administrator can require each facility which is not properly maintained or is abandoned for a period of one calendar year to be removed from its premises. Removal of the non-maintained or abandoned equipment, etc., can occur no earlier than 30 days after the owner has been given notice of non-maintenance or abandonment. The cost of the removal shall be borne by the owner of the structure/equipment.

24.56.150 Engineering Review

The Planning Commission can at its discretion elect to conduct a engineering review of the proposed communication facility by a qualified radio/communications engineer or an electrical engineer with a communications background. The costs of the review shall be borne by the applicant.

24.56.160 Building Permits

Prior to construction of any facility, the applicant shall obtain a proper building, road cut, excavation, and other permits as required.

24.56.170 Exemptions

This ordinance shall not apply to the following types of communication devices, although they may be regulated by other city ordinances and policies:

A. Amateur Radio. Any FCC licensed amateur radio-operator-owned communication facility and equipment, except compliance to WZC 24.56.050.

B. Satellite. Any device designed for over-the-air reception of television broadcast signals, multi-channel/multi-point distribution service or direct satellite service for personal use.

C. Television (TV). Any television tower or antenna owned and operated by a homeowner, landlord, tenant, or other individual or business for TV reception only.

24.56.180 Planning Commission Review

A. Planning Commission review shall occur at a regularly scheduled meeting.

B. At the time of the meeting the applicant shall provide as a minimum the following:

    1. Complete site plan and drawings, including existing building elevations, stamped by a Utah State licensed mechanical engineer.

    2. Landscaping and screening plans.

    3. Technical details of the communication facility which shall include such items as tower height, antenna type and length, operating frequency, estimated signal-to-noise ratio, power output, commercial electrical power required, tower lighting, hours of operation, etc.

C. Upon approval of the application, the Planning Commission shall send the approved application to the City Council for study, acceptance, approval or denial for construction.

24.60 SIGNS

24.60.010 Purpose And Scope
24.60.020 Definitions - Sign Ordinance
24.60.030 Prohibited Uses
24.60.040 Permitted Uses
24.60.050 Regulation By Zone
24.60.060 Non-Conforming Signs
24.60.070 Construction Specifications
24.60.080 Administration And Enforcement

24.60.010 Purpose And Scope

A. Purpose. The purpose of this Ordinance shall be to coordinate the type, placement, and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and scale of signs are regulated primarily by type and length of street frontage, though lot size, investment, and surrounding conditions must also be considered. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

B. Scope. This Ordinance shall not relate to building design, nor shall it regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

   Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

24.60.020 Definitions - Sign Ordinance

Certain terms are defined for the purposes of this Ordinance as follows:

"Abandoned Sign" means a sign which no longer identifies or advertises a bona fide business, leaser, service, owner, product, or activity, and/or for which no legal owner can be found.

"Animated Sign" (also, see and note difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

A. Naturally Energized. Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

B. Mechanically Energized. Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

C. Electrically Energized. Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

1. Flashing Signs. illuminated signs exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

    a. Illusionary Movement Signs. illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling scintillating, or expanding and contracting light patterns.

"Area" (see "Sign, Area Of")

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (compare "Marquee")

"Awning Sign" means a sign painted on, printed on, or attached flat against the surface of an awning.

"Back Lit Awning" (see "Electric Awning Sign")

"Banner Sign" means a sign made of fabric or any non-rigid material with no enclosing framework.

"Billboard" (see "off-Premise Sign")

"Blade Sign" (see "Ground Sign")

"Building" means any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

"Canopy (Building)" means a rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare "Marquee")

"Canopy (Freestanding)" means a rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

"Canopy Sign" means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

"Changeable Sign" means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

A. Manually Activated. Signs who's alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

B. Electrically Activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:

    1. Fixed Message Electronic Signs. Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

    2. Computer Controlled Variable Message Electronic Signs. Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

"City". Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Willard.

"City Planner/Administrator" means the Code City Planner/Administrator or his designated representative.

"Clearance (of a Sign)" means the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Clear View Zone" means the area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two curb lines intersect, measuring back fifteen or twenty feet on each street front, and drawing a line across the two back points to form a triangulated area. No sign in excess of three feet above curb grade, or support pole larger than twelve inches in diameter may be installed in this area. Freestanding signs must have at least ten feet clearance to grade.

"Construction Sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

"Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

"Directional/Information Sign" means an on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than twenty percent of the total sign area.

"Double-Faced Sign" means a sign with two faces, essentially back-to-back.

"Electric Awning Sign (also "Back Lit Awning")" means an internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

"Electrical Sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Electronic Message Center" (see "Changeable Signs, Electrically Activated")

"Facade" means the entire building front including the parapet.

"Face of Sign" means the area of a sign on which the copy is placed.

"Festoons" meant a string of ribbons, tinsel, small flags, or pinwheels.

"Flashing Sign" (see "Animated Sign, Electrically Energized")

"Freestanding Sign" means a sign supported permanently upon the ground by poles or braces and not attached to any building.

"Frontage" means the length of the property line of any one premise along a public right-of-way on which it borders.

"Frontage, Building" means the length of an outside building wall on a public right-of-way.

"Government Sign" means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

"Ground Sign (also "Blade Sign")" means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

"Height (of a Sign)" means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (compare "Clearance")

"Identification Sign" means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

"Illegal Sign" means a sign which does not meet the requirements of this code and which has not received legal non-conforming status.

"Illuminated Sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

"Incidental Sign" means a small sign, emblem, or decal in-forming the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business not to exceed 2 square feet in total signage per property.

"Lot" means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

"Low Profile Sign (also "Monument Sign"). A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

"Maintenance". For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

"Marquee" means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (compare "Awning")

"Mansard" means a sloped roof or roof-like facade architecturally comparable to a building wall.

"Marquee Sign" means any sign attached to or supported by a marquee structure

"Monument Sign" (See "Low Profile Sign").

"Multiple-Faced Sign" means a sign containing three or more faces, not necessarily in back-to-back configuration.

"Nameplate" means a non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

"Nonconforming Sign" means:

A. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

B. A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

"Occupancy" means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

"Off-Premise Sign (also "Billboard")" means a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, (e.g., "billboards" or "outdoor advertising.")

"Off-Site Directional Sign" means a sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the City Planner/Administrator in size, height, and placement as justified.

"On-Premise Sign" means a sign which pertains to the use of the premises and/or property on which it is located.

"Owner" means a person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the City Planner/Administrator, e.g., a sign leased from a sign company.

"Painted Wall Sign" means any sign which is applied with paint or similar substance on the surface of a wall.

"Parapet" means the extension of a false front or wall above a roof line.

"Person" means any individual, corporation, association, firm, partnership, or similarly defined interest.

"Point of Purchase Display" means advertising of a retail item accompanying its display, (e.g., an advertisement on a product dispenser, tire display, etc.)

"Pole Cover" means cover enclosing or decorating poles or other structural supports of

a sign.

"Political Sign" means a temporary sign used in connection with a local, state, or national election or referendum.

"Portable Sign" means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

"Premises" means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"Projecting Sign" means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

"Real Estate Sign" means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

"Roof Line" means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

"Roof Sign" means any sign erected over or on the roof of a building. (compare "Mansard," "Wall Sign")

"Rotating Sign" (see "Animated Sign, Mechanically Energized")

"Sign" means any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

"Sign, Area Of" means:

A. Projecting and Freestanding. The area of a freestanding or projecting sign shall have only one side of any double- or multiple-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

    1. A rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.

    2. Wall Sign. The area shall be within a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the

extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the back-ground with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

"Sign Plan or Master Sign Plan" means in cases where the proposed project is on a property that is in a Planned Development (PD) or other large scale development of 4 acres or more a master sign plan may be approved as part of a development agreement. It shall be processed as a conditional use permit.

"Snipe Sign" means a temporary sign or poster affixed to a tree, fence, etc.

"Subdivision Identification Sign" means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

"Temporary Sign" means a sign not constructed or intended for long-term use.

"Under-Canopy Sign" means a sign suspended beneath a canopy, ceiling, roof, or marquee.

"Use" means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

""V" Sign" means a sign consisting of two (2) essentially equal faces, positioned at an angle subtending less than 179 degrees.

"Wall Sign" means a sign attached essentially parallel to and extending not more than twenty-four inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

"Window Sign" means a sign installed inside or outside a window and intended to be viewed from the outside. The total window coverage shall not exceed 20% of the window area.

24.60.030 Prohibited Uses

A. Signs Prohibited. The following types of signs are prohibited in all districts:

1. Abandoned signs
2. Banners, pennants, festoons, search lights (except as allowed in WZC 24.60.050).
3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, telephone poles, public benches,

streetlights, or placed on any public property or public right-of-way.

5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
6. Energized or animated signs/Message Boards/Sign Centers are incompatible with the historic nature of the community especially the fruit way (Hwy. 89) Moving or animated signs may distract drivers and are to be considered unsafe.
7. Off-premise signs or billboards.
8. No internally lit signs shall be allowed in the historic downtown or in areas adjacent to housing.
9. Roof mounted signs.

24.60.040 Permitted Uses

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Willard except in accordance with the provisions of this Ordinance.

A. Permits Required. Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in WZC 24.60.070. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs if color and design do not change. All home occupation signs require permit approval. Decorations or symbolic signs shall be subject to conditional use permit review.

B. Signs Not Requiring Permits. The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

1. Construction signs of sixteen square feet or less.
2. Temporary directional/information signs of nine square feet or less. Such signs shall be allowed for no more than three weeks duration.
3. Holiday decorations in place up to 60 days or less.
4. Nameplates of two square feet or less excluding home occupation uses.
5. Political signs.
6. Public signs or notices, or any sign relating to an emergency.
7. Real estate signs not exceeding eight square feet or less and one sign per property.

8. Window signs of ten percent or less of the of the window surface.

C. Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The City Planner/City Planner/Administrator shall have the right under WZC 24.60.080 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Building Code.

D. Lighting. Unless otherwise prohibited by this Ordinance, all signs may be externally illuminated. All internally illuminated signs shall be cutout style (Text is lit while background is unlit). Externally illuminated signs shall not glare or shine offsite and should be directed downward and be full cutoff style.

E. Changeable Copy. Unless otherwise specified by this Ordinance, any sign herein allowed may use manual, automatic, or electrically or mechanically activated changeable copy. Such automated text etc. must remain static for eight seconds or more.

F. Sign Contractor's License No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required state and federal licenses.

G. Indemnification And Insurance. All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability.

24.60.050 Regulation By Zone

A. Signs Permitted In All Zones. The following signs are allowed in all zones:

1. All signs not requiring permits see WZC 24.60.040.
2. One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight square feet in sign area in residential zones or sixty-four square feet in sign area in all other zones. Such signs may be erected sixty days prior to beginning of construction and shall be removed thirty days following completion of construction.
3. One non-illuminated sign per lot or premises not to exceed twelve square feet in sign area. If real estate oriented, such signs must be removed fifteen days following sale, rental, or lease of real estate

involved.

4. One non-illuminated attached building nameplate per occupancy, not to exceed two square feet in sign area.
5. Non-illuminated political signs per lot (as determined by City Planner/Administrator) not to exceed sixteen square feet per sign. Such signs shall not be erected more than sixty days prior to the election or referendum concerned and shall be removed ten days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
6. Directional information sign(s) per lot as required, but only as part of a Master Sign Plan.
7. Temporary special events sign(s) and decoration(s) per premises as allowed by the temporary sign permit to be reviewed by the City Planner for special events, grand openings, or holidays. Such signs and decorations may be erected forty-five days prior to a special event or holiday and shall be removed seven days following the event or holiday. Such signs may be used for no more than fifty-two (52) days. No property shall allow total annual event/holiday signage to exceed 120 days.

B. Signs Permitted In Residential Zones.

1. Signs are allowed as follows in residential zones:
    a. All signs as permitted in subsection A.
    b. One subdivision identification sign per street frontage, neighborhood, subdivision, or development, not to exceed forty-eight square feet in sign area in each location.
    c. One identification sign per entrance to apartment or condominium complex, not to exceed thirty-six square feet in sign area.
    d. For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed forty-eight square feet in sign area, and one wall sign not to exceed forty-eight square feet in sign area.
    e. For home occupations, other than historical or agricultural signs, one sign not to exceed six square feet.
2. Special regulations for residential zones are as follows:
    a. All allowed freestanding signs shall have a maximum height limit of six feet and shall have a setback of fifteen feet from any public right-of-way. All home occupation or business signs shall be subject to a conditional use permit.

C. Signs Permitted In Light Commercial and Limited Office Zones.

1. Signs are allowed as follows in light commercial and limited office zones:

    a. All signs as permitted in subsections A and B.

    b. One freestanding sign or low profile sign per street frontage not to exceed four square foot in sign area for each lineal foot of building frontage not to exceed forty-eight square feet of sign face per side without a sign master plan. Freestanding pole signs are prohibited.

    c. One wall sign or electric (remove) awning sign not to exceed fifteen percent of aggregate area of building elevation on which the signs are installed.

    d. One under-canopy sign for each separate occupancy or separate entrance not to exceed eight square feet in sign area. Under-canopy signs must have a minimum clearance of eight feet to grade.

    e. Incidental signs not to exceed four square feet of sign area per occupancy.

    f. Directional/information signs as required, including off-site directional signs.

2. Special regulations and allowances for light commercial and office zones are as follows:

    a. Where occupancy is on a corner lot, a minimum clear view zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic.

    b. Freestanding signs shall maintain a minimum clearance of ten feet over any pedestrian use and fourteen feet over any vehicular way.

D. Signs Permitted In Commercial and Industrial Zones.

1. Signs are allowed as follows in commercial and industrial zones:

    a. All signs as permitted in subsections A, B, and C.

    b. One freestanding sign per street frontage not to exceed four square feet of sign area for each lineal foot of building- frontage not to exceed 64 square feet of sign face without a sign master plan. Signs must not project beyond property lines nor exceed a

height of twenty five feet. Where street frontage exceeds three hundred lineal feet, one additional freestanding sign may be allowed per three hundred foot increment.

c. Wall signs not to exceed ten percent of the aggregate square footage of the wall area upon which they are installed. Electric (remove) awning signs not to exceed thirty percent of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed thirty percent of the allowed wall area.

d. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of eight ten feet over pedestrian areas, and fourteen feet over vehicular ways.

e. Roof signs may be allowed (where no other sign types can provide effective identification). Roof signs shall be constructed so as to conceal all structure and fastenings. The height of the roof sign shall not exceed twenty percent of the total height of the building to which it is attached.

f. One under-canopy sign for each separate occupancy or separate entrance not to exceed eight square feet in sign area. Under-canopy signs must have a minimum clearance of eight feet to grade.

g. Incidental signs not to exceed four square feet in aggregate area per occupancy.

h. Portable and temporary signs may be used for a period not to exceed twenty days in a calendar year. Such signs require permits and must be installed in accordance with building and electrical codes.

i. Off-site directional signs as required.

j. All signs (freestanding, projecting, awning, marquee, canopy, under-canopy, etc.) must maintain minimum clearances and construction electrical standards.

k. All freestanding signs within two thousand feet of a controlled freeway including entrances and exits may be installed to a height of seventy-five feet or twenty-five feet above freeway grade, whichever is less. The principal purpose of such signs must be to address freeway traffic. Such signs must be freestanding only. Where conditions warrant (such as visual impairment or other unusual conditions), maximum height may be increased to one hundred feet. No sign may be placed or

designed so as to simulate or interfere with traffic control devices or official highway directional/information signs.

24.60.060 Non-Conforming Signs

A. Determination Of Legal Nonconformity. Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal nonconforming" provided that:

   1. The City Planner/Administrator determines such signs are properly maintained and do not in any way endanger the public.
   2. The sign was installed in conformance with a valid permit or complied with all applicable laws on the date of adoption of this Ordinance.

B. Loss Of Legal Nonconforming Status. A legal nonconforming sign may lose this designation if:

   1. The sign is relocated or replaced.
   2. The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

C. Maintenance And Repair Of Nonconforming Signs. The legal Non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent damage or deterioration, as based on appraisal, it must be brought into conformance with this code or removed.

24.60.070 Construction Specifications

A. Construction Specifications. All signs shall be installed in compliance with building and electrical codes as required by the City Planner/Administrator.

24.60.080 Administration And Enforcement

A. Code City Planner/Administrator. The City Planner/City Planner/Administrator shall be appointed by the city council or board and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this code. The City Planner/Administrator is authorized to promulgate regulations and procedures consistent with this function.

   The City Planner/City Planner/Administrator is empowered, upon presentation

of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

B. Application For Permit. Application for a permit for the erection or relocation of a sign shall be made to the City Planner/Administrator upon a form provided by the City Planner/Administrator and shall include the following information:

    1. Name and address of the owner of the sign.
    2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
    3. The type of sign or sign structure as defined in this Ordinance.
    4. A site plan with measurements showing the proposed location of the sign along with the locations of all existing signs on the same premises.
    5. Specifications and drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

C. Permit Fees. All applications for permits filed with the City Planner/Administrator shall be accompanied by a payment of the initial permit fee for each sign as required by the City Council.

D. Issuance And Denial. The City Planner/Administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign within ten working days of receipt of a complete application, provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

    When a permit is denied, the City Planner/Administrator shall, within five days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The City Planner/Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

E. Permit Conditions, Refunds And Penalties. If a permit is denied, the permit fee may be refunded to the applicant.

    If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for $10.00, may be refunded to the applicant upon request, provided that the permit and permit sticker or tag is returned to the City Planner/Administrator within 5 days of issuance.

    If any sign is installed or placed on any property prior to receipt of a permit, the

specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

F. Inspection Upon Completion. Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the City Planner/Administrator upon completion of the work. The City Planner/Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

   The City Planner/Administrator may require at the time of issuance of a permit that written notification for ministratoran inspection be submitted prior to the installation of certain signs.

G. Violations. When, in the opinion of the City Planner/Administrator, a violation of the code exists, the City Planner/Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code which the individual may be in violation of and shall state that the individual has 30 days from the date of the order in which to correct the alleged violation or to appeal to the council or board.

   If, upon inspection, the City Planner/Administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the City Planner/Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 5 days of the date of the order.

   In cases of emergency, the City Planner/Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

H. Sign Removal By The City Planner/Administrator. The City Planner/Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the City Planner/Administrator.

   If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10 percent penalty for collection in the same manner as the real estate taxes.

   The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the

attention of the City Planner/Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

I. Penalties. Any person, firm or corporation, association, partnership, or governmental instrumentality, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Ordinance, or failing or refusing to do some act required under this Ordinance, shall be guilty of a Class B misdemeanor. A separate offense shall be deemed to have been committed for each day that the violation occurs or continues.

    1. Any person who fails to comply with the provisions of this Ordinance may be subject to a civil fine/Ad of $50 for each week or portion thereof that the violation continues, up to a maximum of $1000.

J. Appeals Any failure to respond to an application within 30 days of receipt of any decision rendered by the City Planner/Administrator in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the council or board within 30 days of the City Planner/Administrator's receipt of application.

The action being appealed shall be held in abeyance pending the decision of the council or board.

24.64 STREETS

24.64.010 Purpose
24.64.020 Definitions - Streets
24.64.030 General Requirements
24.64.040 Specific Requirements
24.64.050 Dedication Of Streets, Rights-Of-Way, Or Easements
24.64.060 Exceptions And Private Streets
24.64.070 Private Street Usage For Commercial Access
24.64.080 Private Street Transfer

24.64.010 Purpose

To define the different classes of streets, the general widths associated with those classes of streets, and the requirements of developers and individual home owners to develop or improve those streets.

24.64.020 Definitions - Streets

The following street hierarchy and definitions apply:

"Collector Streets" are designed to move traffic, as well as provide some land parcel access. They are streets located primarily in residential areas and carry traffic from local streets to an arterial street.

"Commercial Streets" means private streets that are used primarily for commercial purposes.

"Driveway" means a private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

"Local Neighborhood Streets" provide vehicular and pedestrian access to all land parcels. Movement of traffic is a secondary function. They are designed to minimize through traffic and to add privacy and identity to a neighborhood.

"Major Arterial Streets" means the principal functions of the major arterial streets are to move large volumes of through traffic, on a continuous route, over a substantial distance. Land parcel access is a secondary function and should be avoided except for access via other classes of streets. Access and intersection spacing are to be controlled to preserve the through traffic function. Parking areas, directly connected to major arterial streets, are prohibited. An example of a major arterial street is I-15.

"Minor Arterial Streets" are designed to move traffic, as well as provide limited land parcel access. Access, intersection spacing, and parking are to be controlled to preserve the through traffic function. An example of a minor arterial street is Main Street (US89).

"Private Streets" means streets, roads, or lanes that are owned and maintained by an individual, group of individuals, home owner's association, organization, or business.

"Substandard Streets" means streets that do not meet the current City standards or requirements for their designated class. For the purpose of this ordinance, any existing city-owned streets, easements, or rights-of-way that are deemed substandard are to be considered equivalent to a proposed street. Streets that are to be considered under this definition are shown in Table 1, below. Other streets may be included in this classification in the future.

Table 1 - Substandard Streets

Street	From	To
Spring St.	100 N-400 E	200 S-300 E
300 E	50 S	100 S
300 E	125 S	200 S
300 E	350 S	500 S
100 W	200 S	600 S
250 W	100 S	180 S
200 W	200 S	1200 S
200 W	200 N	1700 N

"Unimproved Streets" means streets, roads, or lanes that have had no changes or enhancements to improve their condition beyond a dirt or all weather surface.

24.64.030 General Requirements

An improved Public street shall meet the following requirements:

A. An eight-inch (8") or larger water line to and across the width of the lot, including a connection to the Willard City water system and a fire hydrant at a location as determined by the City. Some applications may require usage of larger pipe diameters as determined by the City.

B. Electricity, natural gas, telephone, and television and other media cable usually parallel the road. Some installations are located on service poles. All dealings with these companies is strictly between the builder or owner and the utility company. We encourage owners and builders to bury all utilities. In the future, sewer, storm drain, and perhaps secondary waterlines will also use the road right-of-way for installation.

C. In addition to the roadway locations, utility easements ten (10) feet wide are.

required across the front and rear of the lot as well as along one side of the lot, extending for the full depth of the lot.

24.64.040 Specific Requirements

A. Major And Minor Arterial. Dedicated right-of-way of not less than eighty-eight (88) feet, with a paved surface width of sixty-four (64) feet across the width of the lot when curb and gutter are installed. The width of the right-of-way and pavement could be greater if the street is affected by State or Federal laws.

B. Collector. Dedicated right-of-way of not less than sixty (60) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

C. Local Neighborhood. Dedicated right-of-way of not less than fifty (50) feet, with a paved surface width of thirty-five (35) feet across the width of the lot when curb and gutter are installed. Paving shall be twenty-four (24) feet when curb and gutter are waived.

24.64.050 Dedication Of Streets, Rights-Of-Way, Or Easements

A. Re-Zone. As a requirement for approval of the residential, commercial, or industrial re-zone action, the applicant must recognize and commit, by written agreement, to meet the requirements for:

1. upgrade of any roads shown on the master road plan as intersecting with the re-zone parcel, that are defined as Substandard as described above, or
2. construction and dedication of any roads shown on the master road plan as intersecting with the re-zone parcel.
3. recording the said agreement as an attachment to, or a lien against, the deed that includes the title to the re-zone property.

B. Residential, Commercial, Or Industrial Subdivision Or Planned Unit Development. As a requirement for approval of the Residential, Commercial, or Industrial Subdivision or Planned Unit Development, the applicant must include on the Preliminary Plat and on the Final Plat, the location and dimensions of any roads shown on the master road plan as intersection with, or serving the Residential, Commercial, or Industrial Subdivision or Planned Unit Development. The dedication of the roads to the City must also appear on the Commercial and Industrial Plats and be completed by the Developer as a part of the Final Plat Approval.

For safety reasons and since a residence generates, on average, ten (10)

vehicular trips per day, any Residential Subdivision or Planned Unit Development that contains a street which provides access to more than thirty (30) parcels intended for individual residences, including parcels accessed via one or more non-through streets that connect to the street, must provide at least two distinct points of access to a public street providing no less than a 60' (sixty foot) public easement and 35' (thirty-five feet) of pavement for those parcels egress and ingress.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per day must provide at least two distinct points of access to a public street providing no less than a 60' (sixty foot) public easement and 35' (thirty-five feet) of pavement for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two distinct points of access.

Also for safety reasons and for proper traffic flow, a minimum of one hundred fifty (150) feet is required between an existing and any proposed intersecting street or streets. Federal, State or County regulations may require greater distances, such as six hundred (600) feet, between a street intersection and another intersection or railroad crossing.

C. Lot-Line Adjustment. A parcel, meeting the requirements of WZC 24.08, that results from Lot-line adjustment will be treated as an existing legal building lot, with regard to road development requirements. Lot-line adjustments that would result in new, non-conforming parcels will not be approved.

D. Existing Building Lots. Existing legal building lots, in any Zoning District, meeting the requirements of WZC 24.08, and the requirements of WZC 24.64.020, are not affected by this ordinance, unless their qualification status changes, by re-zone or subdivision action, and they no longer meet the requirements of WZC 24.08. Such parcels will then be treated according to subsections A or B.

24.64.060 Exceptions And Private Streets

See WZC 24.08 for additional requirements and exceptions pertaining to public City streets and proposed City streets.

A. Substandard Streets. When an individual residence, Subdivision, Planned Unit Development, or Commercial or Industrial entity is to be created on a parcel or parcels where any existing substandard street borders, crosses, bisects, intersects, or in any other way imposes on a parcel, it shall be the responsibility of the developer or individual to upgrade the portion of the substandard street that borders, crosses, bisects, intersects, or in any other way imposes on said

parcel.

A Subdivision, Planned Unit Development, or Commercial or Industrial entity also must upgrade any portions of the substandard street that provides connection between their parcel or parcels and the existing portion of the street that is not substandard.

Any costs associated with the necessary movement of existing utilities is the responsibility of the developer.

B. Private Streets. Owners of pre-existing parcels in rural zones that are non-conforming because of inadequate access, may apply for a Conditional Use/Building Permit to allow a dwelling unit to be built on a parcel served only by a private access street, providing such street has a minimum unobstructed width of twenty (20) feet, a thirty (30) foot right-of-way, and a fifty-five (55) foot radius turn-around to allow access by emergency vehicles.

If access is to be provided for two (2) parcels, a private street may be utilized with a right-of-way minimum of fifty (50) feet. The minimum paved width, as shown in Table 2 below, must be developed prior to construction of any residence or business on the parcels. However, if the private street is to be located where a public street is planned, the right-of-way and paved width must be the minimum required for that planned street.

TABLE 2 - Private Streets

Number of Parcels Served	Minimum R-O-W Width (ft.)	Minimum Paved Width (ft.)
1	30	20 (All weather)
2	50	24
3 or more	To Public Street Standards	

In addition, requirements of WZC 24.08 and the rest of the Willard City Zoning Ordinance must be met, including granting easements for water lines and other utilities, and paying the costs of installation of utilities and fire hydrants, as required by the International Fire Code.

Limitations may be imposed by the Conditional Use Permit, which must be approved by the Willard City Council.

24.64.070 Private Street Usage For Commercial Access

If a private street is to be used to access a commercial business by vehicles exceeding twenty thousand (20,000) pounds gross vehicle weight and the location of the street is in or adjacent to a residential area, the following provisions must be met:

A. The closest boundary of the street right-of-way and street surface cannot be less than one hundred (100) feet from the closest residential property boundary.

B. A gate may be used to prohibit access by the general public; however, it cannot prohibit access by emergency vehicles at any time.

24.64.080 Private Street Transfer

A private street, including a commercial street (or road) or an agricultural lane, may be developed as a Public City Street.

A. Petition For City Street. The owner(s) of a private street may petition the City to take control of the street as a City street. Prior to acceptance by the City, the street, right-of-way, and easement property must meet the following conditions:

1. The street must comply with the current City standards for a given class of street.
2. The right-of-way property must comply with the current City standards for a right-of-way for the class of street.
3. Utilities within the street, right-of-way, or easement property must comply with current City standards for required utilities associated with the class of street.
4. The easement, right-of-way, and street must be dedicated to the City upon acceptance by the City as a City street.

24.68 TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD)

24.68.010 Purpose
24.68.020 Approvals Required
24.68.030 Location Of Zone
24.68.040 Definitions - Transit-Oriented Development Zone (TOD)
24.68.050 Permitted Uses
24.68.060 Conditional Uses
24.68.070 Non-Permitted Uses
24.68.080 Residential Density
24.68.090 Street Standards
24.68.100 Area, Width, Frontage And Yard Regulations
24.68.110 Height Regulations
24.68.120 Building Design Guidelines
24.68.130 Parking And Loading Requirements
24.68.140 Architectural Guidelines
24.68.150 Landscaping And Street Furniture Standards

24.68.010 Purpose

The purpose of The Transit-Oriented Development zone (TOD) is to encourage pedestrian oriented design, promote development and protect the public health, safety and welfare by preserving the unique character of existing areas for future use and development. The TOD Zone encourages compact, mixed use development near transit stops. Carefully planned mixed uses, including residential, retail commercial, professional office and entertainment and restaurant space, provide increased opportunities for transit and pedestrian activity. It is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities while limiting certain high impact and automobile oriented uses. The TOD Zone is facilitated by site and community design standards that:

A. Encourage high quality, compact development and increase the number of residents and workers within walking distance of transit opportunities;

B. Encourage a mix of high quality residential, office, commercial, live-work, open space, entertainment, recreation, public and institutional land uses;

C. Encourage higher densities that increase transit ridership and decrease vehicle miles traveled for daily work commutes making the development adjacent to a vital transit station a more valuable asset to the community and the region;

D. Encourage flexibility in the design and implementation of transit-oriented developments so that they can adapt to changes in transit, commuting patterns and the marketplace for retail, office and residential dwelling units in proximity to transit stations.

E. Revitalize areas proximate to transit stations;

F. Integrate the Utah Transit Authority Willard City Front Runner Station into the design of new development and parking structures.

G. Improve the urban design in the area;

H. Encourage active community life within a framework of attractive and welcoming buildings and usable open spaces;

I. Coordinate the urban design and streetscape elements in order to create a distinct visual quality for the area;

J. Manage parking and access in a manner that enhances pedestrian safety, pedestrian mobility and quality urban design;

K. Efficiently use public and private resources by reducing parking requirements for development in close proximity to a transit stop;

L. Provide incentives for structured parking, new roads and public open spaces to enhance the design and function of the built environment;

24.68.020 Approvals Required

A. Site Plan. Site Plan approval shall be required for all new buildings and changes of use in existing buildings in the TOD Zone in accordance with the provisions of Chapter 5 of this title.

B. Conditional Use Permit. A Conditional Use Permit shall be required for all businesses and uses listed in WZC 24.68.060 in accordance with the provisions of Chapter 105 of this title.

C. Development Agreement. A development agreement shall be required for all new development in the TOD Zone. All applications for a rezone, Preliminary Plat, or Site Plan approval shall be conditioned upon final approval of the development agreement by the City Council.

24.68.030 Location Of Zone

The Transit-Oriented Development Zone (TOD) is intended to serve areas in immediate proximity to the Utah Transit Authority Willard City Front Runner Station. Therefore, some portion of property proposed for the TOD Zone must be within one-quarter (1/4) mile station.

24.68.040 Definitions - Transit-Oriented Development Zone (TOD)

As used in this chapter:

"Build-To-Line" means the required distance between the back of curb and the building

façade. This metric represents a maximum setback, and normally specifies a certain percentage of the façade which must meet the setback.

"Façade" means that portion of any exterior elevation of a building extending from grade to top of parapet, wall or eaves and the entire width of the building elevation but excluding the roof.

"Ground Floor Architectural Separation" means that the design of a first floor in a mixed use, multi-story building is visually distinct from the upper stories through, but not limited to, the use of more windows, a cornice line, sign band, awning arcade, portico feature, change in building materials or similar device, element or feature.

"Joint-Use Parking Structure" means a parking structure that is utilized by buildings or tenants on two or more parcels.

"Liner-Faced Structured Parking" means a parking structure that is constructed at the build-to-line that may include street-facing retail or commercial uses at the ground level.

"Parking, On-Street" means marked or unmarked parking located completely or partially within a public or private right-of-way or street easement.

"Parking, Off-Street" means marked or unmarked parking located within a development parcel and outside a public or private right-of-way or street easement

"Setback" means the required distance between the building line and the related front, side or rear lot line over which no part of any building may extend, unless otherwise provided. Setbacks may be specified as maximum or minimum distances.

"TOD" means Transit-Oriented Development.

24.68.050 Permitted Uses

The following buildings, structures, and uses of land shall be permitted in the TOD Zone upon compliance with the requirements set forth in this Code:

If any use permitted by this section is classified by the currently adopted building codes as an "H-Occupancy" (hazardous), it shall become a conditional use.

A. Residential Uses.

   Two-family dwellings.
   Multiple-family dwellings.

B. Commercial Uses

   Bank or financial institution
   Business services.

Commercial parking facilties.
Convenience stores, but not including drive-through service.
Hotels.
Offices.
Parks and open space.
Personal services.
Restaurant, including outdoor dining, but not including drive-through service.
Retail stores with all merchandise displayed and stored inside a building.
Theaters (requires parking study).

C. Public and Civic Uses.

Community gardens, trails and open space.
Cultural service and activities.
Government or municipal office.
Libraries and reading rooms.
Parks, public or private.
Post office.
Transit station.
Utility station, limited.

24.68.060 Conditional Uses

The following buildings, structures, and uses of land shall be allowed in the TOD Zone upon compliance with the requirements set forth in this Code and upon obtaining a Conditional Use Permit as specified in Chapter 4 of this Code:

Amusement and recreation facilities.
Auditoriums or performing arts center.
Bank or financial institution with drive through service.
Buildings with more than three (3) stories.
Churches.
Colleges and universities.
Convenience stores with drive-through window.
Dance clubs.
Daycare facilities.
Laundry and dry cleaning.
Fitness centers and athletic clubs.
Physical therapy facilities.
Preschools, commercial.
Restaurant with drive-through window.
Schools, public and private.
Veterinary services.
Vocational / technical training facilities.
Wireless telecommunications facility.

24.68.070 Non-Permitted Uses

Government office and related services that include any correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer.

Any SOB enterprises including any within otherwise allowed uses;

Any use which produces any excessive noise, dust, noxious fumes, or other nuisance activity.

Any outside storage except for those allowed businesses, that customarily utilize such practices as determined by the city, and except for garbage collection containers within an enclosed area.

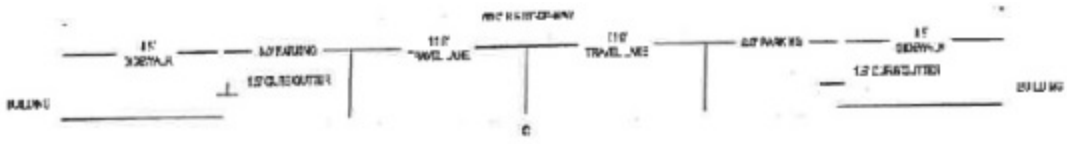
24.68.080 Residential Density

The maximum residential density is twenty (20) dwelling units per acre. The density and number of residential dwelling units to be constructed shall be based upon the review and approval of development plans by the City Council.

To ensure that the quality of the transit-oriented development is maintained, a maximum residential density of twenty (20) dwelling units per acre is established. All development plans shall include some residential development that is integrated with the commercial development.

Figure A

TRANSIT STATION ACCESS STREET



URBAN CORE MIDBLOCK STREET

(mixed use residential shall not be counted in the total density).

24.68.090 Street Standards

As a transit-oriented development, streets play a different role than in a traditional suburban neighborhood. Streets not only provide vehicular access to the development land uses and the transit station, but, more importantly, are a substantial part of the urban form, appearance and pedestrian nature of transit-oriented developments. The street section within a transit-oriented development is similar to a traditional downtown street. Parallel parking is encouraged and landscaped parkways and sidewalks are replaced with wide walks, curb to building frontages, with landscaping provided in tree grates and planters.

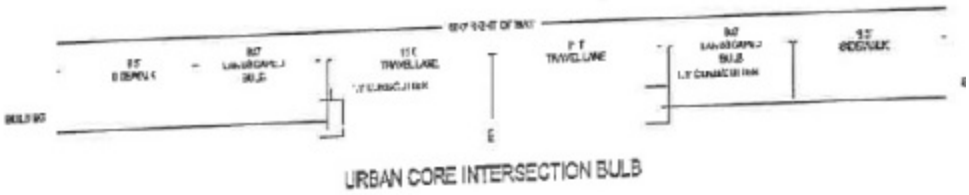
A. Street Sections. Two street sections are available. The first section (Transit Sta Street) is designed to accommodate more efficient vehicle traffic, including bu the exterior of the development to the transit station by not allowing on-street par

   The second section (Core Street) is designed to add to the urban form and app pedestrian nature of the core of the transit-oriented development. The two cross the Core Street address the difference between midblock and intersection condit

   1. Transit Station Access Streets shall be designed to the standard illustrat A.

   2. Core Street. Two similar standards are available for the Urban Core intersections and at midblock. Core Streets shall be designed to th illustrated in Figures B and C, respectively.

      Figure B



24.68.100 Area, Width, Frontage And Yard Regulations

The area, width, frontage and yard regulations for the TOD Zone are designed to create an urban form and appearance suggestive of a traditional downtown area. In most cases, buildings are to be placed on the right-of-way line or "build-to-line", however, the "build-to-line" is also to be broken up by varying frontages, courtyards and plazas. The form and appearance of the first floor, in particular, of buildings with the TOD Zone will establish the urban look of developments within the zone.

Figure C

A. Lot Area Requirements. There are no minimum lot area requirements in the TOD Zone.

B. Lot Width Requirements. There are no minimum lot width requirements in the TOD Zone.

C. Lot Frontage. There are no minimum lot frontage requirements in the TOD Zone.

D. Yard Regulations

1. All main buildings shall front on either a public or private street including private pedestrian only streets, paths, courts or plazas. Buildings that front on a courtyard or plaza that fronts on a street shall be deemed to front on the street.

2. To create the anticipated urban form and appearance, the front setback for main buildings shall be the right-of-way line, which is also considered the "build-to-line".

3. Buildings that are located on a corner lot shall front on both streets.

4. A minimum of 60% of the street frontage along any public street shall be developed with buildings along the build-to-line.

5. For purposes of meeting the requirements of subsection D,4, any part of the building placed within ten (10) feet of the build-to-line shall be considered along the build-to-line.

6. Building projections such as, but not limited to, awnings, overhangs and signs may extend beyond the build-to-line and over the sidewalk a distance of up to five (5) feet providing there is a clear area under the projection of no less than eight (8) feet to allow unobstructed use of the sidewalk and the projection does not extend into a public right-of-way.

7. Off-street parking is not permitted within thirty (30) feet of the build-to-line except within a liner-faced parking structure.

8. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment and loading docks shall not be permitted within thirty (30) feet of the build-to-line.

9. The side lot area between non-adjoining buildings and the property line shall be developed as a parking access driveway, plaza, landscaped open space, or a landscaped walkway with access to the sidewalk.

24.68.110 Height Regulations

The maximum number of building stories shall be three (3) and the maximum building height shall be forty-five (45) feet. Buildings more than three (3) stories in height may be considered under the provisions of WZC 24.68.060 as an application for a Conditional Use Permit, but in no case will buildings exceed 75 feet in height. In all cases adequate fire protection shall be provided for by the applicant.

24.68.120 Building Design Guidelines

Buildings constructed in the TOD Zone shall comply with the requirements of WZC 24.32, Design Review except as amended herein. All buildings and site design elements should be reviewed against the backdrop of best practices for TOD developments.

Building design guidelines are necessary to achieve the desired goals for TOD Zone areas. These areas require more attention to design than development in many other parts of the city. In the TOD Zone there will be an emphasis on architectural detail and human-scale design. The focus will be on promoting street level activity by designing multimodal streets, designing to achieve pedestrian scale, avoiding blank walls and monolithic massing, and providing pedestrian amenities throughout the area such as lighting, seating areas, bike racks, etc. Pedestrian routes in these areas should include an extensive sidewalk system on both sides of the street. There should be numerous connections to the Willard City Front Runner station.

Public and private parks and plazas should be well integrated into the area. All new development must present an attractive, coordinated streetscape; incorporate architectural and site design elements appropriate to a pedestrian scale; incorporate interior pedestrian access between structures to minimize pedestrian travel through parking areas; and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with contrasting colored and/or raised walks. Commercial buildings shall be designed with ground floor architectural separation to enhance street activity and "walkability." All proposed building designs must incorporate an expansive use of windows, balconies, canopies, terraces, or other design features, which are oriented to the street and other pedestrian accesses, to maximize the pedestrian interface.

The following building design standards shall be required of all projects in the TOD Zone in order to create a cohesive appearance that is pedestrian friendly.

A. Wherever practical, buildings shall incorporate arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from the rain and sun.

B. Trash storage areas, mechanical equipment, HVAC units, transformers, meters and similar devices shall not be permitted to be visible from the street. Where site constraints would otherwise force these uses into visible locations, they shall be screened from view from streets and sidewalks by decorative walls, earthen berms, landscaping or architectural treatments. If in rooftop locations, mechanical equipment shall be screened by central placement, roof components, parapets, cornices, or other architectural features.

C. All uses located in the Zone shall be conducted entirely within a fully-enclosed building except that restaurants may have outdoor seating in courtyards and plazas that does not impede sidewalk travel. There shall be no outside storage

of materials or equipment, other than motor vehicles licensed for street use except as specifically approved by the Planning Commission in conjunction with a conditional use application.

D. Primary building orientation shall be toward the street. Buildings that are open to the public and are within thirty feet (30') of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design, and shall be open to the public during all business hours.

E. Buildings shall incorporate exterior lighting and changes in mass, surface or finish to give emphasis to entrances.

F. Buildings shall provide a clear visual division between all floors. The top floor of any building shall contain a distinctive finish, consisting of a roof, cornice, or other architectural termination.

G. The façade of every floor greater than thirty (30) lineal feet with street frontage shall incorporate features designed to provide human scale and visual interest. Compliance can be achieved through balconies, alcoves, or wall segments that create at least a two foot (2') variation in plane for at least ten (10) lineal feet within each thirty foot (30') segment of facade.

H. At least seventy-five percent (75%) the lineal frontage of any ground-floor, non-residential wall with street frontage shall incorporate windows, doors, or display windows.

I. Multi-story, mixed use buildings (buildings master planned for both residential and non-residential uses) shall have the first floors with a minimum ceiling height of twelve feet (12'). Multi-story buildings designed for non-residential uses on the first floor shall have walls, partitions, and floor/ceiling assemblies separating dwelling units from other spaces with a sound transmission classification (STC) of at least fifty (50) for airborne noise.

J. All sides of buildings exposed to pedestrian and/or vehicular traffic and adjacent properties shall receive equal design consideration.

K. Parking structures that are visible from the street or sidewalk are encouraged to be designed to complement adjacent buildings.

24.68.130 Parking And Loading Requirements

Due to the unique nature of transit-oriented developments specifically regarding parking, parking structures and loading requirements, the parking and loading requirements included herein shall supercede the requirements of WZC 24.16. Specific requirements regarding the number of design and location of parking areas and their access, the design of parking structures, the number of required parking spaces and similar requirements shall be described within the Development Agreement.

An application for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the TOD Zone must provide on- and off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles included within the TOD Zone.

The Planning Commission may grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development or reduced parking need due to proximity to public transportation including the Willard Front Runner Station.

A. Required Parking.

1. For residential units with two (2) bedrooms or less, 1.7 stalls per unit.
2. For residential units with three (3) or bedrooms, 2.5 stalls per unit.
3. For office uses including medical, dental or similar professional services, off street parking will be calculated at one parking stall for each three hundred fifty (350) square feet of net usable office area.
4. Retail use parking shall be calculated at the rate of one parking space for each three hundred fifty (350) square feet of net floor area.
5. Applicant shall custom design the parking ratio for all mixed use residential areas and provide for dedicated residential parking (which does not conflict with retail parking) equal to or greater than a combination of subsection A,1-4. The applicant shall provide justification for their proposed parking ratio and shall include some allowance for guest parking. This justification may include close proximity commuter overflow parking or time of day versus building use. It should be understood that uses change over time and lack of parking will become a liability if not adequately provided for. These requirements may be modified by written report from a professional transportation engineer or on recommendation from the city engineer.

B. Location of Parking.

1. Off-Street Parking. The parking required herein must be located on the property except as specifically exempted herein.
2. On-Street Parking. Parallel parking spaces on designated public and private streets can be used to meet the required parking.
3. No off-street parking shall be located within thirty (30) feet of the build-to-line except where the parking is located within a parking structure.

C. Parking Space Dimensions. All new developments shall provide parking spaces of the following minimum dimensions.

1. Up to sixty percent of the total parking spaces may be at least eight and one-half feet wide by eighteen feet long. The remaining parking spaces must be at least nine feet wide by twenty feet long.
2. ADA parking space width requirements vary and shall be consistent with current building code standards.

D. Parking Garage or Structure Design. Parking within a parking garage or structure requires:

1. Circulation. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians. Each parking structure shall have two (2) points of access one of which can be a gated emergency access if access to the parking garage is gated and controlled.
2. Location. No more than fifty (50) percent of an individual side of a parking structure may be located along a street frontage, however the length of the parking structure along a street frontage may not constitute more than twenty-five (25)% of the entire street frontage. A portion of a parking structure located along a street shall maintain the build-to-line frontage requirements.
3. Design/Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures.
4. Parking garages and structures shall meet the following standards:
    a. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.
    b. Parking structures may contain ground-level retail, office or display windows along all street-fronting facades of the parking structure. Parking structures with street frontage in primarily residential areas may utilize residential units or residential architecture that reflects surrounding residential units to mask the visual impact of the parking structure.
    c. Parking structures shall be designed with an architectural theme similar to or complementary of the adjoining structures. Openings that face and can be seen from major vehicular and pedestrian thoroughfares shall be of similar size and, whenever possible, shape to those found on adjacent buildings.
    d. Walls, materials, patterns, colors, roof forms, and front entryways shall complement the standards for all buildings in the applicable project area and shall reflect those used for adjacent buildings.

E. Loading and Service Areas. Trash collection and recycling areas, service and storage areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas are visible from the adjacent public streets. Screening shall have a minimum height of seven feet (7') and may include accessory buildings, shrubbery and plantings, decorative walls, solid fences, screen panels, doors, topographic changes, buildings or any combination of the above.

24.68.140 Architectural Guidelines

Building constructed in the TOD Zone shall comply with the requirements of WZC 24.32, Design Standards except as amended herein.
All new development must present an attractive, coordinated streetscape; incorporate architectural and site design elements appropriate to a pedestrian scale; incorporate interior pedestrian access between structures to minimize pedestrian travel through parking areas; and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with stamped, dyed, or raised walks. All new development shall comply with the following architectural standards:

A. New Building Form.

1. Structures shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls. The design shall create easy pedestrian access from adjacent uses, on-street parking, sidewalks and parking areas. First floor commercial and office uses shall be designed with ground floor architectural separation to enhance street activity and walkability.

2. All proposed building designs must incorporate an expansive use of windows, balconies, terraces, arcades or other design features, which are oriented to the street and other pedestrian accesses, to maximize the pedestrian interface.

3. Windows, display windows and doors must comprise at least seventy-five percent (75%) percent of street-facing facades with first-floor commercial and office uses. Blank facades are not allowed to face public rights-of-way and may not exceed thirty feet in length on all other facades.

B. Walls. No more than three materials shall be used for primary wall surfaces. All exterior walls shall be constructed in compliance with the following:

1. Materials. Exterior finishes shall be of traditional, time- and weather-tested techniques and shall include a substantial use of brick, cultured brick, natural or cultured stone, prairie stone, and/or wood or synthetic

wood products. Glazing may be used as a primary exterior material when glazing is proposed as a major architectural design element or look for a project area consisting of at least two buildings and including all of the buildings that are separated by a major feature such as a linear park, collector street, or similar element that sets an area apart. Retaining and screening walls shall be of materials complementary to the building's materials.

2. Stucco. The use of stucco, synthetic stucco and exterior insulation and finish systems (EIFS) should be limited and shall not exceed fifty percent of any elevation. The Planning Commission may determine, on a case-by-case basis that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.

3. Other Architectural Materials/Finishes. Architectural precast concrete, architecturally treated concrete masonry units, and architectural metals should be used primarily to provide architectural detail and relief. Fiberglass and/or metal panels may be used in relatively small quantities. The Planning Commission may allow other materials and material quantities that it finds add to the architectural excellence of the structure and project.

4. Prohibited Materials And Mechanisms. Vinyl and aluminum siding products are prohibited as wall materials. Reflective glass is prohibited.

5. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The Planning Commission may allow for minor deviations to allow this base to terminate at visual breaks in the architecture, and the Planning Commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, or natural or cultured stone.

6. Brick And Rock Pattern. Ledge stone, uncoursed ledge rock, random or coursed Flemish bond, English bond, common bond, running bond or dry stack patterns shall be used for finished brick, rock and stone work. Herringbone, basket weave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, nonalternating bond courses may be used only as an accent.

7. Color Palette And Texture:

    a. The predominate tones shall be colors selected from warm earthy tones or a muted natural color and light to dark shades of wood. The colors found in the mountain forest canopy, the meadow grasses, and hillside vegetation is appropriate.

b. A uniform color and texture for walls is not acceptable. While color and texture changes shall be accomplished through the use of various principal materials described in subsection B,1, accent colors should be used. Such colors shall be compatible with the predominate color tones of the building and shall not be used as attention getting (advertising) devices.

c. Primary and closely related colors are strongly discouraged.

8. Design Consistency. All exposed sides of a building shall be designed with the same level of care, quality and integrity. Buildings should be attractive and visually engaging from all exposed sides.

9. All walls that are greater than sixty feet (60') in length, but less than one hundred feet (100') in length, must exhibit a prominent shift in the facade of the structure so that no greater than seventy five percent (75%) of the length of the façade appears linear. The shift shall be in the form of at least a ten foot (10') change in facade alignment. A series of shifts may be appropriate; provided, that the cumulative offset is at least ten feet (10'). A combination of both a roofline and facade change is encouraged, particularly when they occur at the same point.

10. All walls that exceed one hundred feet (100') in length shall provide a prominent shift in the mass of the structure so that no greater than seventy five percent (75%) of the length of the facade appears unbroken. The shift or series of shifts in height and/or alignment that reflect a change in function and scale is required. A shift shall be in the form of at least a fifteen foot (15') change in facade alignment. A combination of both a roofline and facade change is encouraged, particularly when they occur at the same point on the facade. A series of shifts may be appropriate; provided, that the cumulative offset is at least fifteen feet (15').

11. The required shift in facade alignment shall not be created by add-on features such a porticos, porte cocheres, exterior vestibules, decks, and other similar features.

12. Any long horizontal building shall include vertical design elements to break up the building mass. The number and scale of such elements shall be commensurate with the length of the facade.

13. Required vertical and horizontal elements shall not be created by using paint schemes on the siding material.

14. Commercial structures comprised of various tenant spaces shall emphasize the individuality of units by variation in rooflines and/or walls or other appropriate design techniques.

C. Roofs. Roof lines and shapes shall be consistent with the design and structure of the building, and should be consistent with the roof lines of adjacent buildings. Roof forms should reflect the facade articulation and building massing, as opposed to a single-mass roof over an articulated facade.

1. Pitched Roofs. Where pitched roofs are used, the following standards shall apply:

    a. All the roofs and secondary roofs of a building shall be constructed of the same material. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.

    b. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for structures that are wider than they are tall. Long unbroken ridgelines are prohibited.

2. Parapets. Parapets shall be provided to articulate flat roofs and hide roof-mounted equipment. The following standards shall apply:

    a. Parapets shall have strong cornice detailing to provide interest and scale.

    b. Long unbroken parapets, particularly for buildings that are wider than they are tall, are prohibited.

3. Rooftop mechanical equipment shall be hidden from view from the adjoining street with either a parapet or a penthouse. Penthouses shall utilize materials, colors and form similar to that of the building.

D. Openings. The following standards apply to openings of all structures:

1. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.

2. Windows. Bay windows shall have from three to five sides.

3. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place. Front door entries with treatments consistent to at least the typical commercial store front shall be incorporated when pedestrian access is present.

4. Minimum Opening Area. Not less than seventy-five (75) percent of any street-facing first floor building facade shall be made up of window or

door areas. Not less than fifteen percent of any other building face on a second or higher story shall be made up of windows, balcony or other opening areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.

E. Prototypical Structures. While prototype designs may be used in a development consisting of a number of structures, it may be necessary to include an appropriate number of such designs to provide appropriate variety and vitality within a development project, particularly in residential development. Simply using various color schemes or changes in materials selections will not be adequate. Changes in prototype designs shall include, among other things, a variety of roof, facade and window treatments, together with changes in color schemes and materials.

F. Interpretation Of Standards. The above architectural requirements shall be promoted in all applicable building designs. These standards are not meant to encourage the overuse of an existing architectural style or feature. In fact, such practices will be discouraged. These regulations are intended to establish restrictions on a limited number of architectural approaches that are not considered desirable and provide guidance only. Appropriate latitude shall be allowed and creativity promoted to achieve interest and vitality throughout Willard City.

24.68.150 Landscaping And Street Furniture Standards

Landscaping installed in the TOD Zone shall comply with the requirements of WZC 24.32, Design Review except as amended herein.

A. Conceptual and Final Landscape Plans. As part of the submittal, review and approval of a Site Plan or Conditional Use Permit as required by WZC 24.48.020, respectively, of this chapter, a conceptual landscape plan shall be submitted. The conceptual landscape plan shall include the following:

1. A general concept for the planting of the street trees including tree types, tree sizes and locations. Conceptual plans for street furniture and lighting shall be included where applicable.

2. A general concept for landscaping around the foundations of buildings and near building entrances including the types of trees and shrubs, their sizes, their location and, where applicable, the type and design of planters to be used. Conceptual plans for street furniture and lighting shall be included where applicable.

3. A general concept for the plazas and similar open space areas including the types of trees and shrubs, their sizes, their location and, where applicable, the type and design of planters to be used. Conceptual plans for street furniture and lighting shall be included where applicable.

4. A general concept for the neighborhood parks including:
    a. general layout of the neighborhood park area including the location of structures, walks and landscaping;
    b. location and general design of structures such as community buildings and pools, gazebos and similar structures;
    c. the location, type and size of landscaping to be planted the types of trees, shrubs and turf;
    d. the location, type and size of any furniture and lighting.

B. General landscaping standards.

1. Street trees shall be provided on all street frontages at a maximum spacing of forty (40) feet on center unless the species to be used recommends spacing greater than 40 feet. Spacing should be as uniform as possible, with exceptions allowed to preserve clear visibility zones near intersections and driveway and alley access points.
2. Street trees shall be planted within a tree grate a minimum 48 inches square or diameter or within a landscaped park strip of at least five (5) feet in width between the roadway and sidewalk depending the whether the street is proposed for a full width sidewalk or a parkway and sidewalk, respectively.
3. Street trees shall be planted no closer than twenty (20) feet to light standards.
4. Street tree species selections shall help define the public space of the street. Different streets should be planted with different species to provide interest, variety, and to promote disease and pest resistance throughout a development area. More than one species may be used to create a pattern and/or provide accent along a street.
5. Lighting fixtures providing pedestrian-scaled illumination shall be placed no greater than forty (40) feet on center to stagger with street trees. Spacing on other streets shall meet minimum required lighting levels.
6. Tree Guards, if used, shall be a minimum of 16" in diameter and 5' in height. Material is fabricated steel construction with a black high polish powdercoat or comparable.
7. Bollards may be placed at all intersections along. They shall be constructed of cast steel with a black high gloss powdercoat finish or comparable. Each bollard shall be 4" in diameter and 3 feet high. Bollards may be cast-in, bolt-down (surface mount), or removable. Bollards will be spaced a minimum of 4 feet and a maximum of 6 feet

8. Benches shall be placed along all Urban Core streets at a minimum of 3 per block face. Benches shall be of a cast iron with steel straps and finished in a black high gloss powdercoat or comparable. Benches shall be 6 feet in length.
9. Paving accents may be used to articulate building entries, pedestrian crosswalks, plazas, sidewalk bulb-outs, or other areas as approved during the preliminary planned development plan review process. Paving materials may be brick, stained concrete, or other durable materials that have a non-slip finish.

24.72 SENSITIVE AREAS

24.72.010 Purpose And Intent
24.72.020 Definitions - Sensitive Area Ordinance
24.72.030 Permitted Uses
24.72.040 Conditional Uses
24.72.050 Site Development Standards
24.72.060 Specific Review Procedure
24.72.070 Site Plan Review Requirements And Considerations
24.72.080 Application Procedure
24.72.090 Cost And Expense
24.72.100 Expiration
24.72.110 Violations

The Zoning Ordinance of Willard City shall include an environmentally sensitive area overlay zone to be known as "The Willard City Building Constraint Map."

24.72.010 Purpose And Intent

The purpose of the Building Constraint Map is to delineate those areas within the corporate limits of Willard that pose geologically and environmentally sensitive terrains with specific intent to:

A. Control the arrangement of the use of the land in a sensitive area;

B. Protect the general health, safety, and welfare of the citizens of Willard;

C. Minimize public and private property damage;

D. Provide for public awareness of sensitive environs;

E. Protect culinary water supply from possible contamination, (refer to Water Shed Protection Ordinance);

F. To maintain the efficiency of the water recharge areas of the Willard Canyon area.

The requirements of this Ordinance shall be deemed superimposed on the requirements of all zoning ordinances in those areas designated as sensitive areas and shall, in case of conflict, take precedence over the requirements of, and the uses permitted by, the other Willard City Zoning Ordinances. Changes or corrections to The Willard City Building Constraints Map will be treated as regular changes to the Zoning Ordinances.

24.72.020 Definitions - Sensitive Area Ordinance

"Sensitive Area" means:

A. Lands containing environmentally and geologically sensitive elements which, if disturbed or encroached upon by urban or suburban land development (such as utilities, dwellings, streets, industrial, commercial or certain types of agriculture) could be damaged beyond repairability, could cause damage or complete destruction to already existing public or private property within or adjacent to, and could cause loss of life or bodily harm. Such sensitive areas are a constraint to building or other development.

B. The Willard City Building Constraint Map defines the identified sensitive areas. This map is an extension of the Land-Use Map and reflects the requirements of the General Plan.

C. Specific sensitivity areas have been defined for:

   Earthquake faults,
   Historic landslide areas,
   Steep or unstable terrain,
   Subsurface waters, and Flooding.

"Sensitive Vegetation" means

A. Vegetation, primarily oak brush, shrubs, and cedars, on alluvial aprons and exceedingly porous soil areas which help prevent storm water from being converted to run-off water.

B. Vegetative cover which can be harmed by compaction from overuse, urban development, or altering of the hydrologic cycle.

"Impervious Surfaces" means those surfaces that are impenetrable by moisture including, but not limited to, rooftops, driveways, sidewalks, patios, roads, etc.

"Vented Combustion Apparatus" means any device used in the combustion of a solid fuel for any purposes.

24.72.030 Permitted Uses

None.

24.72.040 Conditional Uses

This sensitive area overlay zone ordinance does not add to the allowed uses of any zone but converts permitted use, in each respective zone over which this sensitive area ordinance extends, to a conditional use.

24.72.050 Site Development Standards

Basic standards are the same as those specified for the particular use in the respective

zone over which the sensitive area zone extends. Before building permits are issued for any construction in a sensitive area zone, the procedure set forth in WZC 24.72.070 and WZC 24.72.080 must be complete and approved by the Planning Commission in accordance with the provisions of this ordinance.

24.72.060 Specific Review Procedure

A. The Planning Commission shall require that a detailed site plan be submitted for a proposed development or for proposed construction in a sensitive area. Such a site plan will be reviewed by a representative of the Box Elder County/Willard City Flood Control District and any or all departments of the City Administration. It may also be deemed necessary for the site plan to be reviewed by other specialized professional groups, such as:

   Utah Geological Survey
   U.S. Soil Conservation Service
   U.S. Forest Service
   Utah Division of Wildlife Resources
   U.S. Army Corps of Engineers
   or any other professional expert or group as may be considered necessary.

B. The intent in providing for such a review procedure is to assist the Planning Commission in properly evaluating development or construction in sensitive areas to assure the least detrimental effect on the land and to attempt to identify and preclude environmental hazards to present and future residents of Willard City.

24.72.070 Site Plan Review Requirements And Considerations

A. A plot of the lot to be developed drawn to scale of at least one inch equals twenty feet (1" = 20') shall be submitted to the Planning Commission. Each plot plan shall show lot lines, existing and proposed topographical contours at five foot intervals, location of proposed roads, dwelling units and any other proposed structures, walks, driveways, and patio areas, springs and seeps, and all utility lines. All construction shall be in accordance with the plot plan as approved by the Planning Commission.

B. No building shall be permitted in a sensitive area zone on land where the natural terrain has a slope greater than 20%.

C. Lots or groups of lots shall provide for the complete containment and controlled release of run-off water resulting from each lot or group of lots in accordance with recommendations of the City Engineer and approved by the Planning Commission. If a project requires excavation in an area of five acres or more, complete containment of run-off water is required continuously from the beginning of construction. Said lot owner or owners shall be fully responsible for

any damage resulting on other property from improperly contained run-off from said lot or lots. Facilities for the collection of storm water run-off shall be the first improvement or facilities constructed on the development site. Such facilities shall be designed so as to retain safely and adequately the maximum expected storm run-off for a twenty-five year record storm. Bonding may be required by Planning Commission to guarantee the completion of storm water run-off facilities. If such a bond is required, it shall be in an amount equal to the cost of construction of such facilities and shall continue for one year after the completion of such facilities.

D. A grading plan shall be submitted to the Planning Commission for approval. All cuts and fills shall be made such that the resulting surface has an angle equal to or less than the natural angle of repose of the soil. Approval of an individual plot plan for each lot shall be required before issuance of a building permit.

E. Street grades and profiles in any sensitive area must be approved by the City Engineer and the Planning Commission with particular consideration being given to the control of storm water run-off in recognized flood areas. Cuts or surface disturbances shall be re-vegetated within one growing season. Re-vegetation shall be scheduled such that no open areas are left during winter storms, etc.

F. In areas sensitive to hydrologic soil conditions of moderately high or high run-off, natural vegetation, when it is oak brush and small trees, shall be removed only when necessary for roads, buildings, driveways, and landscaping purposes. The maximum lawn area shall be one-fourth acre. A re-vegetation plan shall be submitted to the Planning Commission and approved for any cuts and slope disturbance and each re-vegetation shall be completed within one growing season of the surface disturbances, as per subsection E.

G. Impervious surfaces resulting from construction shall be limited to 10% of the lot area in a sensitive area zone.

H. In areas indicated on the map as wetlands. construction will be allowed only after permits are received from the Army Corps Engineers.

I. In areas indicated on the map as having a high watertable, the developer will be cautioned of the possible problems. Soil types, based on soil survey data developed by the Soils Conservation Service, will be considered, along with field examination of the site. If high watertable soil types indicate inadequate strength for support of the planned structure, engineering study of soils in the site may be required by the Planning Commission.

J. Spark arresters shall be installed and maintained in every fireplace or other vented combustion apparatus constructed indoors or outdoors. Screen openings in such arresters shall not be in excess of 1/4-inch square or round.

K. Flexible joints shall be required where utility lines cross identified faults.

L. Structures shall not be placed on, across, or within fifty feet of a fault unless it is determined by professional experts that the distance of fifty feet may be reduced without creating a potential hazard. The Planning Commission will recommend a greater distance from a Class I or II fault line if deemed necessary.

M. Structures in an earthquake sensitive area must comply with earthquake standards set forth in the International Building Code in effect at the time the building is approved.

N. Areas sensitive because of flood-prone conditions are the natural run-off channels from Willard Canyon, Cook Canyon, Holmes Canyon, Facer Creek, and several unnamed canyons. Three "No Build" zones within the sensitive area have been designated by the Box Elder County/Willard City Flood Control Board. Building within these zones is specifically prohibited, unless mitigation plans are presented by the developer and approved by the Flood Control Board, City Engineer, Planning Commission and Willard City Council.

O. In areas designated flood-sensitive, no construction of any structure shall be permitted which will disrupt flow of water in a natural drainage channel, nor may a channel be filled, blocked or diverted, except as required for flood control. Alterations of the flood ways may be undertaken only after approval of the Flood Control Board, Planning Commission and the City Council.

P. In areas located in the flood plain, as designated by the Federal Emergency Management Agency (FEMA), (FIRM 490011 B, ZONE "A", dated July 1, 1987) Flood Plain Development Permits must be obtained before building permits are issued. FEMA regulations must be followed. The flood plain is shown on the Willard City Building Constraints Map and essentially is a 250-foot strip on each side of the center line of Willard Creek.

Q. If the site is located in any of the historical landslide areas, as shown on the Building Constraints Map, the Planning Commission may require the developer to engage the services of a licensed engineer-geologist who shall report his findings to the City Engineer The City Engineer will evaluate and make recommendations to the Planning Commission or City Council

R. In order to protect the Sensitive Areas of the hillside and the Ogden-Brigham canal, no residential buildings will be allowed east of the canal or within a 200-foot strip west of the canal.

S. The wellhead protection regulations require that no septic tanks or animal enclosures be located within 1500 feet of Willard City's potable water well.

24.72.080 Application Procedure

Any person, persons, groups, agencies, partnerships or corporations who desire to develop or build in a designated sensitive area zone must obtain a conditional use permit application from the Willard Planning Commission. Said permit application must

be filled out together with a duplicate of the proposed development site plan (see WZC 24.72.070) and presented to the Planning Commission for the Planning Commission's consideration at a regularly scheduled meeting. The Planning Commission will, at the time, determine which agencies or departments should review the site plan. Any agency or department reviewing a site plan will refer any recommendations it feels necessary regarding a particular development to the Planning Commission to satisfy the concerns of this section. The recommendations of any agency or department are in no way binding on the decision of the Planning Commission to recommend or deny a Conditional Use Permit. The Planning Commission may or may not incorporate the recommendations as conditions before final acceptance of a Conditional Use Permit application Upon acceptance of the application by the Planning Commission, the application will be forwarded to the City Council for their approval, or other action.

24.72.090 Cost And Expense

Any costs or expenses generated by the employment of experts or professionals for the purposes set forth herein, shall be paid by the person, groups, agencies, partnerships, or corporations, thereafter called developers, who desire to develop or construct in the sensitive area zone, and who, because of the filing of a Conditional Use Permit application have given rise to the employment of said experts or professionals as authorized herein. Any costs, fines or forfeitures, including costs of planning court and a reasonable attorney's fee, which the Planning Commission or the City of Willard may incur by reason of the developers neglect or failure to pay for expertise or technical advise contemplated by this section, shall be paid by said developer.

24.72.100 Expiration

Unless there is substantial action under a Conditional Use Permit within a maximum period of one year of its issuance, the Conditional Use Permit shall expire. The Planning Commission may recommend a maximum extension of six months under exceptional circumstances.

24.72.110 Violations

Any person, firm or corporation violating any provisions of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine in any sum not exceeding $299.99 for each and every day during which any portion of any violation of this ordinance is committed or continued, by imprisonment in the county jail for a period of not longer than six months or by both such fine and imprisonment.

24.76 EXCAVATIONS

24.76.010 General Provisions
24.76.020 Operation Standards
24.76.030 Excavation And Rehabilitation Plan
24.76.040 Permits, Enforcement And Penalties

24.76.010 General Provisions

A. Application. The provisions of this ordinance shall apply to all excavation which shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, sand, gravel, or stone rubble from the earth by excavation, stripping, leveling, or any other process, together with all other types of mining operations where material is removed from the surface or beneath the surface of the earth; and to the construction, maintenance, or operation of access or haulage roads to such activities.

B. Exceptions.

1. Sod. The provisions of this ordinance shall not apply to the removal of sod.
2. Leveling for Agricultural Purposes. The provisions of this ordinance shall not apply to the leveling of land to enhance agricultural production where the grade change is less than eighteen inches provided the removal of such material does not involve the commercial disposal of material removed.
3. Excavations for Buildings. The provisions of this ordinance shall not apply to the removal of material to accommodate the construction of a structure or building provided the removal of such material does not involve the commercial disposal of material removed.

24.76.020 Operation Standards

A. Restrictions.

1. Dust, Noise, Vibration, Smoke, Light, And Odor. All equipment and machinery used on the site of an excavation activity shall be constructed, maintained and operated in such a manner as to minimize dust, noise, vibration, smoke, light and odor. Access and haulage roads to and on the site shall be maintained in a dust-free condition by surfacing or other treatment.
2. Spillages And Tracking. Excavation material spilled or material tracked onto a public street or highway by a haulage vehicle shall be immediately cleared and cleaned from such street or highway.

3. Damage To Public Property. Damage or destruction as a result of excavation or haulage which occurs to public streets, public improvements or systems or to public property shall be repaired or replaced to equal or better condition within days, except the repair or replacement shall be immediate when in the judgement of the City such damage or destruction creates a hazard or a disruption to essential services. If the contractor fails to make the appropriate repairs and/or replacement as required, the City shall cause all excavation and hauling of material to cease until the required work is done and approved by the City.

4. Traffic Control And Warnings. Points where haulage vehicles cross or merge with public streets and highways shall be clearly marked with warning to motorists. Flag persons and other appropriate traffic control measures shall be provided as required by the Utah Occupational and Safety Act, the Manual of Uniform Traffic Control Devices and/or the Utah Code Annotated, 1953.

5. Fencing And Barriers. Fencing and other suitable barriers shall be created and maintained on the excavation site where such fencing is practicable and necessary because of dangerous conditions created by excavation.

6. Hours Of Operation. Excavation operations shall not begin before 7:00 a.m. and shall not continue after the hour of 6:00 p.m and no operation shall take place on Sunday or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the City.

7. Other Conditions. The City reserves the right to impose other standards to minimize adverse affects to nearby properties and to reduce hazardous operation or site conditions.

8. Protection Of Work, Property, And Persons. The owner/operator will be responsible for initiating, maintaining and supervising all safety precautions a programs in connection with his excavation/hauling. He will take all necessary precautions for the safety of, and will provide the necessary protection to prevent damage, injury or loss to all employees affected thereby. The owner/operator will comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction. He will erect and maintain as required by the conditions and progress of the excavation/hauling, all necessary safeguards for safety and protection. He will notify owners of adjacent utilities when prosecution of the excavation/hauling may affect them. The owner/operator will remedy all damage, injury or loss to any property caused directly or indirectly in whole or in part, by the owner/operator, any subcontractor or anyone directly or indirectly employed by any of

them or anyone for whose acts any of them may be liable. In emergencies affecting the safety of persons or the excavation/hauling or property at the site or adjacent thereto, the owner/operator, without special instruction or authorization from the Engineer or Owner, shall act to prevent threatened damage, injury or loss.

24.76.030 Excavation And Rehabilitation Plan

A. Plan Elements. Prior to the commencement of excavation, the construction of haulage roads, the installation or placement of excavation machinery, or any other physical changes or alterations of a site which is, or may be, associated with an excavation activity, an excavation and rehabilitation plan shall be submitted to and approved by the City. Such plans shall contain the following elements:

1. Location. A legal description of the proposed site with a vicinity map showing location, access and haulage routes, land uses and ownerships within one thousand feet, natural drainage, and other significant on-site or near-site features.

2. Topography. A topographic map with a contour interval of not less than five feet, of the site and extending beyond the site a distance of five hundred feet on all sides, and of the haulage route to point where it intersects a public street or highway.

3. Operations. A description of all phases of the contemplated operation and the specific listing of the type of machinery and equipment which will or may be used in the excavation operation along with the equipment manufacturer's or an engineer's estimate of the extent and nature of all noise and dust emissions.

4. Rehabilitation. A physical rehabilitation plan showing the proposed contours after the cessation of the excavation operation along with a description of the methods to be used and the objectives to be accomplished by the rehabilitation plan. Such plan will include details related to placement of topsoil, re-vegetation, grading and surface water movement, and other conditions as directed by the City or its engineer. Rehabilitation shall conform to the following specifications:

5. Staging. Active excavation operations shall be confined to ten acre parcels at any one time. When the excavation is, or is anticipated to be, greater than ten acres in area, excavation and rehabilitation plans shall show the staging of operation and rehabilitation by ten acre parcels.

6. Backfill. Where backfill is proposed or required, the excavation shall be graded with non-organic, non-toxic, non-combustible solids. Materials used or the methods of fill shall not be such as to create a health hazard

nor be objectionable because of odor or sight.

7. Grading. Peaks and depressions of excavated areas shall be graded to level or gentle slopes and be in substantial conformity with surrounding topography. Loose or friable material shall not be sloped greater than 30% or a 2-1 slope. Graded or backfilled areas shall not collect or permit stagnant water to remain thereon and all rehabilitation treatments will minimize erosion due to precipitation.

8. Cleanup. Within three months after the cessation of operation, all temporary structures (except fences), equipment, rock piles, rubble heaps or other debris shall be removed, or backfilled into the excavation, so as to leave the premises in a neat and orderly condition.

9. Guarantee. To assure compliance with the provisions of this Ordinance, the owner or operator of any excavation activity shall furnish the City with a guarantee that all repairs/replacements of public property shall be done and that the rehabilitation plan will be completed as required herein and as approved. The guarantee shall be in an amount equal to 125% of the estimated cost to complete the rehabilitation. The guarantee shall be of the following:

    a. A deposit in the form of a bond or an escrow account with an escrow holder approved by the City Attorney and the City Council. The escrow agreement shall stipulate that the money shall be used exclusively for the repairs/replacement of public property and for the rehabilitation of the excavation site. The escrow funds may be withdrawn in an amount equal to 90% of the value of the work done as evidenced by a request for release of funds signed by the person authorized to sign for the owner/operator in the escrow agreement and approved by the City Engineer.

    b. If the request is approved by the City Council, the Mayor will be authorized to sign the request and forward the request to the escrow agent for release of funds.

    c. Under no conditions are funds to be released from the escrow account without the City's approval and Mayor's signature.

    All such guarantees shall be in full force and effective for the period established in the approved rehabilitation plan and/or until the rehabilitation is complete and approved in writing by the City. If the rehabilitation is not completed within one year from the date stated in the rehabilitation plan, the City shall have the right, but not the obligation, to use or cause to be used the guarantee moneys to complete the rehabilitation. In addition thereto, the City may call for release to the City of all or a portion of the guarantee funds to pay for, or to reimburse the

City for, expenditures incurred to restore, replace, or repair damage to public property which has not expeditiously completed by the excavation owner/operator, as defined by this section. When such funds are withdrawn from the guarantee account, further excavation activity shall cease until the account is re-established in an amount equal to 125% of the estimated uncompleted, rehabilitation costs.

24.76.040 Permits, Enforcement And Penalties

A. Permit. Application for excavation permit shall be submitted to the planning Commission who shall review the excavation and rehabilitation plans, and other pertinent information, before making recommendations for approval or denial to the City Council. The City Council, after a public hearing, if they are so inclined to hold such hearing, shall thereon make a determination for approved, required guarantee for rehabilitation shall be in effect before such approval becomes valid.

B. Enforcement. The City Zoning Enforcement Office is hereby designated and authorized to inspect, or cause to be inspected as often as necessary, all excavation activity. Where it is deemed by the Enforcement Officer that an y excavation is not in compliance with this Ordinance, he may pursue legal action, provided that his failure to do so shall not legalize any violation as described therein. Cost incurred by the City to enforce this Ordinance, including attorney fees and reasonable court costs, shall be paid by the violator of these provision.

C. Penalties. Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor for each day such violation occurs and shall be punished by imprisonment in the County Jail for a period not exceeding six months or by a fine in any sum less the $300.00, or both, provided that a corporation violating a provision, or provisions, of this Ordinance shall be punished by a fine not exceeding $1,000.00 for each and every day such violation occurs. Within 120 days after the adoption of this Ordinance, all existing operations shall comply with the provisions set for herein, provided that in no case shall requirements be imposed which are unreasonable in respect to acceptable engineering standards, as defined by the City, where such conditions exist prior to the enactment of this Ordinance.

D. Insurance. The owner/operator shall purchase and maintain such insurance as will protect him from claims set for the below which may arise out of or result from the owner/operator's execution of the excavation or hauling, whether such execution be by himself or by any subcontractor or by anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable:

    1. Claims under workmen's compensation, disability benefit and other similar employee benefit acts:

2. Claims for damages because of bodily injury, occupational sickness or disease, or death of his employees;
3. Claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees;
4. Claims for damages insure by unusual personal injury liability coverage which are sustained
    a. by any person as a result of an offense directly or indirectly related to the employment of such person by the owner/operator, or
    b. by any other person; and
5. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.
6. Certificates of insurance acceptable to the City shall be filed with the City prior to commencement of the excavation or hauling. These Certificates shall contain a provision that coverages afforded under the policies will not be canceled unless at least fifteen days prior written notice has been given to the City.
7. Owner/Operator shall procure and maintain, at his own expense, during the excavating and hauling time, liability insurance as hereinafter specified;
8. Owner/Operator's General Public Liability and Property Damage Insurance including vehicle coverage issued to the owner/operator and protecting him from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under taken by the owner/operator whether such operations be by himself or by any subcontractor under him. Insurance shall be written with a limit of liability of not less than $500,000 for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by any one person in any one accident; and a limit of liability of not less than $500,000 aggregate for any such damages sustained by two or more persons in any one accident. Insurance shall be written with a limit of liability of not less than $200,000 for all property damage sustained by any one person in any one accident; and a limit of liability of not less than $200,000 aggregate for any such damage sustained by two or more persons in any one accident.

24.80 SUBDIVISIONS

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HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.010 General Provisions

A. Short Title. This code shall be known and may be cited as the "Willard Subdivision Code " and may be identified within this document and other documents as "the WSC" code or "Subdivision code"

B. Purpose. This Subdivision Code is established to promote the purposes of Utah Code, Title 10, Chapter 9a, , the Municipal Land Use, Development, and Management Act (hereinafter the "Act") or "MLUDMA" and to provide for the orderly division of lands, to streamline procedures for certain subdivision applications and their review, to avoid incompatible land uses, and to secure the provision and long-term maintenance of necessary infrastructure, facilities, and services in an efficient and economical manner for present and future Willard City residents.

C. Final Plat Required Before Lots May be Sold. As provided and authorized by the Act, a Final Subdivision Plat shall be approved, as provided by section 24.80.050 herein, complying with all requirements of this Code, and the Act, before such Final Subdivision Plat may be filed or recorded in the Office of the Box Elder County Recorder and before lots may be sold.

D. Enactment. The Willard City Council (hereinafter "Council") adopts this Code pursuant to the Act and all other authorities and provisions of Utah and Federal

statutory laws, and common law, as applicable. This Code constitutes a part of Willard City's land use ordinances, as authorized and identified by the Act.

E. Applicability and Authority. This Code shall govern and apply to the subdivision of all lands lying within the municipal boundaries of Willard City (hereinafter "the City"), except as specifically provided for preliminary and final subdivision applications to develop single-family residences, two-family residences, or townhomes in compliance with Utah Code Ann. §§ 10-9a-604.1 and 10 -9a-604.2.

F. Subdivision Defined. For the purposes of this Codeand the Act, "Subdivision" shall be, and shall mean.

1. Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

2. Subdivision includes:

    a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

    b. All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, except as provided below.

G. Subdivision Not to Include. As provided by the Act, and for the purposes of this Code, "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one
(1) of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Code of the City;

2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if:

    a. No new lot is created

    b. The adjustment does not violate applicable land use ordinances of the City

3. A recorded document, executed by the owner of record:

    a. Revising the legal description of more than one (1) contiguous

un- subdivided parcel of property into one legal description encompassing all such parcels of property; or

b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate any applicable land use ordinance of the City.

4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

    a. No new dwelling lot or housing unit will result from the adjustment; and

    b. The adjustment will not violate any applicable land use codes of the City.

5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to this Code.

H. Fees and Charges. The Council, by Resolution, may establish a schedule of necessary fees and charges payable for subdivision application processing and review, inspection services, and other services provided by the City, or required by this Code. The Council by Resolution may amend such fees and charges from time to time, as considered necessary.

I. Prohibited Acts.

1. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a Final Subdivision Plat has been approved and recorded in the Office of the Box Elder County Recorder, as required and provided by this Code, and the Act, is guilty of a violation of this code, and the Act, for each lot or parcel transferred or sold.

2. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring lots does not exempt the transaction from being a violation of this Code, and the Act, or from the penalties or remedies provided by this Code, or the Act.

3. Notwithstanding the provisions of this section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this Code, and the Act:

    a. Does not affect the validity of the instrument or other document; and

    b. Does not affect whether the property that is the subject of the

instrument or other document complies with the land use codes of the City, including this Code, other land use codes, including the Willard City Zoning Code (hereinafter "Willard Zoning Code" or ”WZC”).

J. Enforcement

1. The City may take all actions, allowed under the law, to insure compliance and enforcement of this Code. Failure of the City to enforce any provision or seek remedies to any violation of this Code shall not legalize any such violation.
2. The City, or any adversely affected owner of real property within the City, in which violations of this Code are occurring, or are about to occur may, in addition to other remedies provided by law, institute:
    a. Injunctions, mandamus, abatement, or any other appropriate actions; or
    b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. As provided by the Act, the City need only establish a violation of this ordinance to obtain the injunction.
4. The City may bring an action against a property owner to require that the property conform and comply with the provisions of this Code or the Act.
5. An action brought by the City against a property owner, and authorized by this section, and the Act, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this Code.

K. Licenses and Permits.

1. No approval, including the issuance of any building permit for the construction, alteration, or modification of any building or structure, may be issued by the City unless such approval complies with the requirements of the land use and zoning ordinances including a determination that the lot or parcel, proposed for the approval or permit is a legal lot pursuant to the land use and zoning ordinance C or a legal lot of record. Any approval or permit issued in conflict with the requirements and subdivision ordinances shall be void and invalid.
2. To enforce this ordinance, the City may withhold or deny the approval or issuance of any required land use permit or building permit.
3. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without approval of a

building permit, unless such building is exempt.

4. The City Planner may not approve or issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted land use ordinances of the City.
5. The City Building Official may not approve or issue a building permit in violation of the City's land use ordinances.
6. No City employee may approve and issue any permit or license that is a violation of the City's land use ordinances.
7. Any approval, permit, or license issued in conflict with any standard or requirement of the zoning ordinance, or the City's other land use ordinances shall be void and invalid.

L. Penalties.

1. As provided by the Act, a violation of any provision of this Code is punishable:
    a. As a Class B misdemeanor; and
    b. By imposing an appropriate civil penalty adopted under the authority of the Act.

M. Applicant's entitlement to land use application approval. City's requirements and limitations. Vesting and exceptions – Applicant.

1. An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
    a. in effect on the date the application is complete; and
    b. applicable to the applicant or to the information shown on the application.
2. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
    a. the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

b. in the manner provided by City land use ordinances and before the applicant submits the application, the City formally initiates proceedings to amend the City's land use regulations in a manner that would prohibit approval of the application as submitted.

3. The City shall process an application without regard to proceedings the City initiated to amend the City's ordinances if:

    a. 180 days have passed since the City initiated the proceedings; and

    b. The proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

    c. during the 12 months prior to the City processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation.

4. A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

5. Unless a phasing sequence is required in an executed development agreement, a City shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

6. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence

7. The City shall not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

    a. City ordinances in effect on the date that the applicant submits a complete application; or

    b. the City’s specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

8. The City may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

    a. in a land use permit;

    b. on the subdivision plat;

    c. in a document on which the land use permit or subdivision plat is

based;

d. in the written record evidencing approval of the land use permit or subdivision plat;

e. in Chapter 9a, Title 10, Utah Code;

f. in a City ordinance; or

g. in a City's specification for residential roadways in effect at the time a residential subdivision was approved.

9. The City may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

   a. in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

   b. in Chapter 9a, Title 10, Utah Code or the City's ordinances.

10. The City may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

    a. the applicant and the City have agreed in a written document to the withholding of a certificate of occupancy; or

    b. the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

11. A City may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the City that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

12. The City is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

13. The City may or may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation

regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

14. Upon a specified public agency's submission of a development plan and schedule as required in Utah Code Ann. Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the City's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

15. If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

    a. to the local clerk as defined in Section 20A-7-101; and

    b. no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).

    c. upon delivery of a written notice described in Subsection (x)(x) the following are rescinded and are of no further force or effect:

        (1) the relevant land use approval; and

        (2) any land use regulation enacted specifically in relation to the land use approval.

16. After issuance of a building permit, the City may not:

    a. change or add to the requirements expressed in the building permit, unless the change or addition is:

        (1) requested by the building permit holder; or

        (2) necessary to comply with an applicable state building code; or

        (3) revoke the building permit or take action that has the effect of revoking the building permit.

    b. Subsection (6)(a) does not prevent a City from issuing a building permit that contains an expiration date defined in the building permit.

N. City Imposed Requirements and Exactions on Application Approval. The City shall not impose any requirement or exaction on any approval required by this subdivision ordinance unless:

1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and
2. Each requirement or exaction is roughly proportionate, in both nature and extent, to the impact of the proposed development.

O. Restrictions for Solar and other Energy Devices. The Willard City Planning Commission (hereinafter "Commission"), acting as the Administrative Land Use Authority, may deny any preliminary subdivision application for single-family residences, two-family residences, or townhomes, and the ALUA may refuse to approve a preliminary subdivision application, or the dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the preliminary subdivision application prohibit, or have the effect of prohibiting, reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the preliminary subdivision application. The City Planner, acting as the Administrative Land Use Authority for final subdivision applications, may refuse to approve the final subdivision application on the same grounds.

P. Validity. If any chapter, section, subsection, paragraph, sentence, standard, or requirement of this Code is held to be invalid, by a Court of competent jurisdiction, such holding shall not affect the validity of any other chapter, section, subsection, paragraph, sentence, standard, or requirement of this ordinance.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.080.015 Initial Contact And Deadlines

A. An applicant for a subdivision shall contact the City Planner to obtain the required application forms and summary of city requirements, including the criteria used to determine if the application is complete.

B. Within seven (7) business days of the applicant's application, the City Planner shall determine if the original application is complete.

C. Within fifteen (15) business days after the applicant requests a pre-application meeting, the City Planner shall schedule the meeting to review the proposed subdivision, concept plan if any, and provide initial feedback.

D. The timeline from original application submission and applicant's request for pre- application run consecutively .

HISTORY
Adopted by Ord. 2024-15 on 12/12/2024

24.80.020 Optional Pre-Application Meeting

A. Pre-Application Meeting. The applicant may request to participate in a pre-application meeting with the City Planner and designated city staff and others, acting as the Pre- Application Administrative Review Team or ("PART") for advice regarding general requirements affecting the proposed single-family dwelling, two-family dwelling, or townhome subdivision.

B. Intent and Purpose. The pre-application meeting is intended to allow sufficient time and procedures for the City to evaluate a proposed subdivision, its impact upon the City, and the applicant's ability to comply with City ordinances. The pre-application meeting allows the potential applicant to gain an understanding of the requirements of the land use laws and how they will apply to the individual circumstances of each proposed subdivision. Through the exchange of information and open discussion, the applicant and the City then each have a better understanding of what the applicant proposes and what the City requires before any expenditure of substantial investment by the applicant or substantial resources by the City.

C. The pre-application meeting is optional only to the applicant for single-family residential, two-family residential, and townhome subdivisions to inform the applicant of City's requirements including this Subdivision Code, and relevant streamlined subdivision application procedures and requirements. If the optional pre-application meeting under this section, is requested, the City must schedule the pre-application meeting within fifteen (15) business days of the request.

D. At the pre-application meeting, the City staff, shall provide or make available the list and on the city's website the items that comprise a complete preliminary subdivision use application, including the following:

1. copies of applicable land use regulations and code provisions;
2. a complete list of standards required for the project;
3. preliminary and final application checklists; and
4. feedback on the concept plan, if one has been prepared.

E. The applicant shall furnish to the PART the following information:

1. the general description of existing conditions of the site, including data on land and soil characteristics, structures and ponds, covenants, availability of utilities and other public facilities, documentation of existing easements and wastewater disposal systems, including lateral fields;
2. a general description of proposed uses;

3. a concept plan of the proposed subdivision and a current USGS topographic survey map;
4. a USDA/NRCS soil map with Soil Report that includes hydric soil rating and depth to water table
5. a general location map of the proposed subdivision in relation to existing utilities, major streets, community facilities, and the surrounding developed and undeveloped land, if such information is considered necessary by the PART; and
6. the water rights available to be obtained for the project as required in 24.80.140.

F. In addition to the PART and designated city staff, participants in the pre-application meeting may include representatives of city and county departments, including engineering, police, fire, rural water districts, county health, county schools, and other persons and agencies as considered necessary by the PART.

G. Any comments made during the pre-application meeting are considered general direction only, may not be legally binding, and may not be considered by the applicant as any indication of a subdivision application approval or disapproval, either actual or implied.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.030 Sketch Plan

A. Sketch Plan Meeting - Purposes. An Applicant proposing to subdivide any lands located within Willard City boundaries, and having written confirmation from the SLUA of completion of the Pre-Sketch Planning process, shall schedule a Sketch Plan Meeting with the Planning Commission. The purposes of the Sketch Plan Meeting are to submit the Sketch Plan to the Planning Commission for a decision if the Applicant should be allowed or disallowed to submit the proposed development in a Preliminary Subdivision application.

B. Sketch Plan Application - Requirements. A completed Sketch Plan Application is required for a Sketch Plan Meeting. Before the Sketch Plan Meeting, the Zoning Administrator or City Planner shall present Sketch Plan Meeting information to the Commission not at a regular Commission meeting, but as a

work session item (usually held the day of the regular Commission meeting). Information shall be presented to the Commission including the date when the Pre-Sketch Planning meetings were held, the property owner, or owner's authorized agent or agents, the location of the Subject Property, and any other information related to the proposed subdivision. The Commission may identify items the Applicant should consider with a Preliminary Subdivision Application.

The Sketch Plan Application is a discussion document, designed to allow the identification of Application processing and review procedures, requirements and standards, and other items that may be considered in Application review once a complete Preliminary Subdivision Application is received. To achieve these objectives, a Sketch Plan Application shall provide the following information for discussion at the Sketch Plan Meeting:

Sketch Plan - The sketch plan shall consist of a drawing on 24 x 36 inch tracing vellum (two hard copies and one electronic copy). Drawings shall have a 1 1/2 inch margin on the left and ½ inch margin on the three remaining sides. The drawing may be in pencil but shall be clear and legible. The plan shall include the following:

1. The name of the proposed subdivision.
2. The name, home, and business address of the Applicant and owners authorization.
3. The name and business address of the project designer, Surveyor and Engineer.
4. The dimensions, area, and general location of the site.
5. North point, or arrow, pointing to the left or top of sheet.
6. Locations of existing buildings within the proposed subdivision.
7. Locations and names of existing streets and general location of proposed streets.
8. Public and private easements related to site.
9. Survey monuments.
10. Water courses and impoundments.
11. Location and description of existing vegetation.
12. Storm water disposal facilities; location and size of utility service (water, sewer, power, gas, telephone cable) lines; location and type of proposed sewage disposal facilities; type of water system proposed; location of all other proposed on-site and off-site improvements.
13. Topographic contours from existing data such as U.S.G.S. quads.

14. Soils and geologic map indicating soils types, their boundaries, and any known geologic hazards such as fault zones, unstable soils, etc.
15. Vicinity map.
16. Name and address of property owners within 300 feet of proposed subdivision.
17. Adjacent properties and names of owners.
18. Existing Zoning.
19. Locations and names of existing trails and general location of proposed trails.
20. Other documents as deemed necessary by the city staff.

C. Sketch Plan Meeting - Matters Subject To Consideration. At the Sketch Plan Meeting, the Zoning Administrator or City Planner, and other representatives of the City and public and private service providers attending the Sketch Plan Meeting, as determined necessary by the Zoning Administrator or City Planner, may identify the procedures anticipated for Subdivision Application review, Application requirements, review standards, other applicable City, County, State, and Federal requirements, and any other matters.

D. Actions following a Sketch Plan Meeting. Following the Sketch Plan Meeting, a Preliminary Subdivision Application may be filed, subject to the limitations imposed by this ordinance, by the Applicant in the Office of the Zoning Administrator or City Planner.

E. Sketch Plan - Not an Application for Subdivision Approval -- Time Limitation. A Sketch Plan Application does not constitute a Land Use Application for any approval or permit and is not binding on the City, or the Applicant. No Sketch Plan Meeting discussion shall be considered by the Applicant as any indication of a Land Use Application approval or disapproval, either actual or implied. Failure to submit a Preliminary Subdivision Application within one calendar year from the initial submittal of the Sketch Plan Meeting Application shall result in the expiration of the application and shall require the applicant to submit a new land-use application.

24.80.040 Preliminary Subdivision Applications

A. Intent and Purpose. Any preliminary subdivision application shall comply with all applicable provisions of the City land use and zoning ordinances and the procedural requirements for review as provided in Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2. Acting as the ALUA for preliminary subdivision applications, the Planning Commission shall identify and address all items applicable to a preliminary subdivision plan prior to approving, approving with

requirements, or denying the preliminary subdivision application.

B. The Planning Commission shall conduct a public hearing, complying with the notice requirements provided in Section 24.80.080.

C. Following the close of the public hearing, the Planning Commission shall transmit its decision to the City Planner to act as the ALUA on the final subdivision application. The Planning Commission shall comply with Utah Code § 10-9a-509, unless a phasing sequence is required in an executed development agreement. Otherwise, the City shall accept and process the complete land use application, without regard to any other separate and distinct land use application.

D. Requirements. Any preliminary subdivision application, filed with the City Planner, shall provide the following information to determine if the application is complete:

1. The application form shall be signed by the owner of the subject property, or authorized agent or agents of the owner, accompanied by an affidavit identifying the owner or agent as being duly authorized to represent the ownerall matters related to the preliminary subdivision application. Any person with a fee interest in the subject property shall be required to join in and sign the preliminary subdivision application.

2. The applicant shall pay the preliminary subdivision application fees, including the review fees, as established the Council's Schedule of Fees, or breakdown of fees, and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required herein.

3. Legal description. A complete and accurate legal description of the Subject Property.

4. An electronic copy of all plans in PDF format.

5. Subdivision Plat Improvement Plan

6. The preliminary subdivision plat drawings, by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner or City Engineer. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A copy of the Preliminary Subdivision Plat, in a format acceptable to the City's Geographic Information System, standards shall also be provided. The Preliminary Subdivision Plat shall show the following:

    a. A vicinity map, at a minimum scale of one (1) inch = one-thousand (1,000) feet, clearly identifying the boundaries of the entire Subject Property, property accesses, adjoining subdivision outlines and names, as applicable, and relevant features located

within one-half (½) mile of the boundary of the Subject Property. The location of the Subject property with respect to surrounding property and roads and streets, and the names of all adjoining property owners of record (within 300 feet of the property) shall be shown.

(1) The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, lot number, and total area of the Subject Property.

(2) Proposed road and street layout. All existing and proposed road and street names shall be shown.

(3) The boundaries, course, and dimensions of all lots and parcels created, by their boundaries, course, and extent, whether the Applicant proposes that any lot or parcel is intended to be used as a road or street or for any other public use and whether any such area is reserved or proposed for dedication for a public purpose.

(4) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.

(5) The lot or unit reference, or building reference, road, street or site address, the road and street name or coordinate address, acreage or square footage for all parcels, units, or lots proposed to be created. All parcels, units, or lots created shall be numbered consecutively.

(6) All existing and proposed rights-of-way and easements, including but not limited to grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easements including but not limited to trails, irrigation, streets, and access points.

(7) Each lot or parcel proposed to be created shall identify the required setback lines identifying the required front, side, and rear yard areas, as required by the zoning district in which the subject property is located.

b. A title block, placed on the right side of the Preliminary Subdivision Plat showing:

(1) Proposed Name or Designation of the Subdivision that is distinct from any other Willard City Subdivision already recorded in the Office of the Box Elder County Recorder.

(2) Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor responsible for preparing the Preliminary Subdivision Plat.

(3) Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.

7. Required Subject Property Information. The following information is required and shall be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:

   a. The identification of known natural features including, but not limited to, wetlands, as identified by the United States Army Corps of Engineers, areas of slope exceeding five percent (5%) grade, flood plains, flood channels, and drainage way, identified as required by a local, state, or federal agency, with authority, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, hydrous water, and any other natural features, as required by the City Planner or City Engineer for the Subject Property, including the total area of each.

   b. All trees over six (6) inches in diameter, measuring four (4) feet above the ground. In cases of heavily wooded areas, indication of the outline of the wooded area and location of trees which are to remain.

   c. Existing contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey Sea level data. In cases of predominately-level topography, one (1) foot interval contours may be required.

   d. The location of any known man-made features on, or contiguous to, the subject property, including existing parcels and lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication and cable communication lines and facilities, bridges, culverts, drainage channels, all rights-of-way and easements, field drains, and well or spring protection areas.

   e. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.

f. All existing and proposed road and street locations and dimensions, with cross sections and vertical and horizontal profiles of all new roads and streets proposed to be dedicated to the City, showing the grades of all proposed roads and streets and identifying all proposed cuts and fills exceeding three (3) feet from the existing natural grade. The proposed radius of all centerline curves shall be shown.

g. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all existing and proposed secondary water locations, as required by the Willard City Engineer.

h. Existing and proposed storm drainage and flood control system including existing and proposed pipe sizes, inlets, detention areas, and drainage arrows.

i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.

j. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed streetlights.

k. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.

l. The location of all existing and proposed trails.

8. Geotechnical Report. A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the United States Department of Agriculture Natural Resource Conservation Service. The location and height of all subsurface ground water areas shall be shown. A certified wetland determination will be required for areas containing hydric soils.

9. Preliminary Grading Plan. For subject properties of one (1) acre or larger, a Preliminary Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed-line contours, also using two
(2) foot intervals, of the existing topography for the entire subject property. For subject properties that have predominately level topography, one (1) foot contour intervals may be required by the City Planner or City Engineer. The Preliminary Grading Plan shall identify the proposed grading for each proposed lot or parcel to be created.

10. Preliminary Erosion Control Plan. When required by the City Planner or City Engineer, a Preliminary Erosion Control Plan for the subject property shall be provided and included with the preliminary subdivision application. The Preliminary Erosion Control Plan shall identify the proposed drainage and erosion control techniques and methods for each proposed lot or parcel to be created.

11. Preliminary Easement Plan. A Preliminary Easement Plan, identifying the location, size, and use of all existing and proposed easements.

12. Title Report. A Title Report for the entire subject property, provided by a Title Company, within thirty (30) business days from the date of filing the preliminary subdivision application in the Office of the City Planner.

13. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the preliminary subdivision application.

14. Evidence of Availability of Necessary Services. The following information is required to be presented as part of the preliminary subdivision application, necessary to establish the availability of required services to the subject property.

    a. Culinary Water Requirements. As required and provided by the Act, the Willard City Public Works Director is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed culinary water system and culinary water sources.

    b. Sanitary Sewer Requirements. As required and provided by the Act, the Public Works Director is hereby designated as the Sanitary Sewer Authority for the City. In certain conditions, the Public Works Director may choose to refer the applicant to the Bear River Health Department. for further feedback and information It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed sanitary sewer system.

    c. Subdivision Roads and Streets. The preliminary subdivision application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets and alignment for planned roads consistent with the Willard City General Plan. All subdivision roads and streets shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant provide all information and materials, as required by the

City Engineer, necessary to review the proposed road and street system and road and street designs.

d. Storm Drainage and Flood Control Facilities. The preliminary subdivision application shall identify the storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing storm drainage and flood control facilities. All subdivision storm drainage and flood control system facilities shall be designed as required by the Public Works Standards and, if applicable, the Willard City Flood Control District Standards, as adopted. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, and, if applicable, the Willard City Flood Control District Engineer, necessary to review the proposed storm drainage and flood control system.

e. Fire Protection, Suppression, and Access Facilities. The preliminary subdivision application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant provide all information and materials, as required by the City Fire Chief, necessary to review the proposed fire protection, fire suppression, and fire access facilities.

15. Special District or Special Service Area. If the subject property is located within the boundaries of a Special District or a Special Service Area, a written recommendation from the governing board of such District or Area shall be provided with the preliminary subdivision application materials, which recommendation may identify any potential impacts resulting from the proposed subdivision.

16. Additional Information and Materials. When the City Staff, Commission, or City Planner deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the City's Transportation Plan access management plans, adequacy of infrastructure and utilities, public safety and fire protection, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat preservation, and any other infrastructure, physical, environmental, or cultural matters.

17. A Site Management Plan for management of vegetation, dust, and trash.

E. Preliminary Subdivision Application - Engineering and Legal Review Fees. The applicant for preliminary subdivision application approval shall pay all costs incurred by the City for the provision of City engineering and legal services, provided by a licensed engineer, and attorney selected by the City, and necessary to review the preliminary subdivision application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the City for engineering and legal review in lieu of actual costs.

F. City Planner to Determine a Complete Preliminary Subdivision Application.
No later than thirty (30) business days of the preliminary subdivision application being filed in the Office of the City Planner, and prior to preliminary subdivision application review by the Planning Commission, acting as the ALUA, the City Planner shall complete the initial review of a complete subdivision and application submitted for ordinance review to determine that the preliminary subdivision application is complete and contains all the information and material required in Subsection D. The City Planner shall notify the applicant, in writing, of the result of such determination. The City Planner shall schedule the preliminary subdivision application for a public hearing with the Planning Commission, acting as the ALUA, with notice as required by 24.08.080, to review the application, hear any public comments, and make a determination.

G. Determination of an Incomplete Preliminary subdivision application.

1. If the City Planner determines the preliminary subdivision application is incomplete, the City Planner may not schedule the required a public hearing with the Planning Commission.

2. The City Planner shall notify the applicant, in writing, of the incomplete preliminary subdivision application and allow 14 business days, from the date of notification for the applicant to provide the required information. If the preliminary subdivision application remains incomplete after 14 business days from the date of notification, the City Planner shall return the entire incomplete application to the applicant.

3. The applicant may not consider any preliminary subdivision application discussion to indicate a land use application approval or disapproval, either actual or implied. The applicant's failure to submit a complete preliminary subdivision application and obtain a written notice from the City Planner of completeness within one (1) calendar year from date of the initial submittal shall result in the expiration of the application.

H. Appeal of Completeness Determination. Any person aggrieved by a decision of the City Planner related to a determination of application completeness may

appeal the decision to the Hearing Officer, acting as the Appeal Authority for determinations of application completeness.

I. Review of Preliminary Subdivision Applications.

1. Review Cycle as defined herein, means the applicant's submittal of a complete subdivision land use application; the City's review of that subdivision application no later than thirty (30) business days after the complete preliminary subdivision application is submitted; the City's response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a- 604.2; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

2. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

3. The City may require a subdivision improvement plan to be submitted with the preliminary subdivision application.

4. The City may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.

5. No later than thirty (30) business days after the complete preliminary subdivision application, the City shall complete the initial review of a complete preliminary subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes.

6. A City shall maintain and publish a list of the items comprising the complete preliminary subdivision application, including:

    a. the application;

    b. the owner's affidavit;

    c. an electronic copy of all plans in PDF format;

    d. the preliminary subdivision plat drawings; and

    e. a breakdown of fees due upon approval of the application.

J. Necessary Approvals and Recommendations. In lieu of a subdivision improvement plan, City Planner shall require following approvals and recommendations to be included with the information and materials provided to the Commission, with the preliminary subdivision application, acting as the ALUA:

1. Written approval of the feasibility of the proposed culinary water system

and culinary water sources, provided by the Public Works Director.

2. Written approval of the feasibility of the proposed sanitary sewer system, provided by the Public Works Director.
3. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
4. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Box Elder County to allow the subdivision access from a County Road shall be provided.
5. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer, and Willard City Flood Control, as applicable.
6. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Chief.
7. All necessary approvals and permits from Federal, State, and Local agencies, as may be applicable.
8. If applicable, the approved re-zone request in writing, signed by the Willard City Mayor.

K. Staff Comments. All staff review meeting comments, necessary approvals, and recommendations provided to the Planning Commission for consideration related to a preliminary subdivision application shall also be provided to the applicant no less than three (3) business days, before any public hearing or public meeting at which the preliminary subdivision application is considered by the Commission.

L. Planning Commission Public Hearing Required. Prior to the Planning Commission making a determination as the ALUA on the preliminary subdivision application, the Planning Commission shall conduct a public hearing in compliance with the notice requirements herein.

1. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act
2. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City;
3. Mailed and addressed to the record owner of each land parcel located within three hundred (300) feet of the boundary of the Subject Property; or
4. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by;

and

5. Posting on the Utah Public Notice Website.
6. Notify each applicant of the date, time, and place of each public hearing, at least three (3) business days before the public hearing.
7. Provide to each applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.

M. Public Meetings. The City shall provide notice of the public meetings before the Planning Commission, acting as the ALUA, to consider a preliminary subdivision application as follows:

1. Notice of the date, time, and place of the public meeting, at least twenty-four
(24) hours before the meeting, which notice shall be:
    a. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.
2. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.
3. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.

N. Planning Commission Decision Required. The Planning Commission, acting as the ALUA, shall consider all information and materials received. The Planning Commission shall make a determination to approve, approve with modifications, or deny the preliminary subdivision application. The findings may include compliance or non- compliance with the subdivision ordinance public works standards, and the City's other land use ordinances and all other requirements, as applicable. The Planning Commission may recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the applicant for preliminary subdivision application approval. Such improvements, facilities, services, and amenities being determined to be consistent with the requirements of section [8.] herein, including:

1. Road and street improvements, including layout, design, grading and surfacing.
2. Flood control facilities.
3. Culinary Water facilities.
4. Sanitary Sewer facilities.

5. Storm Drainage facilities.
6. Erosion Control facilities.
7. Traffic Circulation and Access Management facilities.
8. Lot, Parcel, and/or Site drainage.
9. Park and open space areas and facilities.
10. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
11. Fencing and buffering treatments.
12. Street lighting facilities;
13. Dry lines for secondary water system;
14. Fiber optic infrastructure
15. Streetscape enhancements, including street trees and park strip improvements;' and
16. Trails

O. Administrative Land Use Authority Action. Following the consideration of the preliminary subdivision application, the decision by the Planning Commission, and all information and materials presented, the ALUA may approve the preliminary subdivision application, as presented, approve the preliminary subdivision application with requirements, or deny the preliminary subdivision application with findings of compliance or non-compliance with this Code and other land use codes and requirements, as applicable.

P. Effect of Approval. Effective Period. The approval of a preliminary subdivision application, with or without requirements, by the ALUA shall not constitute a final approval of the subdivision by the City. A preliminary subdivision application approval may not authorize the division or development of the subject property but allows the applicant to proceed with the final subdivision application process. The continuing validity of a preliminary subdivision application approval is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. The approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date of approval by the ALUA, at the end of which time the applicant must have submitted a final subdivision application to the City Planner.

Q. Effective Time Limitation. If a final subdivision application is not received by City Planner within one (1) year from the date of approval, the preliminary subdivision application approval Subject property shall be rendered void and invalid.

R. Site Preparation Work Prohibited. No excavation, and no grading or re-grading,

shall take place on any subject property, except to meet percolation, geological, or other tests as required by Willard City or other governmental entities. No building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder.

S. Appeal of Preliminary Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a preliminary subdivision application may appeal the decision to the Hearing Officer, acting as the Appeal Authority for preliminary subdivision application decisions by the ALUA.

T. Appeal of Preliminary Subdivision Application Decisions.

1. In any appeal exercised as provided in this subdivision ordinance, the decision of the Hearing Officer acting as the Appeal Authority shall be limited to whether the decision of the ALUA complied with the requirements of this subdivision ordinance.
2. The Hearing Officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.

U. Standard of Review for Appeals.

1. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited by a preponderance of the evidence whether the decision was made in compliance with the requirements of Utah Code and this subdivision code .
2. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA, of record, prior to the decision appealed.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.050 Final Subdivision Applications

A. A decision by the ALUA related to a Final Subdivision Application shall be accompanied by findings of fact. For the purposes of this code, the procedures and requirements for the consideration of Final Subdivision Application are provided to promote the full consideration of all items related to the proposed subdivision. It is the intent of this ordinance that the ALUA has full opportunity to address items identified through the application processes prior to approving, approving with requirements, or denying a Final Subdivision Application.

B. Final Subdivision Application – The ALUA for a Final Subdivision Application shall be Identified as the Land City Use Planner Authority - City Staff Recommendation Required. Prior to the City Planner, acting as the ALUA, considering a Final Subdivision Application, the City Engineer and City Attorney shall transmit a recommendation to the ALUA for consideration.

C. Final Subdivision Application Preliminary Subdivision Approval Required Application. As a condition precedent to the filing of a Final Subdivision Application in the Office of the City Planner, a preliminary subdivision application for the subject property, with or without requirements, shall have been approved by the Planning Commission, acting as the ALUA.

D. Final Subdivision Application - Requirements. All Final Subdivision Applications, filed in the Office of the City Planner, shall provide the following information to be determined complete by the City Planner.

1. Application Form. A Final Subdivision Application Form shall be completed and signed by the owner(s) of the subject property, or authorized agent of the owner. If the Final Subdivision Application Form is signed by an authorized agent of the owner, the Form shall be accompanied by an affidavit identifying the agent as being duly authorized to represent the owner all matters related thereto. Any person with a fee interest in the subject property shall be required to join in and sign the Final Subdivision Application Form.

2. Final Subdivision Application Fees. The Final Subdivision Application shall include the payment of Final Subdivision Application fees and Review fees, as established by City the Council, and any total amount, or deposit amount, required to provide the services of the City Engineer.

3. Legal Description. The Final Subdivision Application shall include a complete and accurate legal description for the entire Subject Property.

4. Final Subdivision Plat. A Final Subdivision Plat shall be prepared by a licensed land surveyor, as required by the Act, drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner, and in a form acceptable to the Box Elder County Recorder for recordation. The Final Subdivision Plat shall be prepared in pen on Mylar and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). One (1) original mylar copy of the Final Subdivision Plat and two (2) original mylar copies of the Final Subdivision Plan profiles shall be included with the Final Subdivision Application and a minimum of twelve (12) 11 inch x 17 inch size and seven (7) 24 inch x 36 inch paper copies shall be provided and accompany the Final Subdivision Application Form. The Final Subdivision Plat shall contain the same information as required by Section [ ] herein, and shall include

any revisions or additions, as required by the ALUA as part of the preliminary subdivision application approval. In addition, the Final Subdivision Plat shall show the following:

a. The notation of any self-imposed restrictions, including proposed restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the SLUA.

b. The accurate survey of the perimeter of the subject property and all parcels, units, or lots, created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100th) foot; areas to the nearest hundredth (100th) acre. All parcels, units, or lots created shall be numbered consecutively. All lands within the boundaries of the Subject property and the Final Subdivision Plat shall be accounted for as parcels, lots, roads, streets, alleys, walkways, or other designation.

c. Endorsements of every person having a security interest in the Subject property subordinating their liens to all covenants, servitudes, and easements imposed on the property.

d. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.

e. All existing and proposed grid street numbers and street names shall be shown and the street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the City.

f. All existing and proposed rights-of-way and easement grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easement grants of record.

g. The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.

h. The name and address of the surveyor responsible for preparing the Final Subdivision Plat. The surveyor making the Final Plat shall certify that the surveyor:

(1) Holds a license in accordance with Utah Code, Title 58, Chapter22, Professional Engineers and Professional Land Surveyors Licensing Act;

(2) Has completed a map of boundary survey of the property described on the Final Plat in accordance with Utah Code § 17-23-17and has verified all measurements; and

(3) Has placed monuments as represented on the Final Subdivision Plat.

i. Located at the top-center and right-hand side of the Final Subdivision Plat, the name of the subdivision, as approved by the Box Elder County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the Subject property shall be shown.

j. A title block showing:

(1) Date of preparation of the Final Subdivision Plat; and

(2) Signature blocks for the dated signatures of the Chair of the Planning Commission or City Planner, as applicable, City Engineer, and City Attorney.

5. All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.

6. Dedications and Grants of Easements. When the applicant is proposing, or is required, to provide dedications for any infrastructure, utilities, improvements, or services, the owner or operator of the infrastructure, utilities, improvements, or services shall approve the: (i) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; (ii) location of existing underground and utility facilities; and (iii) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing with the Final Subdivision Application.

7. Purchase Agreements. When any parcel, unit, or lot is proposed to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided with the Final Subdivision Application

8. Owner's Dedications. The owner's certificate of dedication(s) including a legal description of the subject property boundaries and the dedication of all public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any

covenants that may be declared and blanks where the Box Elder County Recorder may enter the book and page number of their recording.

9. Required Local, State, and Federal Permits. When required all necessary approvals, licenses, and permits, as required, shall be provided by such local state, and federal departments and agencies and included with the Final Subdivision Application.

10. Covenants, Conditions, and Restrictions. Copies of all protective covenants, conditions and restriction (CC&R's), trust agreements, Home Owner's Association articles and bylaws, and all other required documents, including those required by the ALUA governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision

11. Final Construction Drawings. Final design and construction drawings for all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and in a form and as required by the Public Works Standards and the City Engineer, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities and systems, all electrical power facilities, all telecommunications facilities, all street lights, all street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings, and all other infrastructure, utilities, improvements, or services.

12. Improvement Construction Costs. Estimated construction costs of all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and as required by the Public Works Standards and the City Engineer.

13. Final Grading Plan. For Subject property of one (1) acre or larger, a final grading plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately-level topography one (1) foot contour intervals may be required by the City Planner or City Engineer. The Final Grading Plan shall identify the proposed final grades for each proposed lot or parcel to be created.

14. Final Erosion Control Plan. When required by the City Planner or City Engineer, a final erosion control plan for the Subject property shall be provided and included with the Final Subdivision Application. The Final Erosion Control Plan shall identify the proposed lot drainage and erosion control techniques and methods for each proposed lot or parcel

to be created.

15. Final Easement Plan. A final easement plan, identifying the location, size, and use of all existing and proposed easements.

16. Title Report. If the Final Subdivision Application is filed in the Office of the City Planner after one hundred eighty (180) calendar days from the date the preliminary subdivision application is approved, or if any changes or corrections have been made to the Title of the subject property since the preliminary subdivision application was approved, a Title Report shall be submitted for the subject property, provided by a Title Company, within thirty (30) business days from the date of filing the Final Subdivision Application in the Office of the City Planner.

17. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the Final Subdivision Application. The City Planner, acting as the ALUA, may withhold an otherwise valid Final Subdivision Application approval until the owner of the subject property provides the ALUA with a tax clearance indicating that all taxes, interest, and penalties owing for the subject property have been paid.

E. Final Subdivision Application--Engineering Review Fees. The applicant for Final Subdivision Application approval shall pay all costs incurred by the City for the provision of city engineering and legal services, and necessary to review the Final Subdivision Application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the city for engineering review in lieu of actual costs.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.060 Subdivision Improvement Plan Review By Planning Commision

A. The Planning Commission, acting as the Administrative Land Use Authority, shall complete the preliminary subdivision plan review, including the subdivision improvement plan, within 40 business days of submission of the subdivision improvement plan for a residential subdivision for single-family dwellings, two-family dwellings, and town homes. The city may not engage in any other substantive review of the subdivision improvement plan after the preliminary plan approval stage.

B. In reviewing a subdivision application, the Planning Commission may require:

1. Additional information or modifications to plans to ensure compliance with city ordinances and approved standards and specifications for

construction of public improvements; and

2. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
3. The request for additional information shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans and logged in an index.
4. The Planning Commission is limited to four review cycles.
5. If a change or correction is necessitated and identified in the subdivision improvement plan, the applicant shall make the adjustment to the subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure. If the change or correction is not addressed or referenced, it is waived except if necessary to protect public health and safety or to enforce state of federal law.
6. If an applicant makes a material change to a subdivision improvement plan, the Planning Commission has the discretion to restart the review process at a first review regarding only the portion of the subdivision improvement plan that the material change substantively affects.
7. If an applicant does not submit a revised subdivision improvement plan within 40 business after the modification or correction is required, the Planning Commission has an additional 20 business days to respond to the revised subdivision improvement plan.
8. In addition to revised subdivision improvement plans, the applicant shall provide a written explanation, that is comprehensive, specific, including citations to applicable standards and ordinances for the design, and indexed, that identifies and explains each of the applicant's revisions or declined revisions.
9. If an applicant fails or refuses to address a review comment in the response, the review cycle is considered incomplete and the subsequent review cycle may not begin until all comments are addressed.
10. After the applicant has responded to the final review cycle and complied with each requested modification of the City's previous review cycle, the Planning Commission may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
11. If on the fourth and final review, the Planning Commission fails to respond within 20 business days, and the applicant requests a review, the City shall within 10 days of the request:
    a. assemble an appeal panel for a dispute arising from the subdivision improvement plans to review and approve or deny

the final revised set of plans; or

b. advise the applicant in writing of the deficiency of the application upon subdivision ordinance review and the applicant's right to appeal the determination to the designated appeal authority.

c. The action of the Planning Commission, acting as the Administrative Land Use Authority, shall be written on the face of two copies of the plan, one of which shall be retained in the files of the Planning Commission, and one of which shall be returned to the applicant. If the plan is disapproved, the Planning Commission shall express its reasons therefore to the applicant.

d. Upon approval of the preliminary plan, the Planning Commission shall be committed to grant final approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, the preliminary approval was granted based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property which were not known or present at the time concept approval was given, and which would result in a significant detrimental effect to the public if the project were carried out as initially presented. Approval of the preliminary plan shall remain valid for a period of one year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one year, upon receipt of a written request from the owner.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.070 Complete Final Subdivision Application

A. Except if a subdivision improvement plan is submitted as provided in 24.80.060, the City Planner shall determine and find that the Final Subdivision Application is complete and contains all the information and material required for a complete Final Subdivision Application within 30 business days of submission. The City Planner, acting as the ALUA, shall determine if the final subdivision application is approved.

1. The City shall maintain and publish a list of the items that comprise a complete final subdivision application.

2. In reviewing any subdivision land use application, the city planner may require additional information to ensure compliance with City code and

approved standards and specification for construction of public improvements and may request modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

3. The City's request for additional information or modifications to the subdivision land use application shall be specific, including citations to ordinances, standards, or specification that required modifications to plans, and shall be logged in an index for requested modifications or additions.

4. Unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjust the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's plan review is waived. Any modification of correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

5. If the applicant does not submit a revised plan within twenty (20) business days after the municipality requires a modification or correction, the municipality shall have an additional twenty (20) business days to respond to the plans.

6. After the applicant has responded to the final review cycle, and complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to the requested modifications or corrections.

7. If the final subdivision application complies with the requirements of Utah Code § 10-9a-604.1, the applicable City ordinances, and the preliminary subdivision approval was granted, the City Planner shall approve the final subdivision application.

B. If the Final Subdivision Application remains incomplete after 40 business days from date of notification of the required information, the City Planner shall return the entire incomplete Final Subdivision Application to the applicant. No Final Subdivision Application discussion shall be considered by the Applicant as any indication of a land use application approval or disapproval, either actual or implied. Failure to submit a complete Final Subdivision Application and obtain a written notice from the City Planner that the Final Subdivision application is complete within one calendar year from the date of the initial submittal of the Final Subdivision Application shall result in the expiration of the application.

C. Final Subdivision Application Review Procedures.

1. The City Planner is the ALUA for Final Subdivision Applications.

2. City Engineer and City Attorney Recommendation. Prior to the ALUA

considering a Final Subdivision Application, the City Engineer and City Attorney shall review the Final Subdivision Application and shall transmit a recommendation to the ALUA for consideration.

3. Necessary Approvals and Recommendations. Any necessary approvals and recommendations provided to the ALUA for consideration related to a Final Subdivision Application, including any comments and recommendations provided by the City Engineer and City Attorney, shall also be provided to the applicant, a minimum of three (3) business days, before the Final Subdivision Application is considered by the ALUA.

4. Acknowledgement and Necessary Signatures Required. The owner of the subject property shall acknowledge the Final Subdivision Plat before the ALUA authorized to take the acknowledgement of conveyances of real estate and shall obtain the signatures of required City Officials.

5. ALUA Review. Following the receipt of all recommendations, including the recommendations of the City Engineer and City Attorney, the ALUA shall consider the Final Subdivision Application. Except as provided for final subdivision applications for single-family or two-family residences, or townhomes, the ALUA may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or noncompliance with this code, and other Land Use codes and requirements, as applicable.

    a. The ALUA may require onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant for Final Subdivision Application approval, such improvements, facilities, services, and amenities including, but not limited to:

        (1) Road and street improvements, including layout, design, grading and surfacing.

        (2) Flood control facilities.

        (3) Culinary Water facilities.

        (4) Sanitary Sewer facilities.

        (5) Storm Drainage facilities.

        (6) Erosion Control facilities.

        (7) Traffic Circulation and Access Management facilities.

        (8) Lot, Parcel, and/or Site drainage.

        (9) Park and open space areas and facilities

        (10) Fire protection and suppression facilities, including fire

hydrants, fire access, and water storage facilities

(11) Electrical power and telecommunications facilities

(12) Fencing and buffering treatments

(13) Street lighting facilities; and

(14) Streetscape enhancements including street trees and park strip improvements.

(15) Trails

6. Effect of Approval of a Final Subdivision Application and Effective Period.

   a. The approval of a Final Subdivision Application, with or without requirements, by the City Planner, acting as the ALUA, shall constitute a final approval of the subdivision by the City.

   b. After the approved Final Subdivision Plat has been acknowledged and certified, the City shall, within one (1) year of the date of approval of the Final Subdivision Application, record the approved Final Plat in the Office of the Box Elder County Recorder. The Applicant(s) shall pay all fees, including copies, for the recording of the Final Plat and all Final Subdivision documents.

   c. The applicant shall provide one (1) Mylar copy of the recorded Final Plat to the City Planner for inclusion in the files of the City.

   d. After the Final Plat has been recorded, the Applicant may apply for necessary permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Plat and the City requirements for such permits.

   e. As provided by the Act, the continuing validity of a Final Subdivision Application approval is conditioned upon the applicant's proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Code, and this requirement, the approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date of approval by the ALUA at the end of which time the applicant shall have presented the Final Subdivision Plat for recording in the Office of the Box Elder County Recorder. If the Final Subdivision Plat is not recorded within one (1) year of approval, the Final Subdivision Application shall be rendered void and invalid.

7. Dedication of Streets and other Public Places.

    a. Final Subdivision Plats, when made, acknowledged, and recorded in the Office of the Box Elder County Recorder, according to the procedures and requirements of this Code, operate as a dedication of all roads, streets and other public places, and vest the fee of those parcels of land with the City for the use of the public for the uses named or intended by those Final Subdivision Plats.

        (1) The dedication established by this section does not impose liability upon the City for roads, streets and other public places that are dedicated in this manner but are unimproved.

8. Common Area Parcels on a Final Subdivision Plat - No Separate Ownership - Ownership Interest Equally Divided among other Parcels on the Final Subdivision Plat and Included in Description of other Parcels.

    a. A parcel designated as common area on a Final Subdivision Plat and recorded in the Office of the Box Elder County Recorder shall not be separately owned or conveyed independent of the other parcels created by the Final Subdivision Plat.

    b. The ownership interest in a common area parcel shall:

        (1) For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Final Subdivision Plat or an accompanying recorded document; and

        (2) Be considered to be included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

9. Site Preparation Work Prohibited. No excavation, and no grading or re-grading, shall take place on any Subject property except as required by the City or other governmental entities to meet percolation, geological, or other tests, and no building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder, and a Preconstruction Meeting has been held with the City Engineer to identify the requirements for the construction and installation of all required subdivision improvements, facilities, services, and amenities.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.080 Appeal Of A Decision By The City Planner

Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Hearing Officer.

A. Appeal of Final Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a Final Subdivision Application may appeal the decision to the Hearing Officer as the Appeal Authority for Final Subdivision Application decisions by the ALUA.

B. Appeal of Final Subdivision Application Decisions (Scope of Review).

C. In any appeal from any Final Subdivision Application decision, the review by the hearing officer shall be limited to whether the decision of the ALUA complied with the requirements of this Code.

D. The hearing officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.

E. Standard of Review for Appeals.

    1. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited to whether the decision was made in compliance with the requirements of the Act and this Code.

    2. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA of record, prior to the decision appealed.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.090 Vacation Or Amending A Recorded Final Subdivision Plat, Street Or Alley Final Plat

A.

A. Amendment to a Recorded Final Subdivision Plat. The ALUA may vacate or amend a recorded Final Subdivision Plat or any portion of a recorded Final Subdivision Plat by following and complying with all requirements for vacating or changing a Subdivision Plat, as identified by Utah Code §§ 10-9a-608 and 10-9a-609, as amended.

B. Vacating or Altering a Street or Alley. The ALUA may vacate or alter a street or alley by following and complying with all requirements for vacating or altering a street or alley, as identified at Utah Code § 10-9a-609.5.

C. Appeal of Subdivision Amendment Decisions. Any person aggrieved by a decision of the Council concerning a vacation or amendment of a recorded Final Subdivision Plat, or any portion of a recorded Final Subdivision Plat, or the decision of the Council concerning the vacation or alteration of a street or alley may appeal such decision to District Court, the Court acting as the Appeal Authority.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.100 Subdivision Ordinance Amendments

A. Intent and Purpose. Any decision related to a Subdivision Code Amendment Application is a discretionary action by the Council, be accompanied by findings of fact, following the receipt of a commission recommendation and such recommendation also being accompanied by findings of fact. The procedures and requirements for the consideration of a Subdivision Code Amendment Application are provided to promote the full consideration of all items related to the proposed Subdivision Code Amendment Application. The Commission shall identify and address any item applicable to a Subdivision code Amendment Application prior to providing a recommendation to the Council. The Council shall identify and address all items applicable to a Subdivision code Amendment Application prior to approving, approving with requirements, or denying the Subdivision code Amendment Application.

B. Subdivision Code Amendment Exception Application - Council identified as the Legislative Land Use Authority - Commission Recommendation Required.

    1. The Council is hereby identified as the legislative land use authority for Subdivision Code Amendment Applications.

    2. Prior to the Council considering a Subdivision Code Amendment Application, and as required by the Act, the Commission shall conduct a public hearing, complying with the notice requirements of section [ ]

herein. Following the close of the public hearing, the Commission shall transmit a recommendation to the Council.

C. Subdivision Code Amendment Applications - Application Requirements. All Subdivision Code Amendment Exception Applications, filed in the Office of the City Planner, shall provide the following information, necessary for the City Planner to determine the Application complete:

1. Application Form. A Subdivision Code Amendment Application Form completed and signed by the Applicant (s) for the proposed Subdivision code Amendment.

2. Subdivision Code Amendment Application Fees. The Subdivision Code Amendment Application shall include the payment of all Subdivision Code Amendment Application fees and Review fees, as established the Council, and any total amount, or deposit amount, required to provide the services of the City Engineer.

3. The identification of the chapter and section Number of the Subdivision Code proposed to be amended.

4. A detailed statement of the objective of the proposed Subdivision Code Amendment, clearly identifying the weakness and deficiencies of the existing chapter and section proposed to be amended, and citing any Goals and Policies of the City, including those contained within the Willard City General Plan, that supports the proposed Subdivision Code Amendment.

5. Any other information and materials, considered by the Applicant(s), necessary to support the proposed Subdivision Code Amendment.

D. Subdivision Code Amendment Application- - Review Fees. The Applicant(s) for Subdivision Code Amendment Application approval shall pay all costs incurred by the City for the provision of City Engineering services, provided by a licensed engineer, selected by the City, and necessary to review the Subdivision Code Amendment Application , as necessary, materials for conformity to the requirements of this Code, other applicable Land Use Codes and requirements, and accepted engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the city for engineering review in lieu of actual costs.

E. City Planner to Determine a Complete Subdivision Code Amendment Application.

1. Within thirty (30) business days of the Subdivision Code Amendment Exception Application being filed in the Office of the City Planner, and prior to the Subdivision Code Amendment Exception Application being scheduled with the Commission, the City Planner shall determine and

find that the Subdivision Code Amendment Application Subdivision Code Amendment Application is complete and contains all the information and material required for a complete Subdivision Code Amendment Application, as required herein. As provided for by the Act, the City Planner shall determine a Subdivision Code Amendment Application submitted and complete when the Application is provided in a form that complies with requirements herein, and all applicable Subdivision Code AmendmentException Application fees have been paid. The City Planner shall notify the Applicant, in writing, of the result of such determination. Following a determination of a complete Subdivision Code Amendment Application, the City Planner shall schedule the Subdivision Code Amendment Application for public hearing with the Commission, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

2. A Subdivision Code Special Amendment Exception Application lacking any of the Subdivision Code Amendment Exception Application information and materials, as required herein shall be cause for the determine the Subdivision Code Amendment Application as incomplete.

F. Determination of an Incomplete Subdivision Code Amendment Application.

1. A determination of an incomplete Subdivision Code Amendment Application by the City Planner shall prohibit the City Planner from scheduling the required Planning Commission public hearing and shall prohibit the Planning Commission or Council from considering any information or material related to the proposed Amendment.

2. Following a determination of an incomplete Subdivision Code Amendment Application by the City Planner, the City Planner shall notify the Applicant, in writing, of the information lacking from the Subdivision Code Amendment Application. The City Planner shall allow sixty (60) business days from the date of notification of an incomplete Subdivision Code Amendment Application, for the Applicant to provide the required information. If the Subdivision Code Amendment Exception Application remains incomplete after sixty (60) business days from date of notification, the City Planner shall return the entire incomplete Subdivision Code Amendment Application to the Applicant(s), including any Subdivision Code Amendment Application Review fees paid. After an application for Subdivision Code Amendment has been returned by the City Planner or City Planner as incomplete the application shall expire and the applicant seeking to obtain the amendment must submit a new application.

G. Appeal of a Determination of Application Completeness Decision by the City

Planner. Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Planning Commission, as the Appeal Authority for determinations of application completeness decisions.

H. Subdivision Code Amendment Application Review Procedures.

1. The City Council is designated as the Land Use Authority for all Subdivision Code Amendment Applications.

2. The review and approval procedures for a Subdivision Code Amendment Application is summarized identified in Figure [ ] herein.

3. Staff Review Meeting. Prior to the Commission considering the Subdivision Code Amendment Application at a public hearing, the City Staff shall review the Subdivision Code Amendment Application for compliance to the requirements of this Code and other Land Use Codes and requirements, as applicable: The results of the Staff Review Meeting, including all Staff review comments and recommendations shall be provided to the Commission and Council for consideration.

4. Staff Comments and Recommendations. All Staff Review comments and recommendations provided to the Commission and Council for consideration related to the Subdivision Code Amendment Application shall also be provided to the Applicant(s), a minimum of three (3) business days, before the Subdivision Code Amendment Application is considered by the Commission or Council, as applicable.

5. Commission Public Hearing Required. As required by the Act, and prior to the Council considering the Subdivision Code Amendment Application, the Commission shall conduct a public hearing, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

6. Commission Recommendation Required. Following the close of the Commission public hearing, the Commission shall consider all information and materials received. As required by the Act, the Commission shall formulate and transmit a recommendation to the Council on the Subdivision Code Amendment Application for consideration. The Commission may recommend approval of the Subdivision Code Amendment Application, as presented, recommend approval of the Subdivision Code Amendment Application with requirements, or recommend denial of the Subdivision Code Amendment Application, with findings.

7. Council Public Hearing Required. Prior to the Council considering the Subdivision Code Amendment Application, the Council shall conduct a public hearing, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

8. Council Review. Following the close of the public hearing and the receipt of the Commission recommendation, the Council shall consider the Subdivision Code Amendment Application. The Council shall consider a Subdivision Code Amendment Application at a regularly scheduled Council meeting.

9. Council Decision. The Council may adopt or reject the Subdivision Code Amendment Application as proposed or recommended by the Commission, or after making any revision(s) the Council considers appropriate, approve the Subdivision Code Amendment Application with revisions, or deny the Subdivision Code Amendment Application with findings. A decision by the Council to amend the Subdivision Code shall be by the Council's passage of an Code clearly identifying the chapter(s) and section(s) of the Subdivision Code to be amended, the nature of the amendments, and the effective date of such amendments.

I. Effect of Approval, with or without requirements, of a Subdivision Code Amendment Application - Adopting Code Required.

1. The passage of an Code by the Council, approving a Subdivision Code Amendment Application, with or without revisions, shall not constitute approval of any Subdivision Application, or any other Land Use Application by the Council. A Subdivision Code Amendment Application approval shall not authorize the division or development of land.

2. Passage of an Code by the Council approving a Subdivision Code Amendment Application, with or without revisions, shall amend the Subdivision Code on the effective date, as provided by the adopting Code.

J. Appeal of Subdivision Code Amendment Application Decisions. Any person aggrieved by a decision of the Council for a Subdivision Code Amendment Application may appeal the decision to District Court, the Court acting as the Appeal Authority for Subdivision Code Amendment Application decisions by the Council.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.110 Noticing Requirements In General

A. Purpose As required by the Act the City shall provide notice of all Purpose public hearings and As required by the Act, the City shall provide notice of all

public hearings and public meetings for adoption or modification this Code and when a Land Use Application required by this Code is considered by the Commission, Council, or City Planner. The notice requirements for public hearings and public meetings, and required Applicant notice are provided by this section.

B. Notice required for Public Hearings and Public Meetings to consider the Adoption or any Modifications of this Code and Notice of Final Action.

1. Hearings. The City Planner for public hearings before the Commission, and the City Recorder for public hearings before the Council, shall provide notice of the public hearing to consider the adoption or any modification of this Code as follows:

    a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

        (1) Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

        (2) Posted in at least three (3) public locations within Willard City, or posted on the official website of Willard City; and

        (3) Published on the Utah Public Notice Website.

    b. Notify each Applicant of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing.

    c. Provide to each Applicant a copy of each Staff Report regarding the Subdivision Code Amendment Application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission, and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider the adoption or any modification of this Code as follows:

    a. of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

        (1) Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

        (2) Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

        (3) to each Applicant a copy of each Staff Report regarding the Subdivision Code Amendment Application at least

three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Subdivision Code Amendment Application related to the adoption or any modification of this Code.

C. Notice required for Public Hearings and Public Meetings to consider a preliminary subdivision application and Notice of Final Action.

1. Hearings. The City Planner for public hearings by the Commission shall provide notice of the public hearing to consider a preliminary subdivision application as follows:

a. of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

(1) to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

(2) in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

(3) Mailed and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

(4) Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and

(5) on the Utah Public Notice Website.

b. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

c. to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission and the City Recorder for public meetings before the ALUA, shall provide notice of the public meeting to consider a preliminary subdivision application as follows:

a. the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

(1) in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder for Preliminary subdivision applications shall notify the Applicant of any final action taken by the SLUA for a Preliminary subdivision application.

D. Notice required by the Act for Public Meetings to consider a Final Subdivision Application and Notice of Final Action.

1. Public Meetings. The City Recorder for public meetings before the ALUA, shall provide notice of the public meeting to consider a Final Subdivision Application as follows:

a. Notice of the date, time, and place of the public meeting, at least twenty- four (24) hours before the meeting, which notice shall be:

(1) in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. to each Applicant a copy of each Staff Report regarding the Final Subdivision Application at least three (3) business days before the meeting.

2. Notice of Final Action. The City Recorder for a Final Subdivision Application shall notify the Applicant of any final action taken by the ALUA for a Final Subdivision Application.

E. Notice required for Public Hearings and Public Meetings to consider an Amendment to a Final Subdivision Plat and Notice of Final Action.

1. Hearings. The City Planner for public hearings by the Commission shall provide notice of the public hearing to consider a Final Subdivision Plat Amendment Application as follows:

a. the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

(1) in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

(2) and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

(3) the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

b. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

c. to each Applicant a copy of each Staff Report regarding the Final Subdivision Plat Amendment Application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Commission and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider a Final Subdivision Plat Amendment Application as follows:

a. of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

(1) in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. Provide to each Applicant a copy of each Staff Report regarding the Final Subdivision Plat Amendment Application at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Final Subdivision Plat Amendment Application.

F. Notice Required for Public Hearings and Public Meetings to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way.

1. Hearings. The City Recorder, for the public hearing by the Council shall provide notice of the public hearing to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:

a. the date, time, and place of each public hearing, at least ten (10)

calendar days before the public hearing, which notice shall be:

(1) to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

(2) in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

(3) and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

(4) the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

b. Publishing notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in Willard City.

c. each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

d. to each Applicant a copy of each Staff Report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:

a. of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

(1) in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. to each Applicant a copy of each Staff Report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way Plat at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Application to Vacate, Alter,

or Amend a Public Street or Right-of-Way.

G. Challenge. If notice given under authority of this section, and the authority of the Act, is not challenged, as provided by the Act, within thirty (30) calendar days after the hearing(s) or meeting(s), or action, for which notice is given, the notice is considered adequate and proper.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.120 Appeals

A. Purpose. As required by the Act, this section is provided to allow the applicant, a Board, or Officer of the City, or any other person who believes they are adversely affected by a decision of a Land Use Authority to appeal such decision to an Appeal Authority, as identified by this section.

B. Appeal Authorities. As required by the Act, and to provide for appeals of decisions of a Land Use Authority administering or interpreting this Code, the following Appeal Authorities, with their respective appeal responsibilities, are hereby identified as follows:

1. Any person aggrieved by a decision of the Council in enacting or administering this Code may file a Petition with District Court, as provided by this section.

2. Any person aggrieved by a decision of the City Planner or ALUA in administering or interpreting this Code may file an Appeal Application with the hearing officer, including any person aggrieved by a decision of the City Planner related to a determination of Application Completeness.

C. Maximum Time Allowed to File Appeal.

1. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of a Land Use Authority's decision administering or interpreting this Code may, within ten (10) calendardays of the decision, appeal such decision to the Appeal Authority except as may be further provided for by subsections C.2 and C.3 below.

2. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of the ALUA, acting as a land use authority may file a petition for the review of the ALUA’s decision with the District Court within thirty (30) calendar days after the decision is final.

3. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of the

Hearing Officer may file a petition for review of the decision with the District Court within thirty (30) calendar days after the decision is final.

D. Requirements for an Appeal Petition.

1. An Appeal Petition of a Land Use Authority's decision made under the authority of this section shall clearly identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Code.
2. Only those decisions in which a Land Use Authority has applied the requirements of this Code to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

E. Condition Precedent to Judicial Review, Appeal Authority Duties.

1. As required by the Act, and as a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this section.
2. An Appeal Authority shall:
    a. Act in a quasi-judicial manner; and
    b. Serve as the final arbiter of issues involving the interpretation or application of this Code; and
    c. May not entertain an Appeal of a matter in which the Appeal Authority, or any participating member thereof, had first acted as the Land Use Authority.
3. As provided by the Act, an adversely affected party shall present every theory of relief to the Appeal Authority that it can raise in District Court.
4. As required by the Act, an Appeal Authority shall not require an adversely affected party to pursue duplicate or successive Appeals before it, or another Appeal Authority, as a condition of the adversely affected party's duty to exhaust administrative remedies.

F. Application Required. An Appeal Petition or Application for an Appeal, of a Land Use Authority's decision shall be made on the Appeal Application Form, available in the Office of the City Recorder.

G. Meetings, Records, and Action of an Appeal Authority.

1. Each Appeal Authority as identified by section [ ] herein shall:
    a. Notify each of its members of any meeting or hearing;

b. Provide to each of its members the same information and access to City resources as any other member;

c. Convene only if a quorum of its members is present; and

d. Act only upon the vote of a majority of its convened members.

2. The City Recorder, in consultation with the City Attorney, shall coordinate with the Hearing Officer to schedule the hearing of the Appeal. The City Planner and City Recorder shall coordinate and transmit to the Appeal Authority all information and materials constituting the full and complete record of the matter and the decision of the Land Use Authority.

3. Following a written decision by the Appeal Authority, the City Recorder shall provide the Applicant a copy of the written decision.

4. A record of the final decision of the Appeal Authority shall be maintained in the Office of the City Recorder, which shall constitute the official record of the Appeal Authority.

H. Due Process.

1. Each Appeal Authority shall conduct each appeal as provided herein.

2. Each Appeal Authority shall respect the due process rights of each of the participants.

I. Burden of Proof. Any person bringing an Appeal and alleging an error of a Land Use Authority's decision administering or interpreting this Code has the burden of proof that the Land Use Authority erred.

J. Standard of Review for Appeals.

1. Each Appeal Authority identified by this section shall hear and review all Appeal Application matters "on the record," including the review of all factual matters. Each Appeal Authority shall only consider that information and material presented and originally before the Land Use Authority in making the decision that is the subject of the Appeal.

2. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of the Land Use Codes.

3. Only those decisions in which a Land Use Authority has applied the requirements of this Code to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

4. An Appeal Petition shall not be used to waive, modify, or amend any requirement, provision, or term of this Code.

K. Final Decision. A decision of an Appeal Authority shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the City in the matter.

L. District Court Review.

1. Required Time for Filing.

a. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Code and received a final decision from the Appeal Authority.

b. Any person adversely affected by a final decision made in the exercise of, or in violation of, the provisions of this Code may file a petition for review of the decision with the District Court within thirty (30) calendar days after the decision is final.

c. A petition is barred unless it is filed within thirty (30) calendar days after the Appeal Authority's decision is final.

2. Tolling of Time.

a. The required time for filing for District Court review shall be tolled from the date the a person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by Utah Code § 63-34-13, as amended, until thirty (30) calendar days after:

(1) The arbitrator issues a final award; or

(2) The property rights ombudsman issues a written statement under Utah Code § 63-34-13(4)(b), as amended, declining to arbitrate or to appoint an arbitrator.

b. A tolling under this section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

c. A request for arbitration filed with the property rights ombudsman after the time allowed under subsection L,2,a to file a petition has expired does not affect the time to file a petition.

3. Standards Governing Court Review.

a. The District Court shall:

(1) Presume that a decision, ordinance, or regulation made under the authority of the Land Use Code, and the Act, is

valid; and

(2) Determine only whether or not the decision, ordinance, or regulation is arbitrary, capricious, or illegal.

b. A decision, ordinance, or regulation of the Council involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.

c. A decision of a Land Use Authority, or an Appeal Authority, involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence on the record and is not arbitrary, capricious, or illegal.

d. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.

e. The time requirements for the filing of a petition with District Court, as provided by this section, apply from the date on which the Land Use Authority takes action on an Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Code, as applicable, or for any person who had actual notice of the pending decision.

f. If the City has complied with the notice requirements, as provided by section [ ] herein, a challenge to the enactment of this Code may not be filed with the District Court more than thirty (30) calendar days after the enactment.

4. Appeal Authority - Review on the Record.

a. The Hearing Officer or Appeal Authority shall transmit to District Court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.

b. If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this section.

c. If there is a record, the District Court's review is limited to the record provided by the Land Use Authority, or Appeal Authority, as the case may be.

d. The court may not accept or consider any evidence outside the record of the Land Use Authority, or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use

Authority, or Appeal Authority, respectively, and the court determines that it was improperly excluded.

e. If there is no record, the Court may call witnesses and take evidence.

f. The filing of a petition does not stay the decision of the Land Use Authority, or Appeal Authority, as the case may be.

5. Staying of Decision.

a. Before filing a petition under this section, or a request for mediation or arbitration of a constitutional taking issue under Utah Code § 63-34-13, as amended, the aggrieved party may petition the Appeal Authority to stay its decision.

b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the City.

c. After a petition is filed under this section, or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code § 63- 34-13, as amended, the petitioner may seek an injunction staying the Appeal Authority's decision.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.130 Design And Construction Standards

A. Design and Construction Standards Applicable to all Subdivision Applications.

1. The design and construction of all subdivisions shall be found by the ALUA to preserve and protect the existing natural terrain, drainage, topsoil and trees of the subject property, as practicable.

2. The design and construction of all subdivisions located within the City shall recognize any hazardous or potentially hazardous conditions, including, but not limited to, landslides, mud and debris flows, rock falls, avalanches, areas of existing and potential ground subsidence, areas of high ground water, flood plains, drainage ways, and areas subject to fire dangers existing on the Subject Property. No Preliminary or Final Subdivision Application may be approved by the ALUA, with responsibility for the Subdivision Application, until such hazard(s) have been removed, or the design and layout of the proposed subdivision eliminates, or minimizes, any hazardous or potentially hazardous

conditions to the extent determined necessary by the SLUA.

3. The installation and construction of all required subdivision improvements, facilities, services, and amenities shall comply with all standards and requirements, as applicable, and as provided and required by the Willard City Public Works Standards Book.

B. Design and Configuration of Lots and Parcels.

1. A subdivision lot or parcel may not be divided by any municipal or county boundary line, or by any road, street, alley, or other lot.
2. A wedge-shaped or pie-shaped lot or parcel may not be less than thirty (30) feet in width measured at the front property line.
3. All side lot lines shall be located to be generally at right angles or radial to road and street rights-of-way lines.
4. All subdivision lots and parcels shall front on a public road or street.
5. A subdivision may include allowable features within the rear setback of a residential building lot or parcel, except any lot or parcel within the City's historic district.

C. Street Design Requirements.

1. Streets to Conform to Official Maps. The proposed subdivision road and street layout shall conform to all Willard City Official Plans and Maps.
2. Through Traffic. All Minor Streets located within a subdivision shall be located and designed to discourage through traffic.
3. Stub Streets. Necessary stub streets shall be provided where required by the Land Use Authority to connect to adjacent undeveloped land and new streets shall connect to existing stub streets located in adjacent subdivision areas.
4. Road and Street Right-of-Way Widths. All roads and streets shall comply and provide the minimum road and street right-of-way widths as required by the Willard City Public Works Standards.
5. Road and Street Pavement Widths. All roads and streets shall comply and provide the minimum road and street pavement widths as required by the Willard City Public Works Standards.
6. Road and Street Shoulders. Road and street shoulders, a minimum width often (6) feet, shall be provided on each side of all roads and streets when no curbs are provided.
7. Half-Streets. Half-streets shall not be permitted within any subdivision, unless approved as a Special Exception, as provided herein.

8. Dead-End Streets and Stub Streets. Dead-end streets and stub streets shall be approved, or required, to the extent necessary to provide future access to adjoining property.

9. Cul-de-sac Streets. Cul-de-sac Streets shall comply with the Willard City public works standards and shall provide for a maximum of ten lots per cul-de-sac.

10. Maximum Number of Roads and Streets at an Intersection. No more than four (4) roads and streets shall enter an intersection.

11. Angle of Road and Street Intersections. Roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

12. Centerlines of Intersecting Roads and Streets. Centerlines of Intersecting Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

13. A traffic impact study may be required on developments that generate 100 or more new peak hour trips or as determined by the City Engineer. The guidelines for all traffic impact studies conducted within Willard City shall comply and provide the minimum specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

D. Street Naming. All proposed subdivision roads and streets shall have the same road and street coordinate reference and name as existing roads and streets that are in alignment that are within the City. There shall be no duplication of any road or street coordinate reference or names. All road and street names shall be approved by the ALUA.

E. Road and Street Curvature and Alignment Requirements. Horizontal and Vertical Curves. Horizontal and Vertical Curves shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

F. Frontage on Freeways or Major Highways. Where a subdivision abuts a Freeway or Highway, a frontage road may be required by the ALUA.

G. Minimum Roadbed and Paving. The minimum roadbed grading and paving for Minor, Collector and Major Streets, Local Access Roads, Collectors and Arterials shall be provided as required by the Willard City Public Works Standards.

H. Maximum Cul-De-Sac Length. All cul-de-sacs shall be limited to a maximum length of six hundred (600) feet, measured from the radius point of the cul-de-

sac to the centerline of the connecting road or street, and shall provide adequate easements for drainage, as required by the City Engineer.

I. Maximum Road and Street Grade. All subdivision roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

J. Sidewalks, Curbs, and Gutters Required. All subdivisions shall include sidewalks, curbs, and gutters, based on the Willard City Public Works Standards, on both sides of all public streets.

K. Traffic Control Devices. All proposed traffic control devices shall conform to the standards of the Manual of Uniform Traffic Control Devices (MUTCD).

L. Pedestrian Cross-Walks. Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way not less than ten (10) feet wide may be required when determined necessary by the ALUA for adequate pedestrian circulation. Cross-walk improvements (paving) not less than five (5) feet wide shall be placed within the rights- of-way, as required by the ALUA.

M. Lot Size Standards. All lots and parcels shall meet the minimum area requirements, or maximum density requirements of the Zoning District in which the Subject property is located.

N. Easement Standards.

1. All required subdivision utility easements shall follow the rear and side lot lines, where practical, and shall be a minimum total width often (10) feet, apportioned equally between the adjoining lots, parcels, or property.

2. When front property line easements are required, a minimum often (10) feet shall be provided. If required, easements for the perimeter of the Subject property shall not be less than ten (10) feet in width.

3. All required subdivision easements shall be located and designed to provide efficient installation and maintenance of all utilities and subdivision features. Special guying easements at corners may be required. Public utility installations shall be so located to permit multiple installations within all easements. The subdivision's final grades shall be established prior to any public utility installations.

O. All Utilities to Be Underground. All power lines, telephone lines and other utility lines shall be provided underground, unless otherwise approved by the Land Use Authority, supported by the recommendation of the City Staff and Engineer.

P. Alleys. The Land Use Authority may approve service accesses to the interior of blocks. The location and dimensions of such service accesses (alleys) shall be identified on the Final Subdivision Plat. Alleys shall conform to the Willard City Public Development Standards and shall have a minimum width of twenty (20) feet.

Q. Required Infrastructure and Services.

1. Culinary Water Systems and Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all culinary water system and all culinary water facilities necessary to provide culinary water services to all lots and parcels, as required by the Public Works Director, acting as the City's Culinary Water Authority, and the SLUA, responsible for Subdivision Application approval. Culinary Water Systems and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

2. Sanitary Sewer System and Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all sanitary sewer system and all sanitary sewer facilities necessary to provide sanitary sewer services to all lots and parcels, as required by the Public Works Director, acting as the City's Sanitary Sewer Authority, and the Land Use Authority, responsible for Subdivision Application approval. Sanitary Sewer System and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

3. Subdivision Roads and Streets. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all roads and streets, and all transportation system facilities necessary to provide transportation and circulation facilities to all lots and parcels, as required by the City Engineer and City Planner, and the Land Use Authority, responsible for Subdivision Application approval. Subdivision Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

4. Storm Drainage and Flood Control Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all storm drainage and flood control facilities necessary to provide storm drainage and flood control facilities to all lots and parcels, as required by the City Engineer, the Willard City Flood Control District, and the Land Use Authority, responsible for Subdivision Application approval. Storm Drainage and Flood Control Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

5. Fire Protection, Suppression, and Access Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application

approvals, shall require that the subdivision, as approved, provide all fire protection, fire suppression, and access facilities necessary to provide fire protection, fire suppression, and access facilities to all lots and parcels, as required by the City Fire Chief, and the Land Use Authority, responsible for Subdivision Application approval. Fire Protection, Suppression, and Access Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

HISTORY
Amended by Ord. 2024-15 on 12/12/2024

24.80.140 Water Rights

A. Water Rights Acquisition Policy and Conveyance Requirements. It is intended that all applicants requesting annexation of land into Willard City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, and all applicants requesting development approval shall provide water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this section. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.

B. Water Rights Required-Determination of Amount.

1. Residential Uses. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water for future residents of the City based on the needs created by anticipated future development shall be consistent with the Willard City Culinary Water Capital Facilities Plan.[1]

2. Non-Residential Uses. An amount sufficient to satisfy the projected needs of the proposed development shall be determined by the Land Use Authority in consultation with the City Planner, City Engineer and Public Works Director.

3. Annexation. Any annexation applicant seeking to develop shall be required to provide and dedicate to the City sufficient water rights to meet the reasonable needs of the proposed development.

4. The quantity of water credited to a development applicant upon the applicant's dedication of water rights shall be that portion of the water

right which the Office of the State Engineer has approved for consumption, and that quantity shall not include any amounts which the Office of the State Engineer requires to be returned to the hydrologic system.

C. Type of Water Rights Acceptable for Conveyance.

1. Water rights proposed for conveyance to the City shall be municipal or municipal- type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this section. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, and other relevant factors. The City may require an approved application for the change of use or change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

2. In the discretion of the City Council with advice from the City Public Works Director and City Engineer, in lieu of actual conveyance of water rights pursuant to this section, a single-lot development applicant or final subdivision plat applicant may pay to the City an amount, established by the City Council per acre foot of water rights, intended to be sufficient for the City to purchase the municipal water rights necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

3. Supply and Delivery Facilities May be Required. In addition to furnishing water rights, the applicant may be required to pay additional costs required to construct the facilities necessary to supply, store, and distribute the water.

D. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.

1. Annexation. Deferral. Where an annexation contains property which is being annexed without the consent of the owner, or where water service will not immediately be provided by the City as a result of an annexation, the City may, in the exercise of the discretion of the City Planner, elect to waive the conveyance of water rights at the time of annexation if the annexation specifically identifies such parcels and provides either an alternative means to satisfy these water rights conveyance requirements or provides that any subsequent change in zoning classification or

subsequent development approval which increases the need for water service by the City will require the conveyance of additional water rights to the extent necessary to provide adequate water to serve such future development. Such an election shall not constitute a waiver or exemption from complying with the requirements of this section.

2. Lands Which are Restricted Against Future Development. Where development of the property in question is restricted by unusual circumstances such as topographic features, environmentally sensitive or fragile conditions, or voluntary limitations on landscape and other activities which will reduce the amount of water to be provided by the City, the City Planner may reduce the amount of the water right required to be conveyed to an amount commensurate with the nature of the proposed restricted development. Any such restriction must be accompanied by enforceable provisions for securing compliance in a form to be approved by the Willard City Attorney.

E. Time of Conveyance. The conveyance of title to the water rights, free and clear of all liens, encumbrances, and claims of any nature not expressly approved in writing by Willard City, shall occur prior to, concurrent with, or as a condition to final annexation, rezoning, or development approval. An approved final plat shall not be signed or recorded prior to conveyance of the water rights.

F. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.

1. Any applicant, person, or entity which is subject to this water rights acquisition policy and conveyance requirement may file, in writing, either prior to or concurrent with the application that triggers the water rights conveyance requirement, an appeal or a request for adjustment, modification, exemption, or waiver of the requirement with the Hearing Officer seeking relief from all or a portion of the water rights acquisition policy requirements as contained in this section.

2. Supporting Information to be Submitted. Any such appeal or request for relief shall be signed by the applicant and contain adequate information and documentation in support of the relief requested. The Hearing Officer may request additional information as reasonably necessary in order to make a decision on the application. The burden shall be upon the applicant in any such appeal or request for adjustment, modification, exemption, or waiver of this water rights conveyance requirement to demonstrate that the strict application of the policy under their particular facts and circumstances is inequitable, unreasonable, or unlawful.

3. Decision by Hearing Officer. Within thirty (30) days of the filing of the completed appeal or request, together with all supporting information and documentation required by the Hearing Officer, the Hearing Officer

shall schedule a hearing with appropriate notice. At the hearing, the applicant shall be entitled to present information, documentation, and witnesses in support of or in opposition to the application. At the conclusion of the hearing, the Hearing Officer shall issue its decision or take the matter under advisement. .

[1] The above requirement is based on a combination of State of Utah Standard standards and Willard City historical usages.

HISTORY
Amended by Ord. 2021-7 Amend SLUA Definition on 7/8/2021
Amended by Ord. 2024-12 on 9/26/2024
Amended by Ord. 2024-15 on 12/12/2024

24.80.150 Guarantees For Subdivision Improvements, Facilities, And Amenities

A. Necessary Guarantees. As part of the Final Subdivision Application approval, and recording of the Final Subdivision Plat in the Office of the Box Elder County Recorder's Office, the ALUA shall require the necessary guarantees and securities sufficient to insure the installation and construction of all required subdivision improvements, facilities, services and amenities, as applicable, and as provided and required by the Willard City Public Works Standards, as adopted. An applicant for Final Subdivision Approval shall guarantee the installation of all required subdivision improvements, facilities, services, and amenities, as applicable, by one (1) of the following methods:

1. The Applicant(s) shall furnish and file with the City Recorder a bond with corporate surety in an amount equal to the cost of the required subdivision improvements, as estimated by the City Engineer, plus an additional 10 percent (10%), to assure the installation of such subdivision improvements, facilities, services, and amenities within a two (2) year period, which bond shall be approved by the City Attorney and shall be filed with the City Recorder.

2. The Applicant(s) shall deposit in escrow with an escrow holder approved by the City Attorney an amount of money equal to the cost of the subdivision improvements, as estimated by the City Engineer, plus an additional 10 percent (10%), to assure the installation of such subdivision improvements within a two (2) year period from the approval of the Final Subdivision Application, which escrow agreement shall be approved by the City Attorney and shall be filed with the City Recorder.

3. The Applicant(s) shall furnish and file with the City Recorder a letter of credit in an amount equal to the cost of the subdivision improvements, estimated by the City Engineer, plus an additional 10 percent (10%), to

assure the installation of such subdivision improvements within a two (2) year period immediately following the approval of the Final Subdivision Application, which letter of credit shall be approved by the City Attorney and shall be filed with the City Recorder.

4. Phased Development: Whenever a subdivision is developed a portion at a time, such development shall be in an orderly manner and in such a way that each phase of the required subdivision improvements shall be made contiguous to completed development which has been approved and accepted by the city engineer and made available for the full protection of the health, welfare, and safety of all residents of the subdivision, and the City.

B. Inspection of Subdivision Improvements. The City or its agents shall inspect, or cause to be inspected, all required subdivision improvements in the course of construction, installation, or repair. The City may require the applicant or his agents uncover for inspection any installation or improvement covered or backfilled prior to inspection in order for such installation to be approved by the City Engineer. Notice to uncover shall be issued, in writing, to the Applicant(s) by the City Engineer.

C. Condition of Subdivision Improvements - Guarantee Period. The Applicant(s) shall warrant and guarantee the subdivision improvements provided for herein and every part thereof, will remain in good condition for a minimum period of two (2) years, after the City Engineer has accepted the subdivision improvements in writing, and the Applicant(s) agrees to make all repairs to and maintain the subdivision improvements and every part thereof in good working condition during the guarantee period at no cost to the City.

D. Default. In the event the Applicant(s) defaults, or fails or neglects to satisfactorily install the required subdivision improvements within two (2) years from the date of Final Subdivision Application approval, the Council may declare the guarantee to be in default, and may require the installation of all required subdivision improvements using the guarantee amounts for such installation of subdivision improvements.

HISTORY
Adopted by Ord. 2024-15 on 12/12/2024

24.80.160 Definitions - Subdivision Code

"Act" means Utah Code, Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, as amended.

“Administrative Land Use Authority” or “ALUA” means the planning commission acting as the review authority for preliminary subdivision applications and the city planner as the review authority for final subdivision applications. It is comprised of the City Planner, City Engineer, City Public Works Director, City Recorder, Deputy City Recorder, City Manager, Willard City Fire Chief, and City Attorney.

For applications for single-family residential, two-family residential, or townhome subdivisions, the planning commission shall be the ALUA that reviews and approves or denies any preliminary subdivision application, and the city planner shall be the ALUA that reviews and approves or denies the final subdivision application.

"Affected Entity" means a county, City, or independent special district under Utah Code, Title 17A, Chapter 2, Independent Special Districts; local district under Utah Code, Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Code, Title 11, Chapter 13, Interlocal Cooperation Act; or any specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

B. The entity has filed with the City a copy of the entity's general or long-range plan; or

C. The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under this chapter.

"Agent" means the person with written authorization to represent a property owner.

"Appeal Authority" means the hearing officer, board, commission, agency, or other body designated by this Code to decide an appeal of a decision of a land use application.

"Applicant" means any person or authorized representative in writing, presenting a land use application for any subdivision or for a single-family dwelling, two-family dwelling, or townhome subdivision for an approval required by this Code.

"Application" means an applicant’s written request for a preliminary or final subdivision approval for any subdivisions or any single-family residential, two-family residential, or townhome subdivision in compliance with city Code and completed in a manner prescribed by Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2, for streamlined review and decision by the administrative land use authority.

"Chief Executive Officer" means the:

A. Mayor in municipalities operating under all forms of municipal government except the Council-Manager form; or

B. City Manager in municipalities operating under the Council-Manager form of municipal government. For the purposes of this Code, the Willard City Mayor is identified as the Willard City Chief Executive Officer.

"City Attorney" means an attorney admitted to practice law in the State of Utah and so appointed by the City.

"City Engineer" means a registered civil engineer so appointed by the City, or designee.

“City Planner” means the administrative land use authority for final subdivision applications for single-family dwelling, two-family dwelling, and townhome subdivisons.

"City Recorder" means the person so appointed by the City. "Commission" means the Planning Commission of Willard City.

“Complete application” means the land use application that is considered submitted and complete when the applicant provides the application in the form that complies with the requirements of applicable ordinances and pays all applicable fees. Both applications for preliminary and final subdivisions are complete if they comply with the City’s Code, public work standards and specifications, any other applicable city, local or state regulations, Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2, if applicable, the preliminary plan checklist, and the final plan checklist as determined at each stage by the acting ALUA.

"Constitutional Taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or

B. Utah Constitution, Article I, Section 22.

"Council" means the duly elected City Council of Willard City.

"Culinary Water Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this Code, the Willard City Public Works Director is identified as the Willard City Culinary Water Authority.

"Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

"Density" means the ratio of the total number of dwelling units within a development divided by the total developable area.

“Development Agreement” means an agreement between the developer and the City

that the City considers necessary or appropriate to accomplish the purposes of this title and in compliance with Utah Code Ann. § 10-9a-532.

"Easement" means that portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot or land parcel.

"Exaction" means a requirement or condition imposed on a Subdivision Application if:

A. an essential link exists between a legitimate governmental interest and each exaction; and

B. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

“Final Subdivision Application” means . . . .

"General Plan" means the Willard City General Plan, such document setting forth general guidelines for proposed future development of the land within Willard City.

"Land Use Application" means an application required by a City's land use ordinance. For the purposes of this Code, a Concept Plan Application, a Preliminary subdivision application, and Final Subdivision Application are determined to be land use applications.

"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. For the purposes of this Code, the City Planner and Council are both identified as a Land Use Authority, being designated as such by the passage of this Code by the Willard City Council.

"Land Use Code" means a planning, zoning, development, or subdivision ordinance of the City, but does not include the general plan. This Code is a Land Use Code of Willard City.

"Land Use Permit" means a permit issued by a Land Use Authority. For the purposes of this Code, a preliminary subdivision application approval and a Final Subdivision Application approval are identified as a Land Use Permit.

"Legislative Body” means the duly elected City Council of Willard City.

"Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"Mayor" means the duly elected Mayor of Willard City.

"Monument" means a permanent survey marker established by the Box Elder County

Surveyor or a survey marker set in accordance with the City Engineer's specifications and referenced to Box Elder County survey monuments.

"Noncomplying Structure" means a structure that:

A. legally existed before its current land use designation; and

B. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

"Nonconforming Use" means a use of land that:

A. legally existed before its current land use designation;

B. has been maintained continuously since the time the land use ordinance governing the land changed; and

C. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

"Official Map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

A. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

B. provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

C. has been adopted as an element of the City's general plan.

"Owner" means any person who alone, jointly or severally with others, has a legal or equitable title to property.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §§ 10-9a-603, 17-23-17, or 57-8-13.

“Preapplication Administrative Review Team” or “PART” means . . . . “Preliminary subdivision application” means . . .

"Public Hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"Public Meeting" means a meeting that is required to be open to the public under Utah Code, Title 52, Chapter 4, Utah Open and Public Meetings Act.

"Public Works Director" means the person so appointed by the City.

"Public Works Standards" means the Willard City Public Works Standards, as adopted.

"Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code § 17-23-17.

“Review Cycle” means the applicant’s submittal of a complete subdivision land use application; the City’s review of that subdivision land use application; the City response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a-604.2, if applicable; and the applicant’s reply to the City’s response that addresses each of the City’s required modifications or requests for additional information.

"Right-of-Way" means any area provided for conveying vehicle and pedestrian traffic.

"Sanitary Sewer Authority. Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this Code, the Willard City Public Works Director is identified as the Willard City Sanitary Sewer Authority.

"Site Analysis Submittal" means an analysis in summary written form which indicates the existence and location on the property proposed for development any existing resources, structures, wetlands, streams, slopes (including approximate degrees), canals, trails, existing and proposed sewer and culinary water lines, and the location of proposed and existing utility services.

"Special District" means an entity established under the authority of Utah Code title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, City, school district, or unit of the state.

"Special Exception" means an adjustment to a subdivision development standard and authorized as an adjustment to the requirements of this Code, such adjustment requiring careful review.

"Specified Public Utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code § 54-2-1, as amended.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

"Subdivision" means the division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership, building development, or for street use, by means of a recorded plat.

“Subdivision Application” means the complete preliminary and final subdivision application for the subdivision of land.

“Subdivision Code” means the city ordinances that govern subdivisions.

“Subdivision Improvement Plans” means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

“Subdivision ordinance review” means review by the City to verify that the subdivision application meets the criteria of the City’s ordinances.

“Subdivision plan review” means a review of the applicant’s subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with City ordinances, applicable installation standards, and inspection specifications for infrastructure improvements.

"Subject Property" means the land area, identified by the Parcel Identification Number, provided by the Box Elder County Recorder's Office or Box Elder County Assessor's Office, for which an approval is required to comply with this Code or the Act.

"Unincorporated. Means the area outside of the incorporated area of a city or town. ”Utah Code" means the Utah Code Ann. 1953, as amended

"Willard City's Development Standards, Engineering Requirements and Supplemental Specifications for Public Works Projects" means the adopted engineering standards which modify the American Public Works Association (APWA) Standard Specifications, also as adopted, to assist in engineering practices. This could also be referenced in this Code as "Standards Book," "Willard City's Standards Book," "Willard City Public Works Book," "Willard City Public Works Standards Book," "Public Works Standards Book," "Public Works Book," or "Willard City's Public Works Standards Book."

"City Planner" means the person so appointed by the City, or designee.

"Zoning Map" means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Willard City.

HISTORY
Adopted by Ord. 2024-15 on 12/12/2024

24.84 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS

24.84.010 Purpose And Intent
24.84.020 Definitions
24.84.030 Location
24.84.040 Mobile Home Parks
24.84.050 Mobile Home Subdivisions
24.84.060 Application
24.84.070 Standards And Requirements
24.84.080 Utilities
24.84.090 Guarantees
24.84.100 Penalty

Willard City Ordinance Relating to and Regulating the Establishment, Installation, Use and Occupancy of Mobile Homes, Recreational Vehicles, Mobile Home Parks, Recreational Vehicle Parks, and Prescribing Certain Zoning Yardage, Utility and Other Requirements Affecting the Same: Providing for Misdemeanors Relating to the Same and Providing Certain Penalties for Noncompliance or Violation of the Regulations of this Ordinance. (Revised January 1992.)

HISTORY
Repealed & Reenacted by Ord. 2021-8 Repeal Mobile Home and RV Ordinance and Adopt Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions on 7/8/2021

24.84.010 Purpose And Intent

A. To permit and require the development and use of facilities for mobile homes, mobile home parks, and mobile home subdivisions in appropriate districts and to require that mobile home developments will be of such character as to promote the objectives and purposes of this chapter, to protect the integrity and character of the districts contiguous to those in which mobile home parks and mobile home subdivisions are located, and to protect the land use values of others contiguous to or near mobile home parks and mobile home subdivisions.

B. To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within Willard City.

24.84.020 Definitions

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

A. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

B. Building, Accessory. A building or structure which is subordinate to and the use of which is incidental to, that of a main building, structure, or use on the same lot

C. Building Ordinance. An ordinance adopted by the Willard City Council regulating the various building and building related activities in Willard City.

D. Business License. A written license issued by Willard City, allowing a person to operate and maintain a mobile home park under the provisions of this chapter.

E. General Plan. The community plan which includes the master plan.

F. Local Governing Body. The Willard City Council.

G. Local Health Officer. The health officer employed by or officially representing Willard City.

H. Manufactured Home. Means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and (b) is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

I. Mobile Home. Means a transportable structure in one or more sections which is built on a permanent chassis with the plumbing, heating, and electrical systems contained within the unit, which when erected on a site, may be used without a permanent foundation as a dwelling. A Mobile Home shall not include “Recreational Vehicles” as defined in other titles and chapters of this code.

EXCEPTION: For the purposes of this chapter, Manufactured Homes and Manufactured Home subdivisions are regulated by the Willard City Building and Zoning Ordinances.

J. Mobile Home Lot. A lot within a mobile home subdivision, designated and used for the accommodation of one mobile home.

K. Mobile Home Park. An area or tract of land designated and approved by Willard City for occupancy by Mobile Homes, to be under single ownership or management, and meeting all requirements of the Willard City Zoning Ordinances and this chapter.

L. Mobile Home Space. A space within a mobile home park, designed to be used for the accommodation of one Mobile Home.

M. Mobile Home Subdivision. A subdivision designed and intended for residential use where lots are to be individually owned or leased, and occupied by Mobile Homes exclusively.

24.84.030 Location

No Mobile Home shall be located, placed, used, or occupied in any district other than within an approved and properly designated Mobile Home Park or Mobile Home Subdivision were allowed within the zoning district, except that unoccupied Mobile Homes may be stored, displayed, and sold in commercial or manufacturing districts. Emergency or temporary parking of an unoccupied Mobile Home outside a licensed Mobile Home Park or Mobile Home Subdivision will be permitted for a period not exceeding twenty-four (24) hours.

24.84.040 Mobile Home Parks

Such Mobile Home Parks may be approved by the Willard City Council in locations as provided in the Willard City Zoning Ordinance and General Plan. Before approval is granted, a report to the Willard City Council by the Planning Commission shall find that the proposed development will:

A. Be in keeping with the general character of the district in which it is to be located.

B. Be located on a parcel of land of not less than ten (10) acres, or on two (2) or more parcels separated by a street or alley only and totaling ten (10) acres.

C. Have at least twenty-five (25) Mobile Home Spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before occupancy is permitted.

D. Meet all standards and requirements of Part 12-504 of this Ordinance and all other requirements of any applicable ordinances.

E. Obtain the written approval of the Local Health Official.

F. In a Mobile Home Park, the number of Mobile Homes shall be limited to nine (9) units per acre. The Mobile Homes may be clustered provided that the total number of units do not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and maintained by the Mobile Home Park and developed for use as parks, playgrounds, and service areas for common use and enjoyment of occupants of the development and the visitors thereto. Prior to obtaining approval, the Mobile Home Park applicant must provide to the Planning Commission the applicant's plan for the maintenance, upkeep, and preservation of the open areas and space within the Mobile Home Park.

24.84.050 Mobile Home Subdivisions

Such Mobile Home Subdivisions may be approved by the Willard City Council in locations as provided in the Willard City Zoning Ordinances. Before such approval may be granted, a report to the Willard City Council by the Planning Commission shall find that the proposed development will:

A. Be located on a parcel of land containing not less than three (3) acres.

B. Will contain lots with a minimum net area of five thousand (5000) square feet and a minimum width of fifty (50') feet.

C. Will meet all applicable requirements of the Willard City Subdivision Ordinance.

D. Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

E. Be organized in a home owner's association to provide for the care, maintenance, upkeep, and preservation of the open areas and space within the Mobile Home Park or Subdivision, if required by the Planning Commission.

24.84.060 Application

The application for a Mobile Home Park or Mobile Home Subdivision permit shall contain the following information:

A. Applicant's Name, address, and telephone number.

B. Interest of the applicant in the proposed development.

C. Location and legal description of the property.

D. At least four (4) 24x36 hard copies and one (1) digital copy of an overall development plan shall be submitted to the City Planner or Zoning Administrator and shall show the following:

1. The area of the tract, drawn to scale, with dimensions and the approximate total acreage.
2. Number, location, and size of Mobile Home Spaces, or subdivision lots, and open spaces for the entire area clearly designated.
3. The location and width or size of roadways and walkaways, parking areas, access to the public thoroughfares and Mobile Home Space layout.
4. The location of service buildings and all other proposed structures.

5. The location and size of natural features, such as wetlands, streams, lakes, drains, wooded areas, and any anticipated change in these features, together with topography at contour intervals of two (2') feet, unless another interval is required by the Planning Commission.

6. The size, location, and design of recreational facilities.

7. Detailed landscaping and utility plans, including location of fire hydrants, water lines, sewer lines, gas line, power lines, and any other utility service.

8. Property ownership, if other than applicant.

E. Applications shall be in writing, submitted, with the required fees, to the Planning Commission at its regular meeting, and shall be acted upon within thirty (30) days, unless an extension of such time is approved by the applicant. The application, with accompanying Planning Commission recommendations, shall be forwarded to the Willard City Council within fifteen (15) days for approval.

24.84.070 Standards And Requirements

A. For all Mobile Home Parks, and Mobile Home Subdivisions, the Planning Commission shall review the proposed development plan to determine its compliance with all portions of the General Plan, and, among other things, shall make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area.

B. The development of a Mobile Home Park and Mobile Home Subdivisions shall conform to the following standards and requirements:

1. The area shall be in one (1) ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.

2. The plans for a Mobile Home Park or a Mobile Home Subdivision shall be prepared by a team of competent professionals in planning, engineering, architecture, and landscape architecture. In all cases, it is recommended that professional design and other assistance be obtained early in the development. It is the intent of Willard City that the developer solves their problems before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Planning Commission.

3. In all Mobile Home Parks and Subdivisions, a strip of land at least fifteen (15') feet wide surrounding the entire park shall be left unoccupied by Mobile Homes, and shall be planted and maintained in lawn, shrubs, trees, with an approved wall or fence, designed to afford privacy to the development.

4. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

5. All storage and solid waste receptacles outside the confines of any Mobile Home must be housed in a closed structure compatible in design and construction to the Mobile Homes, and to any service building within the development; all patios, carports, garages, and other Accessory Buildings must be compatible in design and construction with the Mobile Home. The service buildings shall be constructed in accordance with the Willard City Building Ordinance.

6. The Planning Commission may require a security enclosure for the storage of vehicles, boats and other large items. Said enclosure shall provide for a minimum of three hundred (300) square feet of paved area per Mobile Home Space in Mobile Home Parks.

7. In all Mobile Home Parks and Subdivisions, within forty-five (45) days of occupancy, each such home shall be skirted, or if shields are used, they are to be fireproof, well-painted, or otherwise preserved.

8. In all Mobile Home Parks, not less than ten (10%) percent of the gross land area shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of this ten (10%) percent common area required; provided, however, that in initial stages of development or special smaller development the minimum area shall be not less than one-half (1/2) acre of ten (10%) percent, whichever is greater.

9. Yard lighting with a minimum of two-tenths (0.2) foot candles of light shall be required for protective lighting the full length of all driveways and walkways in the Mobile Home Park or Mobile Home Subdivision.

10. In Mobile Home Parks and Mobile Home Subdivisions all areas that are not covered by asphalt, concrete or buildings, shall be landscaped as approved by the Planning Commission and such landscaping shall be permanently maintained.

11. In Mobile Home Parks and Mobile Home Subdivisions, all off-street parking spaces and driveways shall be comprised of asphalt or concrete,

before the adjacent Mobile Home Spaces may be occupied.

12. In Mobile Home Parks, the roadways shall be designed to accommodate anticipated traffic and built-in conformity with the Willard City Public Work Standards that are incorporated herein by reference.

13. In Mobile Home Subdivision roadway widths shall be as required by the Subdivision Ordinance.

14. In a Mobile Home Park, the number of Mobile Homes shall be limited to nine (9) units per acre and may be limited to fewer units, depending on Mobile Home size, park topography, and other factors of the particular site.

15. In a Mobile Home Park, no home or Accessory Building shall be located closer than twenty (20') feet from the nearest portion of any other home or Accessory Building; ten (10') feet from road curbs or walks; and fifteen (15') feet from any boundary of the Mobile Home Park.

16. Off-street parking shall be provided at the rate of two (2) parking spaces per Mobile Home Space, and each such parking space shall have a minimum width of ten (10') feet and a minimum depth of twenty (20') feet. In no case shall the parking space be located further than one hundred (100') feet from the Mobile Home Space it is designed to serve.

17. One quarter (1/4) of all parking within a Mobile Home Park or Subdivision shall be reserved for guest use.

18. One-story bulk storage areas shall be provided within a Mobile Home Park, equivalent to a sixty (60) square feet per Mobile Home Space. The area designated for said bulk storage shall be improved, landscaped, and screened.

19. A launderette for convenience of the park occupants but not for the general public, may be included in Mobile Home Parks.

20. In a Mobile Home Park, no Mobile Home Space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection by Willard City upon demand.

21. In a Mobile Home Park, access shall be provided to each Mobile Home for maneuvering Mobile Homes into position. The access way shall be kept free from trees and other immovable obstructions.

22. In addition to meeting the above requirements and conforming to the other laws of Willard City, all Mobile Home Parks shall also conform to requirements set forth in the code of Camp Trailer Court, Hotel, Motel, and other Resort Sanitation Regulations adopted by the Utah State Board of Health, February 21, 1968, or successor law and to the Fire

Prevention Code or successor law, which codes are hereby adopted by reference. A copy of the codes are filed with the office of the City Recorder for use of the public and all restrictions, regulations, and notations contained therein shall be made a part of this ordinance as fully as though set forth herein. In the event of any conflict between said codes and this chapter, this chapter shall take precedence where its regulations are stricter, and the provisions of the codes shall take precedence where their regulations are stricter.

For all Mobile Home Parks and Mobile Home Subdivisions, the Planning Commission shall review the proposed development plan to determine its compliance with all portions of the local General Plan. In considering the application, the Planning Commission among other things shall make sure that such development will constitute a residential environment of sustained desirability and the stability and that it will not adversely affect amenities in the surrounding area. The Planning Commission may require changes to be made in the plan and development standards in excess of the minimum standards contained in this chapter, such as walls, buffers and set-backs. Greater amounts of landscaping, or parking spaces may be imposed as conditions of the approval where determined by the Planning Commission to be necessary to ensure that the development will mix harmoniously with contiguous or nearby uses.

24.84.080 Utilities

Every Mobile Home Park and Mobile Home Subdivision shall provide underground utility service to every Mobile Home Space or Lot, including but not limited to water, sewer, power, and gas.

24.84.090 Guarantees

24.84.090-1. For Mobile Home Parks, adequate and reasonable guarantees must be provided as determined by the Planning Commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, or a mortgage on real estate, in the sum to be recommended by the Planning Commission, which form and sum must be approved by the Willard City Council.

24.84.090-2. Prerequisite to the operation of any Mobile Home Park in Willard City, shall be the obtaining of an annual business license from Willard City.

24.84.090-3. In the event a Mobile Home Park is not completed according to approved

plans, the annual business license shall be denied, the Mobile Home and associated property and facilities removed, and all services discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided.

24.84.100 Penalty

The violation of any part of this Ordinance shall constitute a separate offense for each day it continues, and shall be punishable as a Class C Misdemeanor. In addition, Willard City may enjoin by civil action the violation hereof and may remove any Mobile Home from a location violating the provisions hereof and assess the expenses thereof as a cost of the action. Penalty for failure to remove a Mobile Home that is in violation shall be $250.00 per day.

24.88 AIRPORT OVERLAY ZONES

24.88.010 Saving Clause
24.88.020 Purpose And Intent
24.88.030 General Provisions
24.88.040 Definitions - Airport Overlay Zones
24.88.050 Airport Zoning Commission
24.88.060 Airport Board Of Adjustment
24.88.070 Schedule Of Uses
24.88.080 Airport Master Plan
24.88.090 Airport Overlay Zones
24.88.100 Regulations
24.88.110 Notification

24.88.010 Saving Clause

The repeal of the existing Chapter 24.88 in its entirety, shall not:

A. Affect suits pending or rights existing immediately prior to the effective date of this ordinance; or

B. Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any repealed provision or amendment thereto.

The provisions of this ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of the prior ordinance and not as a new enactment.

24.88.020 Purpose And Intent

It is hereby found that an airport hazard endangers the lives and property of users in the Brigham City Airport and of occupants of land or to property in its vicinity. Such hazard also reduces the size of the area available for landing, taking off and maneuvering of aircraft, and it tends to destroy or impair the utility of the Brigham City Municipal Airport and the public investment therein.

Accordingly, it is declared:

A. that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Brigham City Municipal Airport;

B. that it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of an airport hazard be prevented, and;

C. that the prevention of those hazards should be accomplished, to the extent

legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire lands or interests in land.

24.88.030 General Provisions

A. These regulations reinforce specific provisions in the Brigham City Municipal Airport Master Plan (May 2, 1996), as amended and Willard City General Plan (February 12, 1998), as amended.

B. The boundary of any officially recognized "Airport Overlay Zones" shall be as it appears on a map and/or other documents approved by the Willard City Council.

C. In the case of Willard City, the only overlay zone that applies is the Outer Approach Zone (AZ). No other overlay zone(s) identified in this ordinance shall apply to Willard City.

24.88.040 Definitions - Airport Overlay Zones

As used in this Ordinance, unless the context otherwise requires:

"Airport" means the Brigham City Municipal Airport or any area of land designated and used for the landing and taking off of aircraft.

"Airport Elevation" means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 4,225.5 feet MSL as of the date of this ordinance.

"Airport Hazard" means any structure or use of land which actually or potentially obstructs the airspace required for the safe flight of aircraft in landing or taking off at an airport.

"Approach Surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in WZC 24.88.090. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approach, Transitional, Horizontal, and Conical Zones" means these zones are set forth in WZC 24.88.090.

"Conical Surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

"F.A.R. Part 77" means Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of the defined Airport Influence Area.

"Hazard to Air Navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

"Height" means for the purpose of determining the height limits in all zones set forth in WZC 24.88.100 subsection G and shown on the zoning map, the datum shall be the mean sea level (MSL) elevation unless otherwise specified.

"Horizontal Surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

"Ldn" means yearly day-night average sound level.

"MS" means Mean Sea Level.

"Non-Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

"Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in WZC 24.88.100 subsection G.

"Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

"Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR), a Global Positioning System (GPS), a Transponder Landing System (TLS), or other systems providing both horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

"Primary Surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 500 feet beyond each side of the runway and 200 beyond the end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

"Structure" means an object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

"Transitional Surfaces" means these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

"Tree" means any object of natural growth.

"Utility Runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

24.88.050 Airport Zoning Commission

Commission established:

A. The Willard City Planning Commission is designated as the "Airport Zoning Commission" as prescribed in Utah Code § 72-10-405.

B. In this title and State law, any references to the "Airport Zoning Commission" shall mean the Willard City Planning Commission.

C. If the Planning Commission is empowered in this title to take actions that are duties of the Airport Zoning Commission as prescribed in Utah law, the Planning Commission shall be presumed to be functioning as the Airport Zoning Commission.

    1. Duties. The Airport Zoning Commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Willard City Council or Utah law.

24.88.060 Airport Board Of Adjustment

Board established

A. The Willard City Board of Adjustment is designated as the "Airport Board of Adjustment" as prescribed in Utah Code § 72-10-408.

B. In this title and State law, any references to the "Airport Board of Adjustment" shall mean the Willard City Board of Adjustment.

C. If the Board of Adjustment is empowered in this title to take actions that are duties of the Airport Board of Adjustment as prescribed in Utah law, the Board of Adjustment shall be presumed to be functioning as the Airport Board of Adjustment.

1. Duties. The Airport Board of Adjustment shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the Willard City Council or Utah law.

24.88.070 Schedule Of Uses

The following table indicates the uses and conditions required of those uses within the 5 designated zones for the airport.

Table of Uses					
	AIRPORT INFLUENCE AREA (AIA)	**TRAFFIC PATTERN ZONE (TPZ)**	**OUTER APPROACH ZONE (OAZ)**	**INNER APPROACH ZONE (IAZ)**	**65 Ldn NOISE AREA (NA)**
RESIDENTIAL					
Single-family, Multi-family, Accessory Apartments, Residential Facilities for Elderly /Handicapped	C(6)	C(4)	C(3,4)	X	X
PUBLIC					
Schools, Libraries, Churches	C(6)	C(4)	C(3,4)	X	X
Parking, Cemeteries	P	P	P	C(5)	C(2,5)
COMMERCIAL & INDUSTRIAL					
Offices, Retail Trade, Service Commercial, Wholesale Trade, Warehousing, Light Industrial, General Manufacturing, Utilities, Extractive industry	P	C(6)	C(4)	C(1)	C(1)
AGRICULTURAL & RECREATIONAL					

Cropland	P	P	P	P	P
Livestock Breeding, Parks, Playgrounds, Zoos, Golf	P	P	P	P	C(2)
Courses, Riding Stables, Water Recreation Outdoor Spectator Sports	P	C(3)	C(3,4)	X	X
Amphitheaters	C	C(3)	X	X	X
Open Space	P	P	P	P	P

(1) If allowed, avigation easements and disclosure must be required as a condition of development.

(2) Any structures associated with uses allowed in the 65 Ldn Noise Contour must be located outside the 65 Ldn Noise Contour.

(3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.

(4) If allowed, disclosure of airport proximity must be required as a condition of development. An avigation easement should be considered based on proximity to runway centerline.

(5) Transportation facilities in the 65 Ldn Noise Contour (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.

(6) Disclosure of airport proximity should be required as a condition of development.

24.88.080 Airport Master Plan

All uses and regulations pertaining to the Airport Overlay Zone shall be in compliance with and subject to the provisions of the Airport Master Plan, Airport Layout Plan, and Noise Contour Map as adopted by the Brigham City Municipal Airport or as amended and is incorporated into this chapter by reference as it pertains to airport land uses.

24.88.090 Airport Overlay Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Brigham City Municipal Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport Influence Area (AIA). An area which is recognized by the Willard City Council as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with Brigham City Municipal Airport. The AIA extends from the airport to the outer edge of the conical surface.

B. Traffic Pattern Zone (TPZ). This zone extends from the centerline of Runway 34/16 to the outer edge of the horizontal surface.

C. 65Ldn Noise Area (NA). The area within the 65 decibel yearly day-night average sound level.

D. Inner Approach Zone (IAZ). The area within the FAR "Part 77" Approach Surface for each Runway.

    1. Runway 16 Approach Zone. An approach zone is established at the end of Runway 16 for utility landings and take-offs. The approach zone shall have a width of 500' at a distance of 200' beyond the end of the runway, widening thereafter uniformly to a width of 1,010' at a distance of 1,700' beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The approach zone shall rise 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the runway and extending to a distance of 5,000' from the end of the runway.

    2. Runway 34 Precision Approach Zone. A precision instrument approach zone is established at the end of runway 34 for precision instrument approach zone shall have a width of 1,000' at a distance of 200' beyond the end of the runway; widening thereafter uniformly to a width of 1,750' at a distance of 2,700' beyond the end of the runway. The precision instrument approach zone shall rise 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the precision instrument runway and extending to a point 10,200' from the end of the runway.

E. Outer Approach Zone (AZ). The area within the FAR "Part 77" Outer Approach Surface for Runway 34 is established at 10,200 feet from the end of runway 34 with a width of 2,500 feet widening thereafter uniformly to a width of 16,000' at a distance of 50,200' beyond the end of the runway. This approach zone will rise 1' in height for each 40' in horizontal distance beginning at a point 10,200' from and at the centerline elevation of the precision instrument runway and extending to a point 50,200' from the end of the runway.

F. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

G. Horizontal Zones. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 34/16 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

H. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

24.88.100 Regulations

A. Conforming uses only.

B. All uses in the Airport Overlay zones shall be subject to the regulations of this chapter and prescribed development standards within the Airport Master Plan as amended.

C. Creation of airport hazards prohibited.

D. No variance, permit, or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.

E. Use and operational limitations within the Airport Overlay zones.

F. No use shall be permitted which:

1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.
2. Creates or tends to create gas, smoke, dust, glare, or other visual hazards in the atmosphere around airports or in the airport hazard area.
3. Creates or tends to create structures that interfere with aircraft safety.
4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.

G. Height Limitation. Except as exempted in subsection H otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway 16 Visual Approach Zone - 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 5,200' from the end of the runway 16.
2. Runway 34 Precision Instrument Approach Zone - 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 10,200' from the end of the runway.
3. Transition Zone - 1' in height for each 7' in horizontal distance beginning at any point 250' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, and 500' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, extending to a height of 150' above the airport

elevation. In addition, there are established height limits of 1' vertical height for each 7' horizontal distance measured from the edges of all approach zones for the entire length of the approach zone and extending upward and outward to the points where they intersect the horizontal or conical surfaces.

4. Horizontal Zone - 150' above the airport elevation or a height of 4225.5 feet above mean sea level (MSL).

5. Conical Zone - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (4,375.5 ft. MSL) and extending to a height of 350 (4,725.5 ft.MSL) feet above the airport elevation.

H. Exemptions To Height Limitation.

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Structures up to and including 35 feet in height above the ground level at its site where the ground elevation at its site is less than or equal to 35 feet below the height limitations defined in WZC 24.88.090 subsection G, and is beyond all reasonable doubt that the structure will not adversely affect safety in air navigation. If in doubt, submission of FAA Form 7460-1, Notice of Proposed Construction (as described in this section) shall be used to determine its effect on safety in air navigation.

24.88.110 Notification

A. Except as provided in subsection B, and in addition to all other local notification and permitting requirements, each person who proposes any of the following construction or alteration shall complete and submit an FAA Form 7460-1, Notice of Proposed Construction, to the local jurisdiction and to the Federal Aviation Administration in accordance Federal Aviation Regulation Part 77, Object Affecting Navigable Airspace

1. Any construction or alteration of more than 200 feet in height above the ground level at its site.

2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway at the Brigham City Municipal Airport.

B. Exemptions From Notification

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
2. Any antenna structure of 20 feet or less in height except one that would increase the height of any antenna structure.

C. Time Of Notice. The notice required under subsection A must be submitted at least 30 days before the earlier of the following dates:

1. The date the proposed construction or alteration is to begin.
2. The date an application for a construction permit is to be filed.

24.92 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

24.92.10 Purpose
24.92.020 Definitions
24.92.030 Location And Use
24.92.040 Requirements For Approval
24.92.050 Development Plan For Recreational Park
24.92.060 Application
24.92.60 Standards
24.92.70 Violations, Enforcement And Penalties

HISTORY
Approved by Ord. 2021-9 Approved Recreational Vehicles and Recreational Vehicle Parks on 7/8/2021

24.92.10 Purpose

To permit and require the development and use or facilities for recreational vehicles in appropriate districts and to require that recreational vehicles accommodation will be of such character as to promote the objectives and purposes of this chapter, to protect the integrity and character of the district contiguous to or near recreational vehicle parks are located, and to protect the land values of others contiguous to or near recreational vehicle parks or campground uses.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.020 Definitions

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in the section.

A. Business License. A written license issued by Willard City, allowing a person to operate and maintain a recreational vehicle park under the provisions of this chapter.

B. Local Health Officer. The health officer employed by or officially representing Willard City.

C. Recreational Vehicle. Means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle. Recreational Vehicle shall include but is not limited to the following: Travel trailer, camping trailer, motor home, fifth wheel trailer, truck camper, van, camp car, motor coach, or other vehicle, with or without motive power, designed and /or constructed to travel on public thoroughfares in accordance with the Utah Vehicle Code, and

designed or used for human habitation.

D. Recreational Vehicle Park. Any area or tract of land or a separate designated section within a mobile home park, where lotas and/or spaces are rented or held for rent to one (1) or more owners or users of recreational vehicles for temporary use or for a limited period of time.

E. Recreational Vehicle Space. A space within a Recreational Vehicle Park, designated and intended for the accommodation of one (1) Recreational Vehicle.

F. Owner. Shall mean any person with any ownership interest in or who is directing the operation of a Recreational Vehicle Park.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.030 Location And Use

No Recreational Vehicle shall be located, placed, used, or occupied for residential purposes in any district except with in approved and licensed Recreational Vehicle Parks and Except as otherwise provided herein.

A. Recreational Vehicle Parks shall be generally located:

    1. Adjacent to or in close proximity to a major traffic artery or highway.

    2. Within or adjacent to a mobile home park.

B. No Space or spaces within a Recreational Vehicle Park shall be rented or leased to any owner or a Recreational Vehicle or one individual Recreational Vehicle for more than ninety (90) consecutive days, nor shall any space or spaces within a Recreational Vehicle Park be rented or leased to any one individual recreational vehicle for a period longer than ninety (90) days within a three- hundred sixty-five (365) day period, except under the following circumstances and conditions:

    1. Recreational Vehicle Parks may reserve one (1) space for every twenty-five (25) spaces in the park for the sole use of park employees who provide on-site maintenance, and operations functions

    2. Spaces may be used for long-term, temporary housing of transient employee(s) provided the employer provides a letter to the Recreational Vehicle Park stating that the Recreational Vehicle is not being used for permanent housing, explains the circumstances that make the need for longer-term temporary housing necessary, and provide a projected end date for the space lease not to exceed twelve (12) consecutive months with the option of renewal with a new letter from the employer at the end of the twelve (12) month period. Long-term use will be limited to one-

quarter (1/4) of the spaces available in the Recreational Vehicle Park.

3. For the Purpose of this chapter, transient employee(s) shall mean a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in how the work is to be performed. Employer shall mean one who employs the services of others: one for whom employees work and who pays the employee's wages or salary.

4. Recreational Vehicles occupying space in a Recreational Vehicle Park on a longer-term, temporary (over ninety days but not permanent) basis must be owner occupied, have proof of ownership of the recreational vehicle, and must have a current license and registration, and the recreational vehicle must be operable for travel.

C. It shall be unlawful for the owner, operator, and/or property manager of a Recreational Vehicle Park to allow any guest to register under a different name in order to avoid the length of stay requirements as set forth herein. Moreover, an Owner, operator, and/or property manager shall not allow any Recreational Vehicle to move to a different Recreational Vehicle Space to avoid the length of stay requirements set forth herein.

D. Recreational Vehicles shall not be used for living quarters in Willard City or on any city right-of-way, except in properly designated Recreational Vehicle Parks. Except and solely limited to the following circumstances:

1. Temporary use, not to exceed seven (7) days, on an occupied residential lot, by residents or guests of the residents, will be permitted.

E. Recreational Vehicle which are unoccupied for living space may be stored on a private parcel of land, including an occupied residential lot, provided they do not violate an required setbacks for front, rear, or side years. Commercial storage of Recreational Vehicles, maintenance operations, reconstruction, or construction activities are permitted only as provided in Willard City Zoning Ordinances.

1. Recreational Vehicles may be towed. Displayed, sold serviced. but not used for living gua1ters in a sales lot in a commercial or manufacturing district when such use is a permitted or conditional use.

F. Recreational Vehicles may be accommodated in an approved and licensed mobile home µark, provided that

1. The Recreational Vehicle park or campground portion of the mobile home park is separated by barriers. screens. or otherwise from the area of mobile homes.

2. The Recreational Vehicle use area hall have direct access to a collector r arterial street; and

3. Separate ingress and egress shall be provided for Recreational Vehicles when required by the Planning Commission.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.040 Requirements For Approval

Recreational Vehicle Park or campground may not be constructed unless first approved by the Planning Commission. Before such approval is given by the Planning Commission the proposed development will:

A. Be in conformity and maintain the general character of the district within in which it is to be located.

B. Be located on a parcel of land of not less than five (5) acres, unless attached to a mobile home park, in which case no minimum area is required.

C. Have at least twenty-five (25) spaces completed and ready for occupancy before first occupancy is permitted, or an approved schedule of financing, construction, and phase completion, and approved security, to assure compliance and completion.

D. Meet all standards and requirements of 12-705 of this chapter and all other requirements of any applicable ordinances, and state and local law.

E. Meet all requirements and maintain compliance with “Recreational Vehicle Park Sanitation” under Utah Administrative Code R-392-301 et seq.

F. Obtain written approval of the Local Health Official.

G. Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development.

The Planning Commission shall not approve any application for a Recreational Vehicle Park if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements; if the developer cannot assure the Recreational Vehicle Park will be completed within a reasonable time; if the Planning Commission or Willard City Council determines there would be danger of flood, fire or other hazard; or if the proposed Recreational Vehicle Park would be of such character or in such a location that it would:

A. Create excessive costs for public services and facilities.

B. Endanger the health or safety of the public.

C. Unreasonably hurt or destroy the environment.

D. Cause excessive air or water pollution, or soil erosion; or

E. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.050 Development Plan For Recreational Park

24.92.50-1 An overall plan for development of a recreational park shall be submitted to the Planning Commission for review. The plan shall be drawn to a scale of 24 x 36. Four (4) hard copies and one (1) digital copy shall be provided to the City Planner. The plan shall show:

A. The topography of the site, when required by the Planning Commission, represented by contours shown at not greater than two (2') foot intervals.

B. The proposed street and trailer or vehicle space pad layout.

C. Proposed reservation of common areas designated for parks, playgrounds, open space, and tabulations for the percent of area to be devoted to parks, playgrounds, and open space, the number of Recreational Vehicle spaces, and total area to be developed.

D. Proposed location, number and design of parking spaces.

E. Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants.

F. Any other data the Planning Commission or City Planner may require.

24.92.50-1 For all Recreational Vehicle Parks the Planning Commission shall review the proposed development plan to determine its compliance with all portions of the local general plan. In considering the overall plan, the Planning Commission among other things shall make sure that such development will constitute a residential environment of sustained desirability and stability and that the proposed Recreational Vehicle Park will not adversely affect the amenities in the surrounding area. The Planning Commission may require changes to be made in the plan and development standards in excess of the minimum standards contained in this chapter, such as walls, buffers and set-backs. Greater amounts of landscaping, or parking space may be imposed as conditions of the approval when determined by the Planning Commission to be necessary to ensure that the development will mix harmoniously with contiguous and nearby uses.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.060 Application

The applicant shall pay the application fee at the time the application is submitted. The application fee shall be as established by the City Council. Applications for approval shall be in writing, submitted to the Planning Commission at its regular meeting and shall be granted or denied within thirty (30) days unless, an extension of time is approved by the applicant. An application denied by the Planning Commission may be appealed to the City Council, which appeal must be made in writing within ten (10) days after denial is made by the Planning Commission.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.60 Standards

The development of a Recreational Vehicle Park shall conform to the following standards and subject to the approval of the Planning Commission:

A. The area shall be in one (1) ownership, or if in several ownerships, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.

B. The plans for a Recreational Vehicle Park shall be prepared by a team of competent professionals in planning, engineering, architecture, and landscape architecture. Determination of qualifications of required professional individuals or firms shall be made by the Planning Commission in consultation with the City Planner.

C. In all Recreational Vehicle Parks, a strip of land at least fifteen (15') feet wide surrounding the entire park, shall be left unoccupied and shall be planted and maintained in lawn, shrubs, trees, and include an approved wall or fence, designed to afford privacy to the recreational park.

D. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage of water in or adjacent to the development to prevent the accumulation of stagnant pools of water in or adjacent to the development.

E. Not less than ten (10%) percent of the gross land area shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the ten (10%) percent common area required for parks or playgrounds for occupants, provided,

however, than in initial stages of development or special smaller developments the minimum area shall be not less than one-half (1/2) acre or ten (10%) percent, whichever is greater.

F. Yard lighting with a minimum of two-tenths (0.2) foot candles of light shall be required for protective lighting the full length of all driveways and walkways in the recreational park.

G. All areas that are not covered, contain asphalt or concrete, or built upon, shall be landscaped as approved by the Planning Commission and such landscaping shall be permanently maintained.

H. All off-street parking spaces and driveways shall be comprised of asphalt or concrete before the adjacent Recreational Vehicle spaces may be occupied.

I. The roadways shall be designed to accommodate anticipated traffic and built in conformance with the Willard City Public Work Standards.

J. All storage and solid waste receptacles, outside of the confines of any Recreational Vehicle must be housed in a closed structure compatible in design and construction to any service buildings within the Recreational Vehicle Park and approved by the Planning Commission. The service buildings shall be constructed in accordance with Willard City building codes and kept in good repair.

K. A launderette for convenience of the park occupants but not for the general public, may be included in the Recreational Vehicle Park.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.92.70 Violations, Enforcement And Penalties

A. Remedies Cumulative. The remedies provide for failure to comply with this chapter may be cumulative and in addition to any other remedy at law or equity.

B. Any Recreational Vehicle Park that fails to comply with any duty imposed under this chapter result in the denial, suspension, or revocation of a Business License.

HISTORY
Adopted by Ord. 2021-9 on 7/8/2021

24.96 ACCESSORY DWELLING UNITS

24.96.10 Purpose
24.96.20 Definitions
24.96.30 Location
24.96.40 General Regulations
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24.96.60 Standards For Detached Accessory Dwelling Units
24.96.70 Impact Fees
24.96.80 Non-Transferability
24.96.90 Recordation Required
24.96.100 Enforement
24.96.110 Notice And Hearing
24.96.120 Criminal Penalty

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.10 Purpose

Accessory Dwelling Units are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of this section are to:

A. Allow new housing units while respecting the appearance, neighborhood character, and reducing the adverse impacts to surrounding areas and property owners.

B. Provide more housing choices in Willard City.

C. Provide housing options for family caregivers, adult children, and aging parents.

D. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighbor hoods and obtain extra income, security, companionship, and services.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.20 Definitions

For the purpose of this chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this section.

A. Detached Accessory Dwelling Unit. Means a stand-alone permanent structure,

as an entirely separate unit or constructed as part of an existing accessory structure (such as a detached garage or shed) with typical footing and foundation that is not attached to the Primary Dwelling and which provides fully connected utility services to the unit and is used as a dwelling. A Detached Accessory Dwelling Unit must be located on the same lot or parcel of record as the Primary Dwelling. Campers, recreational vehicles, recreational coaches, trailers, mobile homes, and other portable units or structures are not considered a permanent structure for the purpose of this definition.

B. Internal Accessory Dwelling Unit. Means an accessory dwelling unit created

1. Within the footprint of the Primary Dwelling at the time the internal Accessory Dwelling unit is created;
2. For the purposes of offering long-term rental of thirty (30) consecutive calendar days or more;
3. located on the same lot of record as the primary dwelling; and
4. Includes separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit Occupants.

C. Primary Dwelling. Means a single-family dwelling that is detached; and occupied as the primary residence of the Owner of record.

D. Owner. Means any one of the following:

1. An individual who is listed on a recorded deed as an owner of the property;
2. Any person who is related by blood, marriage, or adoption to an individual who is listed on a recorded deed as the owner of the property; or
3. An individual who is a truster or trustee of a family trust who possesses legal ownership of the property.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.30 Location

A maximum of one (I) Accessory Dwelling UnIt shall be allowed per lot of record. Under no circumstance shall a lot be allowed to have both a Detached Accessory Dwelling Unit and an Internal Accessory Dwelling Unit.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.40 General Regulations

The following regulations must be met in order to have an Accessory Dwelling Unit:

A. An application shall be filed with the City prior to the creation or establishment of an Accessory Dwelling Unit.

B. Upon approval of an Accessory Dwelling Unit application, the Owner of the Primary Dwelling, who desires to rent or offer to rent any Accessory Dwelling Unit, shall first obtain a rental business license issued by Willard City before the Accessory Dwelling Unit is rented. Such rental business license must remain valid and must be renewed, as required by Willard City.

C. Before occupancy, the City Administrator shall confirm the Accessory Dwelling Unit complies with all Willard City building, health, and fire codes, as adopted.

D. Subject to the restrictions and regulations outlined in this Chapter, Accessory Dwelling Units may be allowed in all Agricultural, Residential, and Commercial Zones within Willard City. All Accessory Dwelling Units must comply with the regulations of the underlying zone.

E. An Accessory Dwelling Unit shall not be rented or occupied for a period of less than thirty (30) consecutive calendar days. It is prohibited for any Accessory Dwelling Unit to be used as a shot1-term rental unit

F. The Accessory Dwelling Unit shall include separate dedicated kitchen and bathroom facilities for the exclusive use of the Internal Accessory Dwelling Unit occupants

G. One (I) additional on-site-hard-surface (concrete, asphalt, pavers) parking space shall be provided for the exclusive use of the Accessory Dwelling Unit, regardless of whether the Primary Dwelling is existing or a new construction.

H. The Accessory Dwelling Unit parking space shall not be located within the clear view area on a corner lot.

I. On street parking shall not be permitted for any occupant of an Accessory Dwelling Unit.

J. All Internal Accessory Dwelling Units shall have a separate, accessible entrance or stairway.

K. Drive approaches and curb cuts shall comply with the Willard City Public Works Standards.

L. No portion of a mobile home, mobile home park, motor home subdivision as defined within the Willard City Zoning Ordinances, Recreational Vehicle, or Recreational Vehicle Park shall be entitled to any use as an Accessory Dwelling Unit.

M. No construction to create or establish an Accessory Dwelling Unit shall

commence without the issuance of the necessary building permits and zoning approval, as required by Willard City.

N. The Owner of a Primary Dwelling shall reside on the property, either occupying the Primary Dwelling or the Accessory Dwelling Unit.

O. Accessory Dwelling Units are exempt from the residential density standard of the Willard City Zoning Code.

P. Each Accessory Dwelling Unit shall have the same street and mailing address as the primary dwelling, but shall add the letter "B" to the Accessory Dwelling Unit's address.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.50 Standards For Internal Accessory Dwelling Units

A. An Internal Accessory Dwelling Unit shall be designed in a manner that does not change the appearance of the Primary Dwelling as a single-family residence.

B. If there are insufficient onsite parking spaces available, the Owner of the Primary Dwelling shall replace any parking spaces contained with.in a garage or carport if an Internal Accessory Dwelling Unit is created within an attached garage or carport.

C. An Internal Accessory Dwelling Unit is prohibited if it will be served by a failing septic tank, as determined by Willard City or the Box Elder County Health Department.

D. The Internal Accessory Dwelling Unit shall be served by the utility meter serving the Primary Dwelling. The installation of a separate utility meter for an Internal Accessory Dwelling Unit is prohibited.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.60 Standards For Detached Accessory Dwelling Units

A. A Detached Accessory Dwelling Unit shall be a permanent structure. Trailers, mobile homes, and other movable structures shall not be permitted as a Detached Accessory Dwelling Unit.

B. Exterior lighting for a Detached Accessory Dwelling Unit shall provide

illumination directed downward with the light source shielded from adjoining properties. Any light source for a Detached Accessory Dwelling Unit shall not encroach be visible from adjacent properties.

1. The height shall not exceed the height of the Primary Dwelling.
2. Exterior stairways and landings shall not encroach into a setback.
3. A Detached Accessory Dwelling Unit shall:
    a. Not be less than three hundred (300) square feet or more than one thousand (1,000) square feet.
    b. Not occupy more than twenty five percent (25%) of the available yard area of the lot.
    c. Meet all accessory building standards for lot coverage, rear yard coverage, height, and any other standards for the zone in which it is located.

C. Balconies and rooftop decks are prohibited.

D. Windows on a Detached Accessory Dwelling Unit located above a detached garage facing adjoining properties are prohibited, unless required by building, health, and fire codes, as adopted. If required, a frosted, translucent, or stained type of non-see-through window shall be installed.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.70 Impact Fees

The creation or construction of a Detached Accessory Dwelling Unit shall result in the assessment of the following impact fees:

A. Water: Sixty-six percent (66%) of the single-family water impact fee.

B. Sewer: Sixty-six percent (66%) of the single-family sewer impact fee.

C. Internal Accessory Dwelling Units shall not be required to pay impact fees.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.80 Non-Transferability

Upon the sale or transfer of the home, a permit allowing an Accessory Dwelling Unit on the lot shall expire. The new record Owner of the lot shall be required to submit a new application and obtain a new permit as outlined herein. The Primary Dwelling and Accessory Dwelling Unit must be on the same parcel or lot, shall not be subdivided, and shall not be sold separately.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.90 Recordation Required

The City shall record a notice in the Office of the Box Elder County Recorder that provides:

A. A description of the Primary Dwelling.

B. A statement that the Primary Dwelling or Primary Dwelling lot of record contains an Accessory Dwelling Unit.

C. A statement that the Accessory Dwelling Unit may only be used in accordance with Willard City's land use regulations.

D. Upon recording the notice described herein, the City shall mail a copy of the notice to the Owner of the Internal Accessory Dwelling Unit.

E. Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.100 Enforement

Willard City may, in addition to any other legal or equitable remedies available, pursue a lien against the subject property in an amount of $ 100.00 for each day of violation (after notice of noncompliance has been provided) for:

A. Any violation of Utah Code Section I 0-9a-530; or

B. Any violation of this Section.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.110 Notice And Hearing

Willard City adopts the lien notice and hearing notice requirements set forth in Utah Code Section l0-9a-530. An Owner appealing a violation may appeal that decision to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 24.04.20. Any decision of the Hearing Officer may be appealed by the Owner or City to the District Court within thirty (30) days from the issuance of the written decision.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.96.120 Criminal Penalty

Violation of any of the provisions of this Chapter may be punishable by a Class C misdemeanor upon conviction and subject to a $500.00 fine.

HISTORY
Adopted by Ord. 2022-8 on 12/8/2022

24.100 OUTDOOR LIGHTING

24.100.010 Purpose
24.100.020 Conformance With Applicable Codes
24.100.030 Definitions
24.100.040 Applicability
24.100.050 General Outdoor Lighting Standards
24.100.060 Outdoor Lighting Standards By Type
24.100.070 Prohibited Lighting
24.100.080 Special Uses
24.100.090 Exemptions And Nonconforming Lights
24.100.100 Plan Submittal And Evidence Of Complianc
24.100.110 Installation/Operation
24.100.120 Violations, Legal Actions And Penalties

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.010 Purpose

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and businesses in Willard City, maintaining the city's rural character, minimizing light pollution that may interfere with Willard City's residents and visitors' enjoyment, health, safety, and welfare, and reduce unnecessary energy consumption.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.020 Conformance With Applicable Codes

All outdoor lighting and lighting fixtures installed after the effective date of this ordinance shall be required to be installed in conformance with the provisions of this ordinance and the applicable building codes currently in effect in Willard City. All existing outdoor lighting that does not meet the requirements of this ordinance and is not otherwise exempted from compliance herein, shall be considered a nonconforming use or part of a nonconforming structure.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.030 Definitions

A. "Direct illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector. This does not include light reflected from other surfaces such as the ground or building faces.

B. "Display lot or area" means outdoor areas where active nighttime sales activity

occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: Automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot or area upon approval by the Planning Commission.

C. "Foot-candle" means one lumen per square foot; unit of illuminance. It is the luminous flux per unit area in the imperial system. One foot-candle equals approximately one-tenth (0.093) lux.

D. "Floodlight" means a fixture or bulb designed to "flood" an area with light. A specific form of bulb or fixture designed to direct its output in a specific direction. Such bulbs are often designated by the manufacturer and are commonly used in residential outdoor lighting.

E. "Fully shielded light fixture" means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal plane and all light is directed downward.

F. "Full cutoff light fixture" means fixtures that are independently certified by the manufacturers,
and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.

G. "Glare" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, and brightness of the source, and on the brightness level to which the eyes are adapted.

H. "Installed" means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

I. "Light pollution" means any adverse effect of manmade light.

J. "Light trespass" means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

K. "Lumen" means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

L. "Luminary" means the complete lighting assembly, less the support assembly.

M. "Motion sensing security lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

N. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

O. "Nit" means the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign, in contrast to foot-candles which measure the brightness of the surface area or object that is being lighted.

P. "Nonessential commercial exterior lighting" means any signs, parking lot lighting, display lighting, exterior building lighting, directional lighting or landscape lighting that is primarily for aesthetic or advertising purposes and does not directly contribute to the safety or security of the premises.

Q. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Architectural lighting;
6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

R. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

S. "Partially shielded light fixture" means a fixture shielded in such a manner that no more than ten percent (10%) of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle above the horizontal, as determined by photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure

effectively shields the light in the same manner are also considered partially shielded for the purposes of this code.

T. "Seasonal decorations" means strings of holiday lights, uplighting or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.

U. U. "Uplighting" means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

V. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security.

W. "Unshielded fixture" means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

X. "Watt" means the unit used to measure the electrical power consumption (not the light output) of a lamp

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.040 Applicability

A. New Lighting. All outdoor lighting installed after the effective date of the ordinance codified in this chapter shall conform to the standards established in this chapter.

B. Existing Lighting. All lighting installed prior to the effective date of the ordinance as codified in this chapter shall not be subject to the requirements of this ordinance, except that any existing lighting that is directly impacted as part of a project that requires an application for a Willard City site plan or building permit or any land use application is required to be brought into conformance with this ordinance prior to the approval of any such application. All lighting shall be upgraded to conform to this ordinance prior to the issuance of certificate of occupancy, final inspection, or approval of any land use application.

C. Public Roadways. This chapter does not apply to lights owned or maintained by Willard City, Box Elder County, the State of Utah, or the federal government which are within any road rights of-way or used for traffic or safety purposes.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.050 General Outdoor Lighting Standards

A. Unless specifically exempted by this section, all outdoor lighting shall use fully shielded fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture

B. Lamp and Shielding. All permanent light fixtures are required to be full cutoff fixtures with the light source fully shielded for all uses and directed downward, including single-family and multifamily residential uses. In order to qualify as a "fully shielded" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Simply placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as fully shielded

C. Light Technology. Outdoor light fixtures should seek to utilize advanced light technology which promotes high energy efficiency and minimizes light pollution throughout Willard City.

D. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed, and shielded so that the direct illumination shall be confined to the property boundaries of the source. Care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

E. Total Outdoor Light Output Standards - Nonresidential and Multifamily Uses. Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except single family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.

F. Total Outdoor Light Output Standards - Single-Family Residential Uses. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap, but is subject to the lamp fixture and shielding requirements.

G. Height. Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower. Different height restrictions may be imposed as a condition of approval by SLUA, or the Planning Commission.

H. Commercial Lighting Time Limitations. All nonessential commercial exterior lighting shall only continue in operation until 11:00 p.m. or for as long as the business is open or area is in active use and shall remain off until the business reopens or until daylight the following day.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.060 Outdoor Lighting Standards By Type

A. Parking Lot Standards. Parking lot lighting poles shall be sized in such a manner that the top of any fixture does not exceed 17 feet above adjacent grade. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Low pressure sodium (LPS) lamps are encouraged. Alternatively, in industrial areas, parking lot lighting poles may be allowed to a height of 30 feet above adjacent grade provided full-cut-off light fixtures with built-in motion sensors for each pole are used. Motion sensors must reduce the light level to 50 percent when no motion is detected for 30 minutes.

B. Luminaire Mounting Height. Freestanding luminaires within a residential zone, except street lights, shall be mounted at a height no greater than 12 feet from ground level to the top of the luminaries.

C. Landscape and Accent Lighting. Subject to the approval of the City Planner, SLUA, or Planning Commission, ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Architectural lighting is allowed; provided, that a full cutoff light fixture is used, and the source of illumination is directed downward.

D. Flagpoles. Uplighting for flags is permitted, provided the flag is of a government and the maximum lumen output is 1,300 lumens.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.070 Prohibited Lighting

A. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel or for approved special events.

B. Uplighting. Except as specifically allowed by Willard City ordinance, uplighting is prohibited.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.080 Special Uses

A. Outdoor Recreational Facilities. Lighting for outdoor recreation facilities that does not comply with this chapter may be approved with the project site plan based on the following:

1. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

2. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of Willard City ordinances, Utah State code or federal regulations.

3. Such lighting shall not include any light trespass as determined by the City Planner or their designee.

4. Fully cutoff light fixtures shall be required for fields designed for amateur, recreational, or nonprofessional sports activity. For professional level sports facilities where full cutoff fixtures are not utilized, acceptable luminaries shall include those which:

    a. Are provided with internal or external glare control louvers, or both, and installed to minimize uplight and off-site light trespass as determined by the planning director; and

    b. Are installed and maintained with aiming angles that permit no greater than two percent of the light emitted by each fixture to project above the horizontal.

B. Service Station Canopies. All service station canopies shall comply with the following:

1. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.

2. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

C. Other Special Use Lighting. Lighting for special uses that are not specified in this chapter must be approved by the Planning Commission through a conditional use permit or along with a site plan application.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.090 Exemptions And Nonconforming Lights

A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.

B. Spotlights are permitted for single-family residential, provided they are fully shielded and directed downward.

C. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this code.

D. Seasonal Decorations. Seasonal decorations are exempt from this chapter.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.100 Plan Submittal And Evidence Of Complianc

A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, building permit, subdivision approval or any development plan approved by Willard City, the applicant shall, as part of the application process, submit sufficient information to enable SLUA, the Planning Commission, City Council, or the City Planner (as the case may demand) or their designee to determine whether proposed lighting complies with this code.

B. Applications. All applications shall include the following:

1. A site plan indicating the location of all lighting fixtures, both proposed and any already existing on the site.
2. A description of each illuminating device, fixture, lamp, support, and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages, and initial lumen outputs.
3. Such other information that the planning director may determine is necessary to ensure compliance with this code.

C. Plan Approval. If it is determined that any proposed lighting does not comply

with this ordinance, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the City Planner for their approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

E. Certification ofInstallation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.110 Installation/Operation

A. Approval of Alternatives. The provisions of this ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this ordinance, provided any such alternate has been approved by Willard City. Willard City may approve any such proposed alternate if it:

1. Provides at least approximate equivalence to that applicable specific requirement of this ordinance, and
2. Complies with the intent of this ordinance.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

24.100.120 Violations, Legal Actions And Penalties

A. Violations and Legal Actions. If, after investigation, the City Planner or their designee finds that any provision of this ordinance is being violated, the City Planner or their designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The City Planner shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the City Planner or their

designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this ordinance and to collect penalties for such violations.

B. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of $75.00 per day and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty.

HISTORY
Adopted by Ord. 2023-8 on 8/24/2023

APPENDIX A - ANNEXATION POLICY PLAN

WHEREAS, the state of Utah has enacted legislation which requires municipalities to adopt an Annexation Policy Plan as a condition precedent to annexing unincorporated territory; and

WHEREAS, Willard City desires to adopt an Annexation Policy Plan to declare its policies for annexation of territory contiguous to its boundaries; and

WHEREAS, urban development should occur within cities and Willard City desires to allow urban development within its boundaries rather than allowing urban development on the city's periphery.

NOW, THEREFORE, THE CITY COUNCIL OF WILLARD CITY ADOPTS THIS ANNEXATION POLICY PLAN AS AN AMENDMENT TO THE GENERAL PLAN:

A. The city will consider, upon compliance with all current laws and ordinances, annexation of any of the Expansion Area shown on the attached map.

B. The Expansion Area:

   1. does not isolate islands or peninsulas of unincorporated territory;
   2. is contiguous with the corporate limits of Willard City;
   3. includes those areas for which Willard City is the most efficient provider of services;
   4. provides for the equitable distribution of community resources and obligations; and
   5. follows the boundary lines of existing water, flood control, and governmental entities.

C. The city does not favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenue or for retarding the capacity of another municipality to annex. This Annexation Policy Declaration is intended to and hereby does incorporate by reference all of the standards required and suggested by Utah Code § 10-2-401.5 et seq. (2000 Repl. vol.).

D. Willard City presently has no existing special districts for utilities. However, the Box Elder-Willard City Flood Control District and the Willard City Cemetery District are included in the Expansion Area.

E. The Expansion Area includes the area east of the city, and is primarily defined by the drainage basin of Willard Creek. This drainage basin is the major source of the city's water supply. Annexation of this area would be appropriate as a step in protection of this vital resource. The boundary of the Expansion Area follows

the county line westward to include Willard Bay and encompasses the South Willard area of the county. South Willard is an unincorporated area of the county, but is cohesive, energetic and growing. Willard City has no plans to acquire this area. Although South Willard is included in the expansion area, it is anticipated that South Willard will incorporate unilaterally.

The Expansion Area is described as:

EXPANSION AREA Beginning at the northwest corner of Section 13. Township 8 North. Range 2 West, Salt Lake Base and Meridian, said point being on the east boundary of Willard City and the point of beginning; proceeding thence east along the north section line of said Section 13; thence east along the north section line of Section 18, T8N, R1W, SLB&M, to the northeast corner of said Section 18; thence southeast to the southeast corner of Section 17, T8N, R1W, SLB&M; thence south along the east section line of Section 20, T8N, R1W, SLB&M, to an intersection with the Box Elder County line; thence following said county line southerly and westerly to a point which is located directly south of the west perimeter road of Willard Bay State Park; thence north to the said west perimeter road: thence north and northeasterly along said road to a point on the road located at approximately 112° 04' w. long., 41° 25' n. lat.; thence north 7.000 feet more or less to an intersection with the Bear River Bird Refuge boundary; thence northeasterly along said boundary 3,900 feet, more or less; thence east 3500 feet, more or less, to a point on the northwesterly corner of the Willard City boundary, said point being located on the centerline of Interstate Highway I-15; thence following said Willard City boundary easterly to the northwest corner of Section 13, Township 8 North, Range 2 West and the point of beginning.

F. SERVICES. Willard City is a rural, agriculture-based community. The citizens have traditionally worked to maintain that characteristic. They have never attempted to grow at the expense of another entity. They have, however, sought to protect their community and its rural way of life. Over the years the City has developed traditional municipal services to supply the needs of the citizens. The result has been creation of well-trained, emergency service organizations.

The police department and volunteer fire department are not only of service to the City, but also to the surrounding unincorporated areas of the County. They supply services, in support of the county sheriff's office, to the South Willard area of the county and to Willard Bay State Park. They support the Utah State Highway Patrol in their responsibilities related to Interstate 15, which transects our city.

The culinary water system is adequate to support the city's present and projected needs for the immediate future, with existing culinary water rights providing the potential for expansion for the next 20 years. The expansion area

contains the drainage basin of Willard Creek, which is also the water-shed and recharge area for the springs and wells that constitute Willard's present water supply. Willard Creek is also essential to the future water supply.

Facer Creek is important to the economy of the city because it supplies water for the agricultural community. Future development of this source may be required as the community grows.

At present there is no municipal sanitary sewer. Preliminary engineering has been completed showing feasibility of such a project. The city intends to be a part of the sewer district being planned by Box Elder County. Development of the complete system will be a key part of Willard City Growth.

All services now provided to residents are financed by appropriations from the general fund and from developmental fees except water improvements, which are financed by service charges, impact fees, connection and developmental fees in the Enterprise Fund. It is anticipated that future services will be financed in the same manner.

G. GROWTH. Willard City has considered anticipated population growth in the next 20 years. This estimated figure is derived from growth in the last 10 years, current building permits and development and figures from BRAG. Willard City envisions residential growth continuing at approximately 10-15% a year depending on interest rates and financial stability. This rate could also be influenced by the commercial growth that may occur. With these conditions, Willard City would grow to a population of about 2400 in twenty years.

WILLARD CITY - PROJECTED GROWTH

YEAR	POPULATION	HOUSEHOLDS	H/H CHANGE	INCREASE (%)
2000	1630*	517	---	---
2005	1736**	551	34	6.5
2010	1931**	613	62	11.3
2020	2321**	737	124	20.2
2030	2741**	870	133	18.1
2040	3213***	1020	150	17.2
2050	3717***	1180	160	15.7

* CENSUS 2000, ** BRAG ESTIMATE, *** LOCAL EXTRAPOLATION.

H. TAXATION. It is anticipated that the residents in the Expansion Area would

experience an increase in their property tax if they were to be annexed. This increase will equal the Certified Tax Rate imposed by Willard City. Current Willard residents should not be affected by an increase due to annexation.

The following figures are based on the 2001 certified tax rate.

Taxing Entity	Certified Tax Rate	Tax per $100,000 assessed value	
		County	Willard
Mosquito Abatement	0.000332		
Bear River Water District	0.000168		
School Board	0.006320		
Box Elder County	0.001911		
Box Elder- Willard City Flood Control District	0.000373		
TOTAL COUNTY RATE	0.009104	$910.40	
Willard	0.001009		
TOTAL WILLARD RATE	0.010113		$1,011.30

I. Willard City favors the following criteria in considering territory for annexation:

1. New boundaries, if using a street or a highway as a boundary, should include land on both sides of the street within the boundary (i.e., 200 feet beyond the street or along the property line at the back of the next series of lots bordering the street.)
2. Those entities developing territory proposed for annexation should bear their proportionate share of costs associated with the demand on service from increased population. Provisions to assure this objective are part of Willard City Zoning and Subdivision Ordinances.
3. The General Plan, as adopted by Willard City, will include the Annexation Policy Plan, as it addresses the need, over the next 20 years, for additional land suitable for residential, commercial and industrial development. Uses within new territory should be compatible or extensions as intended by the plan. The need of new land area is supported by the anticipated population increase.
4. New territory is located within the Expansion Area proposed in the Annexation Policy Plan and lies contiguous to the present boundaries of Willard City.

J. Willard City may consider annexation of territory if:

1. The territory to be annexed is territory included within this policy declaration, or any amendments to the policy; and
2. The City is presented with a petition for annexation that complies with Utah State Law dealing with annexation; and
3. The petitioners satisfy Willard City that the annexation substantially complies with this Policy Declaration; and,
4. Matters relevant to interests of all affected entities being considered are addressed.

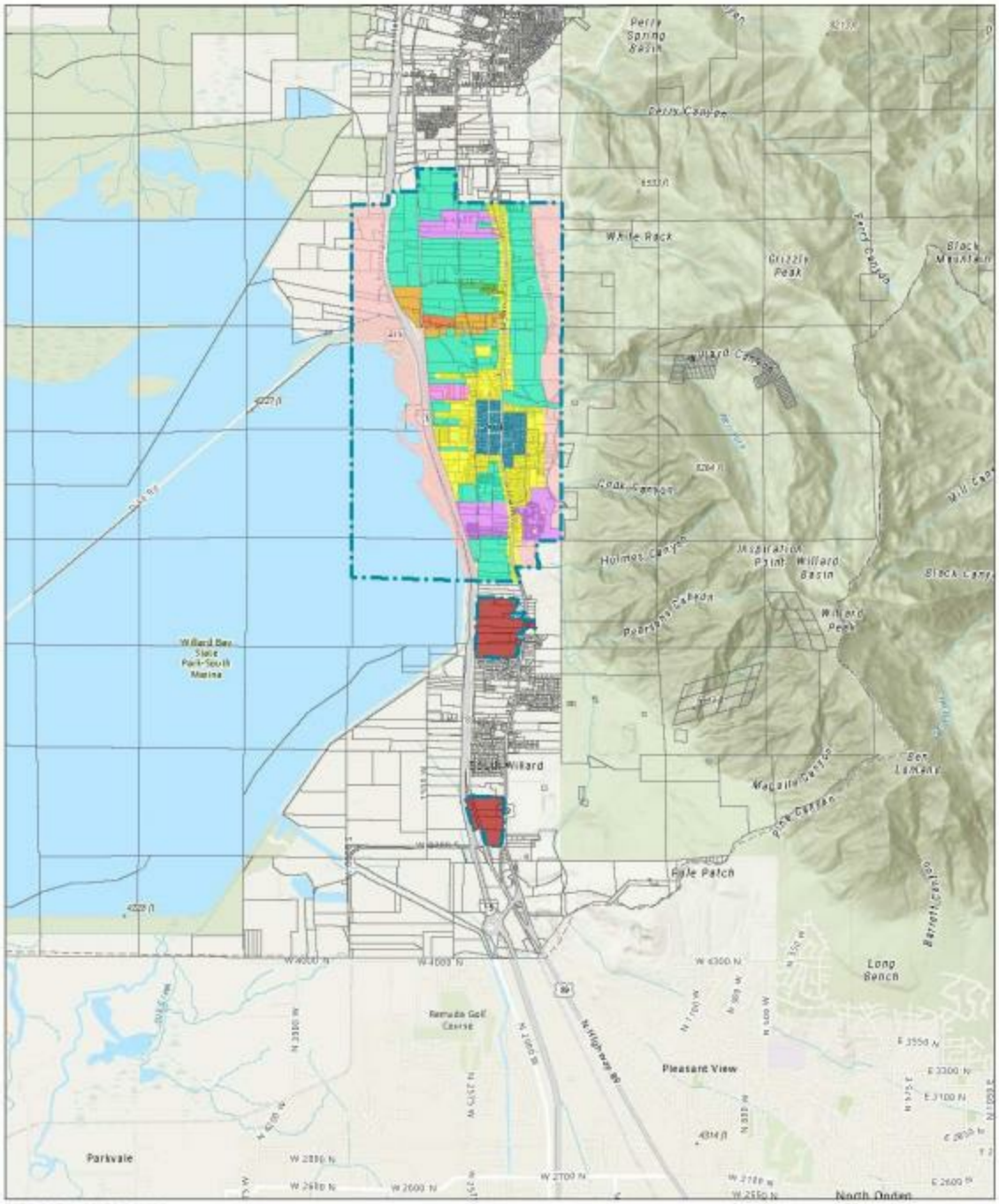
Willard City as a municipality may annex an unincorporated area on its own motion, under this section, without an annexation petition if:

1. The area to be annexed consists of one or more islands within or peninsulas contiguous to the municipality;
2. The majority of each island or peninsula consists of residential or commercial development;
3. The area proposed for annexation requires the delivery of municipal-type services; and
4. The municipality has provided most or all of the municipal-type services to the area for more than one year.

ZONING MAP

Click on the Map below to access map.

ArcGIS Web Map



2/27/2024, 10:13:32 AM

City Boundary

Zoning

- PUD
- MU-40
- A-3
- A-5
- C-N
- C-G
- R-1/2
- R-1
- Old Willard Township
- TOD
- MPC
- Box Elder County Parcels

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

Esri, NASA, NGA, USGS, FEMA, Utah Geospatial Resource Center, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS

ArcGIS Web AppBuilder

Esri, NASA, NGA, USGS, FEMA | Utah Geospatial Resource Center, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA,

PASSED AND APPROVED by the Willard City Council on this 13th day of February, 2025.

Hulsey	Yes_____	Nay_____
Christensen	Yes_____	Nay_____
Braegger	Yes_____	Nay_____
Mund	Yes_____	Nay_____
Bodily	Yes_____	Nay_____

ATTEST:

_____
City Recorder

Willard City:

By: _____
Mayor Travis Mote