

WILLARD CITY ORDINANCE 2026 -04

AN ORDINANCE AMENDING SECTION 24.80.130 OF THE WILLARD CITY ZONING CODE; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.

Section 1 – Recitals

WHEREAS, the City of Willard (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct, or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, the City has adopted and promulgated city ordinances and rules regarding zoning and acceptable uses within those zones in the City; and

WHEREAS, the Willard City Council recognizes the need to periodically review and update zoning regulations to ensure alignment with evolving land use patterns, community needs, and statutory requirements; and

WHEREAS, the City Council finds that certain changes to the Willard City Zoning Code in regards to amending the language for Section 24.80.130 should be made; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare are at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, be it ordained by the City Council of Willard City, in the State of Utah, that the following portions of the Willard City Zoning Code be, and the same is, changed and amended to read as follows:

SECTION 2: AMENDMENT Chapter 24.80 Subdivisions, Section 24.80.130 Design and Construction Standards of the Willard City Zoning Code is hereby amended to include the following additional language:

24.80.130 Design and Construction Standards

R. Deferments of Design and Construction Standards

1. Willard City recognizes that there are parcels within the City that property owners may want to subdivide for various reasons. These are parcels within developed parts of the City where some design and/or construction standards are not present, but those design and/or construction standards will need to be installed in the future. The City is willing to create this process to provide for a deferment of construction of some of the required design and construction standards when it involves certain parcels with certain elements present. However, the applicant still has to proceed through the

preliminary and final subdivision application process, and this deferment process runs simultaneously with that process.

2. During the preliminary subdivision application process, a proposed subdivision may be considered for a deferment of installation of certain required design and construction standards as outlined in Section 24.80.130 when the applicant has shown evidence that all of the following circumstances are present:
 - a. The proposed subdivision contains no more than three (3) lots total, including the pre-existing lot.
 - b. No other subdivision or lot split has occurred from the parent parcel within the past ten (10) years. If a prior split or subdivision occurred within ten (10) years, both the previously separated lots and the subject property shall be counted toward the three-lot maximum.
 - c. The proposed subdivision is located within a residential zoning district.
 - d. The proposed subdivision is not traversed by the mapped alignment of a proposed or future street or trail identified in the Willard City General Plan or Transportation Master Plan.
 - e. The proposed subdivision does not require dedication of land for public streets or other public facilities.
 - f. The proposed subdivision is adjacent to a City-dedicated paved asphalt road that was built to City standards as outlined by the Willard City Public Works Standards.
 - g. The proposed subdivision complies with all applicable Willard City land use ordinances, including zoning, drainage management, utility easements, and any protections related to sensitive lands.
 - h. The proposed subdivision does not require or propose the creation or dedication of open space for purposes of density bonuses or reduced lot sizes.
 - i. The proposed subdivision has been reviewed and approved by the Public Works Director serving as the culinary water authority and sanitary sewer authority.
3. Only if the applicant presents evidence that every one of the elements outlined in Section 24.80.130(R)(2) above are present in a proposed subdivision may a deferment be considered by the Planning Commission.
4. During the preliminary subdivision application process, the Planning Commission may consider allowing deferment of only the following design and construction standards:
 - a. Installation of sidewalks, curbs, and gutters.
5. Process for deferment:
 - a. If the Planning Commission allows a deferment, then applicant shall place a restriction on the final subdivision plat, applicable to every lot in the proposed subdivision, outlining:
 - (1) The deferred specific design and construction standard improvements that are required to be installed in the proposed subdivision and that they will be installed in accordance with the Willard City Public Works Standards.
 - (2) That each lot owner is financially responsible for installation of the deferred specific design and construction standard improvements whenever the City deems those installations to be necessary in the future.

- (3) That each lot owner understands that they will be billed by the City for the City's installation of those deferred improvements, and that invoice is required to be paid by the lot owner within thirty (30) days of receipt of the invoice from the City.
- (4) That each lot owner consents to a lien being placed on their property for the amount of the installation invoice total, if the invoice is not paid within the time given by the City.
- b. This language shall be reviewed at the final subdivision application stage as part of the final approval process and before any subdivision plat is recorded.
- c. The deferment can only be granted at the preliminary application stage by the Planning Commission. Once the Planning Commission has granted preliminary subdivision application approval, under Section 24.80.040 of the Willard Zoning Code, a deferment is no longer available and the applicant shall be required to install all improvements required under the subdivision process.

The forgoing Recitals are fully incorporated herein.

SECTION 3: PRIOR ORDINANCES AND RESOLUTIONS That the above changes, where they may have been taken from prior City Ordinances and Resolutions, are listed here for centralization and convenience; and that the body and substance of those prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION 4: REPEALER OF CLAUSE All orders, ordinances, and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts thereof, which conflict with this Ordinance are, for such conflict, repealed, except that this repeal will not be construed to revive any act, order, or resolution, or part.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be held or declared to be unconstitutional, invalid, inoperative, or unenforceable to any extent whatsoever, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional, invalid, inoperative, or unenforceable.

SECTION 6: DIRECTION Willard City Staff is hereby authorized to make non-substantive clerical corrections to formatting, numbering, and internal references in this ordinance for publication and codification purposes, provided such corrections do not alter the intent or effect of the adopted language.

SECTION 7: EFFECTIVE DATE This Ordinance shall be effective as of the date of signing and after being published or posted as required by law.

PASSED AND ADOPTED this 12 day of March 2026.

| | AYE ✓ | NAY | ABSENT | ABSTAIN |
|-----------------|-------|-------|--------|---------|
| Jacob Bodily | ✓ | _____ | _____ | _____ |
| Rod Mund | ✓ | _____ | _____ | _____ |
| Mike Braegger | ✓ | _____ | _____ | _____ |
| Rex Christensen | ✓ | _____ | _____ | _____ |
| Jordon Husley | ✓ | _____ | _____ | _____ |

WILLARD CITY



Travis Mote
Willard City Mayor

ATTEST:

Diana Mund
Willard City Recorder

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Box Elder)

I, Diana Mund, the City Recorder of Willard City, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of "AN ORDINANCE AMENDING SECTION 24.80.130 OF THE WILLARD CITY ZONING CODE; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES." adopted and passed by the City Council of Willard City, Utah, at a regular meeting thereof on March 12, 2026 which appears of record in my office, with the date of posting or publication being March 13, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of 13 day of March 2026.



Diana Mund
Diana Mund
City Recorder