

**WILLARD CITY ZONING ORDINANCE
DRAFT 042415**

**TITLE 12.
WILLARD CITY ZONING ORDINANCE**

CHAPTER 12-102. SUPPLEMENTARY AND QUALIFYING REGULATIONS

12-102-1. 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.

12-102-2. 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.

12-102-3. 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.

(1) Improved frontage upon a public street shall include:

- (a) A 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 24 feet when curb and gutter are waived.
- (b) An eight-inch 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. Pipe may be reduced in diameter, if allowed by the fire code.
- (c) Utility easements ten feet wide 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.

(2) Flag Lots may not be created in any Zone. Flag lots are defined in Figure 1, below. Flag lots are created when a parcel, having less than 200 feet frontage on a public street is divided.

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

Exception: If created as part of a planned unit development (PUD), parcel frontage on a cul-de-sac may be allowed as a conditional use. * (See Part 12-111-4, Table II, Item 3.)

* Or as a 2 lot in-fill subdivision within the city limits between 300 North to 300 South and 300 East to 200 West. A subdivided lot must have 1 (one) lot with 100 ft. frontage and the second lot must have a minimum of 85 ft. and maintain the ½ acre minimum area requirements.

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

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

12-102-4. 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.

12-102-5. 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.

12-102-6. 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.

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12-102-7. 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.

12-102-8. 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.

12-102-9. 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.

12-102-10. 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.

12-102-11. 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.

12-102-12. 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.

12-102-13. Minimum Height of Main Buildings

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

12-102-14. 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.

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12-102-15. 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.

12-102-16. Maximum Height of Fences, Walls, and Hedges

- (1) 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.
- (2) 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.
- (3) Fences, walls, and hedges may not exceed six feet in height within any required rear yard or interior side yard.
- (4) 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.
- (5) 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.
- (6) 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.

12-102-17. 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.

12-102-18. 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

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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.

12-102-19. 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.

12-102-20. 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.

12-102-21. 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.

12-102-22. Lot-line Adjustments

(1) Lot-line adjustments may be approved by the Planning Commission, provided:

- (a) No new dwelling lot or housing unit results from the lot-line adjustment;
- (b) The adjoining property owners consent to the lot-line adjustment;
- (c) The lot-line adjustment does not result in remnant land that did not previously exist;
- (d) The adjustment does not result in violation of applicable zoning.
- (e) Parcels located in recorded subdivisions must meet the requirements of Utah Code 10-9a-608.

(2) 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.

(3) Resulting parcels must be in compliance with present zoning requirements.

(4) 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.

(5) 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.

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The report of survey shall include:

- (a.) Basis for survey;
- (b.) Property corners,
- (c.) Dimensions of resulting parcels;
- (d.) Legal description of resulting parcels;
- (e.) Identification of adjacent streets and parcels;
- (f.) Surveyor's Certificate; and
- (g.) Affidavit of consent of owners, when two or more are involved. (May be separate document.)

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

(7) 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.

(8) 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.

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