

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

CITY COUNCIL AGENDA ITEM REQUEST FORM

All agenda items and any materials to be presented to the City Council need to be submitted the City Office by noon on the Friday prior to the meeting. 8 copies of all items are required. In addition an electronic copy (CD or email) will be required for all documents containing more than 8 pages or larger than 11" x 17".

All meetings are open meetings and the information presented will become part of the permanent public record.

Please note there is a three minute public comment period at the beginning of each City Council meeting for individuals to make comments. Items requiring action by the City Council will be placed on the agenda for a future meeting.

Date of meeting requested: Nov 14 2019 Date form submitted: Nov 5 2019

Time allotment requested: ☐ 2 min. ☒ 5 min. ☐ 10 min. ☐ Other _____

Subject to be presented: Subdivision and Land Development Ordinance Amendment
(Please use specific language as to how you want the item noticed)

Person &/Or Organization submitting item: Bryce Wheelwright

Contact information: _____

Phone number: _____

Reason for request: Planning Commission Review and recommend
The City Council Look at The possibility of
changing The Subdivision Ordinance 12-400

Official action requested: Review and discuss The ramifications of such a change

Suggested Motion: ~~Positive~~ This could have negative effect

Please remember to submit 8 copies of all materials that will be presented to the City Council and electronic copies if required.

Have contracts, ordinances, resolutions and/or agreements been approved by the City Attorney? Yes ☐ No ☐

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November 7, 2019

Staff Report:

Introduction:

In 2017 The City Council requested the Planning Commission Look into the curb gutter and sidewalk requirement in the Subdivision Ordinance 12-400 to see if it could be amended to make provisions for smaller two and three lot infill subdivisions.

Summary:

The Planning Commission came up with the Old Town Willard Zone to accommodate the infill vacant lots in the area of roughly 200 North to 200 South and 200 West to 200 East.

Then a request was made to look at the rest of the city to see if similar provisions could be made for smaller subdivisions throughout the city.

At the request of the Planning Commission our previous City Attorney drafted the attached ordinance to amend the Subdivision Ordinance 12-400 to allow for some waver in development requirements.

The Planning Commission reviewed this document and approved it to be sent to the City Council for review and approval.

Recommendation:

Staff recommends that the City Council look at the long term ramifications of this ordinance in terms of being arbitrary and creating loopholes in the enforcement of the subdivision development requirements, and should not approve the ordinance.

ORDINANCE NO. 2019- _____

Willard City
Zoning Ordinance

Be it Ordained by the Willard City Council upon motion by _____ ,
seconded by _____ , the following Ordinance was duly enacted, _____ voting in
favor of enactment, _____ voting against enactment.

WILLARD CITY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

An Ordinance amending and restating the Willard City Zoning Ordinance Section number 12-400-10-10 to provide increased flexibility and compatibility for developments within the City; to encourage the efficient and economical use of property within the City; preservation of historical appearance of housing in that area; to encourage the development of housing that is compatible in design, height, setback, scale, and placement with existing housing in adjoining areas; and promote neighborhoods with quality homes while avoiding unnecessary expense.

WHEREAS, The Willard City Council, pursuant to Utah Code § 10-8-84, may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Utah Law, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city, and

WHEREAS, The Willard City Planning Commission and Willard City Council, pursuant to Utah Code § 10-9a-102(1), are charged with the duty of providing for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, and

WHEREAS, The Willard City Planning Commission and Willard City Council, pursuant to Utah Code § 10-9a-102(2), are empowered to enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, and

WHEREAS, the Willard City Planning Commission has recommended the Willard City Council approve the amendments to the Willard City Zoning Ordinance as embodied herein; and

WHEREAS, Ordinance Number 12-400 has been enacted to address changes in applicable law and by changes dictated by experience in regulation; and

WHEREAS, the provisions of Utah Code § 10-9a-502 having been met by the Willard City Planning Commission; and

WHEREAS, the Willard City Council pursuant to authority granted under Utah Code § 10-9a-502 after having met the regulations governing changes to land development ordinances under Utah Code § 10-9a-205; and

WHEREAS, the Willard City Council finds that it is necessary to amend and restate the Willard City Zoning Ordinance Section 12-400-10-10, *et. seq.*, Willard City Zoning Ordinances,

NOW,

THEREFORE, BE IT ENACTED AND ORDAINED by the Willard City Council, Box Elder County, Utah, that the Willard City Zoning Ordinance, Ordinances Numbers 12-400-10-10, as heretofore enacted, be amended to include as follows:

... Section 12-400-10-10(3) 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 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:

i. 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.

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

iii. 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.

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

v. 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.

Willard City Ordinance 12-400: Restatement

All other provisions of Section 12-400 not amended by this enactment are intended to remain in full force and effect.

This Ordinance shall become effective upon passage this _____ day of _____, 2019.

Kenneth Braegger, Willard City Mayor

Attest:

Teri Fellenz, Willard City Recorder