



Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, June 17, 2021– 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public Comment may or may not be taken

1. Prayer
2. Pledge of Allegiance
3. Roll Call
4. General Public Comment (Input for items not on the agenda)
5. Discussion/Action Items
 - a. Consideration of a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West) from A-5 to R-1/2 (02-035-0060, 02- 035-0061, 02-035-0063, and 02-035-0079)
 - b. Consideration of a proposal to amend Willard City Zoning Ordinance Chapter 12-116-5(2) Dedication of Streets, Rights-of-Way, or Easements – Residential, Commercial or Industrial Subdivision, or Planned Unit Development
 - c. Consideration of a recommendation to the City Council regarding revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks
6. Consideration and approval of the June 3, 2021, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 11th day of June, 2021.

/s/ Michelle Drago

Deputy City Recorder

Individuals with questions, comments, or needing special accommodations pursuant to the Americans with Disabilities Act regarding this meeting may contact Michelle Snarr at (435) 734-9881. I, the undersigned duly appointed and acting Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the City Hall and on the State of Utah Public Meeting Notice Website this 11th day of June, 2021

/s/ Michelle Drago

Deputy City Recorder

May 17, 2021

WILLARD CITY STAFF REPORT

SUBJECT: Colliers request for rezone of Fitzgerald property

INTRODUCTION: Willard City Ordinance 12-110-4

SUMMARY: Mr. Brown from the Collier Co. has submitted a rezone application for the property at the far North end of Willard City known as the Fitzgerald property. It is located at approximately 1800 North and 200 West. The property is currently zoned A-5.

They wanted to rezone the property as a Planed Development, but that ordinance has been repealed so they are wanting to zone it to R-1/2

On the Future Land Use Map the property is shown to be in the A-3 and A-5 zone.

Rezoning the property to R-1/2 would not put the city in a negative financial situation so the question is, does it meet the General Plan goals for the City.

RECOMMENDATION: Staff recommends that the Planning Commission consider the rezone request and set it for a Public Hearing on June 3rd



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third option was a fee in lieu of, which could become an accounting nightmare if escrow funds showed up on the City's accounts for 30 years.

Colt Mund stated that the City Engineer had recommended a deferral agreement.

Commissioner Bingham felt there should be some type of requirement to handle storm drainage, even in the Old Town Willard Zone. There needed to be some type of control, but it didn't have to be curb and gutter.

Commissioner Harrop asked if there could be a fee in lieu of with a time clause that would expire in five to 10 years. Mr. Mund felt that a time clause could be addressed by a deferral agreement. When the City decided it was in the best interest of the City to have curb, gutter, and sidewalk, it could have available funds because of deferral agreements. Commissioner Harrop didn't want to hold property owners hostage for 20 to 30 years. Right now curb and gutter in front of Lot No. 3 wouldn't tie into anything on the north or the south and would just be an eyesore. He felt the City should accept a fee in lieu of with a time clause. If the improvements weren't installed in a certain period of time, the money could be released back to the property owners.

Commissioner Dubovik pointed out that decisions regarding curb, gutter, and sidewalk would be made after the public hearing.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding preliminary approval of the Hurst Subdivision. Commissioner Harrop seconded the motion. All voted unanimously. The motion carried.

Monica Hurst stated that they would not be in town on June 3rd. Commissioner Dubovik said the June 3rd meeting would be to allow for public comments. The Planning Commission would discuss the public comments during its June 17th meeting.

5C. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSED AMENDMENT TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LANDUSE AUTHORITY (SLUA)

Chris Davis asked that the Planning Commission schedule a public hearing to receive public comments regarding the proposed amendment to the SLUA definition.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend the definition of the Subdivision Land Use Authority (SLUA) found in the Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.

★5D. SET A PUBLIC HEARING FOR JUNE 3, 2021, TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Bryce Wheelwright stated that the City had received an application to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. The property was currently owned by Chet Fitzgerald.



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Chairman Bodily asked where the property was located. Mr. Wheelwright said the property was located along the north perimeter of the City. The Fitzgerald home was located at the bottom of the KOA road. It was on the west side of 1200 West in Perry. Chris Davis said the property was just north of Chad Braegger's home.

Commissioner Harrop asked about the current zoning. Mr. Wheelwright said the property was currently zoned A-5, which was a minimum lot size of five acres. The Future Land Use Map showed this area with A-3 or A-5 Zones. The requested zoning was R-1/2.

Commissioner Dubovik stated that the Planning Commission would have discuss the pros and cons of changing the Future Land Use Map.

Commissioner Hulsey moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a request to rezone 34.57 acres located at approximately 3630 South 1200 West (200 West in Willard) from A-5 to R-1/2. Commissioner Baker seconded the motion. All voted unanimously. The motion carried.

5E. CONSIDERATION OF RECOMMENDATION TO THE CITY COUNCIL REGARDING REVISIONS TO WILLARD CITY ZONING ORDINANCE CHAPTER 12-500 MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS AND ADOPTION OF CHAPTER 12-700 RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

Colt Mund stated that he had not made the revisions discussed by the Planning Commission at its last meeting. He asked that this item be tabled until those revisions could be made.

Commissioner Dubovik moved to table consideration of revisions to Willard City Zoning Ordinance Chapter 12-500 Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and adoption of Chapter 12-700 Recreational Vehicles and Recreational Vehicle Parks until the latest revisions were made and could be discussed. Commissioner Hulsey seconded the motion. All voted unanimously. The motion carried.

5F. CONSIDERATION OF PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Colt Mund stated that this amendment was desperately needed. The City had not had a Board of Adjustment for quite some time. Each city was required to designate a body or appeal authority for land use decisions. Willard previously had a Board of Adjustment, but it had not been active for as many as eight years. Right now the City Council was acting as the City's appeal authority. Last week the staff and City Council discussed designating a hearing officer rather than a Board of Adjustment. The hearing officer would be an individual the City would hire for the purpose of hearing variance requests, appeals from land use decisions, or even fees imposed by the City. The City would look for someone with experience in making land use decisions. An amendment to the Willard City Zoning Ordinance had been prepared that would repeal the current Chapter 12-101, which contained regulations for a Board of Adjustment, and adopt a new Chapter 12-101 containing regulations for an appeal authority as a hearing officer. Mr. Mund asked that the Planning Commission review and comment on the proposed amendment. Approval of the proposed amendment would bring Willard City into compliance with the State Code. A recommendation to the City Council was needed.



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Commissioner Dubovik felt the subdivision was in compliance. He about the next step in the approval process. Bryce Wheelwright said that if the Planning Commission granted preliminary approval of the subdivision, it would go back to the SLUA for final review and approval.

Mr. Wheelwright reminded the Planning Commission that the requirement for curb, gutter, and sidewalk on 250 West still had to be resolved. The lot on 250 West was not in the Old Town Willard Zone and was required to have curb, gutter, and sidewalk. The City Engineer did not feel installation of those improvements at this time would be in the best interest of the City. None of the other homes and lots on 250 West had curb, gutter, and sidewalk. The City Engineer recommended that the curb, gutter, and sidewalk requirement be waived, and that the City enter into a deferral agreement with the developer for the cost of the improvements. Mr. Wheelwright said that Section 12-102-18 of Willard's Zoning Ordinance allowed the curb, gutter, and sidewalk improvements to be waived.

Chris Davis stated that the deferral agreement recommended by the City Engineer meant the improvements would not be installed now. If and when the City installed curb, gutter, and sidewalks on 250 West, the property owner would put those improvements in at his expense. The deferral agreement would be recorded at the County Recorder's Office.

Chairman Bodily asked if the Planning Commission forwarded the subdivision to SLUA or the City Council. Mr. Wheelwright said the subdivision would be forwarded to the City Council who would consider waiving the improvement requirement.

Commissioner Harrop stated that the Planning Commission discussed the subdivision at its last meeting. The developer had complied with all of the City's requirements, except the curb, gutter, and sidewalk. He didn't feel there was a need to hold the developers up by placing the subdivision on the next Planning Commission agenda.

Commissioner Harrop moved to forward the Hurst Subdivision located at approximately 100 South 200 West to the City Council for preliminary approval. Commissioner Dubovik seconded the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, Baker, and Harrop voted "aye." The motion carried.

5B. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Commissioner Baker moved to open the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Bryce Wheelwright stated that the property in question was known as the Fitzgerald property. It was located on the north end of Willard City at 3630 South 1200 West (200 West in Willard). It was currently zoned A5. The property was shown on the Future Land Use Map with an A-3 or A-5 Zone. The City had received a request from the Collier Company to rezone the property to R-1/2. Collier's wanted to purchase and subdivide the property. There were issues with water and sewer, but those problems could be resolved. The City Engineer and SLUA had reviewed the potential development. The property needed to be rezoned in order to meet the developer's criteria.

Chairman Bodily clarified that the Future Land Use Map did not show the property as R-1/2. Mr. Wheelwright said the Future Land Use Map showed this area as either A-3 or A-5. There were other parcels with the



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99 same future land use that had been rezoned. Those parcels were contiguous with other R-1/2 uses. The
100 Fitzgerald property was not contiguous with another R-1/2 Zone.

101
102 Commissioner Dubovik asked if there was a record of why previous City officials chose not to assign an
103 R1/2 Zone for this area. Mr. Wheelwright said there wasn't. He reminded the Planning Commission that the
104 General Plan was in the process of being updated. The future use of this area might change.

105
106 Chairman Bodily asked if there was a representative who wished to address the Planning Commission.

107
108 Sky Hazelhurst, from Collier's, stated that they had the Fitzgerald property under contract. They had been
109 working on a potential development for about six months. They were originally going to wait for the new
110 Master Plan Community Zone in the hope that they would be able to do one-third acre lots. They wanted
111 to make it easier for the City to accept the development so they were asking for an R-1/2 Zone, which would
112 have a little larger lot. Water and sewer would be a challenge, but they felt they had some good solutions.

113
114 Chairman Bodily asked about the water issues. Mr. Hazelhurst said there was not enough water supply in
115 the road. Water would have to be upgraded. Commissioner Dubovik asked about building a storage tank.
116 Mr. Hazelhurst said that as an option; working with Nilson Homes on their improvements was another
117 option. Chairman Bodily asked if the water line would be eight inches or ten. Mr. Wheelwright said the size
118 would be determined by the City Engineer.

119
120 Sky Hazelhurst stated that the offsite improvements were a challenge, but they were willing to invest in this
121 property. They estimated it would take \$700,000 to \$800,000 just to get all of the utilities to the property.
122 He asked that the Planning Commission forward a rezone recommendation to the City Council.

123
124 Chairman Bodily open the floor for public comments.

125
126 Chad Braegger, 1789 North 200 West, asked how they planned to get water to the property. Mr. Hazelhurst
127 said one option was to work with Nilson Homes. Nilson Homes would install water close to this property
128 that they could connect to. Mr. Braegger stated that 1200 West was a brand new road. Did they plan to cut
129 into a brand new road? He owned the property immediately to the south. No one had talked to him.

130
131 Chris Davis stated that Nilson Homes had an option to purchase the Kunzler development, which the City
132 had previously approved. There was a 10-inch water on 200 West line 700 feet north of the Bailey V
133 Commercial Subdivision. There were two water issues - supply and storage to create a fire flow. Nilson
134 Homes had talked about building a storage tank. The City was working with Granite Construction on a
135 location for the storage tank. Granite Construction was willing to let the City build a tank in exchange for
136 water for 30 acres of property they owned on the east side of Highway 89. The 10-inch water line would
137 provide the water supply, along with lines on Highway 89. A line would come down from the tank to provide
138 storage and fire flow. Another option was to buy water from Perry City.

139
140 Chairman Bodily asked if Nilson Homes had purchased the Kunzler property. Mr. Davis said they had not.
141 They had a contract, and they were trying to work out the details.

142
143 **Commissioner Bingham moved to close the public hearing at 6:50 p.m. Commissioner Dubovik**
144 **seconded the motion. All voted "aye." The motion carried.**

145
146 Commissioner Bingham stated that the City was in the process of updating its current master plan. When
147 the plan was done, the City would want everyone to adhere to it. Right now the Future Land Use Map said



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148 this area was supposed to be zoned A-3 or A-5. Part of him felt the City should follow the Future Land Use
149 Map. The proposed rezone was not contiguous with another R-1/2 Zone in Willard, but it was close to the
150 Cherry Ridge Subdivision in Perry.

151
152 Commissioner Baker felt that was a valid point.

153
154 Commissioner Dubovik asked about legal requirements. Colt Mund stated that City's rezone standards
155 required a plan for utilities. The staff had indicated that the City Engineer had reviewed a concept plan, and
156 it appeared utilities could be provided. It might be helpful for the Commission to have something in writing
157 from the City Engineer regarding utilities. The rezone request also had to be in harmony with the City's
158 General Plan. It was apparent that this request was not in harmony as the General Plan did not contemplate
159 anything smaller than three acres in this area.

160
161 Commissioner Bingham felt that if this rezone request would set a precedence if it was approved. The whole
162 City would basically be rezoned from A-5 to R-1/2. If the City approved this rezone, it would have to approve
163 others.

164
165 Commissioner Dubovik asked if a rezone approved a subdivision. Mr. Wheelwright said it did not.
166 Commissioner Dubovik felt there was a reason past City officials didn't consider half-acre lots in this area.
167 The developer's desire for one-third to one-half acre lots was consistent with what the City wanted around
168 the community. He wanted to seek the opinion of the City's master plan consultant about whether to stick
169 with the larger lots or what the impact of approving an R-1/2 Zone would be. He didn't feel the Planning
170 Commission had to make an immediate decision. It could delay consideration to allow time to receive
171 additional information regarding impacts and traffic.

172
173 Gordon Sleeman, 475 North Main, asked if the City anticipated that the updated General Plan would change
174 the zoning of this area. Mr. Wheelwright said the City did not know yet.

175
176 Commissioner Baker asked if the City would receive a draft of the updated General Plan in August. Chris
177 Davis said it would probably be September.

178
179 Chairman Bodily said the City was looking for ways to preserve agriculture. Rezoning to R-1/2 didn't
180 accomplish that.

181
182 Commissioner Bingham felt the City had to follow the Future Land Use Map in order for it to be relevant.
183 There were arguments for both ways. The City had spent a lot of money for a land use plan, it should follow
184 it.

185
186 Commissioner Dubovik felt the general plan should include an explanation about why decisions were made.

187
188 Commissioner Bingham stated that the Fitzgerald property was close to a more dense development in
189 Perry City. He didn't know what Perry's zone was.

190
191 Commissioner Harrop felt the rezone request was a big step away from what the Future Land Use Map
192 recommended. When the General Plan was updated, there might be room to discuss something similar to
193 what had been developed in Perry. Right now he felt the City needed to follow the Future Land Use Map it
194 had.

195
196 Chairman Bodily agreed that the City should follow the plan it had, not one it might have.



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Councilman John Seamons asked if this was the property that had filed a de-annexation petition from Willard City. Mr. Davis said it was. Councilman Seamons pointed out that if the rezone petition was denied, the property owner would de-annex into Perry.

Commissioner Bingham felt the rezone could be considered if it was contiguous to zoning in Perry City.

Colt Mund stated this property could not just disconnect into Perry. Perry City could not have an annexation policy that overlapped into another city. There were a number of issues that would have to occur in order for deannexation to be a reality. The City was updating its master plan, which would be done sooner rather than later. The developers could pursue deannexation if they wanted to, but it wasn't a process that would happen overnight.

Commissioner Dubovik stated that if Perry City had a half-acre zone that was contiguous to the Fitzgerald property it might make sense to consider the R-1/2 Zone. If the zoning in Perry was A-5, it didn't make sense to create an R-1/2 island in the middle of an agricultural area.

Chris Davis felt a motion to table consideration would be appropriate. The staff would check with the City's master plan consultant

Commissioner Bingham moved to table consideration of the Fitzgerald rezone petition until the next meeting. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

5C. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Commissioner Bingham moved to open the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that State law required the City to have an appeal authority; someone to hear appeals on variances, land use ordinances, or decisions made by the Planning Commission. The City previously had a Board of Adjustment, but it had not been functional for quite some time. Currently the City Council was acting as the appeal body, which was awkward because some of the decisions they were required to make left the City without an appeal authority. In order to make the process simpler, the staff recommended that a single appeal authority be appointed. The staff recommended that Chapter 12 of the Zoning Ordinance containing regulations for the Board of Adjustment be repealed and replaced with regulations for an appeal authority.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Dubovik moved to close the public hearing at 7:04 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Dubovik felt the Planning Commission was in concurrence with the proposed amendment.

Chris Davis stated that the City Council felt the same way. By statute, a public hearing was required to allow for public comments. The Planning Commission had already discussed the proposed amendment.

WILLARD CITY PLANNING COMMISSION

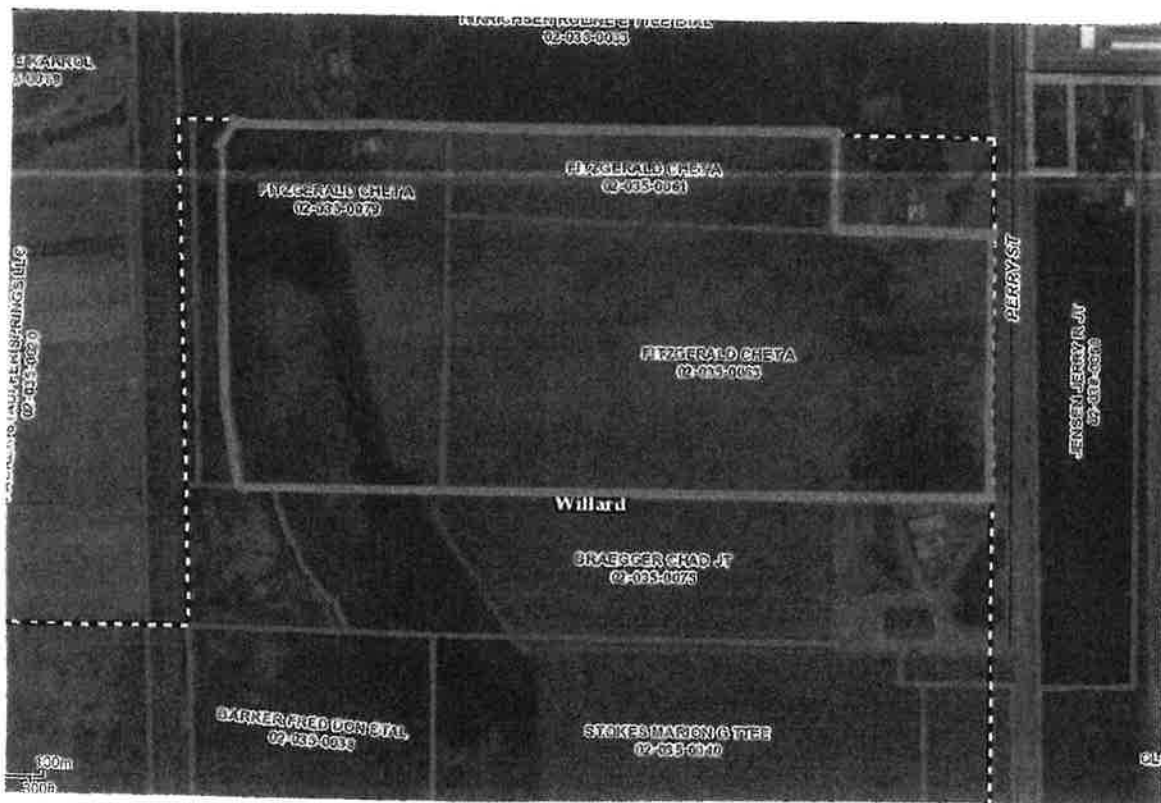
PUBLIC HEARING NOTICE

The Planning Commission of Willard City Corporation will hold a public hearing at 6:30 p.m. on Thursday, June 3, 2021. The public hearing will be held during a regular meeting at the Willard City Hall located at 80 West 50 South, Willard, Utah 84340. The Public Hearing will be held to take public comment regarding a request from Brad Brown, acting agent for Chet and Leslie Fitzgerald, to rezone property located at approximately 3630 South 200 West, Willard, Utah (Parcel No. 02-035-0060, 02-035-0061, 02-035-0063, and 02-035-0079) from A-5 to R-1/2.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340; phone number (435) 734-9881, at least three working days prior to the meeting.

I, designated deputy city recorder for Willard City, hereby certify that the foregoing notice was posted at the Willard City Hall and on the State of Utah Public Meeting Notice Website, <http://utah.gov/pmn>, May 24, 2021.

/s/ Michelle Drago
Deputy City Recorder



Received 5/14/21
Receipt # 1.010667 \$125⁰⁰

WILLARD CITY PLANNING COMMISSION RE-ZONE APPLICATION

Application Date

5/14/21

Applicant

Brad Brown

Mailing Address

1708 E. 5550 S. Ste 18

Ogden, UT 84403

Assessor Parcel Number *

02-035-0060, 02-035-0061,
02-035-0063, and 02-035-0079

Parcel Legal Description *

Attached, see Exhibit 7

Present Zone

A-5

Proposed Zone

R-1/2

Phone Number

Cell Phone

(801) 309-0399

This completed application, must be submitted at least 15 days prior to the April or October Planning Commission meeting and be accompanied by:

- 1) Proof of ownership.*
- 2) Non-refundable application fee of \$125.00.
- 3) Written petition designating the change desired and the reason for such change, bearing the signature(s) of the fee title owner(s) of the parcel or designated agent. (See reverse of this form for required Applicant's Affidavit.)
- 4) List of all property owners within 1/4 mile of the parcel.*
- 5) Map (Assessor's Plat* or suitable drawing) of the proposed re-zone area, annotated to show the location and boundaries of the parcel to be re-zoned.
- 6) If a subdivision is planned, supply sketch of possible subdivision, to show compatibility with existing and planned infrastructure, with emphasis on roads, water supply and other utilities

* Available at the office of the Box Elder County Registrar, 01 South Main Street, Brigham, Utah, 84302

APPLICANT'S AFFIDAVIT

STATE OF UTAH)
) SS
COUNTY OF BOX ELDER)

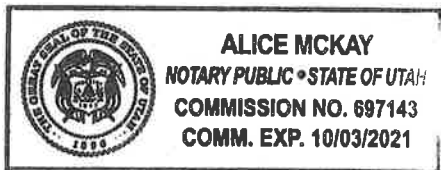
I, (we) Chet Fitzgerald and Leslie Fitzgerald, being duly sworn, depose and say that I, (we) am (are) the owner(s)*, or authorized agent(s) of the owner, of property located at 3630 S 1200 W, Perry, UT 84302 in Willard City, which property is involved in the attached application and that the statements and answers therein contained and the information provided in the attached plans and other exhibits present thoroughly, to the best of my (our) ability, the argument in behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

SIGNED

Property Owner(s)

AGENT _____

Subscribed and sworn before me this 14 day of May, 2002021



Alice McKay
Notary Public

Residing in Brigham City, Utah

My commission expires: 3 October 2021

* May be owner of record, contract owner, part to valid earnest money agreement, option holder or have other legal control of property.

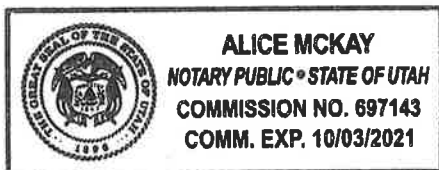
AGENT AUTHORIZATION

I, (we) Chet Fitzgerald and Leslie Fitzgerald, the owner(s) of real property described above, hereby appoint Brad Brown and Sky Hazlehurst as my (our) agent(s) to represent me (us) with regard to this application affecting the above described real property, and do authorize them to appear on my (our) behalf before any Willard City Boards considering this application.

SIGNED

Property Owner(s)

Subscribed and sworn before me this 14 day of May, 2002021



Alice McKay
Notary Public

Residing in Brigham City, Utah

My commission expires: 3 October 2021

Required Answers and Exhibits for Application for Rezone for Parcels 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079, for Brad Brown.

Item 1. Proof of Ownership – Attached are the following Warranty Deeds

- Parcel 02-035-0060: Exhibit 1A shows the Warranty Deed for this parcel.
- Parcel 02-035-0061: Exhibit 1B shows the Warranty Deed for this parcel.
- Parcel 02-035-0063: Exhibit 1C shows the Warranty Deed for this parcel.
- Parcel 02-035-0079: Exhibit 1B shows the Warranty Deed for parcel 02-035-0062. Parcel 02-035-0062 was divided into three parcels (02-035-0076, 02-035-0078, and 02-035-0079), and a portion was sold to UDOT(02-035-0076 and 02-035-0078) and the remaining parcel (02-035-0079), remained with the owner: Chet A Fitzgerald. This subdivision was shown in the Warranty Deeds in Exhibit 1D and Exhibit 1E.

Item 2. Application Fee: will be paid upon submittal.

Item 3. Exhibit 2. Written Petition: See Attached.

Item 4. Exhibit 3. List of All Property Owners within ¼ Mile

Item 5. Maps

- County Plat Map: Exhibit 4A
- County Plat Map with Subject Property highlighted: Exhibit 4B

Item 6. Exhibit 5. Sketch of possible Subdivision. This is a preliminary sketch that currently has too small of lots. Please note that we will have an updated version with lots no bigger than ½ Acre.

From Project Summary:

Item 1. Exhibit: 6 Location Map: See Attached

Item 2. Site Address/ Description: 4 Parcels, Including the one with a home at the address of 3630 S 1200 W, Perry, UT 84302. Legal Descriptions included in Exhibit 7

Item 3. Parcel Numbers: 02-035-0060, 02-035-0061, 02-035-0063, 02-035-0079.

Item 4. Current Zoning: A-5; Proposed Zoning: R-1/2; that includes all parcels and a total of 34.57 AC.

Item 5. Road Access Provided: Road Access will be at 2 access points on 1200 W (Perry St)/200 W.

Item 6. Utility Plan: Utilities will have to be addressed and worked through with the city. The Plan is to take the sewer south from the South West corner of our property across the adjacent property owners' properties, adjacent to the railroad to connect to a Willard mainline, Water will need to be discussed, power, gas, data are all either available or will need minor upgrades from 3600 s in Perry.

Item 7. Reason for Requested Change: We are requesting a change of zoning so that we are able to develop a subdivision of single-family lots.

Item 8. Impacts (financial and other) of the change to surrounding properties and the city as a whole: This project will bring residences, and subsequently tax dollars and impact fees to the city. It will add to the city, but being on the periphery, and having majority access through Perry City, will have minimum impact on the resources and infrastructure. Also, we will be adding some infrastructure that will benefit the city and the adjacent property owners.

EXHIBIT 6

Location Map



EXHIBIT 4B

PART OF _____ OF SECTION 10 TOWNSHIP 8N RANGE 2W

S.L.B.&M.
SCALE 1" = 400'

Book 2 Page 35

SEE PAGE 35

PREFIX 02 035 TAX UNIT 32 33 59,62
THIS PLAT IS A REFERENCE ONLY
AND NO LIABILITY IS ASSUMED
FOR ACCURACY OR VARIATIONS
WITH THE ACTUAL SURVEY

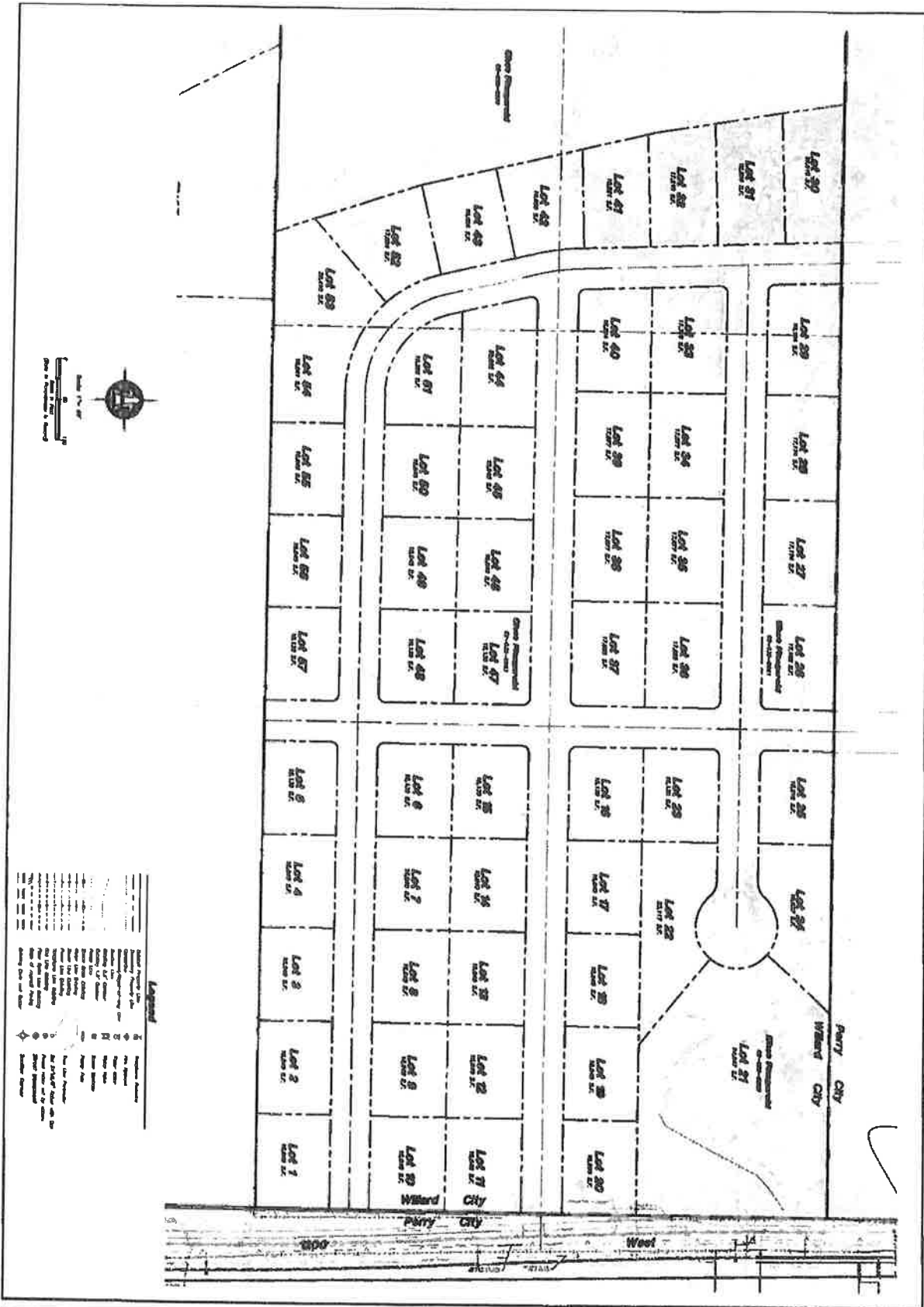
MAP NUMBER: 02-035
Over 12 Pages 82-035

SEE PAGE 58

SEE PAGE 38

SEE PAGE 63

EXHIBIT 5



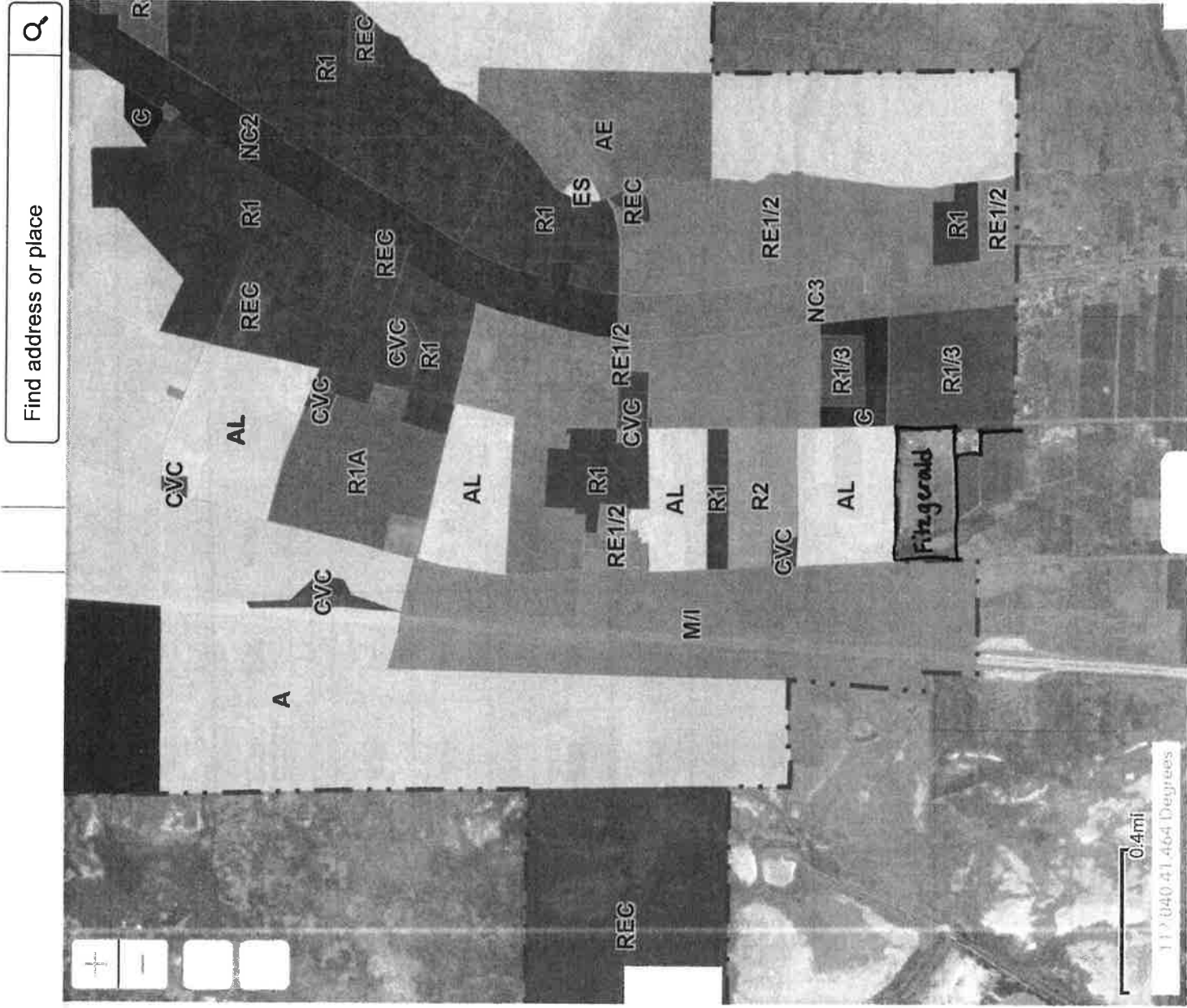
Design Plan For Collins International 1200 West 2000 South Perry City, New Castle County, Ohio		Drawn By: <u> </u> Date: <u>05/20/01</u> Checked By: <u> </u> Approved By: <u> </u> Title: <u> </u> Drawing No: <u>01-118-10-01</u> Job Number: <u>01-118-10-01</u>		HAI HANSEN & ASSOCIATES, INC. Consulting Engineers and Land Surveyors 530 North Main Street, Dayton, Ohio 45402 Tel: 937-233-1111 Fax: 937-233-1112 E-mail: info@hansen.com Web: www.hansen.com Celebrating over 30 Years of Excellence		Sheet No. <u>7</u> of <u>7</u>	
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City Boundary



Zoning (Jan 2019)

- A
- AL
- R1A
- RE1/2
- R1
- R1/3
- R2
- C
- C1
- IC
- NC2
- NC3
- M/I
- ES
- CVC
- REC
- AE



15.07.020.6 Low Density Residential 1/3 Acre (R1/3)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained, and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

NOTE: This zone allows a septic tank on a minimum 1/3 acre lot in the south annexed area of the city until such time as sewer collection lines are installed within 300 feet of a lot line, then the owner of said lot has one year to connect to the sewer collection lines.

HISTORY

Adopted by Ord. 15-C on 3/17/2015

Perry : Municipal Code

(<https://www.municode.com/legislative/>) [Perry Website \(http://www.perrycity.org/\)](http://www.perrycity.org/) | [Books \(/\)](#) | [Manage \(/account/login\)](#)

Perry City

3005 S 1200 W, Perry, UT 84302 / 435.723.6461

1 Code

⏮ | A⁺ A⁻ ⏭ | ⏮ ⏪ ⏩ ⏭

15.07.110 Area, Frontage, Setback, And Height Requirements**15.07.110.1 Lot Requirements****15.07.110.5 City Staff To Make Recommendations During The Design Review Process****15.07.110.1 Lot Requirements**

	Requirements	Zones							
		A, ES, AE	AL	R1A	RE 1/2, R 1/2	R3MHP/MH S	R 1/3	R1	R2
	Minimum Lot Area ¹	5 acres	2 acres	1 acre	20,000 sq ft	5,000 sq ft ⁶	15,000 sq ft	10,000 sq ft	8,000 sq
	Minimum Lot Width ²	200'	150'	120'	80'	60'	80'	80'	80'
	Maximum Height	50'	50'	50'	35'	35'	35'	35'	35'
Primary Building	Minimum Front Setback	30'	30'	30'	20'	20'	20'	20'	20'
	Minimum Front Setback for an Attached Garage	25'	25'	25'	25'	25'	25'	25'	25'
	Minimum Rear Setback	10'	10'	10'	10'	10'	10'	10'	10'
	Minimum Side Setback	8'	8'	8'	8'	8'	8'	8'	8'
	Minimum Side Setback (Corner Lots) ⁵	15'	15'	15'	15'	15'	15'	15'	15'
Accessory Building	Minimum Front Setback	25'	25'	25'	25'	25'	25'	25'	25'
	Minimum Rear Setback	5'	5'	5'	5'	5'	5'	5'	5'
	Minimum Side Setback	5'	5'	5'	5'	5'	5'	5'	5'
	Minimum Side Setback (Corner Lot) ⁵	15'	15'	15'	15'	15'	15'	15'	15'

Notes:

1. Lots with septic systems may require a lot area larger than the minimums shown in this table as required by the local health department; (2) the local health department; and, (3) the PMC, especially PMC 7.09.
2. The lot width shall be measured twenty feet back from the lot frontage. Where sufficient property is reasonably available the required
3. A 30' site triangle shall be established on all corner lots to maintain clear views for traffic.
4. For Multi-family Dwelling Units the setback requirements apply to boundaries of the development and are not applied between units owned separately (townhomes, condos).



WILLARD CITY

Planning Commission Meeting – Regular Meeting

May 20, 2021 – 6:30 p.m.

Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Dubovik asked if the hearing officer would have power to reverse decisions. Mr. Mund said the hearing officer would have authority to reverse decisions. If an applicant didn't like a decision made by the staff, he could appeal it to the hearing officer. If the applicant didn't like the decision made by the hearing officer, he could file an appeal with district court.

Commissioner Hulsey asked if this would be a fulltime staff position. Colt Mund said it would not. He felt the City would use a hearing officer very sparingly; maybe once or twice a year.

Chairman Bodily asked if the hearing officer would be a current staff member. Bryce Wheelwright said a hearing officer was usually a land use attorney that the City contracted with.

Colt Mund stated that a lot of cities were switching from a Board of Adjustment to a single hearing officer. It was easier than trying to get an entire body of people together. When he started, he observed that a glaring issue was the lack of an active appeal authority.

Commissioner Baker asked if the City's budget allowed for the expense of a hearing officer. Chris Davis felt the expense would be pretty nominal. It would probably be only a couple of thousand dollars a year.

Commissioner Hulsey asked if the applicant was responsible for the cost of the appeal, or was it a City expense. Colt Mund said there was an application fee for the appeal, but the City paid for the appeal authority.

Commissioner Dubovik asked what would happen if the hearing officer made a decision that was contrary to what the Planning Commission or City Council wanted. Colt Mund said the hearing officer's decision would stand. The hearing officer would have to make independent findings of fact and conclusions to support his decision.

Commissioner Harrop moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to repeal Chapter 12-101 Board of Adjustment and adoption of Chapter 12-101 Appeal Authority as a hearing officer. Commissioner Bingham seconded the motion. All voted unanimously. The motion carried.

5G. CONSIDERATION OF PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Colt Mund stated that the current Street Ordinance did not allow more than thirty homes in a subdivision without two access points. Mayor Braegger stated that when the Street Ordinance was implemented, it was supposed to have mirrored the International Fire Code. The International Fire Code included exceptions to the thirty home limit if an individual installed their own sprinkling system or if the City had an eminent plan for roads and development. The lack of an exception to the thirty home limit had impacted decisions on land use requests. The Mayor asked that the ordinance be amended to comply with the International Fire Code. An amendment to Chapter 12-116-5 of the Willard City Zoning Ordinance had been prepared.

Commissioner Bingham moved to set a public hearing for June 3, 2021, at 6:30 p.m. to receive public comments regarding a proposal to amend Willard City Zoning Ordinance 12-11-6 – Dedication of Streets, Rights-of-Way, and Easements. Commissioner Dubovik seconded the motion. All voted unanimously. The motion carried.



WILLARD CITY
Planning Commission Meeting – Regular Meeting
June 3, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

Commissioner Bingham moved to recommend that the City Council approve a proposal to repeal Willard City Zoning Ordinance Chapter 12-101 Board of Adjustments and adopt Chapter 12-101 Appeal Authority as Hearing Officer. Commissioner Harrop seconded the motion. All voted “aye.” The motion carried.

5D. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LAND USE AUTHORITY (SLUA)

Commissioner Baker moved to open the public hearing at 7:05 p.m. Commissioner Dubovik seconded the motion. All voted “aye.” The motion carried.

Chris Davis stated that the proposed amendment to the SLUA definition had been discussed by the Planning Commission and City Council. The proposed amendment would add the Assistant City Recorder and the City Manager to the SLUA Board and allow them to vote. The amendment would provide more voting members on the Board. It was difficult for the Fire Chief and City Attorney to regularly attend the SLUA meetings, and the Police Chief did not see the need for him to be part of land use decisions. The SLUA was a recommending body.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Harrop moved to close the public hearing at 7:07 p.m. Commissioner Dubovik seconded the motion. All voted “aye.” The motion carried.

Commissioner Baker moved to recommend that the City Council approve a proposal to amend the SLUA definition in Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Harrop seconded the motion. All voted “aye.” The motion carried.

★ 5E. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Commissioner Dubovik moved to open the public hearing at 7:08 p.m. Commissioner Baker seconded the motion. All voted “aye.” The motion carried.

Colt Mund stated that the current Street Ordinance required that any residential or planned residential development with more than thirty homes have two distinct access points. He understood that when the current ordinance was approved, it was supposed to have mirrored the International Fire Code. For some reason, the portion allowing an exception to the thirty home limit was not included. The International Fire Code allowed two exceptions to the thirty home limit. The first exception was allowed if homes had their own fire suppression system. The second exception allowed more than thirty homes on a single approved access road if approved access roads would connect future development as determined by the Fire Code Official. The proposed amendment to Chapter 12-116-5 would mirror the International Fire Code.

Chairman Bodily stated that the Planning Commission had discussed the proposed amendment before.

Commission Dubovik asked what future development meant. Did it mean a road that was approved but had not been constructed? Colt Mund felt that was a good question. The International Fire Code simply said *future development*. Did that mean development that might occur sometime in the next 100 years, or did it



WILLARD CITY

Planning Commission Meeting – Regular Meeting

June 3, 2021 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

mean development that had been approved and would be constructed within a reasonable amount of time? Commissioner Dubovik felt the language was vague enough that the City could interpret it when it made a decision.

Chairman Bodily opened the floor for public comment.

Travis Mote, 455 South 200 West, stated that the exception language in the International Fire Code made the Fire Chief the approving official. He didn't feel the Fire Official should be the approving authority. The proposed amendment did not have a cap on the number of homes allowed by the exception. There could be 10,000 homes on a single access for five to ten years before another access was built. He felt the proposed amendment was pretty loose. It needed some parameters.

Commissioner Harrop stated that the Planning Commission had asked the master plan consultant about the access exception. Dr. Joe Perrin said there were guidelines about the number of cars roads based on road widths and that he would study the issue.

Gordon Sleeman, 475 North Main, felt that the City could just not adopt the exception allowed by the International Fire Code. Colt Mund said the current City ordinance did not include the exception. Mr. Sleeman asked if it had been adopted at the State level. Mr. Mund said most cities adopted the International Fire Code or International Building Code verbatim. He was directed to prepare an amendment to make the Street Ordinance consistent with the International Fire Code. Mr. Sleeman stated that there were parts of the International Building Code that the State had not adopted so the City could just not adopt the exception to the thirty home limit.

Commission Bingham moved to close the public hearing at 7:15 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham felt the proposed amendment was too ambiguous. He wanted the Street Ordinance to reflect the International Fire Code, but an access that would not be constructed for a long, long time could not counted as a second access.

Commissioner Dubovik felt the City's ordinance needed to be more specific. If loopholes were left open for developers to exploit the situation could become untenable. He felt the discussion should be tabled in order for the Planning Commission to do some homework about how to supplement the language to make it acceptable to our community.

Travis Mote stated that the International Fire Code for multi-family homes did not have the exception. Maybe the City could put a cap, like 100 homes that would not have an exception.

Commissioner Baker felt any exception should rely on the City's Future Land Use and Street Maps.

Commissioner Bingham felt the proposed amendment put a lot of pressure on the Fire Chief. It would put exception decisions in his lap. The proposed amendment needed the Fire Chief's input, but he didn't feel exceptions should be decided by just one person. Colt Mund felt language could be added to the amendment requiring that a recommendation from the Fire Chief be submitted to the Planning Commission and City Council.

Gordon Sleeman felt the proposed amendment opened the door for arbitrary decisions. He felt the City should simply leave the ordinance alone. Then the thirty home limit remained.



WILLARD CITY

Planning Commission Meeting – Regular Meeting

June 3, 2021 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

Colt Mund stated not too long ago there was feedback that the City's thirty home limit was too rigid.

Gordon Sleeman said the City's current ordinance was less restrictive than it had been when he served on the Planning Commission.

Chad Braegger, 1789 North 200 West, stated that if there was only one access and it became necessary to make a road repair, emergency vehicles would not be able to access the subdivision. A second access was required to help with those situations.

Commissioner Harrop stated that requiring a second access opened up opportunities for more development. The existing ordinance required one access for thirty homes. Did that mean 60 homes required two accesses and 90 homes required three? Gordon Sleeman didn't feel there was an implied ratio in the ordinance. As long as there were two accesses, there could be 60 homes or 90.

Travis Mote pointed out that access from a private road did not address access for emergency vehicles.

Commissioner Dubovik did not feel the proposed amendment should be approved. The City should leave the current language alone.

Commissioner Bingham felt the Street Ordinance needed to have a little bit of wiggle room. Wiggle room would help when an area was in transition.

Commissioner Dubovik asked if the Planning Commission was in a position to grant a waiver when a development proposal did not comply with the ordinance. Mr. Mund said a variance could be granted for a specific ordinance. A variance could not be granted for a rezone.

Commissioner Dubovik felt using up all possible accessibility for surrounding smaller properties might be a good reason to deny a plan for a larger development.

Commissioner Harrop felt temporary turn arounds where future roads would be located might be a way to help with an access limit. The temporary turn around had the potential to be a second access in the future.

There was further discussion.

Commissioner Dubovik asked what options the Planning Commission regarding the proposed amendment. Colt Mund said the Planning Commission could recommend that the City Council approve it, it could recommend that the proposal be denied, or it could table consideration.

Commissioner Baker stated that if the proposal wasn't tabled, she would vote to deny it.

Commissioner Bingham felt some modifications were needed to the proposed amendment.

Commissioner Dubovik moved to table consideration of the proposal to amend Chapter 12-116-5(2) to a future date when there could be discussion about possible modifications. Commissioner Bingham seconded the motion. All voted "aye." The motion carried.

12-116 STREETS PROPOSED AMENDMENT [DRAFT]

12-116-5. Dedication of Streets, Rights-of-Way, or Easements

(2) Residential, Commercial, or Industrial Subdivision or Planned Unit Development:

As a requirement for approval of a 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 intersecting 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 in accordance with the International Fire Code, where the number of dwelling units in a Residential area, Residential Subdivision, or Planned Unit Development exceeds thirty (30), two (2) separate and distinct points of access to a public street for egress and ingress must be available.

Exceptions: (1) Where there are more than thirty (30) dwelling units on a single public or private access road and all dwelling units are equipped throughout with an automatic sprinkler system approved by the fire code official, access from two (2) directions shall not be required; or (2) The number of dwelling units on a single approved access road shall not be increased beyond thirty (30) homes unless approved access roads will connect with future development, as determined by the fire code official.

Any Commercial or Industrial Subdivision or development where there are estimated to be fifty (50) or more vehicles accessing the facility per business day must provide at least two (2) distinct and separate points of access to a public street for the development's or facility's egress and ingress.

An egress or ingress with a median or island is not considered as two (2) distinct and separate 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, between a street intersection and another intersection of railroad crossing.

WILLARD CITY ZONING ORDINANCE

be greater if the street is affected by State or Federal laws.

(2) 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.

(3) 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.

12-116-5 Dedication of Streets, Rights-of-Way, or Easements

(1) 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:

a) 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

b) construction and dedication of any roads shown on the master road plan as intersecting with the re-zone parcel.

c) recording the said agreement as an attachment to, or a lien against, the deed that includes the title to the re-zone property.

(2) 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 intersecting 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 ten (10) parcels, including parcels accessed

WILLARD CITY ZONING ORDINANCE

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 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 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.

(3) Lot-line adjustment:

A parcel, meeting the requirements of Chapter 12-102 of this ordinance, 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.

(4) Existing Building Lots:

Existing legal building lots, in any Zoning District, meeting the requirements of Chapter 12-102 of this ordinance, and the requirements of Part 12-116-2, above, 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 Chapter 12-102. Such parcels will then be treated according to paragraph (1) or (2) of Part 12-116-5, above.

12-116-6 Exceptions and Private Streets:

See Chapter 12-102 for additional requirements and exceptions pertaining to public City streets and proposed City streets.

(1) 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,

[DRAFT]

CHAPTER 12-500. MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS

12-500-1. Purpose and Intent.

(1) 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.

(2) To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within Willard City.

12-500-2. 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.

(1) **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

(2) **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.

(3) **Building Ordinance.** An ordinance adopted by the Willard City Council regulating the various building and building related activities in Willard City.

(4) **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.

(5) **General Plan.** The community plan which includes the master plan.

(6) **Local Governing Body.** The Willard City Council.

(7) **Local Health Officer.** The health officer employed by or officially representing Willard City.

(8) **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.

Formatted: Underline

(9) **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.

(10) **Mobile Home Lot.** A lot within a mobile home subdivision, designated and used for the accommodation of one mobile home.

(11) **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.

(12) **Mobile Home Space.** A space within a mobile home park, designed to be used for the accommodation of one Mobile Home.

(13) **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.

12-501. 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.

12-502-1. 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:

- (1) Be in keeping with the general character of the district in which it is to be located.
- (2) 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.
- (3) 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.
- (4) Meet all standards and requirements of Part 12-504 of this Ordinance and all other requirements of any applicable ordinances.
- (5) Obtain the written approval of the Local Health Official.

(6) 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.

12-502-2. 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:

- (1) Be located on a parcel of land containing not less than three (3) acres.
- (2) Will contain lots with a minimum net area of five thousand (5000) square feet and a minimum width of fifty (50') feet.
- (3) Will meet all applicable requirements of the Willard City Subdivision Ordinance.
- (4) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.
- (5) 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.

12-503. Application.

The application for a Mobile Home Park or Mobile Home Subdivision permit shall contain the following information:

- (1) Applicant's Name, address, and telephone number.
- (2) Interest of the applicant in the proposed development.
- (3) Location and legal description of the property.
- (4) 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:
 - (a) The area of the tract, drawn to scale, with dimensions and the approximate total acreage.
 - (b) Number, location, and size of Mobile Home Spaces, or subdivision lots, and open spaces for the entire area clearly designated.

(c) The location and width or size of roadways and walkaways, parking areas, access to the public thoroughfares and Mobile Home Space layout.

(d) The location of service buildings and all other proposed structures.

(e) 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.

(f) The size, location, and design of recreational facilities.

(g) Detailed landscaping and utility plans, including location of fire hydrants, water lines, sewer lines, gas line, power lines, and any other utility service.

(h) Property ownership, if other than applicant.

(5) 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.

12-504. Standards and Requirements.

12-504-1. 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.

12-504-2. 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.

12-505. 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.

12-506. Guarantees.

12-506-1. 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.

12-506-2. Prerequisite to the operation of any Mobile Home Park in Willard City, shall be the obtaining of an annual business license from Willard City.

12-506-3. 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.

12-507. 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.

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RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

12-700 Purpose.

To permit and require the development and use of facilities for recreational vehicles in appropriate districts and to require that recreational vehicle accommodations 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 recreational vehicle parks are located, and to protect the land use values of others contiguous to or near recreational vehicle parks or campground uses.

12.701 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.

(1) 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.

(2) Local Health Officer. The health officer employed by or officially representing Willard City.

(3) 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.

(5) Recreational Vehicle Park. Any area or tract of land or a separate designated section within a mobile home park, where lots 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.

(6) Recreational Vehicle Space. A space within a Recreational Vehicle Park, designated and intended for the accommodation of one (1) Recreational Vehicle.

(7) Owner. Shall mean any person with any ownership interest in or who is directing the operation of a Recreational Vehicle Park.

12-702 Location and Use.

No Recreational Vehicle shall be located, placed, used, or occupied for residential purposes in any district except within approved and licensed Recreational Vehicle Parks and except as otherwise provided herein.

(1) Recreational Vehicle Parks shall be generally located:

(a) Adjacent to or in close proximity to a major traffic artery or highway.

(b) Within or adjacent to a mobile home park.

(2) No space or spaces within a Recreational Vehicle Park shall be rented or leased to any owner of 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:

- (a) 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, security and operations functions.
 - (b) 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 long-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.
 - (c) 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.
 - (d) Recreational Vehicles occupying space in a Recreational Vehicle Park on a long-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.
- (3) It shall be unlawful for the Owner, operator, and/or property manager of any 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.
- (4) Recreational Vehicles shall not be used for living quarters in Willard City, except in properly designated Recreational Vehicle Parks. Except and solely limited to the following circumstance:
- (a) Temporary use, not to exceed seven (7) days, on an occupied residential lot, by residents or guests of the residents, will be permitted.
- (5) Recreational Vehicles 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 any required setbacks for front, rear, or side yards. Commercial storage of Recreational Vehicles, maintenance operations, reconstruction, or construction activities are permitted only as provided in the Willard City Zoning Ordinances.
- (a) Recreational Vehicles may be stored, displayed, sold, serviced, but not used for living quarters in a sales lot in a commercial or manufacturing district when such use is a permitted or conditional use.
- (6) Recreational Vehicles may be accommodated in an approved and licensed mobile home park, provided that:
- (a) 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.

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(b) The Recreational Vehicle use area shall have direct access to a collector or arterial street; and

(c) Separate ingress and egress shall be provided for Recreational Vehicles when required by the Planning Commission.

12-703 Requirements for Approval.

A. A 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:

- (1) Be in conformity and maintain the general character of the district within in which it is to be located.
- (2) 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.
- (3) 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.
- (4) Meet all standards and requirements of 12-705 of this chapter and all other requirements of any applicable ordinances, and state and local law.
- (5) Meet all requirements and maintain compliance with "Recreational Vehicle Park Sanitation" under Utah Administrative Code R-392-301 *et seq.*
- (6) Obtain written approval of the Local Health Official.
- (7) 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.

B. 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:

- (1) Create excessive costs for public services and facilities.
- (2) Endanger the health or safety of the public.
- (3) Unreasonably hurt or destroy the environment.
- (4) Cause excessive air or water pollution, or soil erosion; or
- (5) Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.

12-704 Development Plan for Recreational Park

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A. 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:

- (1) The topography of the site, when required by the Planning Commission, represented by contours shown at not greater than two (2') foot intervals.
- (2) The proposed street and trailer or vehicle space pad layout.
- (3) 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.
- (4) Proposed location, number and design of parking spaces.
- (5) Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants.
- (6) Any other data the Planning Commission or City Planner may require.

B. 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.

12-705 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.

12-706 Standards

The development of a Recreational Vehicle Park shall conform to the following standards and subject to the approval of the Planning Commission:

(1) 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.

(2) 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.

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(3) 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.

(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 of water in or adjacent to the development to prevent the accumulation of stagnant pools of water in or adjacent to the development.

(5) 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, that 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.

(6) 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.

(7) 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.

(8) All off-street parking spaces and driveways shall be comprised of asphalt or concrete before the adjacent Recreational Vehicle spaces may be occupied.

(9) The roadways shall be designed to accommodate anticipated traffic and built in conformance with the Willard City Public Work Standards.

(10) 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.

(11) A launderette for convenience of the park occupants but not for the general public, may be included in the Recreational Vehicle Park.

12-707 Violations, Enforcement and Penalties.

(1) 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.

(2) 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.

(3) The Zoning Administrator may seek legal or equitable relief to enjoin any acts or practices and abate any condition which may constitute a nuisance or a violation of this chapter.

(4) Violation of this Ordinance shall be punishable as a Class C Misdemeanor and the imposition of a fine as allowed by law.

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CHAPTER 12-500. MOBILE HOMES, MOBILE HOME PARKS, AND MOBILE HOME SUBDIVISIONS

12-500-1. Purpose and Intent.

- (1) 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.
- (2) To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within Willard City.

12-500-2. 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.

- (1) Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- (2) 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.
- (3) Building Ordinance. An ordinance adopted by the Willard City Council regulating the various building and building related activities in Willard City.
- (4) 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.
- (5) General Plan. The community plan which includes the master plan.
- (6) Local Governing Body. The Willard City Council.
- (7) Local Health Officer. The health officer employed by or officially representing Willard City.
- (8) 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.
- (9) 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.

(10) Mobile Home Lot. A lot within a mobile home subdivision, designated and used for the accommodation of one mobile home.

(11) 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.

(12) Mobile Home Space. A space within a mobile home park, designed to be used for the accommodation of one Mobile Home.

(13) 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.

12-501. 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.

12-502-1. 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:

- (1) Be in keeping with the general character of the district in which it is to be located.
- (2) 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.
- (3) 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.
- (4) Meet all standards and requirements of Part 12-504 of this Ordinance and all other requirements of any applicable ordinances.
- (5) Obtain the written approval of the Local Health Official.

(6) 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.

12-502-2. 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:

- (1) Be located on a parcel of land containing not less than three (3) acres.
- (2) Will contain lots with a minimum net area of five thousand (5000) square feet and a minimum width of fifty (50') feet.
- (3) Will meet all applicable requirements of the Willard City Subdivision Ordinance.
- (4) Meet all standards and requirements of 12-504 of this Ordinance and all other requirements of any applicable ordinances.
- (5) Be organized in a home owner's association, if required by the Planning Commission.

12-503. Application.

The application for a Mobile Home Park or Mobile Home Subdivision permit shall contain the following information:

- (1) Applicant's Name, address, and telephone number.
- (2) Interest of the applicant in the proposed development.
- (3) Location and legal description of the property.
- (4) 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:
 - (a) The area of the tract, drawn to scale, with dimensions and the approximate total acreage.
 - (b) Number, location, and size of Mobile Home Spaces, or subdivision lots, and open spaces for the entire area clearly designated.

- (c) The location and width or size of roadways and walkaways, parking areas, access to the public thoroughfares and Mobile Home Space layout.
 - (d) The location of service buildings and all other proposed structures.
 - (e) 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.
 - (f) The size, location, and design of recreational facilities.
 - (g) Detailed landscaping and utility plans, including location of fire hydrants, water lines, sewer lines, gas line, power lines, and any other utility service.
 - (h) Property ownership, if other than applicant.
- (5) 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.

12-504. Standards and Requirements.

12-504-1. 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.

12-504-2. 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.

12-505. 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.

12-506. Guarantees.

12-506-1. 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.

12-506-2. Prerequisite to the operation of any Mobile Home Park in Willard City, shall be the obtaining of an annual business license from Willard City.

12-506-3. 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.

12-507. 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.



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1 The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was
2 provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah
3 Public Meeting Notice Website.

4
5 The following members were in attendance:

6	
7	Sid Bodily, Chairman
8	Diane Baker
9	Chandler Bingham
10	Alex Dubovik
11	Blake Harrop
12	
13	Chris Davis, City Manager
14	Colt Mund, City Attorney
15	Bryce Wheelwright, City Planner
16	Michelle Drago, Planning Secretary

17
18 Excused: Zack Hulsey

19
20 Others in attendance: Councilman John Seamons; Travis Mote, Chad Braegger; Amie Braegger; Liz
21 Warden; Mike Radabaugh; Jeremy Krame; Gordon Sleeman; Sky Hazelhurst; and Randy Braegger.

22
23 The meeting was called to order at 6:35 p.m.

24
25 1. PRAYER: Blake Harrop

26
27 2. PLEDGE OF ALLEGIANCE: Alex Dubovik

28
29 3. ROLL CALL – Attendance was recorded by the secretary.

30
31 4. GENERAL PUBLIC COMMENTS (INPUT FOR ITEMS NOT ON AGENDA)

32
33 There were no public comments.

34
35 5A. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING PRELIMINARY
36 APPROVAL OF THE HURST SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 200
37 WEST (02-051-0007)

38
39 **Commissioner Bingham moved to open the public hearing at 6:33 p.m. Commissioner Baker**
40 **seconded the motion. All voted “aye.” The motion carried.**

41
42 Bryce Wheelwright stated that the Hurst Subdivision was located at 200 West 100 South. Derrick and Monica
43 Hurst were proposing to divide a 1.3 acre parcel into three building lots. Two lots were proposed on the 200
44 West frontage, which was located in the Old Town Willard Zone. Those lots were only 15,000 square feet.
45 The lot located on 250 West was not in the Old Town Willard Zone. It was required to be one-half acre in
46 size. All of the lot sizes complied with the zoning regulations. The Planning Commission was aware of and
47 had discussed this subdivision previously. The purpose of the public hearing was to allow for public
48 comments. Hurst's were not in attendance, but they had asked that the public hearing be held in their
49 absence.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Dubovik moved to close the public hearing at 6:36 p.m. Commissioner Harrop
seconded the motion. All voted in “aye.” The motion carried.



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Commissioner Dubovik felt the subdivision was in compliance. He about the next step in the approval process. Bryce Wheelwright said that if the Planning Commission granted preliminary approval of the subdivision, it would go back to the SLUA for final review and approval.

Mr. Wheelwright reminded the Planning Commission that the requirement for curb, gutter, and sidewalk on 250 West still had to be resolved. The lot on 250 West was not in the Old Town Willard Zone and was required to have curb, gutter, and sidewalk. The City Engineer did not feel installation of those improvements at this time would be in the best interest of the City. None of the other homes and lots on 250 West had curb, gutter, and sidewalk. The City Engineer recommended that the curb, gutter, and sidewalk requirement be waived, and that the City enter into a deferral agreement with the developer for the cost of the improvements. Mr. Wheelwright said that Section 12-102-18 of Willard's Zoning Ordinance allowed the curb, gutter, and sidewalk improvements to be waived.

Chris Davis stated that the deferral agreement recommended by the City Engineer meant the improvements would not be installed now. If and when the City installed curb, gutter, and sidewalks on 250 West, the property owner would put those improvements in at his expense. The deferral agreement would be recorded at the County Recorder's Office.

Chairman Bodily asked if the Planning Commission forwarded the subdivision to SLUA or the City Council. Mr. Wheelwright said the subdivision would be forwarded to the City Council who would consider waiving the improvement requirement.

Commissioner Harrop stated that the Planning Commission discussed the subdivision at its last meeting. The developer had complied with all of the City's requirements, except the curb, gutter, and sidewalk. He didn't feel there was a need to hold the developers up by placing the subdivision on the next Planning Commission agenda.

Commissioner Harrop moved to forward the Hurst Subdivision located at approximately 100 South 200 West to the City Council for preliminary approval. Commissioner Dubovik seconded the motion. A roll call vote was taken: Commissioners Bingham, Dubovik, Baker, and Harrop voted "aye." The motion carried.

5B. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A REQUEST TO REZONE 34.57 ACRES LOCATED AT APPROXIMATELY 3630 SOUTH 1200 WEST (200 WEST IN WILLARD) FROM A-5 TO R-1/2 (02-035-0060, 0061, AND 0079)

Commissioner Baker moved to open the public hearing at 6:40 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Bryce Wheelwright stated that the property in question was known as the Fitzgerald property. It was located on the north end of Willard City at 3630 South 1200 West (200 West in Willard). It was currently zoned A5. The property was shown on the Future Land Use Map with an A-3 or A-5 Zone. The City had received a request from the Collier Company to rezone the property to R-1/2. Collier's wanted to purchase and subdivide the property. There were issues with water and sewer, but those problems could be resolved. The City Engineer and SLUA had reviewed the potential development. The property needed to be rezoned in order to meet the developer's criteria.

Chairman Bodily clarified that the Future Land Use Map did not show the property as R-1/2. Mr. Wheelwright said the Future Land Use Map showed this area as either A-3 or A-5. There were other parcels with the



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99 same future land use that had been rezoned. Those parcels were contiguous with other R-1/2 uses. The
100 Fitzgerald property was not contiguous with another R-1/2 Zone.

101
102 Commissioner Dubovik asked if there was a record of why previous City officials chose not to assign an
103 R1/2 Zone for this area. Mr. Wheelwright said there wasn't. He reminded the Planning Commission that the
104 General Plan was in the process of being updated. The future use of this area might change.

105
106 Chairman Bodily asked if there was a representative who wished to address the Planning Commission.

107
108 Sky Hazelhurst, from Collier's, stated that they had the Fitzgerald property under contract. They had been
109 working on a potential development for about six months. They were originally going to wait for the new
110 Master Plan Community Zone in the hope that they would be able to do one-third acre lots. They wanted
111 to make it easier for the City to accept the development so they were asking for an R-1/2 Zone, which would
112 have a little larger lot. Water and sewer would be a challenge, but they felt they had some good solutions.

113
114 Chairman Bodily asked about the water issues. Mr. Hazelhurst said there was not enough water supply in
115 the road. Water would have to be upgraded. Commissioner Dubovik asked about building a storage tank.
116 Mr. Hazelhurst said that as an option; working with Nilson Homes on their improvements was another
117 option. Chairman Bodily asked if the water line would be eight inches or ten. Mr. Wheelwright said the size
118 would be determined by the City Engineer.

119
120 Sky Hazelhurst stated that the offsite improvements were a challenge, but they were willing to invest in this
121 property. They estimated it would take \$700,000 to \$800,000 just to get all of the utilities to the property.
122 He asked that the Planning Commission forward a rezone recommendation to the City Council.

123
124 Chairman Bodily open the floor for public comments.

125
126 Chad Braegger, 1789 North 200 West, asked how they planned to get water to the property. Mr. Hazelhurst
127 said one option was to work with Nilson Homes. Nilson Homes would install water close to this property
128 that they could connect to. Mr. Braegger stated that 1200 West was a brand new road. Did they plan to cut
129 into a brand new road? He owned the property immediately to the south. No one had talked to him.

130
131 Chris Davis stated that Nilson Homes had an option to purchase the Kunzler development, which the City
132 had previously approved. There was a 10-inch water on 200 West line 700 feet north of the Bailey V
133 Commercial Subdivision. There were two water issues - supply and storage to create a fire flow. Nilson
134 Homes had talked about building a storage tank. The City was working with Granite Construction on a
135 location for the storage tank. Granite Construction was willing to let the City build a tank in exchange for
136 water for 30 acres of property they owned on the east side of Highway 89. The 10-inch water line would
137 provide the water supply, along with lines on Highway 89. A line would come down from the tank to provide
138 storage and fire flow. Another option was to buy water from Perry City.

139
140 Chairman Bodily asked if Nilson Homes had purchased the Kunzler property. Mr. Davis said they had not.
141 They had a contract, and they were trying to work out the details.

142
143 **Commissioner Bingham moved to close the public hearing at 6:50 p.m. Commissioner Dubovik**
144 **seconded the motion. All voted "aye." The motion carried.**

145
146 Commissioner Bingham stated that the City was in the process of updating its current master plan. When
147 the plan was done, the City would want everyone to adhere to it. Right now the Future Land Use Map said



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148 this area was supposed to be zoned A-3 or A-5. Part of him felt the City should follow the Future Land Use
149 Map. The proposed rezone was not contiguous with another R-1/2 Zone in Willard, but it was close to the
150 Cherry Ridge Subdivision in Perry.

151
152 Commissioner Baker felt that was a valid point.

153
154 Commissioner Dubovik asked about legal requirements. Colt Mund stated that City's rezone standards
155 required a plan for utilities. The staff had indicated that the City Engineer had reviewed a concept plan, and
156 it appeared utilities could be provided. It might be helpful for the Commission to have something in writing
157 from the City Engineer regarding utilities. The rezone request also had to be in harmony with the City's
158 General Plan. It was apparent that this request was not in harmony as the General Plan did not contemplate
159 anything smaller than three acres in this area.

160
161 Commissioner Bingham felt that if this rezone request would set a precedence if it was approved. The whole
162 City would basically be rezoned from A-5 to R-1/2. If the City approved this rezone, it would have to approve
163 others.

164
165 Commissioner Dubovik asked if a rezone approved a subdivision. Mr. Wheelwright said it did not.
166 Commissioner Dubovik felt there was a reason past City officials didn't consider half-acre lots in this area.
167 The developer's desire for one-third to one-half acre lots was consistent with what the City wanted around
168 the community. He wanted to seek the opinion of the City's master plan consultant about whether to stick
169 with the larger lots or what the impact of approving an R-1/2 Zone would be. He didn't feel the Planning
170 Commission had to make an immediate decision. It could delay consideration to allow time to receive
171 additional information regarding impacts and traffic.

172
173 Gordon Sleeman, 475 North Main, asked if the City anticipated that the updated General Plan would change
174 the zoning of this area. Mr. Wheelwright said the City did not know yet.

175
176 Commissioner Baker asked if the City would receive a draft of the updated General Plan in August. Chris
177 Davis said it would probably be September.

178
179 Chairman Bodily said the City was looking for ways to preserve agriculture. Rezoning to R-1/2 didn't
180 accomplish that.

181
182 Commissioner Bingham felt the City had to follow the Future Land Use Map in order for it to be relevant.
183 There were arguments for both ways. The City had spent a lot of money for a land use plan, it should follow
184 it.

185
186 Commissioner Dubovik felt the general plan should include an explanation about why decisions were made.

187
188 Commissioner Bingham stated that the Fitzgerald property was close to a more dense development in
189 Perry City. He didn't know what Perry's zone was.

190
191 Commissioner Harrop felt the rezone request was a big step away from what the Future Land Use Map
192 recommended. When the General Plan was updated, there might be room to discuss something similar to
193 what had been developed in Perry. Right now he felt the City needed to follow the Future Land Use Map it
194 had.

195
196 Chairman Bodily agreed that the City should follow the plan it had, not one it might have.



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Councilman John Seamons asked if this was the property that had filed a de-annexation petition from Willard City. Mr. Davis said it was. Councilman Seamons pointed out that if the rezone petition was denied, the property owner would de-annex into Perry.

Commissioner Bingham felt the rezone could be considered if it was contiguous to zoning in Perry City.

Colt Mund stated this property could not just disconnect into Perry. Perry City could not have an annexation policy that overlapped into another city. There were a number of issues that would have to occur in order for deannexation to be a reality. The City was updating its master plan, which would be done sooner rather than later. The developers could pursue deannexation if they wanted to, but it wasn't a process that would happen overnight.

Commissioner Dubovik stated that if Perry City had a half-acre zone that was contiguous to the Fitzgerald property it might make sense to consider the R-1/2 Zone. If the zoning in Perry was A-5, it didn't make sense to create an R-1/2 island in the middle of an agricultural area.

Chris Davis felt a motion to table consideration would be appropriate. The staff would check with the City's master plan consultant

Commissioner Bingham moved to table consideration of the Fitzgerald rezone petition until the next meeting. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

5C. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO REPEAL WILLARD CITY ZONING ORDINANCE CHAPTER 12-101 BOARD OF ADJUSTMENT AND ADOPTION OF CHAPTER 12-101 APPEAL AUTHORITY AS HEARING OFFICER

Commissioner Bingham moved to open the public hearing at 7:01 p.m. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that State law required the City to have an appeal authority; someone to hear appeals on variances, land use ordinances, or decisions made by the Planning Commission. The City previously had a Board of Adjustment, but it had not been functional for quite some time. Currently the City Council was acting as the appeal body, which was awkward because some of the decisions they were required to make left the City without an appeal authority. In order to make the process simpler, the staff recommended that a single appeal authority be appointed. The staff recommended that Chapter 12 of the Zoning Ordinance containing regulations for the Board of Adjustment be repealed and replaced with regulations for an appeal authority.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Dubovik moved to close the public hearing at 7:04 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Dubovik felt the Planning Commission was in concurrence with the proposed amendment.

Chris Davis stated that the City Council felt the same way. By statute, a public hearing was required to allow for public comments. The Planning Commission had already discussed the proposed amendment.



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Commissioner Bingham moved to recommend that the City Council approve a proposal to repeal Willard City Zoning Ordinance Chapter 12-101 Board of Adjustments and adopt Chapter 12-101 Appeal Authority as Hearing Officer. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5D. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-400-14 DEFINITION FOR SUBDIVISION LAND USE AUTHORITY (SLUA)

Commissioner Baker moved to open the public hearing at 7:05 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Chris Davis stated that the proposed amendment to the SLUA definition had been discussed by the Planning Commission and City Council. The proposed amendment would add the Assistant City Recorder and the City Manager to the SLUA Board and allow them to vote. The amendment would provide more voting members on the Board. It was difficult for the Fire Chief and City Attorney to regularly attend the SLUA meetings, and the Police Chief did not see the need for him to be part of land use decisions. The SLUA was a recommending body.

Chairman Bodily opened the floor for public comments. There were none.

Commissioner Harrop moved to close the public hearing at 7:07 p.m. Commissioner Dubovik seconded the motion. All voted "aye." The motion carried.

Commissioner Baker moved to recommend that the City Council approve a proposal to amend the SLUA definition in Willard City Zoning Ordinance Chapter 12-400-14. Commissioner Harrop seconded the motion. All voted "aye." The motion carried.

5E. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS REGARDING A PROPOSAL TO AMEND WILLARD CITY ZONING ORDINANCE CHAPTER 12-116-5 DEDICATION OF STREETS, RIGHTS-OF-WAY, AND EASEMENTS

Commissioner Dubovik moved to open the public hearing at 7:08 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Colt Mund stated that the current Street Ordinance required that any residential or planned residential development with more than thirty homes have two distinct access points. He understood that when the current ordinance was approved, it was supposed to have mirrored the International Fire Code. For some reason, the portion allowing an exception to the thirty home limit was not included. The International Fire Code allowed two exceptions to the thirty home limit. The first exception was allowed if homes had their own fire suppression system. The second exception allowed more than thirty homes on a single approved access road if approved access roads would connect future development as determined by the Fire Code Official. The proposed amendment to Chapter 12-116-5 would mirror the International Fire Code.

Chairman Bodily stated that the Planning Commission had discussed the proposed amendment before.

Commission Dubovik asked what future development meant. Did it mean a road that was approved but had not been constructed? Colt Mund felt that was a good question. The International Fire Code simply said *future development*. Did that mean development that might occur sometime in the next 100 years, or did it



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mean development that had been approved and would be constructed within a reasonable amount of time? Commissioner Dubovik felt the language was vague enough that the City could interpret it when it made a decision.

Chairman Bodily opened the floor for public comment.

Travis Mote, 455 South 200 West, stated that the exception language in the International Fire Code made the Fire Chief the approving official. He didn't feel the Fire Official should be the approving authority. The proposed amendment did not have a cap on the number of homes allowed by the exception. There could be 10,000 homes on a single access for five to ten years before another access was built. He felt the proposed amendment was pretty loose. It needed some parameters.

Commissioner Harrop stated that the Planning Commission had asked the master plan consultant about the access exception. Dr. Joe Perrin said there were guidelines about the number of cars roads based on road widths and that he would study the issue.

Gordon Sleeman, 475 North Main, felt that the City could just not adopt the exception allowed by the International Fire Code. Colt Mund said the current City ordinance did not include the exception. Mr. Sleeman asked if it had been adopted at the State level. Mr. Mund said most cities adopted the International Fire Code or International Building Code verbatim. He was directed to prepare an amendment to make the Street Ordinance consistent with the International Fire Code. Mr. Sleeman stated that there were parts of the International Building Code that the State had not adopted so the City could just not adopt the exception to the thirty home limit.

Commission Bingham moved to close the public hearing at 7:15 p.m. Commissioner Baker seconded the motion. All voted "aye." The motion carried.

Commissioner Bingham felt the proposed amendment was too ambiguous. He wanted the Street Ordinance to reflect the International Fire Code, but an access that would not be constructed for a long, long time could not counted as a second access.

Commissioner Dubovik felt the City's ordinance needed to be more specific. If loopholes were left open for developers to exploit the situation could become untenable. He felt the discussion should be tabled in order for the Planning Commission to do some homework about how to supplement the language to make it acceptable to our community.

Travis Mote stated that the International Fire Code for multi-family homes did not have the exception. Maybe the City could put a cap, like 100 homes that would not have an exception.

Commissioner Baker felt any exception should rely on the City's Future Land Use and Street Maps.

Commissioner Bingham felt the proposed amendment put a lot of pressure on the Fire Chief. It would put exception decisions in his lap. The proposed amendment needed the Fire Chief's input, but he didn't feel exceptions should be decided by just one person. Colt Mund felt language could be added to the amendment requiring that a recommendation from the Fire Chief be submitted to the Planning Commission and City Council.

Gordon Sleeman felt the proposed amendment opened the door for arbitrary decisions. He felt the City should simply leave the ordinance alone. Then the thirty home limit remained.



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Colt Mund stated not too long ago there was feedback that the City's thirty home limit was too rigid.

Gordon Sleeman said the City's current ordinance was less restrictive than it had been when he served on the Planning Commission.

Chad Braegger, 1789 North 200 West, stated that if there was only one access and it became necessary to make a road repair, emergency vehicles would not be able to access the subdivision. A second access was required to help with those situations.

Commissioner Harrop stated that requiring a second access opened up opportunities for more development. The existing ordinance required one access for thirty homes. Did that mean 60 homes required two accesses and 90 homes required three? Gordon Sleeman didn't feel there was an implied ratio in the ordinance. As long as there were two accesses, there could be 60 homes or 90.

Travis Mote pointed out that access from a private road did not address access for emergency vehicles.

Commissioner Dubovik did not feel the proposed amendment should be approved. The City should leave the current language alone.

Commissioner Bingham felt the Street Ordinance needed to have a little bit of wiggle room. Wiggle room would help when an area was in transition.

Commissioner Dubovik asked if the Planning Commission was in a position to grant a waiver when a development proposal did not comply with the ordinance. Mr. Mund said a variance could be granted for a specific ordinance. A variance could not be granted for a rezone.

Commissioner Dubovik felt using up all possible accessibility for surrounding smaller properties might be a good reason to deny a plan for a larger development.

Commissioner Harrop felt temporary turn arounds where future roads would be located might be a way to help with an access limit. The temporary turn around had the potential to be a second access in the future.

There was further discussion.

Commissioner Dubovik asked what options the Planning Commission regarding the proposed amendment. Colt Mund said the Planning Commission could recommend that the City Council approve it, it could recommend that the proposal be denied, or it could table consideration.

Commissioner Baker stated that if the proposal wasn't tabled, she would vote to deny it.

Commissioner Bingham felt some modifications were needed to the proposed amendment.

Commissioner Dubovik moved to table consideration of the proposal to amend Chapter 12-116-5(2) to a future date when there could be discussion about possible modifications. Commissioner Bingham seconded the motion. All voted "aye." The motion carried.



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6. CONSIDERATION AND APPROVAL OF MAY 20, 2021, REGULAR PLANNING COMMISSION MINUTES

Commissioner Baker moved to approve the May 20, 2021, regular Planning Commission minutes as written. Commissioner Harrop seconded the motion. All voted “aye.” The motion carried.

7. COMMISSIONER/STAFF COMMENTS

Commissioner Dubovik thanked the citizens for their participation in discussions.

Commissioner Harrop asked if the corner of 200 West and 750 North would be paved. A big hole was developing. Bryce Wheelwright said it was on the punch list to be repaired.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:37 p.m. Commissioner Harrop seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: _____

Planning Commission, Chairman
Sid Bodily

Planning Commission Secretary
Michelle Drago

dc:PC 06-03-2021