

**WILLARD CITY  
ORDINANCE 2025-03**

**AN ORDINANCE OF THE CITY COUNCIL OF WILLARD, UTAH, AMENDING  
REGULATIONS FOR MASTER PLANNED COMMUNITY (MPC) ZONING  
DISTRICTS.**

**WHEREAS**, the Willard City Council, pursuant to the provisions of Utah Code Ann. §10-3-707, has the authority to revise and adopt and amend ordinances of the municipality of a general and permanent character;

**WHEREAS**, Willard City has authority to regulate land use and zoning pursuant to Utah Code Ann. §10-9a-501 et seq.; and

**WHEREAS**, regulations establishing guidelines for Master Planned Community (MPC) Zones will encourage orderly growth, ensure compatibility with surrounding land uses, and preserve the community character; and

**WHEREAS**, the proposed regulations are intended to encourage innovative and efficient land use, provide opportunities for diverse housing types, and promote the integration of open space and recreational amenities; and

**WHEREAS**, the Willard City Planning and Zoning Commission recommends the amendment of an ordinance establishing regulations for Master Planned Community (MPC) Zones; and

**WHEREAS**, the Willard City Council deems it necessary to amend such regulations for the protection and preservation of the public health, safety, and general welfare.

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

**SECTION 1:**            **AMENDMENT** “24.24.020 Minimum Size” of the Willard City Zoning Code is hereby *amended* as follows:

AMENDMENT

24.24.020 Minimum Size

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

**SECTION 2:            AMENDMENT** “24.24.030 Open Space Required” of the Willard City Zoning Code is hereby *amended* as follows:

AMENDMENT

24.24.030 Open Space Required

A minimum of twenty percent (20%) Open Space shall be provided in each MPC Zone to include natural maintained choice protected Open Space, protected agricultural land, or improved parks as approved by the City Council. The designation of open space allows the developer to organize a subdivision in creative ways, but does not provide increased lot density above the base zone. Open space shall be calculated based on the total area of the land requested to be zoned as a Master Planned Community minus sensitive areas, streets, and stormwater detention basins except if said stormwater detention basis provide recreational amenities as provided for below. Open Space that is unbuildable because of slope, wetlands, flood drainage, or contamination, shall not be considered as Open Space. space will be considered as follows::

- A. Detention basins may count as Open Space only if they provide recreational amenities, including but not limited to: Playgrounds, gazebos, exercise stations, or sports fields with parking lots.
- B. Park strips, curb, gutter, sidewalks, common yards, private yards, and publiclydedicated streets shall not count as Open Space.
- C. An agricultural conservation easement may be established on lots above one (1) acre. Easement deeds shall provide Willard City full rights to enforce the deed terms at the cost of the land owner. The plat map shall designate the building envelope for each lot. An easement of the agricultural area will be deeded to Willard City. The agricultural easement deed will restrict the construction of structures, roads, or other above-ground infrastructure. Crop and livestock production facilities below 10 feet in height, such as fences and irrigation systems, will be allowed. Only the area of the agricultural easement shall count toward the open space requirement.
- D. A method approved by the City Council to maintain Open Space shall be established prior to the sale of any lots in an MPC Zone. Preservation, maintenance, and ownership of required Open Spaces within the MPC Zone may be accomplished by any of the following:
  - 1. Dedication of the land as a public park or trails system.
  - 2. Granting to the City a permanent Open Space easement on or over any privately owned Open Space to guarantee that the Open Space remains perpetually in public recreational use, with ownership and maintenance being the responsibility of the owner of a Home Owner's Association ("HOA") established by bylaws which are satisfactory to and approved by the City. The maintenance and perpetual financing of the open space will be documented in

the HOA bylaws and be included in the easement deed. Changes to the character of the open space, maintenance, or financing by the HOA will require approval of the city council.

- a. City may provide temporary approval of an HOA for a probationary of one (1) year with owners living within the MPC Zone. During this probationary period, the City Council may monitor the effectiveness of the HOA in preserving and maintaining the Open Space. If at the end of the one (1) year probationary period it is determined by the City Council that the HOA is unable or unwilling to maintain the Open Space within the bylaws established for the HOA and the approved Development Agreement the City may terminate the probationary approval of the HOA and create a special assessment area for the purposes of maintaining the Open Space. An HOA may have the right to appeal a City Council decision to terminate the approval of the HOA by filing a written notice of the appeal with the City Recorder within 15 days of the City Council's decision. Any such appeal shall be heard by the Hearing Officer. The one-year probationary period begins when the last lot is sold.
- b. The City may at their discretion, create a special assessment area to provide for the benefit, improvement, and maintenance of the Open Space areas.

(1) .

**SECTION 3:**            **AMENDMENT** “24.24.040 Fee In Lieu Of Open Space” of the Willard City Zoning Code is hereby *amended* as follows:

#### AMENDMENT

##### 24.24.040 Fee In Lieu Of Open Space

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

- A. A fee in lieu of Open Space may be provided if the following requirements are met:
  1. As part of the application process, open space requirement calculation shall be provided to the city staff and approved by the City Council. Calculation shall document acreage of roads, utility easements, lots, and areas that are not buildable due to items referenced in 24.24.030.
  2. Fee Determination Process:
    - a. Appraisal Requirements:
      - (1) An appraiser with experience and qualifications in appraising

conservation easements shall provide:

(A) An appraisal including the full per-acre value of the buildable area within the subdivision at the time the development infrastructure is complete.

(B) An appraised per-acre value of the subdivision with the development property rights removed from the parcels.

b. Applicant's Responsibility:

(1) All appraisals required under this ordinance shall be obtained and paid for by the applicant.

(2) The appraisal must be conducted by a certified appraiser in accordance with industry standards.

c. City's Rights:

(1) Willard City retains the right to review the appraisal before acceptance and may request additional information or clarification as needed to ensure the valuation is appropriate.

(2) At its discretion, the City may also have an easement review completed by a qualified appraiser.

d. Fee Calculation:

(1) The value of the open space fee to be paid to Willard City will be the full development value of the subdivision minus the value of the land with development rights removed (a - b = fee in lieu) on a per-acre basis.

e. Approval:

(1) The fee in lieu of open space shall be approved by the City Council.

f. Adjustment to Subdivision Density:

(1) The percentage of open space that is substituted through a fee in lieu may be added to the density of the subdivision, not to exceed 20 percent of the future land use map density.

3.

**SECTION 4: AMENDMENT "24.24.050 Density" of the Willard City Zoning Code is hereby *amended* as follows:**

#### AMENDMENT

##### 24.24.050 Density

The Density of the MPC Zone shall be no more than two (2) units per developable acre. For the purposes of this ordinance, one acre is defined as 43,560 square feet. Only Single Family

Dwellings are permitted within a MPC Zone and no lot should be smaller than 14,500 square feet.

**SECTION 5:            AMENDMENT** “24.24.060 Preliminary Site Plan” of the Willard City Zoning Code is hereby *amended* as follows:

A M E N D M E N T

24.24.060 Preliminary Site Plan

A preliminary site plan shall be submitted and considered concurrently with an application for approval of a MPC Zone. Application will be determined complete by the City Planner prior to review by the Planning Commission. The preliminary site plan shall show at least the following:

- A. The proposed zone name and location.
- B. A proposed development agreement.
- C. Permitted, conditional, accessory uses proposed for and in the MPC Zone.
- D. Proposed residential use density.
- E. Minimum lot sizes.
- F. The range of average lot sizes.
- G. Building locations.
- H. Building elevations.
- I. Open Space in the MPC Zone.
- J. Parking.
- K. Landscaping.
- L. Pedestrian and traffic circulation.
- M. Drainage and stormwater retention plan.
- N. Utility Layout including a plan for the installation of fiber optic lines and a secondary water system.
- O. Plans for grading.
- P. Proposed development standards providing:
  - 1. Lot standards establishing requirements for lot area and dimensions;
  - 2. Building, setback shall meet R-1/2 standards for front, side, and rear yards; and
  - 3. Building regulations addressing building height, building orientation, and architectural design guidelines.
- Q. A conceptual master plan showing:
  - 1. The location of any proposed and/or existing easements, and rights-of-way.
  - 2. The location, arrangement and configuration of Open Space, including the location, arrangement, and configuration of any parks and/or trails. Trails shall be constructed with material deemed suitable by the City Council upon a

recommendation of the City Engineer.

3. The location and design of street infrastructure and that the proposed street infrastructure is in harmony with the City's Road Master Plan. For developments over 30 units, there must be two points of access.
- R. Impact statement, showing the effect the proposed MPC Zone will have on the environment, city utilities, traffic, and schools. The City Engineer may at their own or at the request of the Planning Commission or City Council conduct a traffic and/or environmental studies to determine the impact the proposed MPC Zone may impose on existing infrastructure and future development. The application shall solely bear the costs of any impact study, either done at the applicant's direction or at the direction of the City Engineer, City Council, or Planning Commission.
- S. USDA/NRCS soils map with soil descriptions and hydric soil designation.

**SECTION 6:            AMENDMENT “24.24.140 Findings Required For Approval”**  
of the Willard City Zoning Code is hereby *amended* as follows:

#### AMENDMENT

##### 24.24.140 Findings Required For Approval

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

- A. The MPC Zone must demonstrate a clear and measurable benefit to the city of Willard. The development should positively contribute to the community, environment, and local infrastructure. This includes, but is not limited to:
  1. Enhancing public spaces and amenities.
  2. Improving transportation infrastructure.
  3. Promoting environmental sustainability.
  4. Supporting local economic growth and job creation.
  5. Providing high-quality housing options.
  6. Developments within the MPC Zone should align with the city's long-term strategic goals and enhance the overall quality of life for Willard's residents.
- B. The proposed MPC Zone conforms to the guidelines and policies of the General Plan.
- C. The MPC Zone provides equal or greater compatibility with surrounding land uses.
- D. Additional Factors Considered but not Required.
  1. The MPC Zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.
  2. The MPC Zone provides equal or greater protection to sensitive lands than

- would occur with conventional zoning.
3. The MPC Zone avoids incompatible development on lands subject to natural hazards.
  4. The MPC Zone promotes efficient land use by allowing housing and/or commercial development at densities that are appropriate for the area.
  5. The MPC provides equal or greater opportunities for alternative modes of transportation such as walking, bicycling, or transit, than would occur with conventional zoning by:
    - a. Encouraging or requiring significant mixed-use development where appropriate; and
    - b. Providing a master plan with direct and convenient pedestrian or bicycle connections between all land uses.

**SECTION 7:**            **AMENDMENT** “24.24.160 Permit Approval” of the Willard City Zoning Code is hereby *amended* as follows:

AMENDMENT

24.24.160 Permit Approval

Preliminary site and landscape plans will be submitted and reviewed concurrently with a rezone request. The Planning Commission shall review the preliminary plan and rezone with any attached conditions and forward said plans to the City Council with their recommendation. The City Council will review the plans and determine whether they are approved or disapproved. The City Council may not approve an application for rezone to any of these zones unless a preliminary plat for property being rezoned has already been approved on condition of successful rezone. The subdivision submittals and review shall follow the procedures outlined in Subdivisions 24.80, “Subdivision Regulations.”

**SECTION 8:**            **ADOPTION** “24.24.055 Pre-Application Meeting” of the Willard City Zoning Code is hereby *added* as follows:

ADOPTION

24.24.055 Pre-Application Meeting(*Added*)

- A. The purpose of the pre-application meeting or work session is to provide an opportunity for early dialogue between the applicant and the Planning and Zoning Commission. This ensures that the applicant has a clear understanding of the community's development standards, application requirements, and review process before submitting a formal application.
- B. Requirement. Prior to the submission of a formal application for an MPC Zone, the applicant must participate in a pre-application meeting or work session with the Planning Commission.
- C. Meeting Request. The applicant must request a pre-application meeting or work session at least 15 business days prior to the desired meeting date. The request must include a brief description of the proposed development, site location, and any preliminary plans or concepts.
- D. Discussion Topics. The pre-application meeting or work session will cover, but is not limited to, the following topics:
  - 1. Overview of the proposed development.
  - 2. Review of applicable zoning and development standards.
  - 3. Identification of potential issues and opportunities.
  - 4. Explanation of the application and review process.
  - 5. Feedback and recommendations from the Planning Commission.
- E. Outcome. The pre-application meeting or work session is advisory in nature and does not constitute a formal approval or denial of the project. The applicant may proceed with the submission of a formal application based on the feedback received during the meeting.

**SECTION 9:            AMENDMENT “24.80.130 Design And Construction Standards” of the Willard City Zoning Code is hereby *amended* as follows:**

A M E N D M E N T

24.80.130 Design And Construction Standards

- A. Design and Construction Standards Applicable to all Subdivision Applications.
  - 1. The design and construction of all subdivisions shall be found by the ALUA to preserve and protect the existing natural terrain, drainage, topsoil and trees of the subject property, as practicable.
  - 2. The design and construction of all subdivisions located within the City shall recognize any hazardous or potentially hazardous conditions, including, but not limited to, landslides, mud and debris flows, rock falls, avalanches, areas of existing and potential ground subsidence, areas of high ground water, flood plains, drainage ways, and areas subject to fire dangers existing on the Subject

Property. No Preliminary or Final Subdivision Application may be approved by the ALUA, with responsibility for the Subdivision Application, until such hazard(s) have been removed, or the design and layout of the proposed subdivision eliminates, or minimizes, any hazardous or potentially hazardous conditions to the extent determined necessary by the SLUA.

3. The installation and construction of all required subdivision improvements, facilities, services, and amenities shall comply with all standards and requirements, as applicable, and as provided and required by the Willard City Public Works Standards.

B. Design and Configuration of Lots and Parcels.

1. A subdivision lot or parcel may not be divided by any municipal or county boundary line, or by any road, street, alley, or other lot.
2. A wedge-shaped or pie-shaped lot or parcel may not be less than thirty (30) feet in width measured at the front property line.
3. All side lot lines shall be located to be generally at right angles or radial to road and street rights-of-way lines.
4. All subdivision lots and parcels shall front on a public road or street.
5. A subdivision may include allowable features within the rear setback of a residential building lot or parcel, except any lot or parcel within the City's historic district.

C. Street Design Requirements.

1. Streets to Conform to Official Maps. The proposed subdivision road and street layout shall conform to all Willard City Official Plans and Maps.
2. Through Traffic. All Minor Streets located within a subdivision shall be located and designed to discourage through traffic.
3. Stub Streets. Necessary stub streets shall be provided where required by the Land Use Authority to connect to adjacent undeveloped land and new streets shall connect to existing stub streets located in adjacent subdivision areas.
4. Road and Street Right-of-Way Widths. All roads and streets shall comply and provide the minimum road and street right-of-way widths as required by the Willard City Public Works Standards.
5. Road and Street Pavement Widths. All roads and streets shall comply and provide the minimum road and street pavement widths as required by the Willard City Public Works Standards.
6. Road and Street Shoulders. A minimum width six (6) feet, shall be provided on each side of all roads and streets when no curbs are provided.
7. Half-Streets. Half-streets shall not be permitted within any subdivision, unless approved as a Special Exception, as provided herein.
8. Dead-End Streets and Stub Streets. Dead-end streets and stub streets shall be approved, or required, to the extent necessary to provide future access to adjoining property.
9. Cul-de-sac Streets. Cul-de-sac Streets shall comply with the Willard City Public Works Standards and shall provide for a maximum of ten lots per cul-

de-sac.

10. Maximum Block Length. The length of any block shall not exceed 600 feet between intersections.
  11. Maximum Number of Roads and Streets at an Intersection. No more than four (4) roads and streets shall enter an intersection.
  12. Angle of Road and Street Intersections. Roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
  13. Centerlines of Intersecting Roads and Streets. Centerlines of Intersecting Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
  14. A traffic impact study may be required on developments that generate 100 or more new peak hour trips or as determined by the City Engineer. The guidelines for all traffic impact studies conducted within Willard City shall comply and provide the minimum specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
- D. Street Naming. All proposed subdivision roads and streets shall have the same road and street coordinate reference and name as existing roads and streets that are in alignment that are within the City. There shall be no duplication of any road or street coordinate reference or names. All road and street names shall be approved by the ALUA.
- E. Road and Street Curvature and Alignment Requirements. Horizontal and Vertical Curves. Horizontal and Vertical Curves shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.
- F. Frontage on Freeways or Major Highways. Where a subdivision abuts a Freeway or Highway, a frontage road may be required by the ALUA.
- G. Minimum Roadbed and Paving. The minimum roadbed grading and paving for Minor, Collector and Major Streets, Local Access Roads, Collectors and Arterials shall be provided as required by the Willard City Public Works Standards.
- H. Maximum Cul-De-Sac Length. All cul-de-sacs shall be limited to a maximum length of six hundred (600) feet, measured from the radius point of the cul-de-sac to the centerline of the connecting road or street, and shall provide adequate easements for drainage, as required by the City Engineer.
- I. Maximum Road and Street Grade. All subdivision roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.
- J. Sidewalks, Curbs, and Gutters Required. All subdivisions shall include sidewalks, curbs, and gutters, based on the Willard City Public Works Standards, on both sides of all public streets.
- K. Traffic Control Devices. All proposed traffic control devices shall conform to the

standards of the Manual of Uniform Traffic Control Devices (MUTCD).

- L. Pedestrian Cross-Walks. Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way not less than ten (10) feet wide may be required when determined necessary by the ALUA for adequate pedestrian circulation. Cross-walk improvements (paving) not less than five (5) feet wide shall be placed within the rights- of-way, as required by the ALUA.
- M. Lot Size Standards. All lots and parcels shall meet the minimum area requirements, or maximum density requirements of the Zoning District in which the Subject property is located.
- N. Easement Standards.
  - 1. All required subdivision utility easements shall follow the rear and side lot lines, where practical, and shall be a minimum total width often (10) feet, apportioned equally between the adjoining lots, parcels, or property.
  - 2. When front property line easements are required, a minimum often (10) feet shall be provided. If required, easements for the perimeter of the Subject property shall not be less than ten (10) feet in width.
  - 3. All required subdivision easements shall be located and designed to provide efficient installation and maintenance of all utilities and subdivision features. Special guying easements at corners may be required. Public utility installations shall be so located to permit multiple installations within all easements. The subdivision's final grades shall be established prior to any public utility installations.
- O. All Utilities to Be Underground. All power lines, telephone lines and other utility lines shall be provided underground, unless otherwise approved by the Land Use Authority, supported by the recommendation of the City Staff and Engineer.
- P. Alleys. The Land Use Authority may approve service accesses to the interior of blocks. The location and dimensions of such service accesses (alleys) shall be identified on the Final Subdivision Plat. Alleys shall conform to the Willard City Public Development Standards and shall have a minimum width of twenty (20) feet.
- Q. Required Infrastructure and Services.
  - 1. Culinary Water Systems and Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all culinary water system and all culinary water facilities necessary to provide culinary water services to all lots and parcels, as required by the Public Works Director, acting as the City's Culinary Water Authority, and the ALUA, responsible for Subdivision Application approval. Culinary Water Systems and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.
  - 2. Sanitary Sewer System and Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all sanitary sewer system

and all sanitary sewer facilities necessary to provide sanitary sewer services to all lots and parcels, as required by the Public Works Director, acting as the City's Sanitary Sewer Authority, and the Land Use Authority, responsible for Subdivision Application approval. Sanitary Sewer System and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

3. Subdivision Roads and Streets. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all roads and streets, and all transportation system facilities necessary to provide transportation and circulation facilities to all lots and parcels, as required by the City Engineer and City Planner, and the Land Use Authority, responsible for Subdivision Application approval. Subdivision Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
4. Storm Drainage and Flood Control Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all storm drainage and flood control facilities necessary to provide storm drainage and flood control facilities to all lots and parcels, as required by the City Engineer, the Willard City Flood Control District, and the Land Use Authority, responsible for Subdivision Application approval. Storm Drainage and Flood Control Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.
5. Fire Protection, Suppression, and Access Facilities. All Preliminary Subdivision Application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all fire protection, fire suppression, and access facilities necessary to provide fire protection, fire suppression, and access facilities to all lots and parcels, as required by the City Fire Chief, and the Land Use Authority, responsible for Subdivision Application approval. Fire Protection, Suppression, and Access Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

**SECTION 10:**            **AMENDMENT** “24.80.010 General Provisions” of the Willard City Zoning Code is hereby *amended* as follows:

A M E N D M E N T

24.80.010 General Provisions

- A. Short Title. This code shall be known and may be cited as the "Willard Subdivision Code " and may be identified within this document and other documents as "the WSC" code or "Subdivision Code"
- B. Purpose. This Subdivision Code is established to promote the purposes of Utah Code, Title 10, Chapter 9a, , the Municipal Land Use, Development, and Management Act (hereinafter the "Act") or "MLUDMA" and to provide for the orderly division of lands, to streamline procedures for certain subdivision applications and their review, to avoid incompatible land uses, and to secure the provision and long-term maintenance of necessary infrastructure, facilities, and services in an efficient and economical manner for present and future Willard City residents.
- C. Final Plat Required Before Lots May be Sold. As provided and authorized by the Act, a Final Subdivision Plat shall be approved, as provided by Section 24.80.050 herein, complying with all requirements of this Code, and the Act, before such Final Subdivision Plat may be filed or recorded in the Office of the Box Elder County Recorder and before lots may be sold.
- D. Enactment. The Willard City Council (hereinafter "Council") adopts this Code pursuant to the Act and all other authorities and provisions of Utah and Federal statutory laws, and common law, as applicable. This Code constitutes a part of Willard City's land use ordinances, as authorized and identified by the Act.
- E. Applicability and Authority. This Code shall govern and apply to the subdivision of all lands lying within the municipal boundaries of Willard City (hereinafter "the City"), except as specifically provided for preliminary and final subdivision applications to develop single-family residences, two-family residences, or townhomes in compliance with Utah Code Ann. §§ 10-9a-604.1 and 10 -9a-604.2.
- F. Subdivision Defined. For the purposes of this Code and the Act, "Subdivision" shall be, and shall mean.
  - 1. Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
  - 2. Subdivision includes:
    - a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and
    - b. All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, except as provided below.
- G. Subdivision Not to Include. As provided by the Act, and for the purposes of this Code, "Subdivision" does not include:
  - 1. A bona fide division or partition of agricultural land for the purpose of joining

- one (1) of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither of the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Code of the City;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if:
    - a. No new lot is created
    - b. The adjustment does not violate applicable land use ordinances of the City
  3. A recorded document, executed by the owner of record:
    - a. Revising the legal description of more than one (1) contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
    - b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate any applicable land use ordinance of the City.
  4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
    - a. No new dwelling lot or housing unit will result from the adjustment; and
    - b. The adjustment will not violate any applicable land use codes of the City.
  5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to this Code.
- H. Fees and Charges. The Council, by Resolution, may establish a schedule of necessary fees and charges payable for subdivision application processing and review, inspection services, and other services provided by the City, or required by this Code. The Council by Resolution may amend such fees and charges from time to time, as considered necessary.
- I. Prohibited Acts.
1. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a Final Subdivision Plat has been approved and recorded in the Office of the Box Elder County Recorder, as required and provided by this Code, and the Act, is guilty of a violation of this Code, and the Act, for each lot or parcel transferred or sold.
  2. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring lots does not exempt the transaction from being a violation of this Code, and the Act, or from the penalties or remedies provided by this Code, or the Act.
  3. Notwithstanding the provisions of this section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this Code, and the Act:

- a. Does not affect the validity of the instrument or other document; and
- b. Does not affect whether the property that is the subject of the instrument or other document complies with the land use codes of the City, including this Code, other land use codes, including the Willard City Zoning Code (hereinafter "Willard Zoning Code" or "WZC").

#### J. Enforcement

1. The City may take all actions, allowed under the law, to insure compliance and enforcement of this Code. Failure of the City to enforce any provision or seek remedies to any violation of this Code shall not legalize any such violation.
2. The City, or any adversely affected owner of real property within the City, in which violations of this Code are occurring, or are about to occur may, in addition to other remedies provided by law, institute:
  - a. Injunctions, mandamus, abatement, or any other appropriate actions; or
  - b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
3. As provided by the Act, the City need only establish a violation of this ordinance to obtain the injunction.
4. The City may bring an action against a property owner to require that the property conform and comply with the provisions of this Code or the Act.
5. An action brought by the City against a property owner, and authorized by this section, and the Act, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this Code.

#### K. Licenses and Permits.

1. No approval, including the issuance of any building permit for the construction, alteration, or modification of any building or structure, may be issued by the City unless such approval complies with the requirements of the land use and zoning ordinances including a determination that the lot or parcel, proposed for the approval or permit is a legal lot pursuant to the land use and zoning ordinance or a legal lot of record. Any approval or permit issued in conflict with the requirements and subdivision ordinances shall be void and invalid.
2. To enforce this ordinance, the City may withhold or deny the approval or issuance of any required land use permit or building permit.
3. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without approval of a building permit, unless such building is exempt.
4. The City Planner may not approve or issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted land use ordinances of the City.

5. The City Building Official may not approve or issue a building permit in violation of the City's land use ordinances.
6. No City employee may approve and issue any permit or license that is a violation of the City's land use ordinances.
7. Any approval, permit, or license issued in conflict with any standard or requirement of the zoning ordinance, or the City's other land use ordinances shall be void and invalid.

L. Penalties.

1. As provided by the Act, a violation of any provision of this Code is punishable:
  - a. As a Class B misdemeanor; and
  - b. By imposing an appropriate civil penalty adopted under the authority of the Act.

M. Applicant's entitlement to land use application approval. City's requirements and limitations. Vesting and exceptions – Applicant.

1. An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
  - a. in effect on the date the application is complete; and
  - b. applicable to the applicant or to the information shown on the application.
2. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
  - a. the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
  - b. in the manner provided by City land use ordinances and before the applicant submits the application, the City formally initiates proceedings to amend the City's land use regulations in a manner that would prohibit approval of the application as submitted.
3. The City shall process an application without regard to proceedings the City initiated to amend the City's ordinances if:
  - a. 180 days have passed since the City initiated the proceedings; and
  - b. The proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
  - c. during the 12 months prior to the City processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation.
4. A land use application is considered submitted and complete when the

- applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
5. Unless a phasing sequence is required in an executed development agreement, a City shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
  6. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence
  7. The City shall not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
    - a. City ordinances in effect on the date that the applicant submits a complete application; or
    - b. the City's specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
  8. The City may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
    - a. in a land use permit;
    - b. on the subdivision plat;
    - c. in a document on which the land use permit or subdivision plat is based;
    - d. in the written record evidencing approval of the land use permit or subdivision plat;
    - e. in Chapter 9a, Title 10, Utah Code;
    - f. in a City ordinance; or
    - g. in a City's specification for residential roadways in effect at the time a residential subdivision was approved.
  9. The City may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
    - a. in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
    - b. in Chapter 9a, Title 10, Utah Code or the City's ordinances.
  10. The City may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:
    - a. the applicant and the City have agreed in a written document to the withholding of a certificate of occupancy; or
    - b. the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the

legislative body adopts under this chapter.

11. A City may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the City that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.
  12. The City is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
  13. The City may or may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
  14. Upon a specified public agency's submission of a development plan and schedule as required in Utah Code Ann. Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the City's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.
  15. If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
    - a. to the local clerk as defined in Section 20A-7-101; and
    - b. no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).
    - c. upon delivery of a written notice described in Subsection (x)(x) the following are rescinded and are of no further force or effect:
      - (1) the relevant land use approval; and
      - (2) any land use regulation enacted specifically in relation to the land use approval.
  16. After issuance of a building permit, the City may not:
    - a. change or add to the requirements expressed in the building permit, unless the change or addition is:
      - (1) requested by the building permit holder; or
      - (2) necessary to comply with an applicable state building code; or
      - (3) revoke the building permit or take action that has the effect of revoking the building permit.
    - b. Subsection (6)(a) does not prevent a City from issuing a building permit that contains an expiration date defined in the building permit.
- N. City Imposed Requirements and Exactions on Application Approval. The City shall

not impose any requirement or exaction on any approval required by this subdivision ordinance unless:

1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and
2. Each requirement or exaction is roughly proportionate, in both nature and extent, to the impact of the proposed development.

- O. Restrictions for Solar and other Energy Devices. The Willard City Planning Commission (hereinafter "Commission"), acting as the Administrative Land Use Authority, may deny any preliminary subdivision application for single-family residences, two-family residences, or townhomes, and the ALUA may refuse to approve a preliminary subdivision application, or the dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the preliminary subdivision application prohibit, or have the effect of prohibiting, reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the preliminary subdivision application. The City Planner, acting as the Administrative Land Use Authority for final subdivision applications, may refuse to approve the final subdivision application on the same grounds.
- P. Validity. If any chapter, section, subsection, paragraph, sentence, standard, or requirement of this Code is held to be invalid, by a Court of competent jurisdiction, such holding shall not affect the validity of any other chapter, section, subsection, paragraph, sentence, standard, or requirement of this ordinance.

**SECTION 11:**            **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 12:**            **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 13:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from March 27, 2025 and after the required approval and publication according to law.

**SECTION 14:**            **DIRECTION** Staff are authorized and directed to make such non-substantive changes and take other actions to finalize, post, and publish this Ordinance.

PASSED AND ADOPTED BY THE WILLARD CITY COUNCIL MARCH 28, 2025.

|                 | <b>AYE</b>        | <b>NAY</b>        | <b>ABSENT</b>     | <b>ABSTAIN</b>    |
|-----------------|-------------------|-------------------|-------------------|-------------------|
| Jacob Bodily    | <u>  X  </u>      | <u>          </u> | <u>          </u> | <u>          </u> |
| Rod Mund        | <u>          </u> | <u>          </u> | <u>  X  </u>      | <u>          </u> |
| Mike Breager    | <u>  X  </u>      | <u>          </u> | <u>          </u> | <u>          </u> |
| Rex Christensen | <u>  X  </u>      | <u>          </u> | <u>          </u> | <u>          </u> |
| Jordon Husley   | <u>  X  </u>      | <u>          </u> | <u>          </u> | <u>          </u> |

Presiding Officer

Attest

\_\_\_\_\_  
Travis Mote, Mayor, Willard City

\_\_\_\_\_  
Susan O Bray, Recorder, Willard City