

**WILLARD CITY
ORDINANCE 2025-16**

**AN ORDINANCE AMENDING SECTION 24.44.010 AND 24.48.030 OF THE
WILLARD CITY ZONING CODE TO ALLOW LIMITED COMMERCIAL USES
ALONG U.S. HIGHWAY 89 IN THE OLD WILLARD ZONE**

WHEREAS, the City of Willard has adopted Title 24 of the Willard City Code as its zoning ordinance; and

WHEREAS, the City Council desires to provide for appropriate commercial opportunities along the U.S. Highway 89 frontage within the Old Willard Zone, consistent with the City’s general plan and to promote economic vitality; and

WHEREAS, the City Council also finds it in the public interest to preserve the residential and historic character of the Old Willard Zone while allowing such frontage-specific commercial uses; and

WHEREAS, the City Council has determined that such amendment will promote the health, safety, and general welfare of the residents of Willard City;

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

SECTION 1: **AMENDMENT** “24.48.030 Uses Not Listed” of the Willard City Zoning Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.48.030 Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

(See TABLE I)

A. Accessory Buildings/dwellings/manufacturing/storage	M	C-G	C-N	TO D (Per 24.9	C-R
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Accessory uses and buildings customarily incidental to the permitted uses.	P	P	P	P	-
Single-Family Dwelling	C	C	P	-	-
Multi-Family, Twin Home (Subject to spacing requirements)	C	C	C	P*	-
Multi-Family, Attached (Subject to spacing requirements)	C	C	C	P*	-
Multi-Family, Stacked (Subject to spacing requirements)	C	C	C	P*	-
Accessory Dwelling Unit (ADU), Detached, per WCC 24.96	-	-	C	-	-
Accessory Dwelling Unit (ADU), Attached, per WCC	P	P	P	-	-
Manufacturing/Industrial Heavy	P	C	-	-	-
Manufacturing/Light	P	P	C	-	C
Refineries	-	-	-	-	-
Renewable Energy Systems	C	C	C	-	-
Storage Facility/Units	P	C	-	-	-
Temporary Buildings	C	C	C	-	C
Warehousing/Distribution	P	C	-	-	-
Warehousing/Distribution Motor Fuels/Propane/Plant/Storage Facilities	P	C	-	-	-
B. Public Facilities/Utilities	M	C-N	C-G	TO D	C-
Communication Towers and Antennas	C	C	C	C	C
Churches/Places of Worship	P	P	P	C	-
Community Garden	P	P	C	P	-
Educational Facilities (Public or Private)	p	p	p	C	-
Government or Municipal Offices	P	P	P	P	C
Library or Reading Room, Museum, and other Cultural Services	C	P	P	P	C
Parks, Public or Private/Open Space	P	P	P	P	-
Public Utility installations	P	P	P	P	-
C. Recreations/Entertainment	M	C-N	C-G	TO D	C-R

Auditorium or Performing Arts Center	C	C	C	C	P
Bowling Alley	P	P	-	C	P
Dance Studio	P	P	P	C	-
Dance Club	-	-	-	C	C
Fitness Center	P	P	P	C	C
Golf Course	P	p	C	-	-
Recreation Center	P	P	-	C	P
Recreational Vehicle Park	P	P	-	-	-
Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600	C	-	-	-	-
Swimming Pool	C	P	C	-	-
Theater/Entertainment	C	C	-	P**	C
D. Retail	M	C-N	C-G		
Alcohol or Tobacco Specialty Store	P	P	-	-	P
Christmas Trees Sales	P	p	C	-	C
Convenience Store, With drive-thru	P	P	P	C	P
Convenience Store, Without drive-thru	P	P	P	C	P
Fireworks Stand	C	C	C	-	C
Florist Shop/Nursery	C	C	P	P Flouri st only)	C
Fruit Stand	P	P	P	-	P
Grocery Store	P	P	-	P	P
Pet Shop, Including pet grooming	P	P	P	p	p
E. Restaurant/Food Establishments	M	C-N	G-G		
Bakery	P	P	P	P	P
Candy/Ice Cream Store	P	P	P	P	PF
Food Truck, Temporary	P	P	P	P	P
Food Truck, Permanent	C	P	C	-	P
Private Club/Bar/Tavern	P	C P		-	C

Restaurant/Fast Food with drive-thru	P	P	P	C	P
Restaurant/Fast Food without drive-thru	P	P	P	P	P
F. Service	M	C-N	C-G	TOD	C-R
Agriculture, Existing	P	P	P	-	C
Agricultural Industry/Food	P	P	C	-	-
Automobile Service and Sales (Includes Fuel)	P	C	p	-	p
Bank/Credit Union/Financial with drive-thru	P	P	P	C	P
Bank/Credit Union/Financial without drive-thru	P	P	P	P	P
Barber/Beauty Salon/Tanning/Nails/Tattoo	P	P	P	P	P
Business/ Professional Office	P	P	P	P	C
Car Wash	C	C	C	-	C
Childcare/Daycare/Preschool, Commercial	P	P	C	C	C
Dry Cleaning	P	P	P	C	P
Hospital	P	P	P	-	-
Hotel/Motel	P	P	P	-	-
Kennel: See WCC 16.12.060	C	C	C	-	-
Locksmith/Key and Lock	P	P	P	-	P
Laundromat	P	P	P	C	P
Medical, Dental, and Physical Therapy Clinic	P	P	P	C	C
Nursing Home	-	C	C	-	-
Pharmacy	P	P	P	P	P
Residential Facilities for Persons With Disabilities	P	P	P	P	P
Slaughterhouse/Meat Processing	C	C	-	-	-
Towing/Impound Yard	P	C		-	-
Transportation/Trucking	P	P	-	C	C
*Subject to density limit in 24.58.080					
** TOD requires parking study					

AFTER AMENDMENT

24.48.030 Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

(See TABLE I)

A.-Accessory Buildings/dwellings/manufacturing/storage	M	C- NG	C- GN	TOD (Per 24.96)	C-R	<u>Old Willard Township ***</u>
Accessory uses and buildings customarily incidental to the permitted uses.	P	P	P	P	-	<u>P</u>
Single-Family Dwelling	C	C	P	-	-	=
Multi-Family, Twin Home (Subject to spacing requirements)	C	C	C	P*	-	=
Multi-Family, Attached (Subject to spacing requirements)	C	C	C	P*	-	=
Multi-Family, Stacked (Subject to spacing requirements)	C	C	C	P*	-	=
Accessory Dwelling Unit (ADU), Detached, per WCC 24.96	-	-	C	-	-	=
Accessory Dwelling Unit (ADU), Attached, per WCC	P	P	P	-	-	=
Manufacturing/Industrial Heavy	P	C	-	-	-	=
Manufacturing/Light	P	P	C	-	C	=
Refineries	-	-	-	-	-	=
Renewable Energy Systems	C	C	C	-	-	=
Storage Facility/Units	P	C	-	-	-	=
Temporary Buildings	C	C	C	-	C	<u>C</u>
Warehousing/Distribution	P	C	-	-	-	=
Warehousing/Distribution_Motor Fuels/Propane/Plant/Storage Facilities	P	C	-	-	-	
			C-			<u>Old Willard</u>

B. Public Facilities/Utilities	M	C-N	G	TOD	C-R	Township ***
Communication Towers and Antennas	C	C	C	C	C	<u>C</u>
Churches/Places of Worship	P	P	P	C	-	<u>C</u>
Community Garden	P	P	C	P	-	<u>C</u>
Educational Facilities (Public or Private)	p	p	p	C	-	<u>C</u>
Government or Municipal Offices	P	P	P	P	C	<u>P</u>
Library or Reading Room, Museum, and other Cultural Services	C	P	P	P	C	<u>C</u>
Parks, Public or Private/Open Space	P	P	P	P	-	<u>P</u>
Public Utility installations	P	P	P	P	-	<u>P</u>
C. Recreations/Entertainment	M	C-N	C-G	TOD	C-R	Old Willard Township ***
Auditorium or Performing Arts Center	C	C	C	C	P	<u>C</u>
Bowling Alley	P	P	-	C	P	<u>C</u>
Dance Studio	P	P	P	C	-	<u>C</u>
Dance Club	-	-	-	C	C	<u>C</u>
Fitness Center	P	P	P	C	C	<u>C</u>
Golf Course	P	p	C	-	-	=
Recreation Center	P	P	-	C	P	<u>C</u>
Recreational Vehicle Park	P	P	-	-	-	=
Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600	C	-	-	-	-	=
Swimming Pool	C	P	C	-	-	<u>C</u>
Theater/Entertainment	C	C	-	P**	C	<u>C</u>
D. Retail	M	C-N	C-G	TOD	C-R	Old Willard Township ***
Alcohol or Tobacco Specialty Store	P	P	-	-	P	<u>C</u>

Christmas Trees Sales	P	p	C	-	C	<u>C</u>
Convenience Store, With drive-thru	P	P	P	C	P	<u>P</u>
Convenience Store, Without drive-thru	P	P	P	C	P	<u>P</u>
Fireworks Stand	C	C	C	-	C	<u>C</u>
Florist Shop/Nursery	C	C	P	P Flourist only)	C	<u>P</u>
Fruit Stand	P	P	P	-	P	<u>P</u>
Grocery Store	P	P	-	P	P	<u>P</u>
Pet Shop, Including pet grooming	P	P	P	p	p	<u>P</u>
E. Restaurant/Food Establishments	M	C-N	G- G	<u>TOD</u>	<u>C-R</u>	<u>Old Willard Township ***</u>
Bakery	P	P	P	P	P	<u>P</u>
Candy/Ice Cream Store	P	P	P	P	PF	<u>P</u>
Food Truck, Temporary	P	P	P	P	P	<u>P</u>
Food Truck, Permanent	C	P	C	-	P	<u>P</u>
Private Club/Bar/Tavern	P	C P		-	C	<u>C</u>
Restaurant/Fast Food with drive-thru	P	P	P	C	P	<u>P</u>
Restaurant/Fast Food without drive-thru	P	P	P	P	P	<u>P</u>
F. Service	M	C-N	C- G	TOD	C-R	<u>Old Willard Township ***</u>
Agriculture, Existing	P	P	P	-	C	<u>P</u>
Agricultural Industry/Food	P	P	C	-	-	<u>C</u>
Automobile Service and Sales (Includes Fuel)	P	C	p	-	p	<u>C</u>
Bank/Credit Union/Financial with drive-thru	P	P	P	C	P	<u>P</u>
Bank/Credit Union/Financial without drive-thru	P	P	P	P	P	<u>P</u>
Barber/Beauty Salon/Tanning/Nails/Tattoo	P	P	P	P	P	<u>P</u>

Business/ Professional Office	P	P	P	P	C	<u>P</u>
Car Wash	C	C	C	-	C	<u>C</u>
Childcare/Daycare/Preschool, Commercial	P	P	C	C	C	<u>P</u>
Dry Cleaning	P	P	P	C	P	<u>P</u>
Hospital	P	P	P	-	-	<u>P</u>
Hotel/Motel	P	P	P	-	-	<u>P</u>
Kennel: See WCC 16.12.060	C	C	C	-	-	<u>C</u>
Locksmith/Key and Lock	P	P	P	-	P	<u>P</u>
Laundromat	P	P	P	C	P	<u>P</u>
Medical, Dental, and Physical Therapy Clinic	P	P	P	C	C	<u>P</u>
Nursing Home	-	C	C	-	-	<u>C</u>
Pharmacy	P	P	P	P	P	<u>P</u>
Residential Facilities for Persons With Disabilities	P	P	P	P	P	<u>P</u>
Slaughterhouse/Meat Processing	C	C	-	-	-	=
Towing/Impound Yard	P	C		-	-	=
Transportation/Trucking	P	P	-	C	C	=
*Subject to density limit in 24.58.080						
** TOD requires parking study						
<u>*** Commercial is only allowed with properties fronting US-89</u>						

SECTION 2: AMENDMENT “24.44.010 Purpose” of the Willard City Zoning Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.44.010 Purpose

- A. Multiple Use Districts.
 1. To establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources.

2. To reduce unreasonable requirements for public utility and service expenditures.
3. To avoid uneconomic and unwise dispersal and scattering of population.
4. To encourage use of the land, where appropriate, for forestry, grazing, agriculture, wildlife habitat, and recreation.
5. To avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and wildlife values.
6. To promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

This District is referred to as MU-40, minimum lot size: 40 acres.

- B. Rural Districts. To promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain green belt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses inimical to the continuance of agricultural activity. Included in these districts are Rural Developments for people who wish to be in a rural district, but are not primarily engaged in agriculture. These Districts are referred to as:

1. A-5, minimum lot size: 5 acres
2. A-3, minimum lot size: 3 acres

Planned Unit Development is a conditional use and will be allowed in these districts.

- C. Residential Districts. To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

1. R-1/2, minimum lot size: 1/2 acre
2. R-1, minimum lot size: 1 acre

- D. Old Willard Township Infill District. Infill lots shall only be allowed in the Old Willard Township Infill District. No permit for an Infill home shall be granted unless the proposed Infill lot meets the requirements of this chapter. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Willard City Code and Standards and Specifications.

1. Purpose. The purpose of the Old Willard Township Infill District is to provide increased flexibility and compatibility of infill housing within the Old Willard Township area; to encourage the preservation of historical appearance of housing; to encourage the infill of overly large lots and vacant lots with housing that is compatible in design, height, setback, scale, and placement with existing housing; to limit residential density and preserve a character consistent with the Old Willard Township; to promote redevelopment and revitalization of the core of the City; to promote neighborhoods with quality homes, and preserve the look and feel of the Old Willard Township.
2. Old Willard Township Infill Defined. The Old Willard Township Infill District is hereby created and shall be defined as that area comprised of and encompassed by 200 North, 200 South, 200 East, 200 West Willard, Utah.

3. Application. Any lot for which an application for development has not been originally filed under the Willard City Zoning Ordinances and in the Old Willard Township District, but have not yet, nor have had a building permit prior to the adoption of this chapter shall be subject to the infill lot requirements of this chapter.
4. Area and Frontage Regulations.
 - a. The minimum Old Willard Township Infill lot size shall be no less than fifteen-thousand-five hundred (15,500) square feet.
 - b. The minimum lot width for any Old Willard Township Infill lot shall not be less than eighty-five (85) feet at the front yard setback line, however, a corner Infill lot width shall not be less than One-hundred (100) feet at the front yard setback line.
5. Yard Regulations.
 - a. Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.
 - b. Old Willard Township Infill Homes shall be setback from property lines as follows:
 - (1) Front yard setbacks. The front setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced twenty (20') feet or the same as the average for said two existing dwellings, whichever is the greater setback distance. Attached garages shall be setback a minimum of ten (10') feet from the front main wall of the dwelling.
 - (2) Side yard setbacks. Infill dwellings with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of fifteen (15) feet. Rear yard detached garages shall be set back a minimum of five (5') feet from the side property line. Side yard attached garages shall be setback no less than ten (10) feet from the side property line. Infill corner dwellings shall have a minimum of thirty (30') side yard setback from the street property line to the house or detached garage.
 - (3) Rear yard setback. All dwellings shall be located at least 30 feet from the rear property line. All dwellings shall be located at least 10 feet from the door face of any detached garage, with no other point of the garage located closer than 10 feet to the dwelling. Detached garages shall be located at least 10 feet from the rear property line.
 - (4) Setbacks for the Old Willard Township Infill lots shall be measured from the property line to the foundation of the

building, with the exception of interior side yard setbacks which will be measured from any cantilever or bay window, etc., which extends past the foundation of the building.

6. Application of Other Regulations. Unless otherwise provided in this section, Old Willard Township Infill developments shall conform to the requirements of the Willard City Zoning Ordinance, other Willard City Ordinances, and applicable law.
7. Waiver of Regulations. Where, upon application by the developer and upon recommendation of the Willard City Planning Commission, City Engineer, and Flood Control Board, and in the opinion of the Willard City Council, the literal enforcement of the design and improvement standards in the Old Willard Township area would result in an unreasonable utilization of land, or undue hardship, due to unique circumstances, waivers may be issued from one or more of the design and improvement standards according to the following procedure:
 - a. Application for a waiver shall include:
 - (1) A description of the land to be subdivided;
 - (2) An identification of the ordinance provision for which the variance is requested;
 - (3) A description of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area;
 - (4) A description of the hardships, which will accrue to the detriment of the property or property owner, if the requested variance is not granted;
 - (5) Any supporting materials intended to be presented as evidence of unreasonable utilization of land, or undue hardship, due to unique circumstances.
 - b. The application shall be submitted to the planning commission for review and comments at the next regularly scheduled meeting of the planning commission.
 - c. The planning commission shall review the waiver application at a regularly scheduled meeting, and shall submit its recommendations for approval or disapproval of such application to the Willard City Council.
 - d. Subsequent to the planning commission's recommendation, the City Council shall approve or deny the waiver application.
 - e. Waiver shall be granted only if the City Council makes a finding upon the record that:
 - (1) The issuance of the waiver will be in the interest of the public safety, health, or welfare;
 - (2) Describing the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area; and,
 - (3) A description of the hardships, which will accrue to the

detriment of the property or property owner, if the requested variance is not granted.

AFTER AMENDMENT

24.44.010 Purpose

A. Multiple Use Districts.

1. To establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources.
2. To reduce unreasonable requirements for public utility and service expenditures.
3. To avoid uneconomic and unwise dispersal and scattering of population.
4. To encourage use of the land, where appropriate, for forestry, grazing, agriculture, wildlife habitat, and recreation.
5. To avoid excessive damage to watershed, water pollution, soil erosion, danger from brush land fires, damage to grazing, livestock raising, and wildlife values.
6. To promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community.

This District is referred to as MU-40, minimum lot size: 40 acres.

B. Rural Districts. To promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain green belt open spaces. These Districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the District from the intrusion of uses inimical to the continuance of agricultural activity. Included in these districts are Rural Developments for people who wish to be in a rural district, but are not primarily engaged in agriculture. These Districts are referred to as:

1. A-5, minimum lot size: 5 acres
2. A-3, minimum lot size: 3 acres

Planned Unit Development is a conditional use and will be allowed in these districts.

C. Residential Districts. To promote and preserve, in appropriate areas, conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. These Districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

1. R-1/2, minimum lot size: 1/2 acre
2. R-1, minimum lot size: 1 acre

D. Old Willard Township Infill District. Infill lots shall only be allowed in the Old Willard Township Infill District. No permit for an Infill home shall be granted unless the proposed Infill lot meets the requirements of this chapter. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Willard City Code and Standards and Specifications.

1. Purpose. The purpose of the Old Willard Township Infill District is to provide

- increased flexibility and compatibility of infill housing within the Old Willard Township area; to encourage the preservation of historical appearance of housing; to encourage the infill of overly large lots and vacant lots with housing that is compatible in design, height, setback, scale, and placement with existing housing; to limit residential density and preserve a character consistent with the Old Willard Township; to promote redevelopment and revitalization of the core of the City; to promote neighborhoods with quality homes, and preserve the look and feel of the Old Willard Township.
2. Old Willard Township Infill Defined. The Old Willard Township Infill District is hereby created and shall be defined as that area comprised of and encompassed by 200 North, 200 South, 200 East, 200 West Willard, Utah.
 3. Application. Any lot for which an application for development has not been originally filed under the Willard City Zoning Ordinances and in the Old Willard Township District, but have not yet, nor have had a building permit prior to the adoption of this chapter shall be subject to the infill lot requirements of this chapter.
 4. Area and Frontage Regulations.
 - a. The minimum Old Willard Township Infill lot size shall be no less than fifteen-thousand-five hundred (15,500) square feet.
 - b. The minimum lot width for any Old Willard Township Infill lot shall not be less than eighty-five (85) feet at the front yard setback line, however, a corner Infill lot width shall not be less than One-hundred (100) feet at the front yard setback line.
 5. Yard Regulations.
 - a. Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.
 - b. Old Willard Township Infill Homes shall be setback from property lines as follows:
 - (1) Front yard setbacks. The front setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced twenty (20') feet or the same as the average for said two existing dwellings, whichever is the greater setback distance. Attached garages shall be setback a minimum of ten (10') feet from the front main wall of the dwelling.
 - (2) Side yard setbacks. Infill dwellings with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of fifteen (15) feet. Rear yard detached garages shall be set back a minimum of five (5') feet from the side property line. Side yard attached garages shall be setback no less than ten (10) feet from the side property line. Infill corner

dwellings shall have a minimum of thirty (30') side yard setback from the street property line to the house or detached garage.

(3) Rear yard setback. All dwellings shall be located at least 30 feet from the rear property line. All dwellings shall be located at least 10 feet from the door face of any detached garage, with no other point of the garage located closer than 10 feet to the dwelling. Detached garages shall be located at least 10 feet from the rear property line.

(4) Setbacks for the Old Willard Township Infill lots shall be measured from the property line to the foundation of the building, with the exception of interior side yard setbacks which will be measured from any cantilever or bay window, etc., which extends past the foundation of the building.

6. Application of Other Regulations. Unless otherwise provided in this section, Old Willard Township Infill developments shall conform to the requirements of the Willard City Zoning Ordinance, other Willard City Ordinances, and applicable law.

7. Waiver of Regulations. Where, upon application by the developer and upon recommendation of the Willard City Planning Commission, City Engineer, and Flood Control Board, and in the opinion of the Willard City Council, the literal enforcement of the design and improvement standards in the Old Willard Township area would result in an unreasonable utilization of land, or undue hardship, due to unique circumstances, waivers may be issued from one or more of the design and improvement standards according to the following procedure:

a. Application for a waiver shall include:

(1) A description of the land to be subdivided;

(2) An identification of the ordinance provision for which the variance is requested;

(3) A description of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area;

(4) A description of the hardships, which will accrue to the detriment of the property or property owner, if the requested variance is not granted;

(5) Any supporting materials intended to be presented as evidence of unreasonable utilization of land, or undue hardship, due to unique circumstances.

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

c. The planning commission shall review the waiver application at a regularly scheduled meeting, and shall submit its recommendations for approval or disapproval of such application to the Willard City

Council.

- d. Subsequent to the planning commission's recommendation, the City Council shall approve or deny the waiver application.
- e. Waiver shall be granted only if the City Council makes a finding upon the record that:
 - (1) The issuance of the waiver will be in the interest of the public safety, health, or welfare;
 - (2) Describing the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the Old Willard Township area; and,
 - (3) A description of the hardships, which will accrue to the detriment of the property or property owner, if the requested variance is not granted.

8. In addition, any parcel within the Old Willard Zone that fronts directly upon U.S. Highway 89 may establish and operate any use listed as a permitted use in Section 24.48.030 (Commercial Zone Permitted Uses). Such uses shall comply with the development standards of the Old Willard Zone, provided that multifamily residential dwellings shall not be permitted under this subsection.

SECTION 3:**AMENDMENT** “24.80.040 Preliminary Subdivision Applications” of the Willard City Zoning Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

24.80.040 Preliminary Subdivision Applications

- A. Intent and Purpose. Any preliminary subdivision application shall comply with all applicable provisions of the City land use and zoning ordinances and the procedural requirements for review as provided in Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2. Acting as the ALUA for preliminary subdivision applications, the Planning Commission shall identify and address all items applicable to a preliminary subdivision plan prior to approving, approving with requirements, or denying the preliminary subdivision application.
- B. The Planning Commission shall conduct a public hearing, complying with the notice requirements provided in Section 24.80.080.
- C. Following the close of the public hearing, the Planning Commission shall transmit its decision to the City Planner to act as the ALUA on the final subdivision application. The Planning Commission shall comply with Utah Code § 10-9a-509, unless a phasing sequence is required in an executed development agreement. Otherwise, the

City shall accept and process the complete land use application, without regard to any other separate and distinct land use application.

- D. Requirements. Any preliminary subdivision application, filed with the City Planner, shall provide the following information to determine if the application is complete:
1. The application form shall be signed by the owner of the subject property, or authorized agent or agents of the owner, accompanied by an affidavit identifying the owner or agent as being duly authorized to represent the owner in all matters related to the preliminary subdivision application. Any person with a fee interest in the subject property shall be required to join in and sign the preliminary subdivision application.
 2. The applicant shall pay the preliminary subdivision application fees, including the review fees, as established the Council's Schedule of Fees, or breakdown of fees, and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required herein.
 3. Legal description. A complete and accurate legal description of the Subject Property.
 4. An electronic copy of all plans in PDF format.
 5. Subdivision Plat Improvement Plan
 6. The preliminary subdivision plat drawings, by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner or City Engineer. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A copy of the Preliminary Subdivision Plat, in a format acceptable to the City's Geographic Information System, standards shall also be provided. The Preliminary Subdivision Plat shall show the following:
 - a. A vicinity map, at a minimum scale of one (1) inch = one-thousand (1,000) feet, clearly identifying the boundaries of the entire Subject Property, property accesses, adjoining subdivision outlines and names, as applicable, and relevant features located within one-half (½) mile of the boundary of the Subject Property. The location of the Subject property with respect to surrounding property and roads and streets, and the names of all adjoining property owners of record (within 300 feet of the property) shall be shown.
 - (1) The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, lot number, and total area of the Subject Property.
 - (2) Proposed road and street layout. All existing and proposed road and street names shall be shown.
 - (3) The boundaries, course, and dimensions of all lots and parcels created, by their boundaries, course, and extent, whether the Applicant proposes that any lot or parcel is intended to be used as a road or street or for any other public use and whether any such area is reserved or proposed for dedication for a public purpose.

- (4) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
 - (5) The lot or unit reference, or building reference, road, street or site address, the road and street name or coordinate address, acreage or square footage for all parcels, units, or lots proposed to be created. All parcels, units, or lots created shall be numbered consecutively.
 - (6) All existing and proposed rights-of-way and easements, including but not limited to grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easements including but not limited to trails, irrigation, streets, and access points.
 - (7) Each lot or parcel proposed to be created shall identify the required setback lines identifying the required front, side, and rear yard areas, as required by the zoning district in which the subject property is located.
- b. A title block, placed on the right side of the Preliminary Subdivision Plat showing:
- (1) Proposed Name or Designation of the Subdivision that is distinct from any other Willard City Subdivision already recorded in the Office of the Box Elder County Recorder.
 - (2) Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor responsible for preparing the Preliminary Subdivision Plat.
 - (3) Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.
7. Required Subject Property Information. The following information is required and shall be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:
- a. The identification of known natural features including, but not limited to, wetlands, as identified by the United States Army Corps of Engineers, areas of slope exceeding five percent (5%) grade, flood plains, flood channels, and drainage way, identified as required by a local, state, or federal agency, with authority, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, hydrous water, and any other natural features, as required by the City Planner or City Engineer for the Subject Property, including the total area of each.
 - b. All trees over six (6) inches in diameter, measuring four (4) feet above the ground. In cases of heavily wooded areas, indication of the outline of the wooded area and location of trees which are to remain.

- c. Existing contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey Sea level data. In cases of predominately-level topography, one (1) foot interval contours may be required.
- d. The location of any known man-made features on, or contiguous to, the subject property, including existing parcels and lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication and cable communication lines and facilities, bridges, culverts, drainage channels, all rights-of-way and easements, field drains, and well or spring protection areas.
- e. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
- f. All existing and proposed road and street locations and dimensions, with cross sections and vertical and horizontal profiles of all new roads and streets proposed to be dedicated to the City, showing the grades of all proposed roads and streets and identifying all proposed cuts and fills exceeding three (3) feet from the existing natural grade. The proposed radius of all centerline curves shall be shown.
- g. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all existing and proposed secondary water locations, as required by the Willard City Engineer.
- h. Existing and proposed storm drainage and flood control system including existing and proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed streetlights.
 - k. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.
 - l. The location of all existing and proposed trails.
- 8. Geotechnical Report. A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the United States Department of Agriculture Natural Resource Conservation Service. The location and height of all subsurface ground water areas shall be shown. A certified wetland determination will be required for areas containing hydric soils.
- 9. Preliminary Grading Plan. For subject properties of one (1) acre or larger, a Preliminary Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed-line contours, also using two (2) foot intervals, of the existing topography for the entire subject property. For subject properties that have predominately level topography, one (1) foot

contour intervals may be required by the City Planner or City Engineer. The Preliminary Grading Plan shall identify the proposed grading for each proposed lot or parcel to be created.

10. Preliminary Erosion Control Plan. When required by the City Planner or City Engineer, a Preliminary Erosion Control Plan for the subject property shall be provided and included with the preliminary subdivision application. The Preliminary Erosion Control Plan shall identify the proposed drainage and erosion control techniques and methods for each proposed lot or parcel to be created.
11. Preliminary Easement Plan. A Preliminary Easement Plan, identifying the location, size, and use of all existing and proposed easements.
12. Title Report. A Title Report for the entire subject property, provided by a Title Company, within thirty (30) business days from the date of filing the preliminary subdivision application in the Office of the City Planner.
13. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the preliminary subdivision application.
14. Evidence of Availability of Necessary Services. The following information is required to be presented as part of the preliminary subdivision application, necessary to establish the availability of required services to the subject property.
 - a. Culinary Water Requirements. As required and provided by the Act, the Willard City Public Works Director is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed culinary water system and culinary water sources.
 - b. Sanitary Sewer Requirements. As required and provided by the Act, the Public Works Director is hereby designated as the Sanitary Sewer Authority for the City. In certain conditions, the Public Works Director may choose to refer the applicant to the Bear River Health Department for further feedback and information. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed sanitary sewer system.
 - c. Subdivision Roads and Streets. The preliminary subdivision application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets and alignment for planned roads consistent with the Willard City General Plan. All subdivision roads and streets shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, necessary to review the proposed road and street system and road and street designs.
 - d. Storm Drainage and Flood Control Facilities. The preliminary

subdivision application shall identify the storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing storm drainage and flood control facilities. All subdivision storm drainage and flood control system facilities shall be designed as required by the Public Works Standards and, if applicable, the Willard City Flood Control District Standards, as adopted. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, and, if applicable, the Willard City Flood Control District Engineer, necessary to review the proposed storm drainage and flood control system.

e. Fire Protection, Suppression, and Access Facilities. The preliminary subdivision application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Fire Chief, necessary to review the proposed fire protection, fire suppression, and fire access facilities.

15. Special District or Special Service Area. If the subject property is located within the boundaries of a Special District or a Special Service Area, a written recommendation from the governing board of such District or Area shall be provided with the preliminary subdivision application materials, which recommendation may identify any potential impacts resulting from the proposed subdivision.

16. Additional Information and Materials. When the City Staff, Commission, or City Planner deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the City's Transportation Plan access management plans, adequacy of infrastructure and utilities, public safety and fire protection, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat preservation, and any other infrastructure, physical, environmental, or cultural matters.

17. A Site Management Plan for management of vegetation, dust, and trash.

E. Preliminary Subdivision Application - Engineering and Legal Review Fees. The applicant for preliminary subdivision application approval shall pay all costs incurred by the City for the provision of City engineering and legal services, provided by a licensed engineer, and attorney selected by the City, and necessary to review the preliminary subdivision application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil

engineering practices. Willard City may elect to adopt a schedule of fees to approximate the costs to the City for engineering and legal review in lieu of actual costs.

- F. City Planner to Determine a Complete Preliminary Subdivision Application. No later than thirty (30) business days of the preliminary subdivision application being filed in the Office of the City Planner, and prior to preliminary subdivision application review by the Planning Commission, acting as the ALUA, the City Planner shall complete the initial review of a complete subdivision and application submitted for ordinance review to determine that the preliminary subdivision application is complete and contains all the information and material required in Subsection D. The City Planner shall notify the applicant, in writing, of the result of such determination. The City Planner shall schedule the preliminary subdivision application for a public hearing with the Planning Commission, acting as the ALUA, with notice as required by 24.08.080, to review the application, hear any public comments, and make a determination.
- G. Determination of an Incomplete Preliminary subdivision application.
 - 1. If the City Planner determines the preliminary subdivision application is incomplete, the City Planner may not schedule the required public hearing with the Planning Commission.
 - 2. The City Planner shall notify the applicant, in writing, of the incomplete preliminary subdivision application and allow 14 business days, from the date of notification for the applicant to provide the required information. If the preliminary subdivision application remains incomplete after 14 business days from the date of notification, the City Planner shall return the entire incomplete application to the applicant.
 - 3. The applicant may not consider any preliminary subdivision application discussion to indicate a land use application approval or disapproval, either actual or implied. The applicant's failure to submit a complete preliminary subdivision application and obtain a written notice from the City Planner of completeness within one (1) calendar year from date of the initial submittal shall result in the expiration of the application.
- H. Appeal of Completeness Determination. Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Hearing Officer, acting as the Appeal Authority for determinations of application completeness.
- I. Review of Preliminary Subdivision Applications.
 - 1. Review Cycle as defined herein, means the applicant's submittal of a complete subdivision land use application; the City's review of that subdivision application no later than thirty (30) business days after the complete preliminary subdivision application is submitted; the City's response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a-604.2; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.
 - 2. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified

geological hazard areas.

3. The City may require a subdivision improvement plan to be submitted with the preliminary subdivision application.
 4. The City may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.
 5. No later than thirty (30) business days after the complete preliminary subdivision application, the City shall complete the initial review of a complete preliminary subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes.
 6. A City shall maintain and publish a list of the items comprising the complete preliminary subdivision application, including:
 - a. the application;
 - b. the owner's affidavit;
 - c. an electronic copy of all plans in PDF format;
 - d. the preliminary subdivision plat drawings; and
 - e. a breakdown of fees due upon approval of the application.
- J. Necessary Approvals and Recommendations. In lieu of a subdivision improvement plan, City Planner shall require the following approvals and recommendations to be included with the information and materials provided to the Commission, with the preliminary subdivision application, acting as the ALUA:
1. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the Public Works Director.
 2. Written approval of the feasibility of the proposed sanitary sewer system, provided by the Public Works Director.
 3. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
 4. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Box Elder County to allow the subdivision access from a County Road shall be provided.
 5. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer, and Willard City Flood Control, as applicable.
 6. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Chief.
 7. All necessary approvals and permits from Federal, State, and Local agencies, as may be applicable.
 8. If applicable, the approved re-zone request in writing, signed by the Willard City Mayor.
- K. Staff Comments. All staff review meeting comments, necessary approvals, and recommendations provided to the Planning Commission for consideration related to a preliminary subdivision application shall also be provided to the applicant no less than

three (3) business days, before any public hearing or public meeting at which the preliminary subdivision application is considered by the Commission.

- L. Planning Commission Public Hearing Required. Prior to the Planning Commission making a determination as the ALUA on the preliminary subdivision application, the Planning Commission shall conduct a public hearing in compliance with the notice requirements herein.
 - 1. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act
 - 2. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City;
 - 3. Mailed and addressed to the record owner of each land parcel located within three hundred (300) feet of the boundary of the Subject Property; or
 - 4. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and
 - 5. Posting on the Utah Public Notice Website.
 - 6. Notify each applicant of the date, time, and place of each public hearing, at least three (3) business days before the public hearing.
 - 7. Provide to each applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.
- M. Public Meetings. The City shall provide notice of the public meetings before the Planning Commission, acting as the ALUA, to consider a preliminary subdivision application as follows:
 - 1. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - a. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.
 - 2. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.
 - 3. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.
- N. Planning Commission Decision Required. The Planning Commission, acting as the ALUA, shall consider all information and materials received. The Planning Commission shall make a determination to approve, approve with modifications, or deny the preliminary subdivision application. The findings may include compliance or non-compliance with the subdivision ordinance public works standards, and the City's other land use ordinances and all other requirements, as applicable. The Planning Commission may recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the applicant for preliminary subdivision application approval. Such improvements, facilities, services, and amenities being determined to be consistent with the requirements of Section [8] herein, including:
 - 1. Road and street improvements, including layout, design, grading and surfacing.

2. Flood control facilities.
 3. Culinary Water facilities.
 4. Sanitary Sewer facilities.
 5. Storm Drainage facilities.
 6. Erosion Control facilities.
 7. Traffic Circulation and Access Management facilities.
 8. Lot, Parcel, and/or Site drainage.
 9. Park and open space areas and facilities.
10. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
 11. Fencing and buffering treatments.
 12. Street lighting facilities;
 13. Dry lines for secondary water system;
 14. Fiber optic infrastructure
 15. Streetscape enhancements, including street trees and park strip improvements;’
and
 16. Trails
- O. Administrative Land Use Authority Action. Following the consideration of the preliminary subdivision application, the decision by the Planning Commission, and all information and materials presented, the ALUA may approve the preliminary subdivision application, as presented, approve the preliminary subdivision application with requirements, or deny the preliminary subdivision application with findings of compliance or non-compliance with this Code and other land use codes and requirements, as applicable.
- P. Effect of Approval. Effective Period. The approval of a preliminary subdivision application, with or without requirements, by the ALUA shall not constitute a final approval of the subdivision by the City. A preliminary subdivision application approval may not authorize the division or development of the subject property but allows the applicant to proceed with the final subdivision application process. The continuing validity of a preliminary subdivision application approval is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. The approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date of approval by the ALUA, at the end of which time the applicant must have submitted a final subdivision application to the City Planner.
- Q. Effective Time Limitation. If a final subdivision application is not received by City Planner within one (1) year from the date of approval, the preliminary subdivision application approval subject property shall be rendered void and invalid.
- R. Site Preparation Work Prohibited. No excavation, and no grading or re-grading, shall take place on any subject property, except to meet percolation, geological, or other tests as required by Willard City or other governmental entities. No building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder.

- S. Appeal of Preliminary Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a preliminary subdivision application may appeal the decision to the Hearing Officer, acting as the Appeal Authority for preliminary subdivision application decisions by the ALUA.
- T. Appeal of Preliminary Subdivision Application Decisions.
 - 1. In any appeal exercised as provided in this subdivision ordinance, the decision of the Hearing Officer acting as the Appeal Authority shall be limited to whether the decision of the ALUA complied with the requirements of this subdivision ordinance.
 - 2. The Hearing Officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.
- U. Standard of Review for Appeals.
 - 1. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited by a preponderance of the evidence whether the decision was made in compliance with the requirements of Utah Code and this subdivision code .
 - 2. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA, of record, prior to the decision appealed.

AFTER AMENDMENT

24.80.040 Preliminary Subdivision Applications

- A. Intent and Purpose. Any preliminary subdivision application shall comply with all applicable provisions of the City land use and zoning ordinances and the procedural requirements for review as provided in Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2. Acting as the ALUA for preliminary subdivision applications, the Planning Commission shall identify and address all items applicable to a preliminary subdivision plan prior to approving, approving with requirements, or denying the preliminary subdivision application.
- B. The Planning Commission shall conduct a public hearing, complying with the notice requirements provided in Section 24.80.080.
- C. Following the close of the public hearing, the Planning Commission shall transmit its decision to the City Planner to act as the ALUA on the final subdivision application. The Planning Commission shall comply with Utah Code § 10-9a-509, unless a phasing sequence is required in an executed development agreement. Otherwise, the City shall accept and process the complete land use application, without regard to any other separate and distinct land use application.
- D. Requirements. Any preliminary subdivision application, filed with the City Planner, shall provide the following information to determine if the application is complete:
 - 1. The application form shall be signed by the owner of the subject property, or

authorized agent or agents of the owner, accompanied by an affidavit identifying the owner or agent as being duly authorized to represent the owner in all matters related to the preliminary subdivision application. Any person with a fee interest in the subject property shall be required to join in and sign the preliminary subdivision application.

2. The applicant shall pay the preliminary subdivision application fees, including the review fees, as established the Council's Schedule of Fees, or breakdown of fees, and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required herein.
3. Legal description. A complete and accurate legal description of the Subject Property.
4. An electronic copy of all plans in PDF format.
5. Subdivision Plat Improvement Plan
6. The preliminary subdivision plat drawings, by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner or City Engineer. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A copy of the Preliminary Subdivision Plat, in a format acceptable to the City's Geographic Information System, standards shall also be provided. The Preliminary Subdivision Plat shall show the following:
 - a. A vicinity map, at a minimum scale of one (1) inch = one-thousand (1,000) feet, clearly identifying the boundaries of the entire Subject Property, property accesses, adjoining subdivision outlines and names, as applicable, and relevant features located within one-half (1/2) mile of the boundary of the Subject Property. The location of the Subject property with respect to surrounding property and roads and streets, and the names of all adjoining property owners of record (within 300 feet of the property) shall be shown.
 - (1) The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, lot number, and total area of the Subject Property.
 - (2) Proposed road and street layout. All existing and proposed road and street names shall be shown.
 - (3) The boundaries, course, and dimensions of all lots and parcels created, by their boundaries, course, and extent, whether the Applicant proposes that any lot or parcel is intended to be used as a road or street or for any other public use and whether any such area is reserved or proposed for dedication for a public purpose.
 - (4) The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.

- (5) The lot or unit reference, or building reference, road, street or site address, the road and street name or coordinate address, acreage or square footage for all parcels, units, or lots proposed to be created. All parcels, units, or lots created shall be numbered consecutively.
 - (6) All existing and proposed rights-of-way and easements, including but not limited to grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easements including but not limited to trails, irrigation, streets, and access points.
 - (7) Each lot or parcel proposed to be created shall identify the required setback lines identifying the required front, side, and rear yard areas, as required by the zoning district in which the subject property is located.
- b. A title block, placed on the right side of the Preliminary Subdivision Plat showing:
- (1) Proposed Name or Designation of the Subdivision that is distinct from any other Willard City Subdivision already recorded in the Office of the Box Elder County Recorder.
 - (2) Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor responsible for preparing the Preliminary Subdivision Plat.
 - (3) Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.
7. Required Subject Property Information. The following information is required and shall be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:
- a. The identification of known natural features including, but not limited to, wetlands, as identified by the United States Army Corps of Engineers, areas of slope exceeding five percent (5%) grade, flood plains, flood channels, and drainage way, identified as required by a local, state, or federal agency, with authority, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, hydrous water, and any other natural features, as required by the City Planner or City Engineer for the Subject Property, including the total area of each.
 - b. All trees over six (6) inches in diameter, measuring four (4) feet above the ground. In cases of heavily wooded areas, indication of the outline of the wooded area and location of trees which are to remain.
 - c. Existing contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey Sea level data. In cases of predominately-level topography, one (1) foot interval contours may be required.
 - d. The location of any known man-made features on, or contiguous to,

- the subject property, including existing parcels and lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication and cable communication lines and facilities, bridges, culverts, drainage channels, all rights-of-way and easements, field drains, and well or spring protection areas.
- e. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
 - f. All existing and proposed road and street locations and dimensions, with cross sections and vertical and horizontal profiles of all new roads and streets proposed to be dedicated to the City, showing the grades of all proposed roads and streets and identifying all proposed cuts and fills exceeding three (3) feet from the existing natural grade. The proposed radius of all centerline curves shall be shown.
 - g. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all existing and proposed secondary water locations, as required by the Willard City Engineer.
 - h. Existing and proposed storm drainage and flood control system including existing and proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - j. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed streetlights.
 - k. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.
 - l. The location of all existing and proposed trails.
8. Geotechnical Report. A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the United States Department of Agriculture Natural Resource Conservation Service. The location and height of all subsurface ground water areas shall be shown. A certified wetland determination will be required for areas containing hydric soils.
 9. Preliminary Grading Plan. For subject properties of one (1) acre or larger, a Preliminary Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed-line contours, also using two (2) foot intervals, of the existing topography for the entire subject property. For subject properties that have predominately level topography, one (1) foot contour intervals may be required by the City Planner or City Engineer. The Preliminary Grading Plan shall identify the proposed grading for each proposed lot or parcel to be created.
 10. Preliminary Erosion Control Plan. When required by the City Planner or City Engineer, a Preliminary Erosion Control Plan for the subject property shall be provided and included with the preliminary subdivision application. The

Preliminary Erosion Control Plan shall identify the proposed drainage and erosion control techniques and methods for each proposed lot or parcel to be created.

11. Preliminary Easement Plan. A Preliminary Easement Plan, identifying the location, size, and use of all existing and proposed easements.
12. Title Report. A Title Report for the entire subject property, provided by a Title Company, within thirty (30) business days from the date of filing the preliminary subdivision application in the Office of the City Planner.
13. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the preliminary subdivision application.
14. Evidence of Availability of Necessary Services. The following information is required to be presented as part of the preliminary subdivision application, necessary to establish the availability of required services to the subject property.
 - a. Culinary Water Requirements. As required and provided by the Act, the Willard City Public Works Director is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed culinary water system and culinary water sources.
 - b. Sanitary Sewer Requirements. As required and provided by the Act, the Public Works Director is hereby designated as the Sanitary Sewer Authority for the City. In certain conditions, the Public Works Director may choose to refer the applicant to the Bear River Health Department for further feedback and information. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed sanitary sewer system.
 - c. Subdivision Roads and Streets. The preliminary subdivision application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets and alignment for planned roads consistent with the Willard City General Plan. All subdivision roads and streets shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, necessary to review the proposed road and street system and road and street designs.
 - d. Storm Drainage and Flood Control Facilities. The preliminary subdivision application shall identify the storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing storm drainage and flood control facilities. All subdivision storm drainage and flood control system facilities shall be designed as required by the Public Works Standards and, if applicable, the Willard

City Flood Control District Standards, as adopted. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, and, if applicable, the Willard City Flood Control District Engineer, necessary to review the proposed storm drainage and flood control system.

- e. Fire Protection, Suppression, and Access Facilities. The preliminary subdivision application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Fire Chief, necessary to review the proposed fire protection, fire suppression, and fire access facilities.
15. Special District or Special Service Area. If the subject property is located within the boundaries of a Special District or a Special Service Area, a written recommendation from the governing board of such District or Area shall be provided with the preliminary subdivision application materials, which recommendation may identify any potential impacts resulting from the proposed subdivision.
16. Additional Information and Materials. When the City Staff, Commission, or City Planner deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the City's Transportation Plan access management plans, adequacy of infrastructure and utilities, public safety and fire protection, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat preservation, and any other infrastructure, physical, environmental, or cultural matters.
17. A Site Management Plan for management of vegetation, dust, and trash.
- E. Preliminary Subdivision Application - Engineering and Legal Review Fees. The applicant for preliminary subdivision application approval shall pay all costs incurred by the City for the provision of City engineering and legal services, provided by a licensed engineer, and attorney selected by the City, and necessary to review the preliminary subdivision application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil engineering practices. Willard City may elect to adopt a schedule of fees to approximate the costs to the City for engineering and legal review in lieu of actual costs.
- F. City Planner to Determine a Complete Preliminary Subdivision Application. No later than thirty (30) business days of the preliminary subdivision application being filed in the Office of the City Planner, and prior to preliminary subdivision application review by the Planning Commission, acting as the ALUA, the City Planner shall complete the

initial review of a complete subdivision and application submitted for ordinance review to determine that the preliminary subdivision application is complete and contains all the information and material required in Subsection D. The City Planner shall notify the applicant, in writing, of the result of such determination. The City Planner shall schedule the preliminary subdivision application for a public hearing with the Planning Commission, acting as the ALUA, with notice as required by 24.08.080, to review the application, hear any public comments, and make a determination.

G. Determination of an Incomplete Preliminary subdivision application.

1. If the City Planner determines the preliminary subdivision application is incomplete, the City Planner may not schedule the required public hearing with the Planning Commission.
2. The City Planner shall notify the applicant, in writing, of the incomplete preliminary subdivision application and allow 14 business days, from the date of notification for the applicant to provide the required information. If the preliminary subdivision application remains incomplete after 14 business days from the date of notification, the City Planner shall return the entire incomplete application to the applicant.
3. The applicant may not consider any preliminary subdivision application discussion to indicate a land use application approval or disapproval, either actual or implied. The applicant's failure to submit a complete preliminary subdivision application and obtain a written notice from the City Planner of completeness within one (1) calendar year from date of the initial submittal shall result in the expiration of the application.

H. Appeal of Completeness Determination. Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Hearing Officer, acting as the Appeal Authority for determinations of application completeness.

I. Review of Preliminary Subdivision Applications.

1. Review Cycle as defined herein, means the applicant's submittal of a complete subdivision land use application; the City's review of that subdivision application no later than thirty (30) business days after the complete preliminary subdivision application is submitted; the City's response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a-604.2; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.
2. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
3. The City may require a subdivision improvement plan to be submitted with the preliminary subdivision application.
4. The City may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.
5. No later than thirty (30) business days after the complete preliminary subdivision application, the City shall complete the initial review of a

complete preliminary subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes.

6. A City shall maintain and publish a list of the items comprising the complete preliminary subdivision application, including:
 - a. the application;
 - b. the owner's affidavit;
 - c. an electronic copy of all plans in PDF format;
 - d. the preliminary subdivision plat drawings; and
 - e. a breakdown of fees due upon approval of the application.
- J. Necessary Approvals and Recommendations. In lieu of a subdivision improvement plan, City Planner shall require the following approvals and recommendations to be included with the information and materials provided to the Commission, with the preliminary subdivision application, acting as the ALUA:
 1. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the Public Works Director.
 2. Written approval of the feasibility of the proposed sanitary sewer system, provided by the Public Works Director.
 3. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.
 4. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Box Elder County to allow the subdivision access from a County Road shall be provided.
 5. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer, and Willard City Flood Control, as applicable.
 6. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Chief.
 7. All necessary approvals and permits from Federal, State, and Local agencies, as may be applicable.
 8. If applicable, the approved re-zone request in writing, signed by the Willard City Mayor.
- K. Staff Comments. All staff review meeting comments, necessary approvals, and recommendations provided to the Planning Commission for consideration related to a preliminary subdivision application shall also be provided to the applicant no less than three (3) business days, before any public hearing or public meeting at which the preliminary subdivision application is considered by the Commission.
- L. Planning Commission Public Hearing Required. Prior to the Planning Commission making a determination as the ALUA on the preliminary subdivision application, the Planning Commission shall conduct a public hearing in compliance with the notice requirements herein.
 1. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1)

of the Act

2. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City;
 3. Mailed and addressed to the record owner of each land parcel located within three hundred (300) feet of the boundary of the Subject Property; or
 4. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and
 5. Posting on the Utah Public Notice Website.
 6. Notify each applicant of the date, time, and place of each public hearing, at least three (3) business days before the public hearing.
 7. Provide to each applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.
- M. Public Meetings. The City shall provide notice of the public meetings before the Planning Commission, acting as the ALUA, to consider a preliminary subdivision application as follows:
1. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - a. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.
 2. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.
 3. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.
- N. Planning Commission Decision Required. The Planning Commission, acting as the ALUA, shall consider all information and materials received. The Planning Commission shall make a determination to approve, approve with modifications, or deny the preliminary subdivision application. The findings may include compliance or non-compliance with the subdivision ordinance public works standards, and the City's other land use ordinances and all other requirements, as applicable. The Planning Commission may recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the applicant for preliminary subdivision application approval. Such improvements, facilities, services, and amenities being determined to be consistent with the requirements of Section [8] herein, including:
1. Road and street improvements, including layout, design, grading and surfacing.
 2. Flood control facilities.
 3. Culinary Water facilities.
 4. Sanitary Sewer facilities.
 5. Storm Drainage facilities.
 6. Erosion Control facilities.
 7. Traffic Circulation and Access Management facilities.
 8. Lot, Parcel, and/or Site drainage.

9. Park and open space areas and facilities.
 10. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
 11. Fencing and buffering treatments.
 12. Street lighting facilities;
 13. Dry lines for secondary water system;
 14. Fiber optic infrastructure
 15. Streetscape enhancements, including street trees and park strip improvements;’ and
 16. Trails
- O. Administrative Land Use Authority Action. Following the consideration of the preliminary subdivision application, the decision by the Planning Commission, and all information and materials presented, the ALUA may approve the preliminary subdivision application, as presented, approve the preliminary subdivision application with requirements, or deny the preliminary subdivision application with findings of compliance or non-compliance with this Code and other land use codes and requirements, as applicable.
- P. Effect of Approval. Effective Period. The approval of a preliminary subdivision application, with or without requirements, by the ALUA shall not constitute a final approval of the subdivision by the City. A preliminary subdivision application approval may not authorize the division or development of the subject property but allows the applicant to proceed with the final subdivision application process. The continuing validity of a preliminary subdivision application approval is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. The approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date of approval by the ALUA, at the end of which time the applicant must have submitted a final subdivision application to the City Planner.
- Q. Effective Time Limitation. If a final subdivision application is not received by City Planner within one (1) year from the date of approval, the preliminary subdivision application approval subject property shall be rendered void and invalid.
- R. Site Preparation Work Prohibited. No excavation, and no grading or re-grading, shall take place on any subject property, except to meet percolation, geological, or other tests as required by Willard City or other governmental entities. No building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder.
- S. Appeal of Preliminary Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a preliminary subdivision application may appeal the decision to the Hearing Officer, acting as the Appeal Authority for preliminary subdivision application decisions by the ALUA.
- T. Appeal of Preliminary Subdivision Application Decisions.
1. In any appeal exercised as provided in this subdivision ordinance, the decision of the Hearing Officer acting as the Appeal Authority shall be limited to

whether the decision of the ALUA complied with the requirements of this subdivision ordinance.

2. The Hearing Officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.

U. Standard of Review for Appeals.

1. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited by a preponderance of the evidence whether the decision was made in compliance with the requirements of Utah Code and this subdivision code .
2. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA, of record, prior to the decision appealed.

SECTION 4: AMENDMENT “24.08.140 Maximum Height Of Accessory Buildings” of the Willard City Zoning Code is hereby *amended* as follows:

BEFORE AMENDMENT

24.08.140 Maximum Height Of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or twenty feet.

AFTER AMENDMENT

24.08.140 Maximum Height Of Accessory Buildings

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or twenty feet. For Accessory Dwellings refer to the height regulations in Section 24.96 of the Willard City Zoning Code.

SECTION 5: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: 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 7: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

SECTION 8: DIRECTIVE TO STAFFThe City Council hereby directs the City Recorder, in consultation with the City Attorney and Planning staff, to make any non-substantive changes necessary to correct typographical errors, formatting, section numbering, or cross-references in order to codify this ordinance into the Willard City Code.

PASSED AND ADOPTED BY THE WILLARD CITY COUNCIL

_____.

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

Presiding Officer

Attest

Travis Mote, Mayor, Willard City

Susan O Bray, Recorder, Willard City