

TOQUERVILLE CITY

ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTATING ARTICLE C (PC - PLANNED COMMERCIAL DISTRICT) OF CHAPTER 12 (COMMERCIAL DISTRICTS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO ESTABLISH THE PROCEDURE AND REQUIRED SUBMITTAL CONTENTS TO APPLY FOR AND OBTAIN A RE-ZONE OF ONES PROPERTY TO THE (PC) PLANNED COMMERCIAL ZONE.

RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. 10-9a-501.

WHEREAS the City Council has upon recommendation from City Staff and the Toquerville City Planning Commission determined that it is necessary and appropriate for the City to amend Article C (Planned Commercial Zone) of Chapter 12 (Commercial Districts) to establish the procedure for and required submittal contents in applying for and obtaining a re-zone of ones property to the City’s PC – Planned Commercial Zone.

ORDINANCE

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

1. COMPLETE AMENDMENT AND RESTATEMENT OF ARTICLE C, CHAPTER 12 OF TITLE 10 OF THE TOQUERVILLE CITY CODE. Article C (PC – Planned Commercial Zone) of Chapter 12 (Commercial Districts) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

ARTICLE C. (PC) PLANNED COMMERCIAL ZONE

SECTION:

10-12C-1: Purpose

10-12C-2: Allowed Use Table

10-12C-3: General Requirements

10-12C-4: Content of Written Text/Site Plan

10-12C-5: Physical Restrictions

10-12C-1: PURPOSE:

The purpose of the PC Zone is to provide areas where a combination of destination-oriented businesses, retail commercial, entertainment and related uses may be established, maintained and protected to serve both residents and nonresidents of the City. Typical uses include large scale, master planned commercial centers with outlying commercial pads, big box stores and offices.

10-12C-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in Planning Commercial Districts. Any use not specified as permitted, conditional, or conditional with standards/permit is deemed prohibited.

<i>USE</i>	
<i>Agricultural sales and service</i>	<i>P</i>
<i>Animal hospital</i>	<i>P</i>
<i>Bank</i>	<i>P</i>
<i>Business equipment rental, sales, service</i>	<i>P</i>
<i>Car wash</i>	<i>P</i>
<i>Child daycare</i>	<i>P</i>
<i>Church or place of worship</i>	<i>P</i>
<i>Club or service organization</i>	<i>P</i>
<i>Convalescent care facility</i>	<i>P</i>
<i>Convenience store</i>	<i>P</i>
<i>Cultural service</i>	<i>P</i>
<i>Golf course</i>	<i>P</i>
<i>Hospital</i>	<i>P</i>
<i>Hotel</i>	<i>P</i>
<i>Laundromat</i>	<i>P</i>
<i>Post Office</i>	<i>P</i>
<i>Public or quasi-public uses for essential public services</i>	<i>P</i>
<i>Public utility uses</i>	<i>P</i>
<i>Reception center</i>	<i>P</i>
<i>Restaurant/fast food establishment</i>	<i>P</i>
<i>Shopping center</i>	<i>P</i>
<i>Vehicle, sales and service</i>	<i>P</i>
<i>Auditorium</i>	<i>C</i>
<i>Bus terminal</i>	<i>C</i>
<i>Commercial kennel</i>	<i>C</i>
<i>Liquor store</i>	<i>C</i>
<i>Motel</i>	<i>C</i>
<i>Pawnshop</i>	<i>C</i>
<i>Recreational vehicle park</i>	<i>C</i>
<i>Residential treatment facility</i>	<i>C</i>
<i>Residential facility for persons with a disability. (see 10-17-2)</i>	<i>CS</i>
<i>Tattoo parlor</i>	<i>C</i>
<i>Tavern</i>	<i>C</i>

<i>Wholesale and warehousing</i>	<i>C</i>
<i>Other uses similar to the above and judged to be in harmony with the character intent of the zoning district</i>	<i>C</i>
<p style="text-align: center;"><i>Legend:</i> <i>P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit, NA = Not Allowed</i></p>	

10-12C-3: GENERAL REQUIREMENTS:

Planned commercial districts shall comply with the following at the time of the initial zone change application.

A. Planned Commercial Initial Zone Change Application Requirements: Each zone change application submitted pursuant to this Article shall include the following:

- 1. A detailed narrative of the proposed development of the entire property.*
- 2. A detailed list of proposed land uses and proposed densities.*
- 3. A detailed site plan showing the location of the roads, development areas, open spaces, and phasing plan (if any).*

B. Any zone change shall be approved by the adoption of an ordinance by the city council, which ordinance shall not be effective until the recording of a final plat or approval of a final site. In no event shall the effective date of any zone change ordinance extend beyond one (1) year of the date of adoption.

C. Preliminary Plat or Detailed Site Plan: For all planned commercial projects that are proposed to be subdivided, the applicant shall prepare and submit a preliminary plat or detailed site plan at the same time as the zone change application for the planned commercial zone. To be considered for concurrent review, the application must contain all preliminary plat requirements set forth in Chapter 19, Article C, Section 3 of this title, the submittal requirements set forth in Chapter 6, Section 1 of this Title, and the requirements set forth in Section 4 of this Chapter, as amended.

D. Commercial Design Standards: All planned commercial projects shall comply with the general commercial design standards set forth in Chapter 21, article A, of this title and the City's current standards and specifications.

10-12C-4: CONTENT OF WRITTEN TEXT/SITE PLAN:

A. Use of Land: The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

B. Buildings: The text shall indicate the type, character, and proposed height of

all buildings. The plot plan, elevation, and perspective drawings shall be prepared by a licensed professional in the state of Utah to help the Planning Commission and City Council better understand the proposal.

C. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

D. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the planning staff.

E. Landscape Plan: A landscape plan showing the general location of lawn area, shrubs, trees, and fencing shall be submitted. The landscape plan shall comply with Chapter 21, article A, section 5 of this title.

F. Utilities Underground: All utilities, existing and proposed, shall be shown. All proposed utilities shall be underground unless otherwise approved. Transformer equipment shall be screened from the streets and adjacent properties.

G. Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, freeways, and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

H. Lighting Plan: The plans submitted shall include a general lighting plan indicating the location of lights to be installed on-site.

I. Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc.

J. Traffic Conditions: The effect of the development on traffic conditions on abutting streets shall be shown. A preliminary traffic impact study shall be required as deemed necessary by city staff.

K. Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.

L. Truck Facilities: The location, arrangement, and dimensions of truck loading and unloading facilities.

M. Off-Street Parking: The arrangement and adequacy of off-street parking facilities.

N. Surfacing, Lighting of Parking Facilities: The surfacing and lighting of off-street parking facilities.

O. Circulation Pattern: The circulation patterns within the boundaries of the development.

P. Planning Objectives: The text material shall set forth planning objectives to be accomplished through the development of the project and show that the requested PC zoning is in conformance with the City general plan and complies with the requested zoning designation.

Q. Improvements: Location, grades, widths, and type of all improvements proposed for all streets.

R. Line Locations: A plan showing the location of all water, sewer, and drainage lines in and through the project.

S. Deed Restrictions; Covenants: Copies of any deed restrictions, restrictive covenants, bylaws, architectural controls, or other requirements that may be appurtenant to the proposed development.

T. Signage: The size, location, design, and nature of signs, if any, and the intensity and direction of area flood lighting shall be detailed in the text materials.

U. Grading and Drainage Plan: A grading and drainage plan, accompanied by a drainage report, shall be submitted with the site development plan.

V. Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application.

W. Proposed Use Not Detrimental: It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of the persons residing in the vicinity of the planned commercial development or that any impacts are sufficiently mitigated.

10-12C-5: PHYSICAL RESTRICTIONS:

<i>Minimum lot area</i>	<i>5 acres</i>
<i>Maximum height - main building</i>	<i>35 feet (up to 50 ft with conditional use)</i>
<i>Maximum height - accessory</i>	<i>20 feet</i>
<i>Front yard setback</i>	<i>25 feet</i>
<i>Rear yard setback</i>	<i>10 feet</i>
<i>Interior side yard setback</i>	<i>10 feet</i>
<i>Street side yard setback</i>	<i>20 feet</i>

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications

of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this _____ day of _____, 2023, based upon the following vote:

Councilmember:

Ty Bringhurst	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder