

TOQUERVILLE CITY

ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY SECTION 4, CHAPTER 15, PART D OF TITLE 10 OF THE TOQUERVILLE CITY CODE ELIMINATING THE MULTIPLE USE ZONING DISTRICT AS A POSSIBLE ZONING DISTRICT WHERE AN EXTRACTION INDUSTRIES OVERLAY ZONING DESIGNATION COULD BE APPLIED FOR AND PERMITTED.

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 presently has within its land use regulations found in Title 10, Chapter 15, Part D a means by which an applicant can apply for an obtain an overlay zoning designation and a permit to perform various types of extraction activities for commercial purposes known as the Extraction Industries Overlay Zone (“EIO” and “EIO Permit”).

WHEREAS Presently the EIO zone and corresponding EIO Permit are capable of being applied for and obtained so long as the extraction activities allowed in Part are conducted wholly within Highway Commercial (HC) zone and the Multiple Use 20 (MU-20) zone.

WHEREAS the City Council has, upon recommendation from the City’s Staff and the Toquerville City Planning Commission (“Planning Commission”), determined that the uses and activities allowed by the EIO zone and permit are neither conducive nor compliant with the purposes of the MU-20 zone (as found in Section 10-11A-1 of the Toquerville City.

WHEREAS the City Council acting upon recommendation of the Planning Commission and the City Staff has determined that Title 10 (Land Use Regua) Chapter 15 (Overlay Zones), Part D (Extraction Industries Overlay Zone), Section 4 (Zoning Districts) should be amended and restated to eliminate the MU-20 Zone as a zoning district in which one may apply for and obtain an EIO zoning designation.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT OF SECTION 4, CHAPTER 15, PART D, TITLE 10 OF THE TOQUERVILLE CITY CODE. Section 4 (Consistency Policy) of Chapter 15 (Overlay Zones) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-15D-4: DISTRICT APPLICABILITY LIMITATION:

The extraction industry overlay zone shall be applied and permitted only in the Highway Commercial Zoning District (H-C), as established in Chapter 12, Article B of this Title.

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 November, 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