

TOQUERVILLE CITY PLANNING COMMISSION

August 14, 2024 at 6:00 p.m.

212 N. Toquer Blvd.
Toquerville, Utah 84774

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD ON THE FOLLOWING ITEMS DURING THE REGULAR PLANNING COMMISSION MEETING AUGUST 14, 2024, CONVENING AT 6:00 P.M.:

1. Public input is sought on a Preliminary Plat Application for Firelight Phase 3 submitted by SRC Landholdings, located at the intersection of Honey Mesquite Drive and Trailhead Drive. Tax ID:# T-3-1-3-330-PV1. Current zoning is R-1-20 Single Family Residential.
2. Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-13A: BMP Business and Manufacturing Zone to create an allowed use table, modify physical restrictions and special regulations for business and manufacturing zones.

Copies of applications and ordinance drafts are available for review at the Toquerville City Office (212 North Toquer Boulevard)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Daisy Fuentes at the City Office 635-1094, at least 48 hours in advance. This Notice will be posted on the State website at <http://pmn.utah.gov>, posted on the Toquerville City website at www.toquerville.org, and the City Office Board this August 1, 2024, by Toquerville City Recorder, Daisy Fuentes.

Toquerville City
PRELIMINARY PLAT APPLICATION

Fee: \$1,000.00

Name: SRC LAND HOLDINGS, LLC Telephone: [REDACTED]

Address: [REDACTED] Fax No. [REDACTED]

Email: [REDACTED]

Agent (If Applicable): DEL WETENKAMP Telephone: 435-673-8586Address/Location of Subject Property: INTERSECTION OF HONEY MESQUITE DR. & TRAILHEAD DR.Tax ID of Subject Property: T-3-1-3-330-PV1 Zone District: _____Proposed Use: (Describe, use extra sheet if necessary) SINGLE FAMILY RESIDENTIAL SUBDIVISION
10 LOTS

Submittal Requirements: The preliminary plat application shall provide the following:

1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:

- ☒ a. The proposed name of the subdivision.
- ☒ b. The location of the subdivision, including the address and section, township and range.
- ☒ c. The names and addresses of the owner or subdivider, if other than the owner.
- ☒ d. Date of preparation, and north point.
- ☒ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Title 10, City Subdivision regulations.

2. Existing Conditions: The preliminary plat shall show:

- ☒ a. The location of the nearest monument.
- ☒ b. The boundary of the proposed subdivision and the acreage included.
- ☒ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
- ☒ d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
- ☒ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
- ☒ f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.
- ☒ g. Existing Toquerville Canal Company facilities; other ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- ☒ h. Contours at vertical intervals not greater than five (5) feet.
- ☒ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche,

gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.

☒ j. Information on whether property is located in desert tortoise take-area.

3. Proposed Plan: The subdivision plans shall show:

☒ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.

☒ b. The layout, numbers and typical dimensions of lots.

☒ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

☒ d. Easements for water, sewers, drainage, utilities, lines and other purposes.

☒ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat.)

☒ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.

☒ g. Approximate radius of all center line curves on highways or streets.

☒ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)

☒ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.

☒ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.

☐ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.

☒ l. Will this subdivision be phased? If yes, show possible phasing lines.

☒ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

4. Required copies of plans:

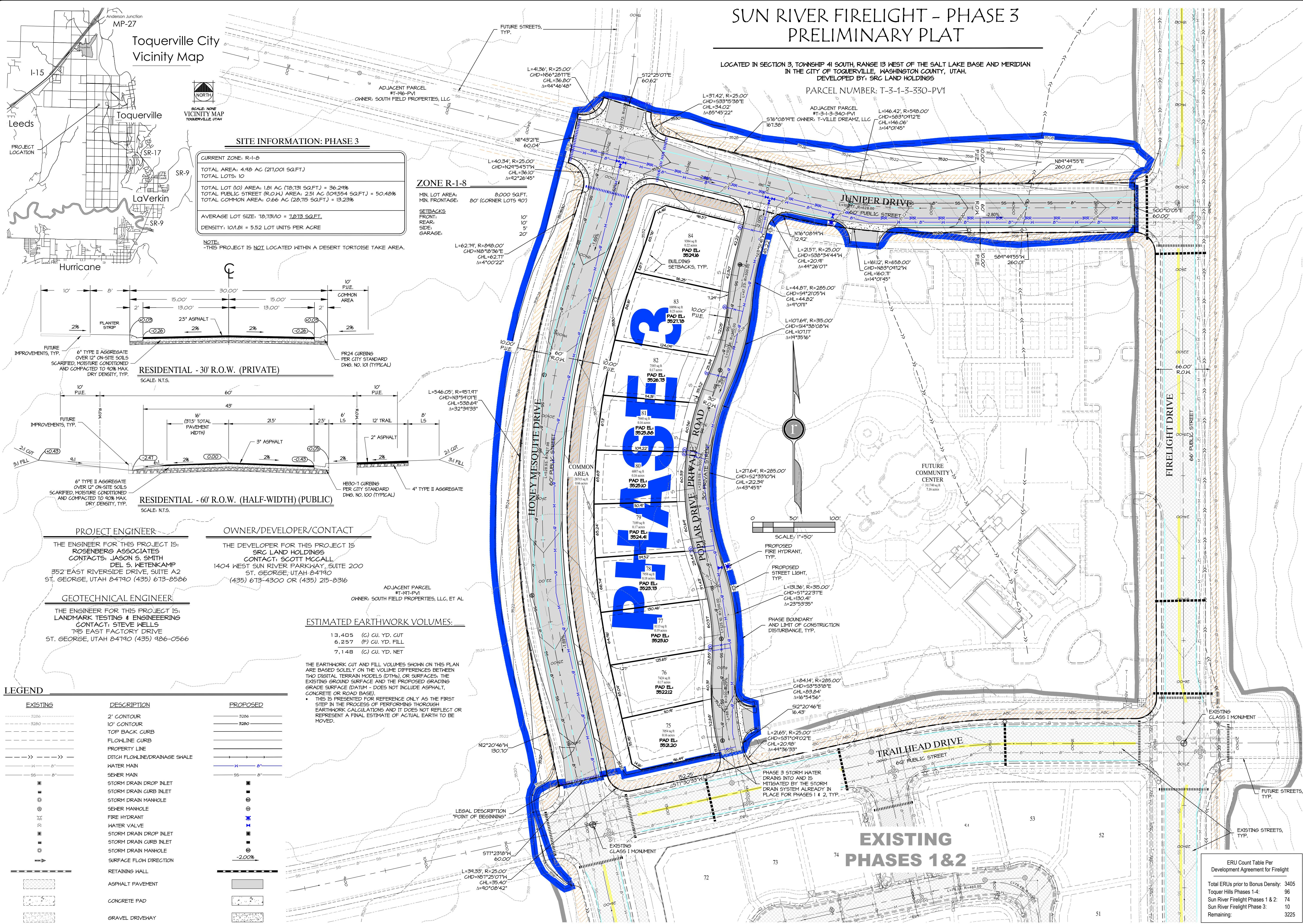
☒ a. Three copies of all full scale drawings.

☒ b. One copy of each drawing on a 11 x 17 inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).

5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the third Wednesday of each month at 6:30 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 noon 10 full business days before the Planning Commission meeting at which you plan for your application to be heard.

***** (Office Use Only) *****
DATE RECEIVED: 7-3-24 DATE PAID: 7-3-24 PAYMENT TYPE: Check RECEIVED BY: 
Handwritten COMPLETE: YES ☒ NO ☐ DATE APPLICATION DEEMED TO BE
COMPLETE: 7-29-24
COMPLETION DETERMINATION MADE BY: Emily J. [Signature]



DATE: 01/25/2024
JOB NO.: 1573-22-011
DESIGNED BY: DSN
CHECKED BY: JSS
DWG: Preliminary Plat

REVISIONS

ROSENBERG ASSOCIATES
CIVIL ENGINEERS • LAND SURVEYORS

352 East Riverside Drive
Suite A-2
St. George, Utah 84790
Ph (435) 673-8586 Fax (435) 673-8397
www.rosenberg.com

PRELIMINARY PLAT
FOR
SUN RIVER FIRELIGHT - PHASE 3
TOQUERVILLE, UTAH

PROFESSIONAL ENGINEER
No. 780292
JASON S. SMITH
01/25/2024
STATE OF UTAH

SHEET
1
1 OF 1 SHEETS

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY **TITLE 10, CHAPTER 13, ARTICLE A OF THE TOQUERVILLE CITY CODE TO CREATE AN ALLOWED USE TABLE, MODIFY PHYSICAL RESTRICTIONS AND SPECIAL REGULATIONS FOR BUSINESS AND MANUFACTURING ZONES.**

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.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT. TITLE 10, CHAPTER 13, ARTICLE A of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 13
BUSINESS, MANUFACTURING ZONES

ARTICLE A. BMP BUSINESS AND MANUFACTURING ZONE
SECTION:

10-13A-1: Purpose

10-13A-2: ~~Permitted Uses~~ Allowed Use Table

~~10-13A-3: Conditional Uses~~

~~10-13A-43: Physical Restrictions~~

~~10-13A-54: Special Regulations~~

10-13A-1: PURPOSE:

The purpose of the BMP Zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing and limited retail uses. ~~Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, medical offices and research facilities.~~ (Ord. 2017.07, 6-8-2017)

10-13A-2: ~~PERMITTED USES~~ ALLOWED USE TABLE:

~~Animal hospital.~~

~~Bank.~~

~~Business equipment, sales, rental, supplies.~~

~~Car wash.~~

~~Church.~~

~~Club or service organization.~~

~~Construction sales and service.~~

~~Convenience store.~~

~~Cultural services.~~

~~Daycare center.~~

~~Funeral home.~~

~~Garden center.~~

~~Gasoline service station.~~

~~General manufacturing (light and clean manufacturing).~~

~~Golf course.~~

~~Hospital.~~

~~Hostel.~~

~~Hotel.~~

~~Laundry and dry cleaning.~~

~~Operations center.~~

~~Post office.~~

~~Public or quasi-public uses for essential public services.~~

~~Public utility uses. (Ord. 2017.07, 6-8-2017; amd. Ord. 2021.19, 7-21-2021)~~

Only the following uses set forth in the table below are allowed in the Business Manufacturing Zone.

<u>Use</u>	
<u>Agricultural Industry</u>	<u>C</u>
<u>Animal hospital</u>	<u>P</u>
<u>Athletic club</u>	<u>P</u>
<u>Bank or financial institution</u>	<u>P</u>
<u>Bus terminal</u>	<u>C</u>
<u>Business equipment, sales, rental, supplies</u>	<u>P</u>
<u>Car wash</u>	<u>P</u>
<u>Church or place of worship</u>	<u>P</u>
<u>Clean indoor manufacturing facility</u>	<u>P</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Construction sales and service</u>	<u>P</u>
<u>Convalescent care facility</u>	<u>C</u>
<u>Convenience store</u>	<u>P</u>
<u>Cultural services</u>	<u>P</u>

<u>Daycare center</u>	<u>P</u>
<u>Funeral home</u>	<u>P</u>
<u>Garden center</u>	<u>P</u>
<u>Gasoline service station</u>	<u>P</u>
<u>General manufacturing (light and clean manufacturing)</u>	<u>P</u>
<u>Hospital</u>	<u>P</u>
<u>Hostel</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>
<u>Laundry and dry cleaning</u>	<u>P</u>
<u>Medical Office</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Pawnshop</u>	<u>C</u>
<u>Pest control and extermination</u>	<u>P</u>
<u>Post office</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Reception center</u>	<u>C</u>
<u>Recreation and entertainment</u>	<u>C</u>
<u>Rehabilitation facility</u>	<u>C</u>
<u>Research facility</u>	<u>C</u>
<u>Residential facility for persons with a disability (see 10-17-2)</u>	<u>CS</u>
<u>Residential facility for troubled youth</u>	<u>C</u>
<u>Restaurant</u>	<u>P</u>
<u>Service retail</u>	<u>P</u>
<u>Transitional housing facility</u>	<u>C</u>
<u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>	<u>CS</u>
<u>Other uses similar to the above and judged by the Planning Commission to be in harmony with the character intent of this zone.</u>	<u>C</u>
<u>Legend:</u> <u>P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit, ~~NA = Not~~</u> <u>Allowed</u>	

~~10-13A-3: CONDITIONAL USES:~~

~~Agricultural industry.~~

~~Bus terminal.~~

~~Commercial kennel.~~

~~Convalescent care facility.~~

~~Liquor store.~~

~~Pawnshop.~~

~~Reception center.~~

~~Recreation, outdoor.~~

~~Rehabilitation facility.~~

~~Residential facility for persons with a disability¹. This use shall require a permit under section 10-17-2 of this title.~~

~~Residential facility for troubled youth.~~

~~Transitional housing facility. (Ord. 2012.04, 1-18-2012; amd. 2014 Code; Ord. 2016.04, 6-9-2016; Ord. 2021.19, 7-21-2021)~~

~~(Ord. 2012.04, 1-18-2012)~~

10-13A-4³: PHYSICAL RESTRICTIONS:

Minimum frontage	80 feet (unless otherwise approved by Conditional Use Permit)
Minimum lot area	~~5-acres~~ 20,000 ~~sf~~ .5 acre
Maximum height - main building	35 feet
Maximum height - accessory	20 feet
Front yard setback	25 feet
Rear yard setback	10 feet
Interior side yard setback	10 feet
Street side yard setback	20 feet
Minimum Zone Area	~~3-acres~~ contiguous

~~(Ord. 2012.04, 1-18-2012)~~

10-13A-5⁴: SPECIAL REGULATIONS:

- A. **Increased Height:** Notwithstanding the height limitations shown in section 10-13A-5⁴ of this ~~a~~ Article a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit, ~~to a maximum height of one hundred feet (100'). Provided, however, that within one hundred feet (100') of the boundary of an adjoining agricultural, residential, or commercial zone, no building shall exceed the greater of:~~
- ~~1. The height limit established by such zone; or~~
 - ~~2. The height limit permitted by a conditional use permit for a building on an abutting lot within such zone.~~

B. Setbacks Abutting a Residential Zone: When abutting a residential zone, the minimum setback shall be required plus one additional foot for every foot of building height over thirty (30) feet.

C. Protection of Residential Zones: Where any business and manufacturing zone adjoins any residential zone, as part of the required setbacks, there shall be provided and maintained along such property line a six (6) foot solid masonry wall and a ten (10) foot landscape buffer to protect the adjoining residential or agricultural property. The landscape buffer shall include the strategic planting of trees and shrubs to provide adequate screening. All landscaping shall comply with 10-21-5 of the Toquerville City Code.

D. ~~B.~~ Processing Within An Enclosed Building: All processing and/or assembly of goods shall be conducted completely within an enclosed building, unless otherwise specified in this section.

E. ~~C.~~ Outdoor Storage: Outdoor storage of materials, or finished or semifinished goods shall be located at least one hundred (100) feet from any residential zone boundary. (Ord. 2016.04, 6-9-2016)

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 _____ 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder