

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY **TITLE 10, CHAPTER 4 AND CHAPTER 8 OF THE TOQUERVILLE CITY CODE TO REFERENCE THE ANNEXATION POLICY PLAN CRITERIA AND PROCEDURES.**

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 ELIMINATION. TITLE 10, CHAPTER 4 of the Toquerville City Code is hereby amended and eliminated in its entirety as follows:

~~CHAPTER 4~~

~~ANNEXATION CRITERIA AND PROCEDURES~~

~~SECTION:~~

~~10-4-1: Title~~

~~10-4-2: Statement Of Purpose~~

~~10-4-3: Content Of Plan; Requirements~~

~~10-4-4: Compliance With Local And State Law And Policy~~

~~10-4-5: Processing And Review Fees~~

~~10-4-6: Zoning/Density Of Annexed Property~~

~~10-4-7: General Findings And Conclusions Regarding Annexation~~

~~10-4-8: Annexed Property~~

2. AMENDMENT AND RESTATEMENT. TITLE 10, CHAPTER 8 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 8

ZONING DISTRICTS AND MAP

SECTION:

10-8-1: Zone Districts And Zone District Map

10-8-2: Use And/Or Modification Of Land And Buildings Consistent

10-8-3: Amendments To Zone District Map

10-8-4: Vested Rights; Pending Ordinances

10-8-5: Zoning of Annexed Property

10-8-1: ZONE DISTRICTS AND ZONE DISTRICT MAP:

A. In order to carry out the purposes of this title, zone districts have been established as described in this title and identified on a zone district map that is made part of this title by reference. In the interpretation of the map, the zone district boundary lines are intended to conform to the property lines or along the centerlines of the public right of way, unless such boundary lines are established by fixed dimension shown on the map. If zone district lines diverge from lot lines, such lot lines shall be considered to be on the property boundary.

B. Each zone district description in this title includes one or more of the following categories of regulations:

1. Purpose;
2. Permitted uses;
3. Conditional uses;
4. Physical requirements. (Ord. 2012.04, 1-18-2012)

10-8-2: USE AND/OR MODIFICATION OF LAND AND BUILDINGS CONSISTENT:

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this title; and any use of land, building or premises established, conducted or maintained contrary to provisions of this title shall be, and the same hereby is, declared to be unlawful and a public nuisance. The city attorney, upon request of the mayor or city council, shall take such steps as necessary to cause removal of such structures and/or uses. This shall not apply to nonconforming uses, preexisting the adoption of this title that are properly maintained and not enlarged or abandoned as provided in Utah Code Annotated section 10-9a-511, as amended. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

10-8-3: AMENDMENTS TO ZONE DISTRICT MAP:

The zone district map may be amended as provided in this section. The city council may establish a fee for zone change applications to cover the cost of processing and review.

A. Review Process:

1. **Planning Commission:** The proposed amendment shall be submitted to the planning commission with documentation as prescribed in chapter 6 of this title. The planning commission may recommend approval, modification and approval, or denial of the proposed zone amendment following the procedures described by Utah Code Annotated and this title, and in accordance with the criteria in this section.

2. **City Council:** Within a reasonable time after a proposed amendment is submitted to the planning commission, the planning commission shall submit its recommendations on proposed amendments to the city council for its consideration. Failure of the planning commission to table or submit its recommendations to the city council within a reasonable time shall be deemed a recommendation of approval of the proposed amendment by the planning commission.

3. **Public Hearing:** Upon receipt of a completed application, the planning commission shall advertise and convene a public hearing pursuant to section 10-

1-8 of this title to receive public comment. Within a reasonable time after the public hearing, the planning commission shall recommend approval, approval with conditions, or denial of the proposed amendment to the city council.

B. *Standards For Review:* No zone district amendment shall be approved unless the planning commission finds that the amendment meets the following standards and conditions:

1. *Addresses a recognized and demonstrated need in the community;*
2. *Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass and circulation;*
3. *Will not result in an over intensive use of the land or excessive depletion of natural resources;*
4. *Will not have a material adverse effect on community capital improvement programs;*
5. *Will not require a level of community facilities and services greater than that which is available;*
6. *Will not result in undue traffic congestion and traffic hazards;*
7. *Will not cause significant air, odor, water, light or noise pollution;*
8. *Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the city; and*
9. *Will meet the requirements of the general plan.*

C. *Diversity Of Ownership And Minimum Area For Zone Designation:* Neither the size of a zone district nor the number of landowners within a zone district shall be considered as evidence of the illegality of a zone district or a proposed zone designation. (Ord. 2012.04, 1-18-2012)

10-8-4: VESTED RIGHTS; PENDING ORDINANCES:

Applicants of a proposed zone amendment shall obtain vested rights in any zone amendment upon the occurrence of the events, and subject to the conditions set forth in subsection 10-1-8 of this title. (Ord. 2012.04, 1-18-2012)

10-8-5: ZONING OF ANNEXED PROPERTY:

Upon successful completion of the requirements of the current Annexation Policy Plan adopted pursuant to Utah Code Ann. § 10-2-401.5 all annexation procedures, the annexed property shall possess the zoning designation of Multiple Use 20 (MU-20) unless the applicant has sought and obtained a different zoning designation through the procedures outlined in the Annexation Policy Plan.

3. **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.

4. **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.

5. 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