

TOQUERVILLE CITY
ORDINANCE 2024.XX

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY TITLE 10, CHAPTER 12, ARTICLE B OF THE TOQUERVILLE CITY CODE TO CREATE AN ALLOWED USE TABLE, MODIFY THE PHYSICAL RESTRICTIONS AND CREATE SPECIAL REGULATIONS WITHIN HIGHWAY COMMERCIAL 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 12, ARTICLE B of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 12
COMMERCIAL DISTRICTS

ARTICLE B. H-C HIGHWAY COMMERCIAL ZONE

SECTION:

10-12B-1: Purpose

10-12B-2: ~~Permitted Uses~~ Allowed Use Table

~~10-12B-3: Conditional Uses~~

10-12B-4: Physical Restrictions

10-12B-4: Special Regulations

10-12B-1: PURPOSE:

The purpose of this zone is to provide commercial areas on major highways for the location of travel, service, and highway oriented commercial uses.
(Ord. 2012.04, 1-18-2012)

10-12B-2: ~~PERMITTED USES~~ ALLOWED USE TABLE:

The following uses in buildings under five thousand (5,000) square feet shall be permitted uses:

Accessory uses and buildings customarily incidental to these permitted uses.

~~Automobile service, repair, gas stations, auto-accessory outlets.
Commercial nursery.
Drugstore.
Grocery store.
Motels.
Other retail stores.
Overnight camping facilities.
Public or quasi-public uses for essential public services.
Public utility uses.
Recreational vehicle parks.
Restaurant or fast food establishments.
Roadside stand for sale of agricultural produce and related items.
Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2012.04, 1-18-2012; amd. Ord. 2021.17, 7-21-2021)~~

Only the following uses set forth in the table below are allowed in the Highway Commercial Zone.

<u>Use</u>	
<u>Animal hospital</u>	<u>P</u>
<u>Antique store</u>	<u>P</u>
<u>Athletic and sporting goods store</u>	<u>P</u>
<u>Automobile parts sales (new parts only); provided, conducted within completely enclosed building.</u>	<u>P</u>
<u>Automobile rental (vehicles up to 26' in length)</u>	<u>P</u>
<u>Automobile service, repair, conducted within an enclosed building.</u>	<u>P</u>
<u>Bank or financial institution</u>	<u>P</u>
<u>Bus terminal</u>	<u>P</u>
<u>Business equipment rental, services, and supplies</u>	<u>P</u>
<u>Car wash</u>	<u>P</u>
<u>Catering establishment</u>	<u>P</u>
<u>Cemetery</u>	<u>P</u>
<u>Child care center</u>	<u>P</u>
<u>Church or place of worship</u>	<u>P</u>
<u>Club or service organization</u>	<u>P</u>
<u>Commercial kennel</u>	<u>C</u>
<u>Commercial nursery</u>	<u>P</u>

<u>Convenience store</u>	<u>P</u>
<u>Department store</u>	<u>P</u>
<u>Drive-thru sales (pharmacy, dairy products, etc)</u>	<u>P</u>
<u>Drugstore</u>	<u>P</u>
<u>Farm implement sales (outdoor display)</u>	<u>P</u>
<u>Financial, medical, and professional services</u>	<u>P</u>
<u>Furniture and large appliance sales</u>	<u>P</u>
<u>Garden supplies and plant material sales</u>	<u>P</u>
<u>Gasoline service station</u>	<u>P</u>
<u>Golf course</u>	<u>P</u>
<u>Grocery store</u>	<u>P</u>
<u>Hospital</u>	<u>P</u>
<u>Hostel</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>
<u>Laundry or dry cleaning</u>	<u>P</u>
<u>Media service</u>	<u>P</u>
<u>Motel</u>	<u>P</u>
<u>Nursing home</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>
<u>Office supply, office machine sales and service</u>	<u>P</u>
<u>Operations center</u>	<u>P</u>
<u>Paint or wallpaper store</u>	<u>P</u>
<u>Park</u>	<u>P</u>
<u>Pawnshop</u>	<u>C</u>
<u>Personal care service</u>	<u>P</u>
<u>Pet grooming</u>	<u>P</u>
<u>Post office</u>	<u>P</u>
<u>Printing and copying</u>	<u>P</u>
<u>Protective service</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>P</u>

<u>Recreation and entertainment</u>	<u>P</u>
<u>Restaurant or fast-food establishment</u>	<u>P</u>
<u>Retail, general</u>	<u>P</u>
<u>Roadside stand for the sale of agricultural produce and related items.</u>	<u>P</u>
<u>RV Resort (as per 10-29)</u>	~~P~~ -C
<u>Shopping center</u>	<u>P</u>
<u>Transportation service</u>	<u>P</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> P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit, ~~NA = Not Allowed~~	

10-12B-3: CONDITIONAL USES:

All uses listed under section 10-12B-2 of this article in buildings greater than five thousand (5,000) square feet.

Commercial kennel.

Multiple separate commercial uses located on a single parcel.

The extraction industries uses, as defined in chapter 15, article D of this title.

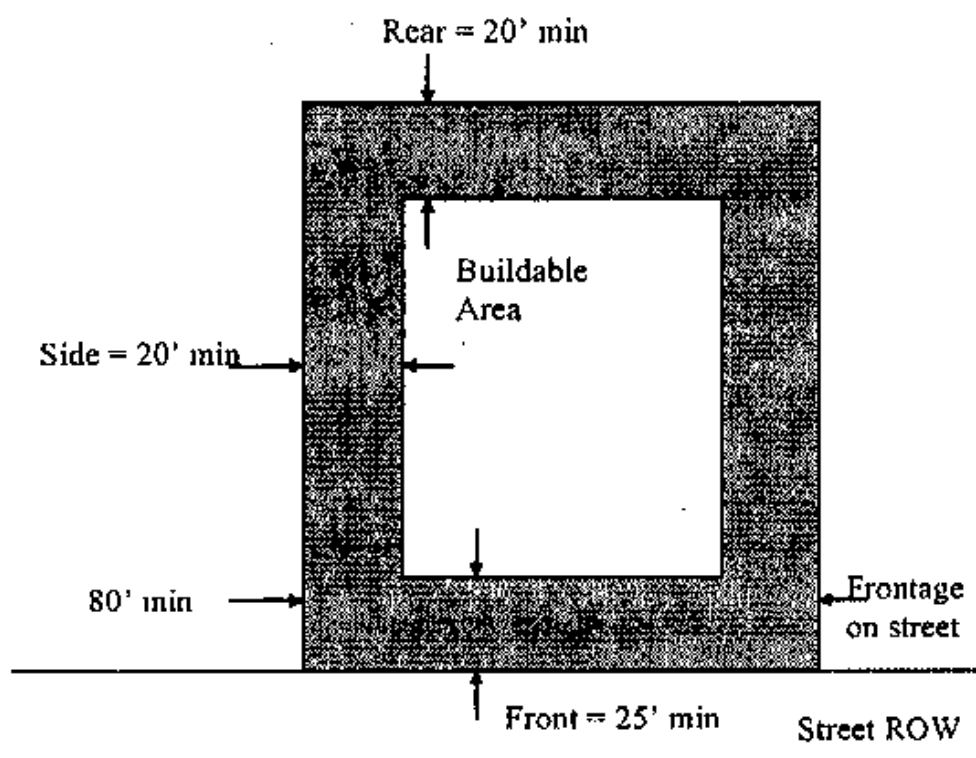
Other uses similar to the above judged by the planning commission to be in harmony with the character and intent of this zone. (Ord. 2012.04, 1-18-2012; amd. 2014 Code; Ord. 2021.17, 7-21-2021)

10-12B-43: PHYSICAL RESTRICTIONS:

The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

Minimum frontage	80 feet
Minimum setbacks	Front: 25 feet Side and rear: 20 feet
Maximum height	~~35~~ 45 feet ~~(no more than 2 stories)~~
Minimum finished landscaping	15 percent of the total lot/parcel area
Parking and loading	In accordance with section 10-21-13 of this title
Screening	All outdoor storage, vehicles, machinery and equipment shall be screened and/or out of public view as seen from state highways or interstate freeways and any roadway fronting or driveway

	providing access to the property on which it is stored
Gasoline and oil storage	All fuel storage tanks shall be completely buried beneath the surface of the ground or bermed and shall comply with all applicable state and federal regulations. All gasoline pumps, lubrication or similar devices, and other service facilities, shall not be located within minimum setbacks. All servicing of vehicles, except for the sale of gas and oil services customarily provided in connection therewith, shall be conducted completely within a structure



10-12B-4: SPECIAL REGULATIONS:

- A. Increased Height:** Notwithstanding the height limitation shown in section 10-12B-3 of this Article, a greater building height may be allowed in the Highway Commercial zone pursuant to a conditional use permit.
- 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 feet (30').
- C. Protection of Residential Zones:** Where any commercial zone adjoins any residential, as part of the required setbacks, there shall be provided and maintained along such property line a six-foot (6') solid masonry wall and

a ten-foot (10') 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.

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