

# **TOQUERVILLE CITY PLANNING COMMISSION**

**September 11, 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 SEPTEMBER 11, 2024, CONVENING AT 6:00 P.M.:

1. Public input is sought on Ordinance 2024.XX – Amending and restating Toquerville City Code 10-9: Agricultural Districts to modify the allowed uses and physical restrictions for this zone.
2. Public input is sought on Ordinance 2024.XX – Amending Toquerville City Code 10-14: Light Industrial Zones to modify the allowed use table for Light Industrial 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](http://www.toquerville.org), and the City Office Board this August 29, 2024, by Toquerville City Recorder, Daisy Fuentes.

**TOQUERVILLE CITY**  
**ORDINANCE 2024.XX**

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY TITLE 10, CHAPTER 9: AGRICULTURAL DISTRICTS OF THE TOQUERVILLE CITY CODE TO MODIFY THE ALLOWED USES AND PHYSICAL RESTRICTIONS FOR THESE 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 9 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

**CHAPTER 9**  
**AGRICULTURAL DISTRICTS**

**SECTION:**

***10-9-1: Purpose***

***10-9-2: Allowed Use Table***

***10-9-3: Physical Restrictions A-0.5 District***

***10-9-4: Physical Restrictions A-1 District***

***10-9-1: PURPOSE:***

***The purpose of both the A-0.5 District and the A-1 District is to identify and preserve appropriate lands for permanent agricultural use, and such incidental uses normally and necessarily related to the primary agricultural use. The Agricultural District’s ‘ regulations are intended to maintain the unique character of the City’s agricultural areas and to ensure the survival of agricultural uses and attendant open spaces. The minimum Lot sizes of the Agricultural Districts dictate the types and intensities of uses that are appropriate for each District with more intense agricultural and incidental uses being prohibited on smaller agricultural Lots. (Ord. 2023.10, 5-17-2023)***

***10-9-2: ALLOWED USE TABLE:***

***Only the following uses set forth in the table below are allowed in Agricultural***

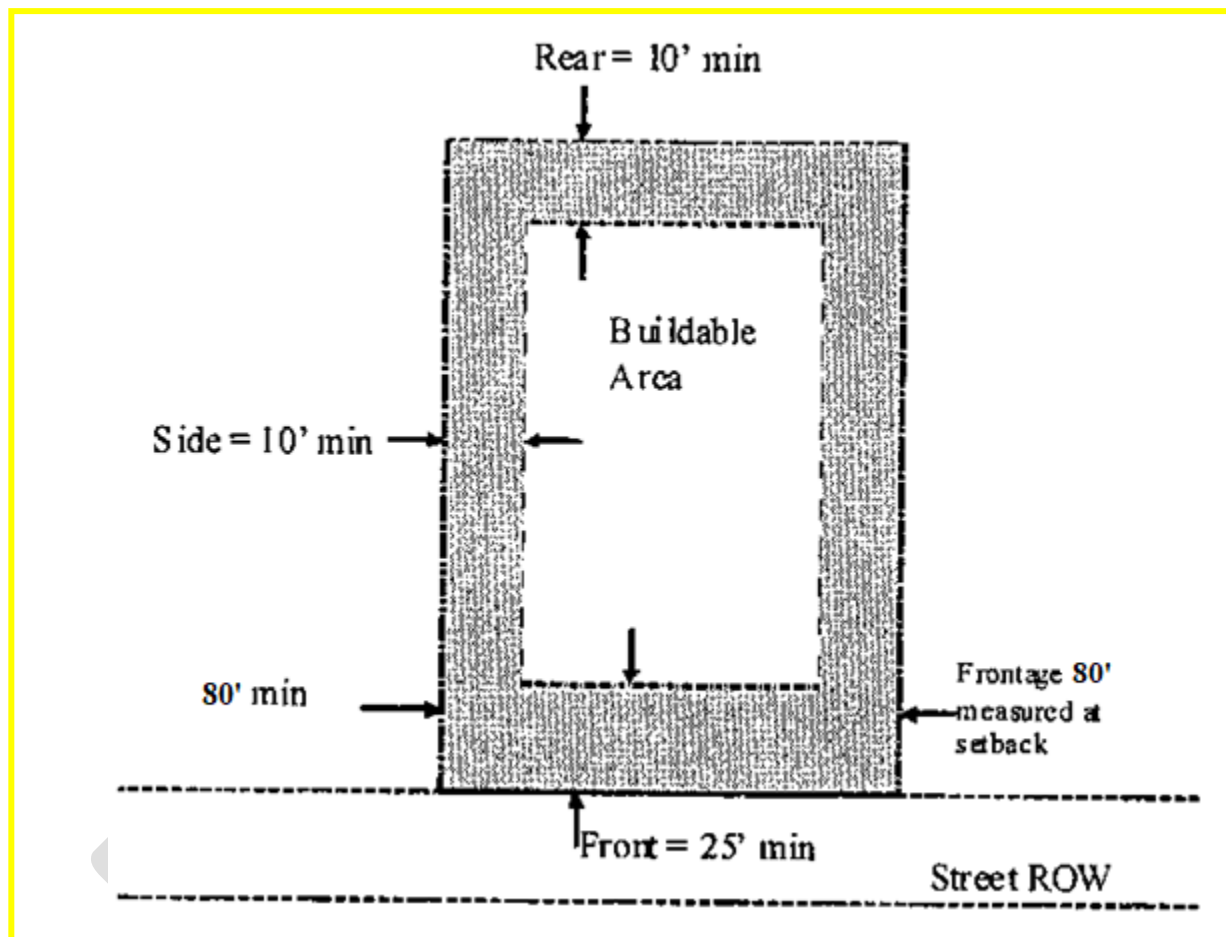
*Districts. Any use not specified as permitted, conditional, conditional with standards/permit is deemed prohibited.*

| <u>Use</u>                                                                                                          | <u>USE</u> | <u>A-0.5</u>             | <u>A-1</u> |
|---------------------------------------------------------------------------------------------------------------------|------------|--------------------------|------------|
| <u>Agricultural buildings &amp; structures related to agricultural uses</u>                                         |            | <u>P</u>                 | <u>P</u>   |
| <u>Crop production</u>                                                                                              |            | <u>P</u>                 | <u>P</u>   |
| <u>Dwelling, single-family</u>                                                                                      |            | <u>P</u>                 | <u>P</u>   |
| <u>Family food production</u>                                                                                       |            | <u>P</u>                 | <u>P</u>   |
| <u>Home occupation (with current home occupation permit)</u>                                                        |            | <del>NA</del> - <u>P</u> | <u>P</u>   |
| <u>Keeping of livestock (in compliance with Title 5, Chapter 1)</u>                                                 |            | <u>P</u>                 | <u>P</u>   |
| <u>Keeping of household pets (in compliance with Title 5, Chapter 1)</u>                                            |            | <u>P</u>                 | <u>P</u>   |
| <u>Public or quasi-public building for essential public services</u>                                                |            | <u>P</u>                 | <u>P</u>   |
| <u>Public utility uses</u>                                                                                          |            | <u>P</u>                 | <u>P</u>   |
| <u>Private cemeteries</u>                                                                                           |            | <u>NA</u>                | <u>P</u>   |
| <u>Residential facility for elderly persons</u>                                                                     |            | <del>P</del> - <u>C</u>  | <u>C</u>   |
| <u>Residential facility for persons with a disability (see 10-17-2)</u>                                             |            | <del>P</del> - <u>CS</u> | <u>CS</u>  |
| <u>Roadside stands for sale of produce grown on premises</u>                                                        |            | <u>C</u>                 | <u>C</u>   |
| <u>Riding stables</u>                                                                                               |            | <u>C</u>                 | <u>C</u>   |
| <u>Vertical storage silos</u>                                                                                       |            | <u>NA</u>                | <u>C</u>   |
| <u>Other uses similar to the above and judged to be in harmony with the character intent of the zoning district</u> |            | <u>C</u>                 | <u>C</u>   |
| <b>Legend:</b>                                                                                                      |            |                          |            |
| <del>P = Permitted Use, C = Conditional, CS = Conditional w/ Standards or Permit, NA = Not Allowed</del>            |            |                          |            |
| <b>Legend:</b>                                                                                                      |            |                          |            |
| P = Permitted Use, C = Conditional, CS = Conditional w/ Standards or Permit, NA = Not Allowed                       |            |                          |            |

### 10-9-3: PHYSICAL RESTRICTIONS A-0.5 DISTRICT:

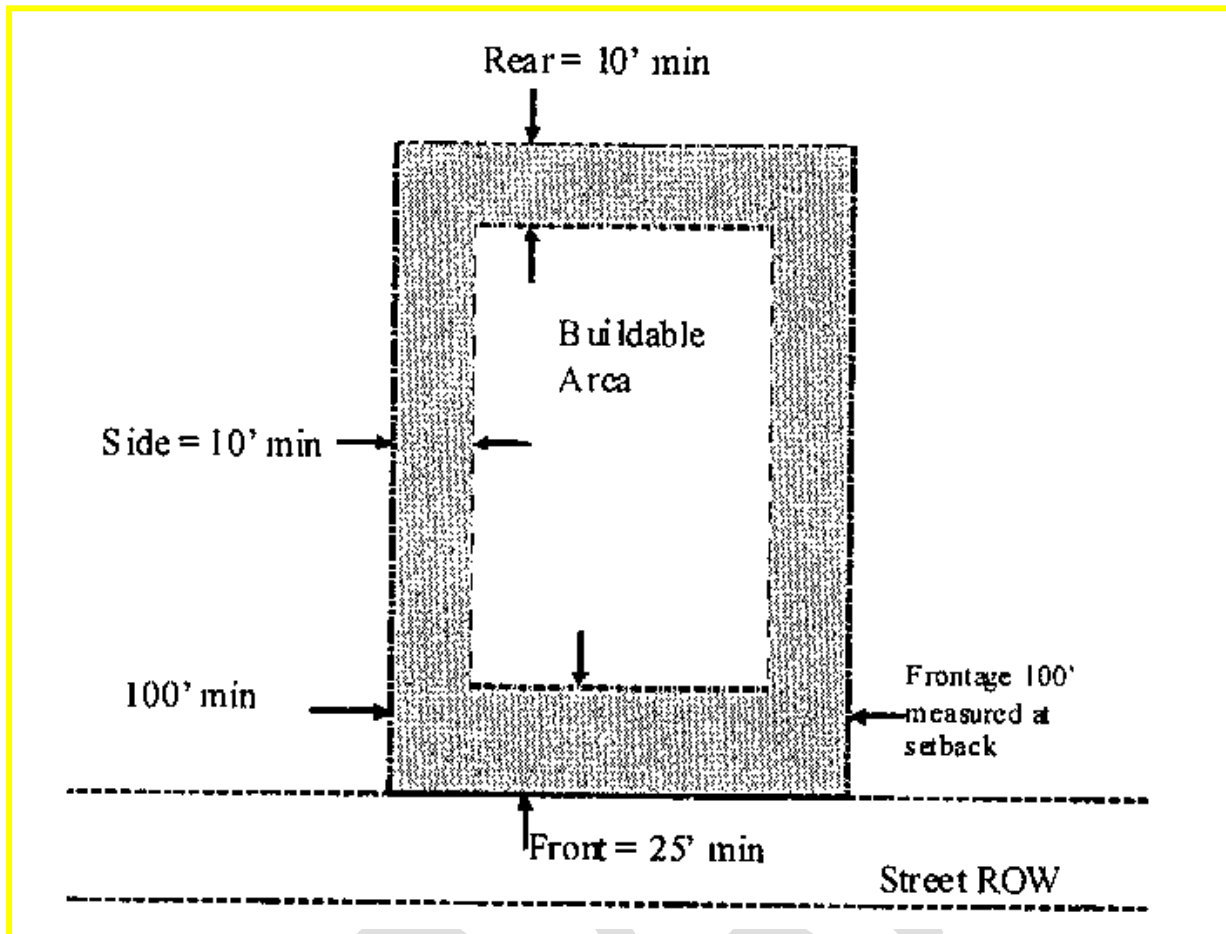
|                  |                                     |
|------------------|-------------------------------------|
| Minimum Lot area | .5 acre                             |
| Minimum frontage | 80 feet (measured at front setback) |
| Minimum setbacks | Front: 25 feet                      |
|                  | Side: 10 feet                       |

|                    |                                                                              |
|--------------------|------------------------------------------------------------------------------|
|                    | Rear: 10 feet (2 stories or less)                                            |
| Setback exceptions | Driveway, walkway                                                            |
| Maximum density    | 1 dwelling (single family)/agricultural lot/parcel <del>(no dwellings)</del> |
| Maximum height     | 35 feet                                                                      |



#### 10-9-4: PHYSICAL RESTRICTIONS (A-1 DISTRICT):

|                    |                                                    |
|--------------------|----------------------------------------------------|
| Minimum Lot area   | 1 acre                                             |
| Minimum frontage   | 100 feet (measured at front setback)               |
| Minimum setbacks   | Front: 25 feet                                     |
|                    | Side: 10 feet                                      |
|                    | Rear: 10 feet (2 stories or less)                  |
| Setback exceptions | Driveway, walkway                                  |
| Maximum density    | 1 dwelling (single family)/agricultural lot/parcel |
| Maximum height     | 35 feet                                            |



## ***ARTICLE A. A AGRICULTURAL DISTRICT SECTION:***

### ***10-9A-1: Purpose***

### ***10-9A-2: Permitted Uses***

### ***10-9A-3: Conditional Uses***

### ***10-9A-4: Physical Restrictions***

### ***10-9A-1: PURPOSE:***

*The purpose of this district is to identify and preserve appropriate lands for permanent agricultural use, and such incidental uses normally and necessarily related to the primary agricultural use. The district regulations are intended to maintain the unique character of the City agricultural areas and to ensure the survival of agricultural uses and attendant open spaces. (Ord. 2017.07, 6-8-2017)*

### ***10-9A-2: PERMITTED USES:***

*Agricultural buildings and uses as necessarily ancillary and related to agricultural operations.*

*Crop production.*

*Family food production.*

*Home occupations (with current home occupation permit).*

*Household pets, as limited by title 5, chapter 1, "Animal Control", of this Code.*

*Livestock, as permitted under section 5-1-4 of this Code.*

*One single family dwelling.*

~~Public or quasi-public building for essential public services.  
Public utility uses. (Ord. 2019.03, 5-9-2019; amd. Ord. 2021.12, 7-21-2021)~~

~~10-9A-3: CONDITIONAL USES:~~

~~Commercial kennels.~~

~~Commercial livestock operations.~~

~~Commercial roadside stands for sale of produce grown and sold on premises.~~

~~Private cemeteries.~~

~~Residential facility for elderly persons.~~

~~Residential facility for persons with a disability 1. This use shall require a permit under section 10-17-2 of this title.~~

~~Riding stables.~~

~~Vertical storage silos.~~

~~Other uses, similar to the above and judged to be in harmony with the character and intent of the zone. (Ord. 2019.03, 5-9-2019; amd. Ord. 2021.12, 7-21-2021)~~

~~Notes~~

~~1~~

~~1. UCA § 10-9a-520.~~

~~10-9A-4: PHYSICAL RESTRICTIONS:~~

~~Minimum lot area — 1 acre~~

~~Minimum frontage — 100 feet~~

~~Minimum setbacks — Front: 25 feet~~

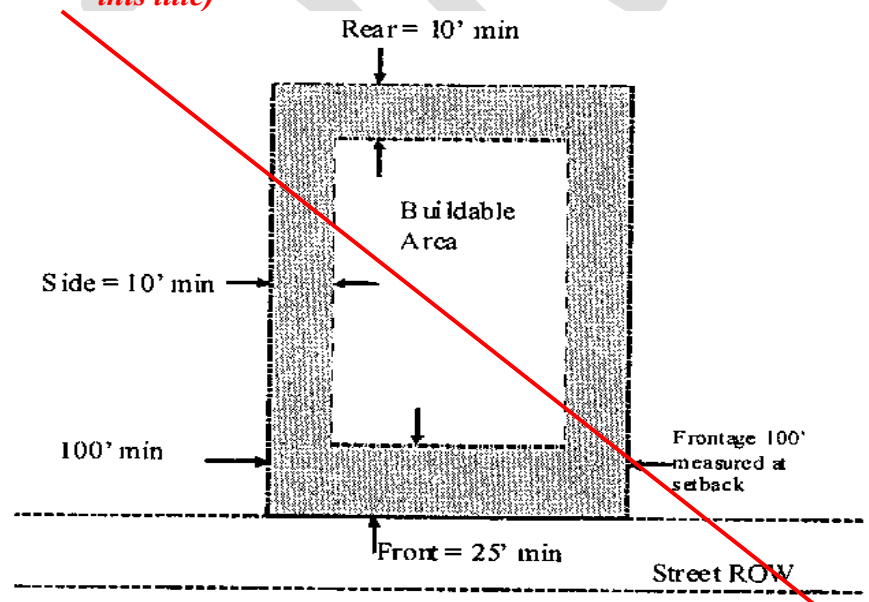
~~Side: 10 feet~~

~~Rear: 10 feet (2 stories or less)~~

~~Setback exceptions — Driveway, walkway~~

~~Maximum density — 1 dwelling unit/agricultural lot/parcel~~

~~Maximum height — 35 feet (see definition of building height, section 10-2-1 of this title)~~



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

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

**TOQUERVILLE CITY**  
**ORDINANCE 2024.XX**

AN ORDINANCE AMENDING TITLE 10, CHAPTER 14, ARTICLE A OF THE TOQUERVILLE CITY CODE TO MODIFY THE ALLOWED USE TABLE FOR LIGHT INDUSTRIAL 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 14, ARTICLE A of the Toquerville City Code is hereby amended and restated in its entirety as follows:

**CHAPTER 14**  
**INDUSTRIAL ZONES**

**ARTICLE A. M-1 LIGHT INDUSTRIAL ZONE**

**SECTION:**

***10-14A-1: Purpose***

***10-14A-2: Allowed Use Table***

***10-14A-3: Physical Restrictions***

***10-14A-4: Special Regulations***

***10-14A-1: PURPOSE:***

***The purpose of the M-1 Zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing and material storage. Uses which generate excessive noise, vibration, odor, dust and fumes are not allowed in this zone. (Ord. 2012.04, 1-18-2012)***

***10-14A-2: ALLOWED USE TABLE:***

***Only the following uses set forth in the table below are allowed in the Light Industrial Zone.***

| <u>Use</u>                                                       |           |
|------------------------------------------------------------------|-----------|
| <u>Agricultural processing</u>                                   | <u>C</u>  |
| <u>Agricultural sales and service</u>                            | <u>P</u>  |
| <u>Agriculture</u>                                               | <u>C</u>  |
| <u>Auditorium</u>                                                | <u>C</u>  |
| <u>Bus terminal</u>                                              | <u>C</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>Freight terminal</u>                                          | <u>P</u>  |
| <u>Funeral home</u>                                              | <u>P</u>  |
| <u>Garden Center</u>                                             | <u>P</u>  |
| <u>Gas and fuel, storage, and sales</u>                          | <u>P</u>  |
| <u>Hostel</u>                                                    | <u>PC</u> |
| <u>Hotel</u>                                                     | <u>P</u>  |
| <u>Media service</u>                                             | <u>P</u>  |
| <u>Medical or dental laboratory</u>                              | <u>P</u>  |
| <u>Office, general</u>                                           | <u>P</u>  |
| <u>Operations center</u>                                         | <u>P</u>  |
| <u>Parking garage, public</u>                                    | <u>C</u>  |
| <u>Pest control and extermination</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>Restaurant, or fast-food establishment</u>                    | <u>P</u>  |
| <u>RV and boat storage</u>                                       | <u>C</u>  |
| <u>Self-storage facilities</u>                                   | <u>C</u>  |

|                                                                                                                                                                 |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <u>The extraction industry uses, as defined in Chapter 15, Article D, of this Title.</u>                                                                        | <u>CS</u> |
| <u>Transitional housing facility</u>                                                                                                                            | <u>C</u>  |
| <u>Vehicle repair and 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>  |
| <p style="text-align: center;"><u>Legend:</u></p> <p style="text-align: center;">P = Permitted Use, C = Conditional, CS = Conditional w/Standards or Permit</p> |           |

***10-14A-3: PHYSICAL RESTRICTIONS:***

|                                |                                                               |
|--------------------------------|---------------------------------------------------------------|
| Minimum frontage               | 80 feet (unless otherwise approved by Conditional Use Permit) |
| Minimum lot area               | No requirement                                                |
| Maximum height - main building | 50 feet                                                       |
| Front yard setback             | 30 feet                                                       |
| Interior side yard setback     | 10 feet                                                       |
| Street side yard setback       | 30 feet                                                       |
| Rear yard setback              | 10 feet                                                       |

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

***10-14A-4: SPECIAL REGULATIONS:***

- A. Increased Height: Notwithstanding the height limitations shown in section 10-13A-4 of this Article a greater building height may be allowed in a business or industrial 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 (30) feet.***
- C. Protection of Residential Zones: Where any business manufacturing zone adjoins any residential or agricultural 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.***

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