

***TOQUERVILLE CITY
ORDINANCE 2025.XX***

AN ORDINANCE AMENDING AND RESTATING TITLE 10, CHAPTER 17 OF THE TOQUERVILLE CITY CODE TO ESTABLISH STANDARDS AND PERMITTING REQUIREMENTS FOR TEMPORARY LAND USES

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); and

WHEREAS, the Toquerville City Council (“City Council”), as the legislative body of the City, is authorized under Utah Code Ann. § 10-9a-501 to enact and amend land use regulations to protect the health, safety, and welfare of the community; and

WHEREAS, the City Council recognizes the need to clarify and update the City’s regulations governing temporary uses to ensure they are compatible with existing neighborhoods and zoning districts and to mitigate potential impacts;

WHEREAS, the City Council has determined that amending Toquerville City Code Title 10 Chapter 17 is in the best interest of the City and its residents;

ORDINANCE

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

TITLE 10, CHAPTER 17 OF THE TOQUERVILLE CITY CODE IS HEREBY AMENDED AS FOLLOWS:

CHAPTER 17
SUPPLEMENTAL USE REGULATIONS

SECTION:

- 10-17-1: Nonpermitted Uses
- 10-17-2: Temporary Uses
- 10-17-3: Residential Facilities For Persons With Disability
- 10-17-4: Nightly Rental
- 10-17-5: Reserved
- 10-17-6: Model Home Allowances

10-17-1: NONPERMITTED USES:

Throughout this Title, any use which is neither a permitted use, a conditional use, or an approved temporary use shall be considered a "nonpermitted use". (Ord. 2015.06, 10-8-2015)

10-17-2: TEMPORARY USES:

Land uses identified in Section 10-17-2(B) of this Chapter that are not permitted or conditional uses in a given zone may be allowed on a temporary basis, subject to the standards and conditions of this Section to ensure compatibility with surrounding land uses and to protect the character of the existing neighborhood and zone.

A. Permit Required: Unless exempt under Section 10-17-2(G), no person shall engage in a temporary use, as identified in Section 10-17-2(B), without first obtaining a temporary use permit.

B. Uses Allowed: The following temporary uses may be allowed under this Section, subject to the standards and requirements herein. The duration of the temporary use permit shall not exceed the time limits identified below, unless otherwise approved by the Planning and Zoning Administrator:

1. Construction related trailers or offices – allowed for the duration of active construction or until a permanent building is constructed on site.
2. Temporary storage for construction sites – allowed for the duration of active construction on the property under construction or development.
3. Sales office/trailer for the sale of dwellings in a subdivision or other residential project - allowed for the duration of active construction on the property under construction or development, subject to annual review by the Planning and Zoning Administrator.
4. Seasonal sales, including but not limited to:
 - a. Christmas trees – up to sixty (60) days
 - b. Fireworks – up to thirty (30) days
 - c. Pumpkins – up to sixty (60) days
5. Temporary events such as festivals, outdoor markets or fundraising events – up to ten (10) days per calendar year per property.
6. Any other temporary use deemed compatible with this Section as determined by the Planning and Zoning Administrator.

C. Temporary Use Permit Application: A complete application for a temporary use permit shall be submitted to the Planning and Zoning Administrator, along with payment of the applicable fee as set forth in the City's Uniform Fee Schedule. The application shall be submitted at least three (3) weeks prior to the proposed start date of the temporary use. The application shall include:

1. The name, address, phone number and email address of the applicant and the applicant's agent, if any.

2. The name and address of the company the applicant represents (if applicable).
3. A description of the proposed temporary use, including start date, duration, hours of operation and anticipated attendance.
4. A site plan, drawn to standard engineering scale showing the location of existing and proposed structures, signage, access, utilities and other site features or improvements including but not limited to, parking areas, curbs, gutter, sidewalk, landscaping, storage areas or any other site information relevant to the proposed use.
5. Proof of ownership (via a title report) or written permission from the property owner.
6. Any additional information deemed reasonable and necessary by the Planning & Zoning Administrator.

D. Review: Once the application is deemed complete, the Planning and Zoning Administrator may request review and recommendations from the City Engineer, applicable City departments, utility providers, and other relevant agencies or entities.

E. Authority: The Planning and Zoning Administrator shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 10-17-2(F) of this Chapter. Conditions may be applied as necessary to mitigate potential adverse impacts, ensure compliance with applicable standards, protect public health and safety, and preserve the character of the neighborhood. Such conditions may include, without limitation, address hours of operation, noise, signage, parking, site maintenance, and public right-of-way use.

F. Approval Standards: The following standards shall apply to the issuance of a temporary use permit:

1. The temporary use complies with recommendations from City Engineer, applicable City departments, utility providers, and other relevant agencies or entities.
2. The temporary use will not generate excessive noise, traffic, or other impacts that would be disruptive to neighboring properties.
3. The temporary use will not block public streets, sidewalks, or rights-of-way or create unsafe conditions for drivers or pedestrians.
4. The temporary use will not interfere with construction, development, or public improvements within public rights-of-way or public facilities.
5. The temporary use will not impede or delay emergency response vehicles such as police, fire, or ambulance.
6. The temporary use is compatible with the permitted or conditional uses and regulations of the zoning district in which it is located.
7. All signage associated with the temporary use shall comply with the City's sign regulations in Section 10-22 of this Code and may require a separate sign permit.
8. The temporary use complies with all applicable City Standards and Specifications, ordinances, regulations, permitting and licensing requirements, and any conditions imposed to mitigate potential adverse effects.

G. Exemptions: The following temporary uses are exempt from permitting requirements of this Section, provided they comply with all other applicable City regulations:

1. Garage or yard sales – provided they do not exceed four (4) events per calendar year per property. Each sale shall not exceed three (3) consecutive days.
2. Produce stands on private property provided they do not create significant public impacts such as excessive traffic, noise, or obstruction of public rights-of-way.
3. City or City sponsored events held on public property.
4. Educational, religious or civic activities held at public schools, churches or government facilities that are temporary in duration, meaning no longer than 60 days.

H. Revocation: A temporary use permit may be revoked by the City if the permit holder violates any conditions of approval or any provision of this section, conducts the use inconsistently with the approved permit, or fails to comply with City requests to correct or mitigate issues related to the temporary use. The City reserves the right to inspect the site at any time during the duration of the permit to ensure compliance with permit conditions and applicable standards. If the permit holder fails to correct or mitigate issues after one written request from the City, the permit shall be revoked. Written notice of revocation shall be provided to the permit holder by the City, and the use must cease immediately upon revocation.

I. Expiration: Temporary use permits shall expire at the end of the approved duration as specified in the permit or under the time limits established in Section 10-17-2(B). Extensions may be granted only upon written request submitted prior to permit expiration and for good cause, subject to approval by the Planning and Zoning Administrator.

J. Restoration: Upon expiration or revocation of a temporary use permit, the permit holder shall restore the site to its original condition within ten (10) days, unless permanent improvements have been made and approved by the City to remain. Restoration must include the removal of all temporary structures, signage, trash, and any other materials associated with the temporary use. The City may require documentation or inspection to verify that restoration is complete.

K. Penalty: Any person or entity who violates the provisions of this Section is guilty of a Class B misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. Each day a violation continues shall be considered a separate offense.

L. Appeal: Any person adversely affected by a decision on a temporary use permit may file an appeal in accordance with the procedures outlined in Section 10-3-2(F) of this Code.

1. 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 this Ordinance remains effective. This Repealer shall not be construed as reviving

any law, order, resolution or ordinance or part thereof.

2. 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.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 16^h day of July 2025, 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

Emily Teaters, Toquerville City Recorder