

TOQUERVILLE CITY
ORDINANCE 2026.XX

AN ORDINANCE OF THE CITY OF TOQUERVILLE, UTAH, AMENDING TITLE 10, CHAPTER 16A TO ESTABLISH STANDARDS AND PERMIT REQUIREMENTS FOR TRAIL DEVELOPMENT WITHIN THE HILLSIDE OVERLAY

RECITALS

WHEREAS, Toquerville City (“City”) has adopted regulations governing development within hillside and slope areas to protect public health, safety, and welfare, including the reduction of erosion, slope instability, and excessive grading impacts; and

WHEREAS, the City finds it necessary to clarify the applicability of hillside regulations to trails and to establish appropriate standards for trail development on steep slopes; and

WHEREAS, the City recognizes that trails provide recreational access and connectivity through natural areas and may be appropriately located within hillside areas when designed and constructed to minimize impacts to sensitive slopes;

WHEREAS, the City desires to allow limited trail development in a manner that minimizes disturbance to natural terrain, reduces scarring of hillsides, and preserves slope stability;

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Toquerville City, Utah, that Title 10, Chapter 16A, Section 5 of the Toquerville City Code is hereby amended as follows:

10-16A-2: DEFINITIONS:

For the purposes of this article, the following words and phrases shall have the following meanings:

CUT: Land surface which is reshaped by man through the removal of soil, rock or other materials.

DEVELOPMENT: The carrying out of any building activity or clearing of land as an adjunct of construction.

DEVELOPMENT, MAJOR: Considered to be subdivision platting, including townhomes and condominiums, multi-family residential projects, commercial and industrial building.

DEVELOPMENT PARCEL: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

EXCAVATION: Any disturbance to the ground, including, but not limited to, clearing, grubbing, rock removal, cutting, tunneling, drilling or any other activity which alters the natural ground.

EXCAVATION, MAJOR: A vertical cut of more than four feet (4'), or disturbance of more than one acre of surface area.

EXCAVATION, MINOR: A vertical cut of four feet (4') or less, or a disturbance of less than one acre of surface area.

FILL: The deposit of soil, rock or other materials placed by man.

GEOTECHNICAL ENGINEER: A person with a four (4) year degree in civil engineering or engineering geology from an accredited university who, through training and experience, is able to assure that geological factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public.

LEDGE: The first substantial abrupt change in slope along the top edge of a plateau or ridgeline.

SLOPE: A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

TABLELAND: Land where the slope in any direction is less than ten percent (10%).

TRAIL: A non-motorized route developed primarily for outdoor recreational purposes, including pedestrian, bicycle, and multi-use trails, and which may include stairs, ramps, bridges, and other similar improvements.

10-16A-3: ZONE ESTABLISHED:

A. A hillside development overlay zone is established, which shall be an overlay zone of the zoning classifications in the zoning ordinance. In the event of conflict between the provisions of the existing zoning classification, building code or subdivision ordinance and the overlay zone, the most restrictive provisions shall apply. Areas hereafter annexed to the city shall be affected by the hillside development overlay zone at the time of annexation in the manner then determined by the city engineer and reflected in appropriate amendment to the zone map referred to herein.

B. Property within the hillside development overlay zone shall conform to the provisions of this article.

C. The hillside development overlay zone shall be described as any hillside within the boundaries of the city with a slope of more than ten percent (10%). (Ord. 2012.04, 1-18-2012)

10-16A-4: HILLSIDE REVIEW BOARD:

A. Established: There is hereby established a hillside review board for the city.

B. Membership: The hillside review board shall consist of the planning commission.

C. Quorum, Vote Required: A quorum of the hillside review board shall be three (3) members; and a majority vote of a quorum shall be required for a decision of any matter before

the board. If a quorum is not present, no meeting shall be held, and any items of business shall be continued to the next meeting of the board.

D. Responsibilities: The hillside review board shall have the following responsibilities:

1. Review proposed major developments as defined in section 10-16A-7 of this article which are on slopes exceeding ten percent (10%) and make a recommendation for approval, conditional approval or denial to the city council. (Ord. 2012.04, 1-18-2012; amd. 2014 Code)

10-16A-5: DENSITY STANDARDS:

A. In furtherance of the purposes set forth in this article, lot size and density within the hillside development overlay zone shall comply with the following schedule. Except as permitted by subsection 10-16A-5.C. below, Any portion of a development parcel having a slope greater than thirty percent (30%) shall not be included in the calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below:

Percent Natural Slope	Minimum Lot Size For Single-Family Residential And Commercial	Maximum Number Of Dwelling Units Per Acre In Zones R-1-12, R-1-20, R-1-15 , A-0.5 And A-1
0 - 10	See existing zone	
11 - 16	20,000 square feet	2 if zoning permits
17 - 23	40,000 square feet	1 if zoning permits
24 - 30	5 acres	1 per 5 acres if permitted
30+	Development not permitted, except approved trails pursuant to subsection 10-16A-7(D).	

B. The contour intervals, maps and calculations required in section 10-16A-6 of this article shall be prepared in a report by a professional civil engineer, which shall be submitted with applications for permits or subdivision approvals. Each report shall bear said engineer's verification as to the accuracy of the report.

C. If MPDO Overlay Zoning is applied for pursuant to section 10-15C-1 of this Title and the proposed MPDO plan: a) contains gross total acreage in excess of 400 acres, and b) proposes open space 75% or more in addition to that which is minimally required by section 10-15C-5.I., then base density for the area shall be calculated using the gross total acreage regardless of whether any portion of the area contains slopes greater than 30%.

10-16A-6: SLOPE AND SLOPE AREAS DETERMINED:

A. Applicability: Slope shall be determined on an individual development parcel basis as an average percent natural slope for purposes of density limitations. Except as permitted by subsection 10-16A-5.C. of this Title, all property with a slope greater than thirty percent (30%) shall be excluded from the calculation of the development parcel area for purposes of determining density limitations.

B. Procedure: The location of the natural ten percent (10%), sixteen percent (16%), twenty four percent (24%) and thirty percent (30%) slopes for the purposes of this article shall be determined using the following procedure:

1. Preparation Of Contour Maps: Current contour maps shall be prepared and certified by a licensed professional engineer or surveyor showing contours at intervals no greater than five feet (5') (the "contour map") drawn at one inch equals two hundred feet (1" = 200') scale maximum.

2. Verification Through Field Surveys: Field surveys may be required of the applicant by the city engineer to verify the accuracy of the contour lines shown on the contour map. The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than one hundred fifty feet (150') apart or seventy five feet (75') from a property line.

3. Determination Of Slope Areas For Density Calculations: Using the contour maps, slopes shall be calculated in intervals no greater than forty feet (40') along profile lines. Points identified as slopes of ten percent (10%), sixteen percent (16%), twenty four percent (24%) and thirty percent (30%) shall be located on the contour map and connected by a continuous line. That area bounded by said lines and intersecting property lines shall be used for determining dwelling unit density.

10-16A-7: PERMIT REQUIREMENTS:

A. Permit Required: All major development and trail development on existing ground slopes in excess of ten percent (10%) or within a geologic hazard area shall require a hillside development permit granted by the city council prior to any excavation or construction activity. The hillside review board shall first review all proposed major development for compliance with this and other city ordinances and standards, including appendix J of the international building code, and make a recommendation to the planning commission and city council for approval, conditional approval or denial of the proposed development.

B. Included Major Development: Major development shall include subdivision platting, including townhomes and condominiums, multi-family residential projects, commercial, industrial buildings or excavation which involves a vertical cut greater than four feet (4') or involves excavating a surface area larger than one acre.

C. Minor Excavation: Minor excavation involves vertical cuts of four feet (4') or less and also disturbs less than one acre of surface area.

D. Trails: Trails may be permitted on a case-by-case basis upon a determination that the proposed trail is consistent with the purpose and intent of this Chapter.

E.—~~D.~~ Exceptions: Permit approval under this section shall not be required ~~for projects which have received an excavation permit, or~~ for preliminary plats which have been approved by the city council prior to the adoption date hereof, and permitting as required under the prior chapter shall continue to have application.

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 ____ day of _____ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Dan Catlin, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder