

TOQUERVILLE CITY

ORDINANCE # 2020-XX

AN ORDINANCE AMENDING TOQUERVILLE CITY'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 795.72 ACRES OF REAL PROPERTY OWNED BY LOWE LAND TK, LLC IN THE NORTHWEST AREA OF THE CITY FROM ITS PRESENT ZONING DISTRICT DESIGNATION OF MU-20 TO R-1-12.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the City is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the City's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing and legislative body of the City.

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Section 503(1) the City Council is the only body designated as the City's Land Use Authority who may designate or amend "(a) the number, shape, boundaries, area, or general uses of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use regulation.

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Sections 502 thru 505, the City Council may only amend the City's Official Zoning Map to rezone properties within the City after the proper notice is given in compliance with Utah Code Annotated Title 10, Chapter 9a, Section 205 and Section 10-1-8-4 of the Toquerville City Code, and an ordinance on the subject receives a recommendation from the City's Planning Commission "City Planning Commission" after a public hearing is held.

WHEREAS, the City has received a request submitted by an authorized agent of several tracts of real property described and/or depicted more fully in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by this reference ("Subject Property") requesting that it be re-zoned from its current zoning designation of Multiple Use District (20 Acres) ("MU-20") to the Single Family Residential (12,000 sq ft) District ("R-1-12") and that the City's Official Zoning Map be amended accordingly ("Zone Change Request").

WHEREAS, on May 20, 2020, the City Planning Commission reviewed and made a recommendation for approval of the Zone Change Request and a draft of this Ordinance effectuating the same was forwarded to the City Council.

WHEREAS, after reviewing the recommendation from the City Planning Commission, the City Council finds it to be in the best interest of the health, safety and general welfare of the City that the Zone Change Request be granted.

ORDINANCE

NOW THEREFORE be it ordained by Toquerville City, Washington County, State of Utah, acting by and through the City Council:

1. Zone Change. The Subject Property described and depicted in Exhibit “A”, located within Toquerville City, Washington County, State of Utah, previously zoned Multiple Use District (20 Acres) (“MU-20”) as shown on the Official Toquerville City Zoning Map is hereby re-classified and re-zoned to Single Family Residential (12,000 sq ft) District (“R-1-12”).
2. Amendment of Toquerville City Official Zoning Map. The City’s Official Zoning Map is hereby amended and restated/redrawn to reflect the Zone Change set forth in Section 1, above.
3. Condition Precedent. The Zone Change and Amendment of the City’s Official Zoning Map is conditioned upon and does not become effective until the owner of the Subject Property enters into a development agreement with the City wherein said property owner dedicates and allows to be recorded a deed of dedication conveying to the City a 120’ right of way for a future by-pass road in the location designated in said agreement.
4. Severability. If any Section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
5. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council and execution by the Toquerville City Mayor.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 21st day of May, 2020 based upon the following vote:

Council Member:

John 'Chuck' Williams	Aye ___	Nay ___
Keen Ellsworth	Aye ___	Nay ___
Justin Sip	Aye ___	Nay ___
Gary Chaves	Aye ___	Nay ___
Ty Bringhurst	Aye ___	Nay ___

TOQUERVILLE CITY
A Utah municipal Corporation

ATTEST:

Lynn Chamberlain, Mayor

Ruth Evans, City Recorder

EXHIBIT “A”
to Toquerville City Ordinance 2020-XX

(Legal Description and/or Depiction of Subject Property)

Parcel T-101-A:

The following tract of land located Section 3, Township 41 South, Range 13 West SLB&M: BEGINNING at the Northeast corner of the Northeast quarter of Section 3, thence South 1045.44 feet, thence West 300 feet, thence South 505.28 feet, thence North 77° 1050.05 feet more or less to the Southwest Corner, thence North 1320 feet to the POINT OF BEGINNING.

Parcel T-103:

The following tract of land located Section 3, Township 41 South, Range 13 West SLB&M: The Northwest quarter of the Northeast quarter of the Northern one half of the Northwest quarter.

Parcel T-3166:

The following tract of land located Section 4, Township 41 South, Range 13 West SLB&M: The Northeast quarter of the Northeast quarter.

Parcel T-3-0-34-3000:

The following tract of land located Section 34, Township 41 South, Range 13 West SLB&M: The Southwest quarter of the Southeast quarter and the Southwest quarter.

Parcel T-3-0-34-140:

The follow tract of land located Section 34, Township 40 South, Range 13 West SLB&M: LOTS 2,3, 6 & 7 in the Northern one half of the Southeast quarter and the Southeast quarter of the Southeast quarter.

Parcel T-3-0-27-321:

The follow tract of land located Section 27, Township 40 South, Range 13 West SLB&M: The Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter. Less and excepting therefrom all land lying within the road right of way.

Parcel T-3167:

The follow tract of land located Section 4, Township 41 South, Range 13 West SLB&M: The South one half of the Southeast quarter