

TOQUERVILLE CITY
ORDINANCE 2021.XX



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, ELIMINATING ARTICLE B (PDO PLANNED DEVELOPMENT OVERLAY ZONE) OF CHAPTER 15 (OVERLAY ZONES) WITHIN TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE.

RECITALS

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

WHEREAS, the City is authorized and required pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 501 to create and enforce regulations regarding the use of land within the City's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103 and Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing body of the City and the primary Land Use Authority;

WHEREAS, currently the City has within its land use regulatory scheme an overlay zoning designation known as the Planned Development Overlay Zone ("PDO Zone") found in Article B in Chapter 15 of Title 10 of the Toquerville City Code ("TCC") which vague and contains no standards, eligibility requirements, delineated rights and process by which a property may be approved for such zoning.

WHEREAS, Article B in Chapter 15 of Title 10 of the TCC only has an introductory paragraph explaining the zone's intent which is very similar to that of the Master Planned Development Overlay Zone ("MPDO Zone") found in Article C of Chapter 15, Title 10 of the TCC, an overlay zoning that the City has processed and approved multiple times utilizing its specific requirements, standards, enumerated rates and approval process.

WHEREAS, the City has determined that it is in the best interests of the health, safety and general welfare of the City to eliminate and reserve for future use Article B of Chapter 15, Title 10 of the TCC and its corresponding PDO Zone and have all land owners and developers in the future utilize the MPDO Zone as an overlay zoning for larger, mixed used and mixed density developments.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by the City Council of Toquerville City, Utah, as follows:

1. AMENDMENT AND RESTATEMENT OF ARTICLE B, CHAPTER 15, TITLE 10 OF THE TOQUERVILLE CITY CODE. Chapter 15, Article B of Title 10 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

ARTICLE B. (RESERVED)

2. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by the City Council.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

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

TOQUERVILLE CITY
a Utah Municipal Corporation

Lynn Chamberlain, Mayor

Date

Attest:

Ruth Evans, City Recorder