

TOQUERVILLE CITY
ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY SECTION 2, CHAPTER 7 OF TITLE 10 OF THE TOQUERVILLE CITY CODE CREATING A NEW POLICY ON HOW THE CITY’S GENERAL PLAN SHOULD BE UTILIZED IN MAKING RECOMMENDATIONS AND ULTIMATE DECISIONS ON LAND USE APPLICATIONS BROUGHT BEFORE THE CITY.

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.

WHEREAS pursuant to Utah Code Ann. § 10-9a-401, the City is required to “prepare and adopt a comprehensive, long-range general plan for: a) present and future needs of the municipality; and b) growth and development of all or any part of the land within the municipality (“Toquerville General Plan”)”.

WHEREAS Utah Code Ann. § 10-9a-405 clearly indicates that the Toquerville General Plan is an advisory guide for all land use decisions, and leaves the power with the municipalities, and specifically the municipality’s land use authority, to determine a general plan’s impact or effect on land uses within that municipality.

WHEREAS Section 2, Chapter 7 of Title 10 of the Toquerville City Code presently requires the City to only approve zoning map amendments, the location of streets, parks, utilities and public buildings in strict conformance with the Toquerville General Plan and cites Utah Code Ann. § 10-9a-401 as its basis (“Current Consistency Policy”).

WHEREAS the City Council has, upon recommendation from the City’s Staff and the Toquerville City Planning Commission, determined that it is necessary and appropriate for the City to replace the Current Consistency Policy with a new policy on how the General Plan is to be utilized when making recommendations and ultimate decisions with regards to land use applications brought before the City – a policy that is more in keeping with the intent and purpose behind the City’s statutory requirement to adopt, regularly update and maintain a General Plan.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT OF SECTION 2, CHAPTER 7, TITLE 10 OF THE. Section 2 (Consistency Policy) of Chapter 7 (General Plan Applicability) of Title 10 (Land

Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-7-2: GENERAL PLAN UTILIZATION POLICY

The City’s General Plan is a non-binding, advisory guide. The future land use map, included within the General Plan, is intended to guide property owners and developers as they prepare land use proposals, including requests for zoning map amendments and zone changes. It is also intended to inform and guide the Planning Commission and City Council in deliberating about such requests. However, the General Plan in and of itself does not guarantee approval or denial of a zoning map amendment or zone change on any property. It establishes a vision for the City’s desired pattern of future growth. The City Council may deny a zoning map amendment or zone change request that is consistent with the future land use map based on factors such as timing, impact, or scale of the proposed development, or approve zoning map amendments not consistent with the future land use map.

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 March, 2023, based upon the following vote:

Councilmember:

Ty Bringhurst	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John ‘Chuck’ Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Daisy Fuentes, Toquerville City Recorder