

**TOQUERVILLE CITY**  
**ORDINANCE 2023-XX**



AN ORDINANCE CREATING ARTICLE I (CONSOLIDATION OF CONTIGUOUS LOTS & PARCELS) WITHIN CHAPTER 19 (SUBDIVISIONS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO ESTABLISH THE PROCESS BY WHICH TWO CONTIGUOUS LOTS IN A PLATTED SUBDIVISION OR TWO CONTIGUOUS UN-PLATTED PARCELS CAN BE CONSOLIDATED INTO ONE LOT OR PARCEL.

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 the City Council has upon recommendation from City Staff and the Toquerville City Planning Commission determined that it is necessary and appropriate for the City to adopt a new Article (Article I) within the City’s subdivision ordinances (Chapter 19 of Title 10 of the Toquerville City Code) creating a process in which a common owner of two contiguous Lots in a platted subdivision or two contiguous un-platted Parcels may be consolidate the contiguous Lots or Parcels into one.

ORDINANCE

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

1. CREATION OF ARTICLE I OF CHAPTER 19, TITLE 10 OF THE TOQUERVILLE CITY CODE. Article I (Consolidation of Contiguous Lots and Parcels), of Chapter 19 (Subdivisions), of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby created to state as follows:

***ARTICLE I. CONSOLIDATION OF CONTIGUOUS LOTS AND PARCELS***

***10-19I-1: PURPOSE:***

*The purpose of this Article is to allow for the consolidation of contiguous Lots within a platted subdivision, or the consolidation of contiguous un-platted Parcels, both of which being under common ownership.*

**10-19I-2: APPLICABILITY & CRITERIA:**

A. *This Article applies to two or more contiguous Lots that are part of a previously recorded subdivision plat or, two or more contiguous un-platted Parcels of land described by a record of survey or instrument containing a metes and bounds legal description.*

B. *For two (2) or more Lots or Parcels to be consolidated into one Lot or Parcel, the following criteria shall be met:*

- 1. Compliance with all applicable zoning regulations of Title 10 of the Toquerville City Code (Land Use Regulations) including maximum lot size, if applicable.*
- 2. A Lot or Parcel consolidation cannot yield two (2) principal Dwellings on one Lot or Parcel, unless permitted in the zoning district or by an approved Master Planned Development Overlay zoning designation.*
- 3. Lots or Parcels being consolidated must share the same zone.*
- 4. Lots or Parcels being consolidated shall be contiguous to each other along the majority of their common boundaries.*
- 5. Lots or Parcels being consolidated shall be owned in the same recorded name.*
- 6. Lots or Parcels being consolidated shall retain all accesses, rights-of-way, and easements (express or prescriptive) located thereon.*

C. *Subdivisions governed by a Homeowners Association (HOA), must have a written letter of approval from said HOA at the time of application.*

**10-19I-3: GENERAL CONSOLIDATION APPLICATION REQUIREMENTS:**

A. *The application for consolidation of two or more contiguous Lots within a recorded subdivision shall include:*

- 1. The payment of the Lot Consolidation Application Fee as set in the City's Uniform Fee Schedule, as amended from time to time.*
- 2. A copy of the final plat for the applicable Subdivision or phase thereof, as recorded.*
- 3. An amended final plat or a amended partial final plat for the applicable Subdivision or phase of the Subdivision where the Lots are located prepared and certified by a licensed land surveyor or engineer containing the following:*

a. ~~a “zoom in” or “close up”~~ A partial plat amendment of the Lots being consolidated along with all contents required in Section 10-19c-4(B)(1) thru (18) – as to those consolidated Lots only,

b. a metes and bounds legal description for the outer edges of the consolidated Lot,

c. The location of any Dwelling(s), Building(s) or Structure(s) on the consolidated Lot,

d. an Owner’s Consent Certificate to be signed by the Owner of the Lots indicating that the Owner, as the fee simple title holder of both Lots, consent to consolidation of said Lots into one.

e. a notary public acknowledgement of the Owners Consent Certificate.

f. a statement on the amended plat as follows: “Consolidation of Lots \_\_\_ and \_\_\_ are the only changes to the Subdivision depicted herein”.

4. A map showing existing utilities and connections to utilities that will service the consolidated Lot and the Dwellings/Buildings thereon- for the Joint Utility Committee to review and approve.

5. An approval letter from the Subdivision’s Homeowners Association, if applicable.

B. The application for consolidation of two or more un-platted Parcels shall include:

1. The payment of the Lot Consolidation Application Fee as set in the City’s Uniform Fee Schedule, as amended from time to time.

2. A site plan containing the boundaries and the metes and bounds legal descriptions of the Parcels to be consolidated – as they are currently recorded.

3. A record of survey showing the consolidated Parcel prepared and certified by a licensed land surveyor ~~or engineer~~ containing the following:

a. a metes and bounds legal description for the outer edges of the consolidated Parcel,

- b. the location of any Dwelling(s), Building(s) or Structure(s) on the consolidated Parcel, and*
- c. a survey note indicating that the purposes of conducting, preparing and recording record of survey is to effectuate a parcel consolidation.*
- d. an Owners Conveyance Certificate to be signed by the Owner of the Parcels indicating that the Owner, as the fee simple title holder of both Parcels conveys the same to itself to be held as one consolidated Parcel.*
- e. a notary public acknowledgement of the Owners Conveyance Certificate.*
- f. a survey note verifying that the elimination of certain boundary Parcel lines as part of the consolidation will not leave in place any utility easement(s) that will impede future development.*
- g. a box in the lower left corner of the record of survey indicating that by signature of the Zoning Administrator or its designee or an official stamp of the City that the lot consolidation contemplated by the survey is approved by the City.*

**10-19I-4: CITY INTERNAL REVIEW AND APPROVAL:**

- A. The Zoning Administrator or its designee shall review the consolidation application for completeness and for compliance with all other regulations contained in Title 10 (Land Use Regulations) of the Toquerville City Code.*
- B. Platted Lot Consolidations. Upon the review and a completeness determination by the Zoning Administrator or its designee, said official shall refer the application to consolidate two or more contiguous platted Lots to the Planning Commission who shall review and approve, deny or approve the same with conditions.*
- C. Un-Platted Parcel Consolidations. Upon the review and a completeness determination by the Zoning Administrator or its designee, said official shall review an application to consolidate two or more contiguous un-platted Parcels and approve, deny or approve the same with conditions.*

**10-19I-5: RECORDATION OF CONSOLIDATION INSTRUMENTS:**

- A. Platted Lot Consolidations. Upon approval by the Planning Commission of the proposed amended final plat consolidating two or more contiguous Lots, the applicant shall make any additions, deletions or corrections to the amended final plat as requested by the Planning Commission and City Staff and shall submit the same to the City in the form of a twenty-four (24) inch by thirty-six (36) inch mylar containing a signed and acknowledged Owners Conveyance Certificate and Surveyor's Certificate. The City shall then cause the amended final plat to be*

endorsed by all persons identified in Section 10-19C-4 of the Toquerville City Code and recorded in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

B. *Un-Platted Parcel Consolidations.* Upon approval by the Zoning Administrator or its designee of the record of survey consolidating two or more contiguous un-platted Parcels, the applicant shall make any additions, deletions or corrections to the record of survey as requested by the City Staff and shall submit the same to the City in the form of a twenty four (24) inch by thirty six (36) inch mylar containing a signed and acknowledged Owners Consent Certificate and Surveyor's Certificate. The Zoning Administrator or its designee shall then cause the record of survey to be endorsed or stamped as "approved" and ~~recorded~~ filed in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

**10-19I-6: EXPIRATION OF APPROVAL:**

*Should the applicant fail to produce to required mylar of the amended final plat or record of survey, as the case may be, and cause the City to endorse and record the same within one hundred eighty (180) days of the approval being granted, the consolidation application shall be deemed denied.*

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