

TOQUERVILLE CITY
ORDINANCE 2023-XX



AN ORDINANCE AMENDING AND RESTATING CHAPTER 9 (AGRICULTURAL DISTRICTS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO CREATING A NEW AGRICULTURAL ONE-HALF ACRE ZONING DISTRICT (A-0.5) AND DESIGNATING THE PERMITTED AND CONDITIONAL USES ALLOWED AS WELL AS THE PHYSICAL RESTRICTIONS ON BOTH THE A-0.5 AND THE A-1 ZONING DISTRICTS.

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 create a new agricultural zoning district within Chapter 9 (Agricultural Districts) of Title 10 (Land Use Regulations) of the Toquerville City Code that allows the minimum size of a lot to be one half acre with more limitations on uses and to eliminate two conditional uses previously allowed in the A-1 Zone.

ORDINANCE

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

1. COMPLETE AMENDMENT AND RESTATEMENT OF CHAPTER 9 OF TITLE 10 OF THE TOQUERVILLE CITY CODE. Chapter 9 (Agricultural Districts) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 9

AGRICULTURAL DISTRICTS

SECTION:

10-9-1: Purpose

10-9-2: Allowed Use Table

10-9-3: Physical Restrictions A-0.5 District

10-9-4: Physical Restrictions A-1 District

10-9-1: PURPOSE:

The purpose of both the A-0.5 District and the A-1 District is to identify and preserve appropriate lands for permanent agricultural use, and such incidental uses normally and necessarily related to the primary agricultural use. The Agricultural Districts' regulations are intended to maintain the unique character of the City's agricultural areas and to ensure the survival of agricultural uses and attendant open spaces. The minimum Lot sizes of the Agricultural Districts dictate the types and intensities of uses that are appropriate for each District with more intense agricultural and incidental uses being prohibited on smaller agricultural Lots.

10-9-2: ALLOWED USE TABLE:

Only the following uses set forth in the table below are allowed in Agricultural Districts. Any use not specified as permitted, conditional, conditional with standards/permit is deemed prohibited.

USE	A-0.5	A-1
<i>Agricultural buildings & structures related to agricultural uses</i>	<i>P</i>	<i>P</i>
<i>Crop production</i>	<i>P</i>	<i>P</i>
<i>Dwelling, single-family</i>	<i>NA</i>	<i>P</i>
<i>Family food production</i>	<i>P</i>	<i>P</i>
<i>Home occupation</i>	<i>NA</i>	<i>P</i>
<i>Keeping of livestock (in compliance with Title 5, Chapter 1)</i>	<i>P</i>	<i>P</i>
<i>Keeping of household pets (in compliance with Title 5, Chapter 1)</i>	<i>P</i>	<i>P</i>
<i>Public or quasi-public building for essential public services</i>	<i>P</i>	<i>P</i>
<i>Public utility uses</i>	<i>P</i>	<i>P</i>
<i>Private cemeteries</i>	<i>NA</i>	<i>P</i>
<i>Residential facility for elderly persons</i>	<i>C</i>	<i>C</i>
<i>Residential facility for persons with a disability (see 10-17-2)</i>	<i>CS</i>	<i>CS</i>
<i>Roadside stands for sale of produce grown on premises</i>	<i>C</i>	<i>C</i>
<i>Riding stables</i>	<i>C</i>	<i>C</i>
<i>Vertical storage silos</i>	<i>NA</i>	<i>C</i>
<i>Other uses similar to the above and judged to be in harmony with the character intent of the zoning district</i>	<i>C</i>	<i>C</i>
<i>Legend:</i>		
<i>P = Permitted Use, C = Conditional, CS = Conditional w/ Standards or Permit, NA = Not Allowed</i>		

10-9-3: PHYSICAL RESTRICTIONS (A-0.5 DISTRICT):

<i>Minimum Lot area</i>	<i>.5 acre</i>
<i>Minimum frontage</i>	<i>80 feet (measured at front setback)</i>
<i>Minimum setbacks</i>	<i>Front: 25 feet Side: 10 feet Rear: 10 feet (2 stories or less)</i>
<i>Setback exceptions</i>	<i>Driveway, walkway</i>
<i>Maximum density</i>	<i>agricultural lot/parcel (no Dwellings)</i>
<i>Maximum height</i>	<i>35 feet</i>

10-9-3: PHYSICAL RESTRICTIONS (A-1 DISTRICT):

<i>Minimum Lot area</i>	<i>1 acre</i>
<i>Minimum frontage</i>	<i>100 feet (measured at front setback)</i>
<i>Minimum setbacks</i>	<i>Front: 25 feet Side: 10 feet Rear: 10 feet (2 stories or less)</i>
<i>Setback exceptions</i>	<i>Driveway, walkway</i>
<i>Maximum density</i>	<i>1 Dwelling (single family)/agricultural lot/parcel</i>
<i>Maximum height</i>	<i>35 feet</i>

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