

TOQUERVILLE CITY
ORDINANCE 2023-XX



Formatted: Top: 0.75", Bottom: 0.94", Different first page header

AN ORDINANCE AMENDING AND RESTATING ARTICLE A (MU-20 DISTRICT) OF CHAPTER 11 (MULTIPLE USE DISTRICTS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO CLARIFY THE NUMBER AND NATURE OF DWELLINGS THAT MAY BE ESTABLISHED UPON A LOT, AMEND THE ABBREVIATION FOR THE DISTRICT (MU-1-20) AND ELIMINATE OR MODIFY SEVERAL CONDITIONAL USES THAT ARE INCONGRUENT WITH THE PURPOSES OF THE MU-20 ZONING DISTRICT.

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 amend Article A (MU-20 District) of Chapter 11 (Multiple Use Districts) to clarify the number and nature of Dwellings that may be established upon a Lot in the District, amend the District’s abbreviation, and eliminate or modify several conditional uses that are incongruent with the purposes of the MU-20 Zoning District.

ORDINANCE

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

1. COMPLETE AMENDMENT AND RESTATEMENT OF ARTICLE A, CHAPTER 11 OF TITLE 10 OF THE TOQUERVILLE CITY CODE. Article A (MU-20 District) of Chapter 11 (Multiple Use Districts) of Title 10 (Land Use Regulations) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

ARTICLE A CHAPTER 11

MULTIPLE USE (MU-20) DISTRICT

SECTION:

10-11A-1: Purpose

10-11A-2: ~~Permitted Uses~~ Allowed Use Table

~~10-11-3: Conditional Uses~~

10-11A-4: Physical Restrictions

10-11A-1: PURPOSE:

The Multiple Use District is established in areas of mountain, hillside, canyon, desert and other open and generally underdeveloped lands where human habitation should be limited in order to protect the indigenous natural beauty of those areas and protect open space resources and to reduce unreasonable requirements for public utility and service extensions and expenditures through unnecessary disbursement and scattering of population; to encourage the use of land, where appropriate, for grazing, agricultural, wildlife habitat and recreation; and to minimize water pollution, soil erosion, danger from brushland fires, damage to watersheds, and damage to grazing and livestock habitat and to wildlife habitat and values; and to promote health, convenience, order, prosperity and general welfare of the inhabitants of the City.

10-11-2: PERMITTED USES:

- ~~Accessory buildings & uses customarily incidental to agricultural & grazing uses.~~
- ~~Agricultural uses.~~
- ~~Home occupations (with current home occupation permit).~~
- ~~Livestock grazing.~~
- ~~Single Family Dwelling (one (1) per twenty (20) acres).~~
- ~~Public or quasi-public uses for essential public services.~~
- ~~Public utility uses.~~

10-11-3: CONDITIONAL USES:

- ~~Agricultural and related uses.~~
- ~~Private park or recreational grounds or facilities, not including RV Resorts.~~
- ~~Radio, television, cellular transmitting/relay stations & towers.~~
- ~~Residential facility for persons w/ a disability (permit per TCC § 10-17-2 req'd).~~
- ~~Accessory buildings and uses customarily incidental to the above.~~

10-11A-2: ALLOWED USE TABLE

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

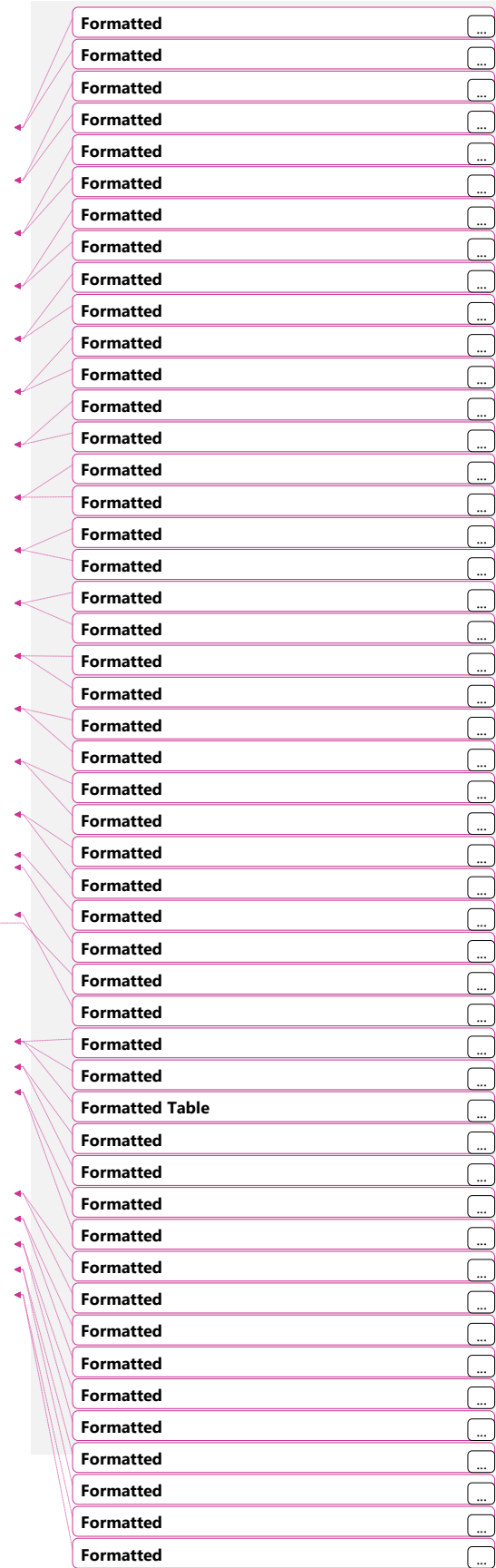
<i>USE</i>	<i>MU-20</i>
<u><i>Accessory buildings & uses customarily incidental to agricultural & grazing uses</i></u>	<u><i>P</i></u>
<u><i>Agricultural uses</i></u>	<u><i>P</i></u>
<u><i>Home occupations (with current home occupation permit)</i></u>	<u><i>P</i></u>

- Formatted: Centered
- Formatted: Centered, Indent: Left: -0.02"
- Formatted Table
- Formatted: Indent: Left: 0", Right: -0.01"
- Formatted: Centered, Indent: Left: -0.02", Right: 0"
- Formatted: Indent: Left: 0", Right: -0.01"
- Formatted: Centered, Indent: Left: -0.02", Right: 0"
- Formatted: Indent: Left: 0", Right: -0.01"
- Formatted: Centered, Indent: Left: -0.02", Right: 0"

<u>Livestock grazing</u>	<u>P</u>
<u>Single-Family Dwelling (one (1) per twenty (20) acres)</u>	<u>P</u>
<u>Public or quasi-public uses for essential public services</u>	<u>P</u>
<u>Public utility uses</u>	<u>P</u>
<u>Agricultural and related uses</u>	<u>C</u>
<u>Day-use private park or recreational grounds or facilities</u>	<u>C</u>
<u>RV Resorts</u>	<u>NA</u>
<u>Campgrounds</u>	<u>NA</u>
<u>Radio, television, cellular transmitting/relay stations & towers</u>	<u>C</u>
<u>Residential facility for persons w/ a disability (see 10-17-2)</u>	<u>CS</u>
<u>Residential facility for elderly persons</u>	<u>C</u>
<u>Accessory buildings and uses customarily incidental to the above</u>	<u>C</u>
<u>Water Parks</u>	<u>NA</u>
<u>Golf Course.</u>	<u>C</u>
<u>Other uses similar to the above and judged to be in harmony with the character intent of the zoning district</u>	<u>C</u>
<i>Legend:</i> <i>P = Permitted Use, C = Conditional, CS = Conditional w/ Standards or Permit, NA = Not Allowed</i>	

10-11A-34: PHYSICAL RESTRICTIONS:

Minimum lot area:	20 acres
Minimum frontage:	100 feet
Minimum setbacks:	Established by conditional use permit
	<u>Front: 25 feet</u>
	<u>Side: 10 feet</u>
	<u>Rear: 10 feet (2 stories or less)</u>
Setback exceptions:	Established by conditional use permit
Building separation:	Established by conditional use permit
Maximum height:	35 feet
Maximum building coverage:	Established by conditional use permit
Minimum landscaping:	Established by conditional use permit



Parking:

Per TCC § 10-21-13, as modified by CUP

Formatted: Right: 0"

Formatted: Indent: Left: -0.01", Right: 0"

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 ~~May~~June, 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