

TOQUERVILLE CITY
ORDINANCE 2021.21



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING AND RESTATING ARTICLE G (LOT LINE ADJUSTMENTS) OF CHAPTER 19 (SUBDIVISIONS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE CLARIFYING HOW LOT LINE ADJUSTMENTS ARE MEMORIALIZED AND RECORDED.

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 its primary Land Use Authority;

WHEREAS, currently the City has within its land use regulatory scheme an Article (Article G) within Chapter 19 (Subdivisions) of Title 10 of the Toquerville City Code which addresses how adjacent property owners may go about adjusting their common boundaries.

WHEREAS, the City Council has determined that it is in the best interests of the health, safety and general welfare of the City to amend and restate Title 10, Chapter 19, Article G to clarify and streamline how lot line adjustments approved by the City are memorialized and recorded.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT OF ARTICLE G, CHAPTER 19, TITLE 10. Article G (Lot Line Adjustments), Chapter 19, Title 10 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-19G-1: PURPOSE:

The purpose of this article is to allow adjoining property owners to make adjustments in location of joint property lines as may be necessary and prudent with minimal procedural review.

10-19G-2: REVIEW PROCESS:

A. *The owners of record of adjacent parcels that are described by metes and bounds description may exchange title to portions of those parcels if a completed application for lot line adjustment is submitted, along with a map showing both parcels before and after the lot line adjustment and the lot line adjustment and the*



exchange of title is approved by the planning commission as provided under Utah Code Annotated § 10-9a-608. Staff review and recommendations on any lot line adjustment will be required.

B. The planning commission shall approve an exchange of title under this section if:

- 1. No new dwelling or housing unit will result from the exchange of title; and*
- 2. The exchange of title will not result in a violation of applicable zoning requirements.*

C. If an exchange of title is approved under subsection B of this section, a notice of approval shall be recorded by the planning commission which:

- 1. Is executed by each owner included in the exchange and by the planning commission chairperson.*
- 2. Contains an acknowledgment from each party executing the notice in accordance with the provisions of Utah Code Annotated title 57, Chapter 2a, recognition of acknowledgments act; and Recites the descriptions of both the original parcels and the parcels newly created by the exchange of title.*

D. A notice of approval recorded under this section does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property.

10-19G-3:

A. The owners of record of adjacent parcels that are part of a recorded plat may exchange title to portions of those parcels by following the procedure outlined in section 10-19C-4(F) of this code.

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 18th DAY OF AUGUST, 2021.

John 'Chuck' Williams	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Justin Sip	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Ty Bringhurst	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input checked="" type="checkbox"/>

TOQUERVILLE CITY
a Utah Municipal Corporation



Lynn Chamberlain, Mayor

8/19/2021
Date

Attest:



Ruth Evans, City Recorder

