

TOQUERVILLE CITY
ORDINANCE 2021.27



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, CREATING SUBSECTION 10-15C-6(C) CONTAINING A TABLE (TABLE C.1.) WHICH PROVIDES A METHOD FOR CONVERTING EQUIVALENT RESIDENTIAL UNITS INTO VARIOUS TYPES OF COMMERCIAL, MULTI-FAMILY AND INDUSTRIAL USES FOR CALCULATING DENSITY WITHIN THE MPDO OVERLAY ZONE.

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 the primary Land Use Authority;

WHEREAS, currently the City has within its land use regulatory scheme an overlay zoning designation known as the Master Planned Development Overlay Zone ("MPDO Zone") found in Article C of Chapter 15, Title 10 of the Toquerville City Code ("TCC").

WHEREAS, the City has determined that it is in the best interests of the health, safety and general welfare of the City to include within the regulations of the MPDO Zone a methodology for converting Equivalent Residential Units ("ERU") which is essentially a single family detached residential standard, into various types of commercial, multi-family and industrial uses that might occur in a MPDO Zone and which have more or less burden on the City's public infrastructure systems than a traditional ERU.

ORDINANCE

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

1. AMENDMENT OF SECTION 6 OF ARTICLE C OF CHAPTER 15, TITLE 10 OF THE TCC. Subsection 6(C) is hereby added and included into Section 6, Article C, Chapter 15, Title 10 of the Toquerville City Code as follows:

C. Density Calculations: Density Calculations (ERU's) will be based on the use and size of the structure built within a project and used to encourage, a variety of unit configurations as set forth in Table C.1. below:

Table C.1.

Configuration/ Use	Notes	ERU's
<i>Residential</i>	<i>A detached single home shall be calculated for each 5,000 sq. ft. Each additional 5,000 sq. ft. shall count as an additional ERU.</i>	<i>1.0</i>
<i>Hotel /Motel</i>	<i>Attached unit not to exceed 1000 square feet including bathroom areas, but not including corridors outside the room, and not to exceed 1 bathroom.</i>	<i>0.25</i>
<i>Apartments Condominiums</i>	<i>Attached units not to exceed 1,000 square feet and not to exceed 1 ½ bathrooms</i>	<i>0.50</i>
<i>Apartments or attached single- family dwellings</i>	<i>Attached units not to exceed 1,500 square feet and not exceed 2 bathrooms</i>	<i>0.75</i>
<i>Commercial & Industrial, not including dwellings</i>	<i>For each 5,000 square feet of gross floor area, or for each part of a 5,000 square feet interval. Not to exceed 1 set of commercial bathrooms.</i>	<i>0.50</i>
<p><u><i>Residential Notes:</i></u> All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation of square footages.</p> <p><u><i>Hotel/Motel Notes:</i></u> Exterior hallways, common circulation and use areas, such as lobbies, elevators, storage areas, breakfast lobbies, conference rooms, banquet rooms, pools, spas, recreation facilities and other similar areas, will not be included in square feet calculation</p>		

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 15th day of December, 2021.

John 'Chuck' Williams
Keen Ellsworth
Justin Sip
Gary Chaves
Ty Bringhurst

Aye x_Nay __ Absent/Abstain ____
Aye x_Nay __ Absent/Abstain ____
Aye x_Nay __ Absent/Abstain ____
Aye x_Nay __ Absent/Abstain ____
Aye x_Nay __ Absent/Abstain ____

TOQUERVILLE CITY
a Utah Municipal Corporation



Lynn Chamberlain, Mayor

12.15.2021

Date

Attest:



Dana M. McKim, City Recorder

