

TOQUERVILLE CITY
ORDINANCE 2021.13



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING AND RESTATING SECTIONS 2 AND 3 OF ARTICLE A (R-1 SINGLE FAMILY RESIDENTIAL DISTRICT), CHAPTER 10 (RESIDENTIAL DISTRICTS) WITHIN TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE MAKING THE PLACEMENT OF PUBLIC AND QUASI-PUBLIC USES FOR ESSENTIAL PUBLIC PURPOSES AND PUBLIC UTILITY USES PERMITTED USES WITHIN THE CITY'S R-1 SINGLE FAMILY RESIDENTIAL 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 a zoning district which allows primarily for single family residential uses in Title 10, Chapter 10, Article A of the Toquerville City Code ("R-1 Zone").

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 Sections 2 and 3 of said Article A to clearly identify that Public and Quasi-Public uses (as those terms are defined in the Chapter 2 of Title 10) for essential Public services and Public Utility uses are permitted uses within the R-1 Zone.

ORDINANCE

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

1. AMENDMENT AND RESTATEMENT OF SECTION 2 & 3, ARTICLE A, CHAPTER 10, TITLE 10. Sections 2 & 3, Article A, Chapter 10, Title 10 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-10A-2: PERMITTED USES:

Accessory buildings and uses customarily and incidental to the permitted and conditional uses allowed herein.



Home occupations (with current home occupation permit).

Household pets, as allowed under title 5, chapter 1, "Animal Control", of this Code.

Rentals of single-family residences in excess of ninety (90) consecutive days.

Single-unit dwellings and other uses customarily incidental and accessory to single-family residential uses and necessary for the operation thereof (garages or carports, play equipment, etc.).

Tilling of the soil, raising crops, horticulture and gardening.

Public or Quasi-Public building for essential public services.

Public utility uses.

10-10A-3: CONDITIONAL USES:

Child daycare or nursery.

Churches.

Model homes.

Private recreation grounds and facilities not open to the general public and to which no admission charge is made.

Public or private schools.

Residential facility for persons with a disability. This use shall require a permit under section 10-17-2 of this title.

Single-family and multi-family dwellings located above commercial space.

The keeping of livestock in accordance with section 5-1-4 of this Code.

Other uses similar to the permitted uses above and judged to be in harmony with the character and intent of this zone.

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 21st DAY OF JULY, 2021.

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

TOQUERVILLE CITY
a Utah Municipal Corporation



Councilman Ty Bringhurst

7-21-21

Date

Attest:



Ruth Evans, City Recorder

