

**TOQUERVILLE CITY**  
**ORDINANCE 2021.19**



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING AND RESTATING SECTIONS 2 AND 3 OF ARTICLE A (BMP BUSINESS AND MANUFACTURING DISTRICT), CHAPTER 13 (BUSINESS MANUFACTURING 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 BMP BUSINESS AND MANUFACTURING 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 commercial, manufacturing and light industrial uses in various areas throughout the City found in Title 10, Chapter 13, Article A of the Toquerville City Code ("BMP 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 BMP 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 13, TITLE 10. Sections 2 & 3, Article A, Chapter 13, Title 10 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

**10-13A-2: PERMITTED USES:**

*Animal hospital.*

*Bank.*



*Business equipment, sales, rental, supplies.*

*Car wash.*

*Church.*

*Club or service organization.*

*Construction sales and service.*

*Convenience store.*

*Cultural services.*

*Daycare center.*

*Funeral home.*

*Garden center.*

*Gasoline service station.*

*General manufacturing (light and clean manufacturing).*

*Golf course.*

*Hospital.*

*Hostel.*

*Hotel.*

*Laundry and dry cleaning.*

*Operations center.*

*Post office.*

*Public or Quasi-Public uses for essential public services.*

*Public utility uses.*

**10-13A-3: CONDITIONAL USES:**

*Agricultural industry.*

*Bus terminal.*

*Commercial kennel.*



*Convalescent care facility.*

*Liquor store.*

*Pawnshop.*

*Reception center.*

*Recreation, outdoor.*

*Rehabilitation facility.*

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

*Residential facility for troubled youth.*

*Transitional housing facility.*

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 21<sup>st</sup> 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

