

# TOQUERVILLE CITY



## ORDINANCE # 2021.04

AN ORDINANCE AMENDING TOQUERVILLE CITY'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 23.89 ACRES OF REAL PROPERTY OWNED BY BRYANT30, LLC IN THE NORTHEAST AREA OF THE CITY NEAR THE BROWSE EXIT OF INTERSTATE 15 FROM ITS PRESENT ZONING DISTRICT DESIGNATION OF MULTIPLE USE DISTRICT - 20 ACRES ("MU-20") TO HIGHWAY COMMERCIAL DISTRICT ("HC").

### RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the City is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the City's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing and legislative body of the City.

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Section 503(1) the City Council is the only body designated as the City's Land Use Authority who may designate or amend "(a) the number, shape, boundaries, area, or general uses of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use regulation.

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Sections 502 thru 505, the City Council may only amend the City's Official Zoning Map to rezone properties within the City after the proper notice is given in compliance with Utah Code Annotated Title 10, Chapter 9a, Section 205 and Section 10-1-8-4 of the Toquerville City Code, and an ordinance on the subject receives a recommendation from the City's Planning Commission ("City Planning Commission") after a public hearing is held.

WHEREAS, the City has received a request submitted by an authorized agent of a tract of real property described in Exhibit "A" and more fully depicted in Exhibit "B" attached hereto and incorporated herein by this reference ("Subject Property") requesting that it be re-zoned from its current zoning designation of Multiple Use District - 20 Acres ("MU-20") to the Highway Commercial District ("HC") and that the City's Official Zoning Map be amended accordingly ("Zone Change Request").

WHEREAS, on March 10, 2021, the City Planning Commission reviewed, conducted a public hearing on, and made a recommendation for approval of the Zone Change Request and thus a draft of this Ordinance effectuating the same has been prepared was forwarded to the City Council.

WHEREAS, after reviewing the recommendation from the City Planning Commission, the



City Council finds it to be in the best interest of the health, safety, and general welfare of the City that the Zone Change Request be granted.

**ORDINANCE**

NOW THEREFORE be it ordained by Toquerville City, Washington County, State of Utah, acting by and through the City Council:

1. **Zone Change.** The Subject Property described in Exhibit "A" and depicted in Exhibit "B", located within Toquerville City, Washington County, State of Utah, previously zoned Multiple Use District - 20 Acres ("MU-20") as shown on the Official Toquerville City Zoning Map is hereby re-classified and re-zoned to the Highway Commercial District ("HC").
2. **Amendment of Toquerville City Official Zoning Map.** The City's Official Zoning Map is hereby amended and restated/redrawn to reflect the Zone Change set forth in Section 1, above.
3. **Severability.** If any Section, clause, or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
4. **Conflicts/Repealer.** This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
5. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council and execution by the Toquerville City Mayor.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 21st day of April, 2021 based upon the following vote:

**Council Member:**

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

TOQUERVILLE CITY  
A Utah municipal Corporation

ATTEST:

  
Lynn Chamberlain, Mayor

  
Ruth Evans, City Clerk



**EXHIBIT "A"**  
to Toquerville City Ordinance 2021.04

(Legal Description and/or Depiction of Subject Property)

A Portion of the Northeast Quarter of the Southwest Quarter of Section 11, Township 40 South, Range 13 West, Salt Lake Base and Meridian, being more particularly described as follows:

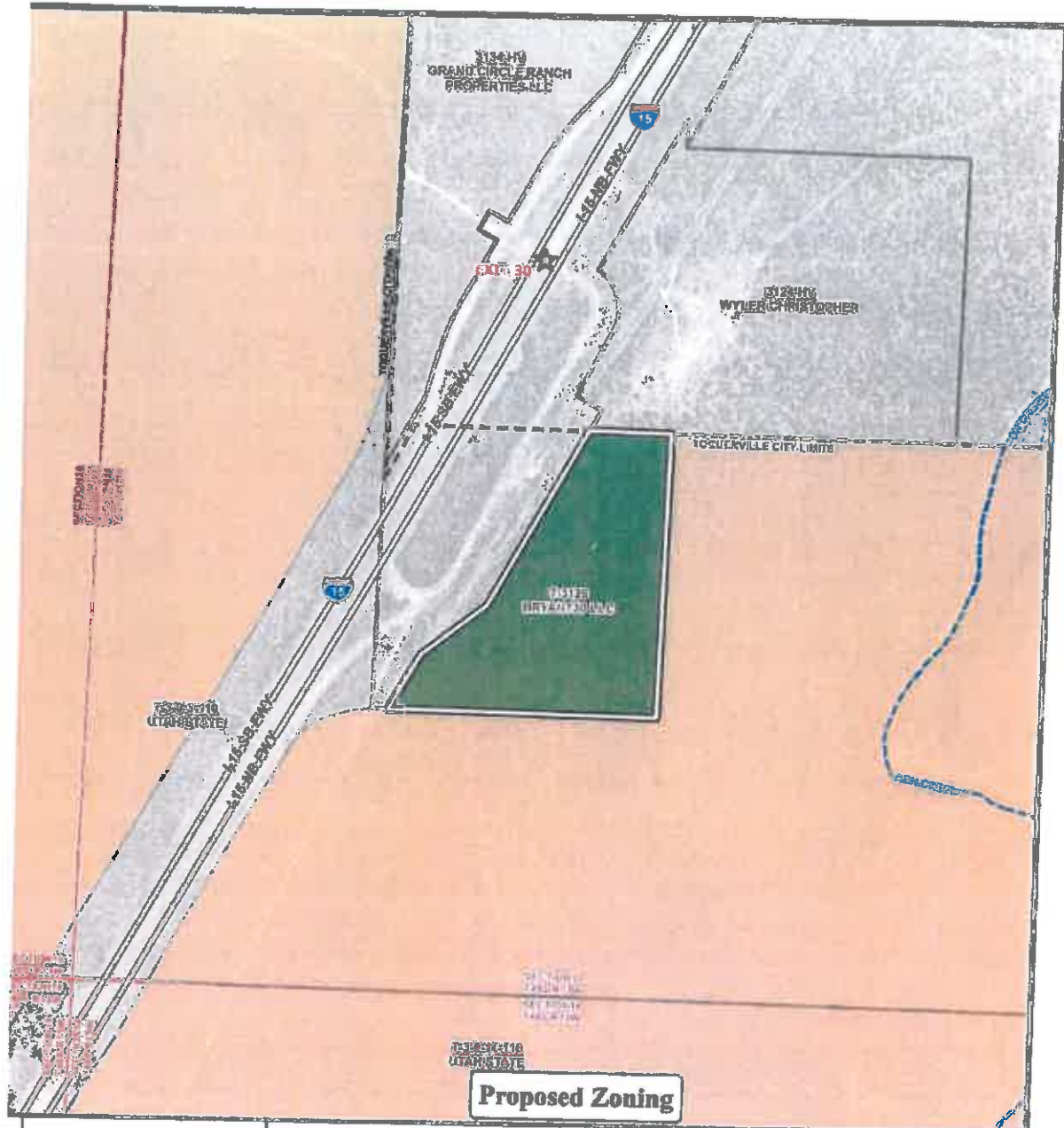
BEGINNING at a point being North 0°12'45" West 1326.24 feet along the Center Section line from the South 1/4 Corner of Section 11, Township 40 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 89°35'27" West 1257.96 feet; thence North 27°41'09" East 294.15 feet; thence North 50°53'04" East 380.79 feet; thence North 27°41'09" East 938.99 feet to a point on the South line of Sectional Lot 11; thence North 89°33'02" East 384.63 feet along said South line to the Center Corner of said Section 11; thence South 0°12'45" East 1326.24 feet along said Center. Section line, to the POINT OF BEGINNING.


Parcel No. T-3126



**EXHIBIT "B"**  
to Toquerville City Ordinance 2021.04

(Depiction of Subject Property)



	<b>Zone Change Exhibit (Parcel T-3126)</b>
	<b>Proposed Bryant RV Park, Toquerville, Utah</b>
<b>1 of 1</b>	<b>Spatial Reference:</b> Utah State Plane NAD 83, feet
	<b>Drawn By:</b> JRH
	<b>Scale:</b> 1" = 600 feet
	<b>Date:</b> January 2021

