



TOQUERVILLE CITY

ORDINANCE 2024.01A

AN ORDINANCE AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 7, TITLE 10 OF THE TOQUERVILLE CITY CODE TO REFERENCE GENERAL PLAN POLICIES AND TO INCLUDE A ZONING AND FUTURE LAND USE MAP.

RECITALS

WHEREAS Toquerville City ("the City") is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. § 10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council ("City Council"), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT. CHAPTER 7, TITLE 10 of the Toquerville City Code is hereby amended and restated in its entirety as follows:

10-7-1: PURPOSE:

The city general plan is a general plan for the community; a general guide for making land use decisions. It describes the community's physical development goals and where various land uses are desired. The general plan is published as a separate document from the land management code and may be obtained from the city recorder. (Ord. 2012.04, 1-18-2012)

10-7-2: GENERAL PLAN POLICIES:

- 1. The General Plan and the Zoning Ordinance shall conform to one another.*
- 2. The General Plan will be comprehensively reviewed at least every 5 years or when major changes occur in the community.*
- 3. The City Council and Planning Commission are committed to let zoning and other development proposals be governed by the General Plan.*
- 4. All zoning and land use decisions, including the development of streets, parks, utilities, and the provision of public services, shall be consistent with the General Plan, including its maps, goals, and policies.*
- 5. All zoning and land use proposals in conflict with the General Plan should not be supported.*
- 6. Any proposed deviations from the General Plan require that the General Plan be reviewed and amended in advance through a public hearing process.*

10-7-3: ZONING AND FUTURE LAND USE MAP:

The Future Land Use Map depicts future desired zoning designations and may not depict properties as they are currently zoned. Current zoning designations are maintained at Toquerville City offices and on the City's official zoning map.

10-7-4: AMENDMENTS:

The current general plan was adopted after careful study, significant public input, and several review hearings by both the planning commission and the city council. The general plan may be amended by the city council by following the same procedure for the original adoption. Specifically, the steps are as follows:

A. Review Process:

- 1. Application: Application is submitted to the planning commission.*
- 2. Planning Commission Review: After appropriate public notice consistent with section 10-1-8 of this title, the planning commission shall hold a public hearing and they shall make a recommendation on the proposed amendment to the city council.*
- 3. City Council Review: After public notice consistent with section 10-1-8 of the title, the city council shall hold a public hearing. The city council may adopt, amend or reject the proposed amendment.*

B. Standards For Review: No general plan amendment shall be approved unless the planning commission finds that the amendment meets the following standards and conditions:

- 1. Meets a recognized and demonstrated need in the community;*
- 2. Will not create an "island" or "peninsula" zoning district or otherwise constitute "spot zoning";*
- 3. Will not have a material adverse effect on established uses on contiguous properties;*
- 4. Will not result in an over intensive use of the land or excessive depletion of natural resources;*
- 5. Will not have a material adverse effect on community capital improvement programs;*
- 6. Will not require a level of community facilities and services greater than that which is available;*
- 7. Will not result in undue traffic congestion and traffic hazards;*
- 8. Will not cause significant air, odor, water, light or noise pollution;*
- 9. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the city.*

C. City Initiated Amendment: Any amendment or revision of the general plan initiated by the city shall contain all of the mandatory elements required by Utah Code Annotated section 10-9a-403.

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.



3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 17th day of January 2024, based upon the following vote:

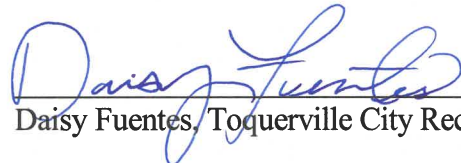
Councilmember:

Gary Chaves	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
John 'Chuck' Williams	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Joey Campbell	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Todd Sands	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Wayne Olsen	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:


Justin Sip, Toquerville City Mayor


Daisy Fuentes, Toquerville City Recorder

