



TOQUERVILLE CITY

ORDINANCE # 2023.09



AN ORDINANCE AMENDING TOQUERVILLE CITY'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 35.03 ACRES OF REAL PROPERTY OWNED BY TOQUERVILLE ESTATES, LLC (PARCEL NO. T-166-B-1-A-1-A) ADJACENT TO THE TOQUERVILLE CITY CEMETARY AT APPROXIMATELY 1200 SOUTH TOQUER BOULEVARD FROM ITS PRESENT ZONING DISTRICT DESIGNATION OF AGRICULTURAL ("A-1") TO RESIDENTIAL ("R-1-15").

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 Toquerville Estates, LLC, a Utah limited liability company and owner of a tract of real property consisting of 35.03 acres known as Parcel T-166-B-1-A-1-A ("Subject Property") requesting that it be re-zoned from its current zoning designation of Agricultural (A-1) to Residential (R-1-15) and that the City's Official Zoning Map be amended accordingly ("Zone Change Request").

WHEREAS, on April 13, 2022, 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:

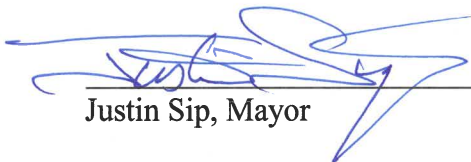
1. Zone Change. The Subject Property identified as Parcel No. T-166-B-1-A-1-A consisting of 35.03 acres located within Toquerville City, Washington County, State of Utah, previously zoned Agricultural (A-1) as shown on the Official Toquerville City Zoning Map is hereby re-classified and re-zoned to Residential (R-1-15).
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 3rd day of May, 2023 based upon the following vote:

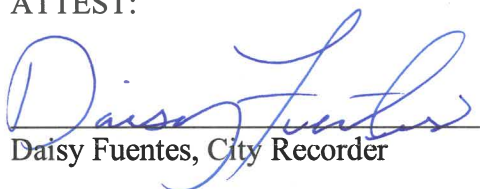
Councilmember:

Joey Campbell	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Ty Bringhurst	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"/>
John 'Chuck' Williams	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>
Gary Chaves	AYE	<input checked="" type="checkbox"/>	NAE	<input type="checkbox"/>	ABSTAIN	<input type="checkbox"/>	ABSENT	<input type="checkbox"/>

TOQUERVILLE CITY
A Utah municipal Corporation


Justin Sip, Mayor

ATTEST:


Daisy Fuentes, City Recorder

