



**TOQUERVILLE CITY  
ORDINANCE 2018.08  
R-1-12 CUL-DE-SAC MINIMUM FRONTAGE SETBACK  
BUILDING ATTACHED DEFINITION REMOVED**

AN ORDINANCE AMENDING SECTION 4-1 OF TITLE 10, CHAPTER 10A OF THE TOQUERVILLE CITY CODE TO REQUIRE THAT THE 30% REDUCTION IN THE MINIMUM FRONTAGE OF A LOT ABUTTING A CUL-DE-SAC LOCATED IN THE CITY'S R-1-12 ZONING DISTRICT BE MEASURED ALONG A LINE FOLLOWING THE FRONT MINIMUM SETBACK FOR THE LOT; AND

AMENDING SECTION 1 OF TITLE 10, CHAPTER 2 OF THE TOQUERVILLE CITY CODE TO REPEAL THE DECLARATION THAT ANY BUILDINGS SEPARATED BY LESS THAN TEN FEET (10') SHALL BE DEEMED ATTACHED AND TREATED AS ONE BUILDING FOR PURPOSES OF COMPLYING WITH TITLE 10 OF THE TOQUERVILLE CITY CODE.

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 body of the City.

WHEREAS, the City Council passed Ordinance 2018.04 which amended and restated Section 10-10A-4-1 of the Toquerville City Code ("Toquerville Code") to allow for a 30% reduction in the requirement that each lot within the City's R-1-12 Zoning District ("R-1-12 Zone") must have a minimum of 80 feet of frontage on a publicly dedicated road or right of way when the lot abuts a cul-de-sac.

WHEREAS, some confusion has resulted in determining on what part of a lot abutting a cul-de-sac the 30% reduction should be measured.

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the City and its residents to clarify that the 30% reduction should be measured on the line of the minimum setback.

WHEREAS, the Toquerville Code, in defining "BUILDING, ATTACHED," currently requires that any buildings separated by less than ten feet (10') are deemed attached and shall meet all requirements of Title 10 of the Toquerville Code as if it were one building, whether actually physically connected or not.



WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the City and its residents to treat buildings that are not actually attached as separate buildings for purposes of meeting the requirements Title 10 of the Toquerville Code.

WHEREAS, based upon the aforementioned findings and determinations, the City, by and through the City Council, desires to amend Section 10-10A-4-1 of the Toquerville Code to require that the 30% reduction in the requirement that each lot within the R-1-12 zone must have a minimum of 80 feet of frontage on a publicly dedicated road or right of way be measured on a line following the minimum setback on any lot in question; and desires to amend Section 10-2-1 of the Toquerville Code to repeal the language defining "BUILDING, ATTACHED".

ORDINANCE

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

1. AMENDMENT & RESTATEMENT. Title 10, Chapter 10A, Section 4-1 of the Toquerville Code is hereby amended and restated in its entirety as follows:

<i>Minimum lot area</i>	<i>12,000 square feet</i>
<i>Minimum frontage</i>	<i>80 feet (except corner Lots 90 feet). Minimum frontage may be reduced by 30% on a cul-de-sac Lot, as measured along the line that follows the minimum front setback for the Lot and as long as the total lot area exceeds 12,000 square feet</i>
<i>Minimum setbacks</i>	<i>Front: 25 feet Side: 10 feet Rear: 10 feet</i>
<i>Setback exception</i>	<i>Driveway, walkway</i>
<i>Maximum height</i>	<i>35 feet (see definition of Building Height, Section 10-2-1 of this title) (exception - church steeples)</i>
<i>Parking</i>	<i>In accordance with Section 10-21-13 of this title</i>
<i>Minimum road setback</i>	<i>25 feet from any dedicated street or highway</i>
<i>Secondary structure height</i>	<i>Up to 18 feet - permitted 18 feet to 35 feet - conditional Above 35 feet - not allowed</i>
<i>Secondary structure setback</i>	<i>Front: 25 feet Side: 5 feet Rear: 5 feet</i>

2. AMENDMENT. The following language contained in Title 10, Chapter 2, Section 1 of the Toquerville Code is hereby repealed:

~~*BUILDING, ATTACHED: Any buildings separated by less than ten feet (10') shall be deemed "attached" for the purposes of this title, and as such shall meet all requirements of this title as if it were one building, whether actually physically connected or not.*~~



3. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

4. 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.

5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 13 DAY OF DECEMBER 2018.

Councilperson:	Keen Ellsworth	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"/>
	Paul Heideman	AYE <input checked="" type="checkbox"/>	NAE <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
	Justin Sip	AYE <input checked="" type="checkbox"/>	NAE <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input type="checkbox"/>
	Alex Chamberlain	AYE <input type="checkbox"/>	NAE <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>	ABSENT <input checked="" type="checkbox"/>

CITY OF TOQUERVILLE  
a Utah Municipal Corporation

  
\_\_\_\_\_  
Lynn Chamberlain, Mayor

12/13/2018  
\_\_\_\_\_  
Date

Attest:

  
\_\_\_\_\_  
Dana McKim, City Recorder

