

**TOQUERVILLE CITY**  
**ORDINANCE 2017.10**



AN ORDINANCE TO AMENDING AND RESTATING TITLE 10, CHAPTER 19E OF THE TOQUERVILLE CITY CODE, BETTER PROVIDE FOR THE SIMPLE SUBDIVISION OF LARGER PARCELS AND FOR THE ALLOWANCE FLAG LOTS WITHIN THE CITY AND TO PRESCRIBE THE PROCESS TO BE FOLLOW IN OBTAINING APPROVALS FOR SIMPLE SUDIVISIONS AND DEVELOPMENT OF FLAG LOTS.

RECITALS

WHEREAS, Toquerville City, as municipal corporation and political subdivision of the State of Utah (“City”), has authority pursuant to its constitutionally granted police powers, to protect the health, safety and general welfare of the residents of the City; and

WHEREAS, the Toquerville City Council (“City Council”) is the governing body of the City.

WHEREAS, the City has determined that there is a need to streamline and make more uniform, the process of subdividing larger parcels of land into no more than 2 smaller parcels or lots and to allow for the development of lots that are non-traditional in configuration and frontage that would not otherwise be capable of being developed into residences based upon existing zoning requirements for frontage on a public street.

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 19E of the Toquerville Code is hereby amended and restated in its entirety as follows:

**10-19E-1: PURPOSE:** *The purpose and intent of the simple subdivision procedure is to allow owners of property to divide their property into no more than two (2) legal size parcels with a minimum of time and expense. (Ord. 2012.04, 1-18-2012)*

**10-19E-2: SIMPLE SUBDIVISION APPLICATION:** *A simple subdivision application shall be submitted to the planning and zoning administrator, along with the application fee set by the city council and one twenty four inch by thirty six inch (24" x 36") or larger drawing, including the following: (Ord. 2012.04, 1-18-2012; and. 2014 Code)*

A. *Property owner of record.*

- B. *Property address, acreage, boundary and tax identification number.*
- C. *Date, scale and north arrow.*
- D. *Vicinity map showing location of property relative to city boundaries, and roads that serve the property.*
- E. *A current title report and notarized permission form from all lienholders. (Ord. 2012.04, 1-18-2012)*

**10-19E-3: SIMPLE SUBDIVISION REVIEW PROCESS:**

- A. *Staff Review and Approval: The planning and zoning administrator shall review the proposed simple subdivision application for general compliance with these regulations, design standards, design guidelines and other applicable ordinances. If the application is not complete or not in general compliance with this chapter, the planning and zoning administrator shall notify the applicant in writing and specify the deficiencies in the application. When the application is complete and in general compliance with this chapter, the planning and zoning administrator shall refer the application to the planning commission, appropriate public agencies and departments, and the city engineer. The simple subdivision may be approved, approved with conditions or denied. The simple subdivision plat shall be submitted to the planning commission and city council for their review and approval. If the simple subdivision plat is in compliance with all applicable ordinances and conditions, the plat shall be approved and signed by the Mayor.*
- B. *Improvements Required: Street and access road improvements shall be required as a condition to recording a subdivision plat for a simple subdivision and a condition to issuance of a building permit. The following minimum improvements are required:*
  - 1. *On improved public streets: All public street improvements must be completed to the street improvement standards applicable at the time the application for a simple subdivision is made. Property for the public street right of way shall be dedicated if required in accordance with the City's General Plan.*
  - 2. *On unimproved public streets: A bond in the amount of one hundred twenty five percent (125%) of the estimated required street improvements shall be obtained at the time the application for a simple subdivision is made. Improvements may include paving, curb, gutter, sidewalk and streetscape landscaping. The bond shall be in the form of cash in an escrow account to be held*

*by the city for the construction of street improvements. Property for the public street right of way shall be dedicated to the city, if required, in accordance with the City's General Plan.*

3. *On access roads: Access roads that are greater than one hundred fifty feet (150') in length, include a fire hydrant, and serve as access to any lot, must have a minimum twenty foot (20') paved surface, six inches (6") minimum of road base and surface drainage designed to handle a 10-year storm.*
4. *Options for "all weather" surface may be approved on a case by case basis. (Ord. 2012.04, 1-18-2012).*
5. *Other improvements required: Any Simple Subdivision created for the purpose of erecting structures, either residential or commercial in nature, shall comply with Chapter 10-19D-2- "Construction Plans."*

*C. Building Permits On Unimproved Streets:*

1. *All public streets and access roads that are greater than one hundred fifty feet (150') in length, include a fire hydrant, and serve as access to any lot, must conform to the international fire code, which establishes requirements for unobstructed street widths, turnarounds, and surface so as to provide all weather driving capabilities. The basic requirements are: (Ord. 2012.04, 1-18-2012; amd. 2014 Code).*
  - a. *Twenty Six feet (26') minimum of an "all weather" surface;*
  - b. *Six inches (6") minimum of road base; and*
  - c. *Surface drainage designed to handle a 10-year storm.*
2. *Options for "all weather" surface may be approved on a case by case basis. These improvements are required from the lot affected to the closest road with an "all weather" surface.*

*D. Standards For Review: Approval of a simple subdivision shall be based on the following standards:*

1. *The proposed simple subdivision will result in parcel sizes and uses that are consistent with the general plan.*
2. *The lots created as provided under this article shall retain their existing zoning.*

3. *The proposed lots will be consistent with current requirements of their existing zone.*
4. *The lots created shall comply with all applicable regulations of this chapter.*
5. *The simple subdivision may create no more than one new lot or parcel (a total of 2 lots, including the original lot).*
6. *No additional simple subdivision may be requested for either resulting parcel sooner than five (5) years from the previous simple subdivision. (Ord. 2012.04, 1-18-2012)*

**10-19E-5 FLAG LOTS:**

A. *Flag Lots: A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the City. Flag lots will be considered and approved on a case by case basis as a simple subdivision and shall follow the approval process prescribed in this Chapter. In addition, all Flag Lots shall meet the following additional requirements:*

1. *Factors: Flag lots may be allowed and approved after consideration of the following factors:*
  - a. *More than two (2) contiguous staffs are prohibited.*
  - b. *The development of the property in question must be found by the Planning Commission to be reasonable and practical under normal City land use and subdivision regulations.*
  - c. *The creation of the flag lot must not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.*
  - d. *Development Standards: If any proposed flag lot meets the above requirements, the development shall be subject to the following standards and conditions:*
2. *The original parcel, after the flag lot split, shall conform to and meet all requirements, set-backs, height restrictions, etc. of the zone in which it is located.*

3. *The flag portion of the lot shall meet all lot width, setback and yard requirements for the zoning district in which it is located. The staff portion of the lot may be included in the calculation of lot area.*
4. *A flag lot shall be comprised of a staff (narrow) portion and a flag (wide) portion. The flag and staff must be contiguous.*
5. *The staff portion of the lot shall front on a public street. The minimum width of the staff portion at any point shall be twenty-six (26) feet and complies with fire authority specification. However, a greater staff width for lots in sensitive lands overlay zones may be required. The maximum length of the staff shall be five hundred (500) feet and the maximum grade of the staff shall not exceed twelve percent (12%).*
6. *The lot access-turn-around and fire protection shall be approved by the Hurricane Valley Fire District.*
7. *No building or structure will be located within the staff portion of the flag lot.*
8. *The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.*
9. *The main building shall be located no more than two hundred fifty (250) feet from a fire hydrant, measured along a public or private right of way or along the staff portion of the lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant and water line.*
10. *Upon review, the City may require installation of curb, gutter and other drainage control measures in the staff portion of the lot to prevent runoff from entering neighboring properties.*
11. *Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right of way.*
12. *All structures shall meet the height requirements of the zone in which a flag lot is located.*

13. *Before a flag lot is approved a site plan and construction drawings must be submitted and approved by the City and all utility providers.*

14. *All required improvements shall be installed on the newly created lot prior to recording the final plat for such lot.*

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 approved by the City Council.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF JUNE 2017.

Paul Heideman	Aye <input type="checkbox"/>	Nay <input checked="" type="checkbox"/> Absent
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Mark Fahrenkamp	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Brad Langston	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

CITY OF TOQUERVILLE  
a Utah Municipal Corporation

  
\_\_\_\_\_

M. Darrin LeFevre, Mayor

Date July 19, 2017

  
\_\_\_\_\_

Attest: Dana McKim, City Recorder

