

# TOQUERVILLE CITY



## ORDINANCE 2020.11

AN ORDINANCE AMENDING TOQUERVILLE CITY'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 138.58 ACRES OF REAL PROPERTY OWNED BY VARIOUS PARTIES IN THE CENTRAL PART OF THE CITY FROM ITS PRESENT ZONING DISTRICT DESIGNATION OF R-1-20 TO AG AND TO OFFICIALLY DESIGNATE PARCELS T-149, T-121-A-1-D, T-121-A-2, T-121-C, T-122, AND T-125-J-1 AS PART OF THE R-1-20 ZONING DISTRICT.

### 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 discovered that during revisions to the City's General Plan and other revisions made to the City's Official Zoning Map that several parcels that were previous designated as part of the Agricultural ("AG") Zoning District had been inadvertently changed to a Single Family Residential (20,000 sq ft) District ("R-1-20").

WHEREAS, the City can find no record that no zone change to the R-1-20 District had been petitioned for by owners or the City and approved by the City, however various subsequent owners, lenders, utility and municipal service providers have relied up on the erroneous zoning designations over the years.

WHEREAS, the City would like to correct the error by allowing the affected property owners make an election of whether to have their property actually re-zoned to the R-1-20



Zoning District or have an official re-declaration or re-designation of their property as being part of the AG Zoning District.

WHEREAS, after surveying all affected property owners, the City has self-initiated a zone change petition to designate or re-designate the following tracts of real property described and/or depicted more fully in Exhibit “A” and Exhibit “B” attached hereto and incorporated herein by this reference (“Subject Property”) as either being part of the R-1-20 Zoning District or the AG Zoning District, and that the City’s Official Zoning Map be amended accordingly (“Zone Change Request”).

WHEREAS, on May 20, 2020, the City Planning Commission reviewed and made a recommendation for approval of the Zone Change Request and a draft of this Ordinance effectuating the same 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 and depicted in Exhibit “A” and Exhibit “B”, located within Toquerville City, Washington County, State of Utah be designated as part of the AG Zoning District, except for Parcels T-149, T-121-A-1-D, T-121-A-2, T-121-C, T-122, and T-125-J-1 be designated as part of the R-1-20 Zoning District (20,000 sq ft lots).
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.

*(Signature Page to Follow)*



ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 11<sup>th</sup> day of June, 2020 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

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

ATTEST:

  
\_\_\_\_\_  
Ruth Evans, City Recorder



**EXHIBIT "A"**  
to Toquerville City Ordinance 2020-XX

(Owner Last Name, Parcel Number & Acreage Table)

<b>Landowner</b>	<b>Parcel #</b>	<b>No of acres</b>	<b>Zone</b>
Pearson	T-125-C	1.50	AG
Pearson	T-149	0.90	R-1-20
Pearson	T-125-D-1-A	1.00	AG
Pearson	T-139-C	2.20	AG
Pearson	T-123-B-1	2.83	AG
DeMille	T-139-B-1-A	1.29	AG
DeMille	T-139-B-2-A-1	1.92	AG
Heideman	T-125-J-1	1.02	R-1-20
Equestrian Ranches	T-125-G-1	8.29	AG
Kleinman	T-125-A-1	60.34	AG
Kleinman	T-121-A-1-A-1-A-2	3.99	AG
Jones	T-123-A-1	2.25	AG
Kahn	T-123-A-2	1.72	AG
Jacobson	T-121-A-1-F	1.52	AG
Mangum	T-121-A-1-D	0.04	R-1-20
Mangum	T-121-A-1-E	2.94	AG
Mangum	T-121-A-1-C-1	2.25	AG
Mangum	T-121-A-1-B-1	2.25	AG
John Naegle	T-121-E-1	7.26	AG
John Naegle	T-121-A-2	0.55	R-1-20
Steed	T-121-C	0.41	R-1-20
Brenneman	T-122	0.20	R-1-20
Lynn Naegle	T-166-B-1-A-1-A	35.03	AG

Total number of acres: 141.70

Total number of acres changing to AG: 138.58

Total number of acres staying R-1-20: 3.12



**EXHIBIT "B"**  
to Toquerville City Ordinance 2020-XX

(Depiction of Subject Property)

