



**TOQUERVILLE CITY
ORDINANCE 2017.12
LARGE PARCEL PROPERTY DIVISIONS**

AN ORDINANCE TO AMEND TITLE 10, CHAPTER 19 - SUBDIVISIONS TO ADD ARTICLE H – LARGE PARCEL PROPERTY DIVISIONS.

RECITALS

WHEREAS, Toquerville City does not have a process or criteria established for the division of large parcel properties; and

WHEREAS, the City desires the allowance of large parcel property divisions to occur in accordance to the proposed title which defines the purpose, specific requirements, and the review process; and

WHEREAS, the City believes the provision fits within the General Plan land use goal, “to promote a stable and attractive environment throughout the city”; and

WHEREAS, the provision would coincide with the General Plan land use strategy “to make plans for better managed community growth”; and

WHEREAS, this allowance would complete the required action within the General plan to follow the spirit and intent of the general plan when reviewing applications for changes in land use and zoning; and

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

ORDINANCE

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

Chapter 19

SUBDIVISIONS

ARTICLE H. LARGE PARCEL PROPERTY DIVISIONS

SECTION:

- 10-19H-1: Purpose
- 10-19H-2: Application
- 10-19H-3: Requirements
- 10-19H-4: Review Process



10-19H-1: **PURPOSE:** The purpose of this article is to provide a process for dividing larger parcels of property without the need for development or the construction of improvements.

10-19H-2: **APPLICATION:** An application is required for the division of large parcel properties and shall meet the requirements of this chapter. A completed application, all required documents and the appropriate fee must be submitted to the City prior to the review and approval for such divisions.

10-19H-3: **REQUIREMENTS:** The following general requirements must be met for large parcel divisions.

1. Parcel being divided must be at least 5 acres.
2. Each parcel created must meet the requirements of the zone in which such division occurs.
3. Large parcels shall not be divided for the purposes of residential or commercial development.
4. Applicant must submit an "Owners Affidavit or Power of Attorney"
5. Applicant must submit a vicinity map.
6. Applicant must submit a "Record of Survey" and legal description

10-19H-4: **REVIEW PROCESS:**

1. **Staff Review:** After the application has been certified complete, a review of the application will be made at the next regularly scheduled staff meeting. The Planning and Zoning Administrator will prepare a staff report and forward the application to the Planning Commission.
 - a. **Planning Commission Review:** The Planning Commission will conduct a review of the application at their next regular Planning Commission Meeting. The Planning Commission will recommend approval, approval with conditions or denial of the application to the City Council.
 - b. **City Council Approval:** The City Council will consider the application at a regular meeting. A final determination will be made and the applicant will be notified of the decision.



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

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.

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

PASSED AND APPROVED THIS 9th DAY OF November 2017. CITY OF TOQUERVILLE a Utah Municipal Corporation

Paul Heideman	Aye <u>X</u>	Nay <u> </u>	Abstain/Absent <u> </u>
Keen Ellsworth	Aye <u>X</u>	Nay <u> </u>	Abstain/Absent <u> </u>
Mark Fahrenkamp	Aye <u>X</u>	Nay <u> </u>	Abstain/Absent <u> </u>
Brad Langston	Aye <u>X</u>	Nay <u> </u>	Abstain/Absent <u> </u>
Ty Bringhurst	Aye <u> </u>	Nay <u> </u>	Abstain/Absent <u>X</u>



M. Darrin LeFevre, Mayor

Date 11.15.2017



Attest: Dana McKim, City Recorder

