

TOQUERVILLE CITY
ORDINANCE 2018.04



AN ORDINANCE TO AMEND AND RESTATE SECTION 4-1 OF TITLE 10, CHAPTER 10A OF THE TOQUERVILLE CITY CODE TO ALLOW THE MINIMUM FRONTAGE OF SUBDIVIDED LOTS ABUTTING A CUL-DE-SAC LOCATED IN THE CITY'S R-1-12 BE REDUCED BY THIRTY PERCENT (30%).

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 has determined that it is in the best interest of the health, safety and general welfare of the City and its residents to allow for the reduction of the frontage requirements on subdivided lots abutting a cul-de-sac in the City's R-1-12 Zoning District ("R-1-12 Zone").

WHEREAS, the City finds that without a reduction in the 80 foot frontage requirement of the R-1-12 Zone, owners and developers of subdivisions would create lots that are wide and lacking depth sufficient to properly site a home with the R-1-12 Zone's required setbacks and still provide sufficient room to place more private and less aesthetically pleasing improvements in the rear of the lots shielded by the home from view on the street (as opposed to side yards).

WHEREAS, based upon the aforementioned findings and determinations, the City, by and through the City Council, desires to effectuate this necessary change by amending and restating 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 R-1-12 zone must have a minimum of 80 feet of frontage on a publically dedicated road or right of way.

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:

10-10A-4-1: R-1-12 DISTRICT (12,000 SQUARE FEET):

Minimum lot area	12,000 square feet
Minimum frontage	80 feet (except corner lots 90 feet) measured at setback. Frontage may be reduced by 30% on a cul-de-sac lot if said total lot area exceeds 12,000 square feet
Minimum setbacks	Front: 25 feet Side: 10 feet Rear: 10 feet
Setback exception	Driveway, walkway
Maximum height	35 feet (see definition of Building Height, Section 10-2-1 of this title) (exception - church steeples)
Parking	In accordance with Section 10-21-13 of this title
Minimum road setback	25 feet from any dedicated street or highway
Secondary structure height	Up to 18 feet - permitted 18 feet to 35 feet - conditional Above 35 feet - not allowed
Secondary structure setback	Front: 25 feet Side: 5 feet Rear: 5 feet

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 10th DAY OF May 2018.

Paul Heideman	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Justin Sip	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Mike Ruesch	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>

CITY OF TOQUERVILLE
a Utah Municipal Corporation


Lynn Chamberlain, Mayor

Date 5-10-2018


Attest: Dana McKim, City Recorder

