

**City of Toquerville**  
**CONDITIONAL USE PERMIT/Keeping of Livestock**  
**Fee: \$25.00**



**APPLICATION & SUBMITTAL CHECKLIST**

**Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Type of Animals:** \_\_\_\_\_ **Number of Animals:** \_\_\_\_\_

**Agent (If applicable):** \_\_\_\_\_ **Agent's Phone:** \_\_\_\_\_

**Address of Subject Property:** \_\_\_\_\_

**Tax ID of Subject Property:** \_\_\_\_\_ **Zone District:** \_\_\_\_\_

**Proposed Conditional Use:** (Describe, use extra sheet if necessary) \_\_\_\_\_

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**This application shall be accompanied by the following:**

- \_\_\_\_\_ 1) A vicinity map showing the general location of the application.
- \_\_\_\_\_ 2) Three (3) copies of a plot plan showing the following:
  - \_\_\_\_\_ Property boundaries, dimensions and existing streets.
  - \_\_\_\_\_ Location of existing and proposed buildings, parking, landscaping and utilities.
  - \_\_\_\_\_ Adjoining property lines and uses within one hundred (100) feet of subject property.
- \_\_\_\_\_ 3) A reduced copy of all plans (8 ½ x 11 if readable, or 11 x 17) if original plans are larger.
- \_\_\_\_\_ 4) Building elevations for new construction, noting proposed materials and colors.
- \_\_\_\_\_ 5) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
- \_\_\_\_\_ 6) Applicant's responses to the Conditional Use Permit standards for review. (attached)
- \_\_\_\_\_ 7) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit. (If required, the variance should be filed with the conditional use permit submittal.)
- \_\_\_\_\_ 8) Warranty deed, preliminary title report, or other document (see Affidavit of Property owner attached) showing evidence that the applicant has control of the property.
- \_\_\_\_\_ 9) Applicant will provide a map showing all properties within 300 feet of property boundaries; copies may be acquired (minimal or no charge) from the Washington County Recorder's Office (downstairs) at 197 E. Tabernacle, St George. Applicant will provide addressed and stamped

envelopes for each property owner shown. Toquerville City will provide the letter of notice and mail the Planning Commission (PC) Public Hearing date scheduled for affected residents.

**NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.**

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(Office Use Only)

DATE RECEIVED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

DATE APPLICATION DEEMED TO BE COMPLETE: \_\_\_\_\_

COMPLETION DETERMINATION MADE BY: \_\_\_\_\_

Signature

# **CONDITIONAL USE PERMIT**

## **PURPOSE**

It is the purpose of a conditional use permit to allow flexibility in zoning, by permitting a discretionary review of a project or use that by its character may not be compatible with uses which are permitted in the zone, and allowing such use when it can be found to be compatible with the neighborhood in which it is located.

## **WHEN REQUIRED**

The conditional use permit is primarily required whenever the Land Use Ordinance specifies the use as a conditional use. It is also used for other specified situations such as allowing building heights that exceed the maximum allowed within the zone.

## **APPROVAL STANDARDS** (From Section 10-7-9 of Land Use Code)

To authorize a Conditional Use, permit the Planning Commission at a public meeting must find that the evidence presented establishes:

- a) The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- b) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
- c) The proposed use will comply with regulations and conditions specified in Land Use Ordinance for such use.
- d) The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection can be met.
- e) Keeping of livestock shall be a conditional use in the single family residential districts as specified in section 10-10A-3 of the code.
- f) The keeping of livestock within residential lots or parcels that are smaller than one acre shall also be limited to the provisions of section 5-1-4-C.

## **APPEALS**

Any person shall have the right to appeal the decision to grant, grant with conditions or deny a Conditional Use Permit. Such appeal shall be made to the Board of Adjustment which shall act as the "appeal authority" in that situation pursuant to Utah Code Annotated section *10-9a-701*. All appeals shall be made to the appeal authority within thirty (30) days of the date a "final decision" shall be deemed to be rendered when that body issues a written decision, which may include findings of fact and conclusions of law, if requested by the applicant.

## Conditional Use Permit Standards for Review

Please provide responses to the following for the Commission's review:

- a. *The harmony and compliance of the proposed use with the objectives and requirements of the City's General Plan and the Land Use Code;*
- b. *The suitability of the specific property for the proposed use;*
- c. *The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;*
- d. *Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;*
- e. *The economic impact of the proposed facility or use on the surrounding area;*
- f. *The aesthetic impact of the proposed facility or use on the surrounding area;*
- g. *The number of other similar conditional uses in the area and the public need for the proposed conditional use;*
- h. *The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;*
- i. *The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;*
- j. *The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;*
- k. *The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and*
- l. *The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.*

## Keeping of Livestock

<u>Animal</u>	<u>Minimum Square Feet</u>	<u>Square Feet per Animal</u>	<u>Maximum Number of Animals</u>	<u>Square Feet for 1 Animal</u>	<u>Square Feet for 2 Animals</u>	<u>Square Feet for 3 Animals</u>
Over 5 Chickens/ any roosters/ any ducks	500	25	50	500	500	500
Cow (all types)	8,000	4,000	3	8,000	8,000	12,000
Horse, Mule Donkey	8,000	4,000	3	8,000	8,000	12,000
Llama, Alpaca Emu	8,000	4,000	3	8,000	8,000	12,000
Mini Horse, Mule, Donkey	8,000	4,000	3	8,000	8,000	12,000
Ostrich	10,000	5,000	2	10,000	10,000	n/a
Pigeons/game birds	500	25	50	500	500	500
Rabbits	500	30	25	500	500	500
Sheep/ Goat	6,000	3,000	3	6,000	6,000	9,000
Swine	500	250	4	500	500	750
Turkey/ Goose	1,000	50	50	1,000	1,000	1,000

### Notes:

“Minimum square feet” means the minimum amount of land dedicated for the sole use of the animal(s). “Dedicated for the sole use of the animal(s) can include barns, shelters, etc., and does not require the animal to freely move about the entire land dedicated to its use, but does require the land to benefit the animal(s).

“Square feet per animal” means the minimum land that each animal must have.

“Maximum number of animals” means the maximum an applicant in a residential zone can apply for if the parcel of land is smaller than 1 acre. Residential parcels larger than 1 acre, or parcels in non-residential zones, have no imposed maximums.

1. Adequate containment of the animal(s) shall be provided by the applicant.
2. Swine shall be kept in a shelter at all times. Mud wallows are not allowed.
3. Manure shall be cleaned at least weekly and odors shall be controlled.
4. Up to five (5) hens will be allowed with a minimum of two hundred (200) square feet and must meet building code separation requirements and must not be in the front yard; no rooster or peafowl in all residential zones; in agricultural zones roosters and peafowl are allowed.

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH                    )  
  :SS  
COUNTY OF                    )

I (we), \_\_\_\_\_, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## PROFESSIONAL FEES AGREEMENT WITH TOQUERVILLE CITY

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ (name/s) of \_\_\_\_\_ (County) of \_\_\_\_\_ (State) (hereinafter referred to as "Applicant"), and Toquerville City, a municipal corporation of the State of Utah, located in Washington County (hereinafter referred to as the "City"). Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants, and agrees that:

- 1) Applicant is aware of the City Code website application page and shall in all respects comply with the provisions contained therein.
- 2) All on-site and off-site improvements required to be constructed in connection with said application shall be constructed and installed in accordance with current construction requirements and comply with the Toquerville Standards and Specifications.
- 3) In the event that action is required to be taken by Toquerville to enforce, approve, or double check the terms of this agreement, Applicant agrees that it/he shall be liable to pay all such costs and expenses incurred by Toquerville City.
- 4) Applicant agrees to pay all fees associated with this application as outlined in the current Land Use Fee Schedule and fees accrued to Toquerville City.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
City Representative

\_\_\_\_\_  
Title

STATE OF UTAH )  
: ss.  
COUNTY OF WASHINGTON )

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)