

**TOQUERVILLE CITY
ORDINANCE 2026.XX**

AN ORDINANCE AMENDING TITLE 10, CHAPTER 17, SECTION 4, SUBSECTION H OF THE TOQUERVILLE CITY CODE TO PROVIDE THAT THE CITY'S STANDARD CAP ON NIGHTLY RENTAL LICENSES WILL NOT APPLY TO DEVELOPMENTS WHERE NIGHTLY RENTALS ARE SPECIFICALLY AUTHORIZED IN A DEVELOPMENT AGREEMENT THAT HAS BEEN APPROVED BY CITY COUNCIL THROUGH THE REQUIRED LEGISLATIVE PROCESS FOR LAND USE REGULATIONS (UTAH CODE 10-20-508(20-508(2)(A)(III)). IN SUCH CASES, THE NUMBER AND TERMS OF NIGHTLY RENTALS WILL BE GOVERNED BY THE APPLICABLE DEVELOPMENT AGREEMENT.

RECITALS

WHEREAS, pursuant to Utah Code Annotated § 10-8-85.4 and Title 10, Chapter 9a, Toquerville City is authorized to regulate short-term rental uses through business licensing and land use regulations; and

WHEREAS, Toquerville City has adopted regulations governing nightly rental business licenses, including a limitation based on a percentage of residential culinary connections; and

WHEREAS, the City Council may approve development agreements that provide for residential culinary connections under terms differing from the general standards in Title 10, Chapter 17, Section 4, Subsection H; and

WHEREAS, the City Council finds it appropriate to update the Code to accommodate such agreements and the flexibility they provide for nightly rental licenses;

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, Utah as follows:

TITLE 10, CHAPTER 17, SECTION 4, SUBSECTION H OF THE TOQUERVILLE CITY CODE IS HEREBY AMENDED AS FOLLOWS:

H. Limit on Total number of Nightly Rental Licenses:

1. A. The maximum number of nightly rental business licenses issued ~~will~~ shall be set at five percent (5%) of the total number of "Eligible Culinary Connections" within Toquerville City limits. For purposes of this Subsection, and except as provided for in H.1.B, the term "Eligible Culinary Connections" is defined as all residential culinary connections within the City.

B. ~~except~~ Where the developer has elected to allow nightly rentals for (i) those residential culinary connections (i) located within a development in one or more commercial planning areas within in an MPDO Zone; ~~where the developer has elected to allow a Nightly Rental Development in their commercial planning areas~~ and/or (ii) in a

development agreement that has been approved through the process for establishing a land use regulation through a development agreement (Utah Code § 10-20-508(2)(a)(iii), as amended), the number of nightly rentals shall be set forth in a development agreement.

1. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

3. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this ____ day of _____ 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Dan Catlin, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder