

**TOQUERVILLE CITY**  
**ORDINANCE 2022.XX**



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, ADDING THE DEFINED TERM “NIGHTLY RENTAL DEVELOPMENT” TO THE GENERAL DEFINITIONS CONTAINED IN SECTION 10-2-1 OF THE TOQUERVILLE CITY CODE (“CODE”); AMENDING AND RESTATING THE PREAMBLE OF SECTION 10-17-3 TO EXCLUDE NIGHTLY RENTAL DEVELOPMENTS; ADDING “NIGHTLY RENTAL DEVELOPMENT” AS A PERMITTED USE (WITH RESTRICTIONS) IN SECTION 2 OF ARTICLES A (NEIGHBORHOOD COMMERCIAL “N-C”), B (HIGHWAY COMMERCIAL – “H-C”) & C (PLANNED COMMERCIAL – “P-C”), CHAPTER 12 (COMMERCIAL DISTRICTS) OF TITLE 10 (LAND USE REGULATIONS) OF THE CODE; AND CREATING A NEW SECTION 5 IN EACH OF THE ABOVE REFERENCED ARTICLES OF CHAPTER 12 CONTAINING THE MANDATORY REQUIREMENTS FOR NIGHTLY RENTAL DEVELOPMENTS.

**RECITALS**

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the City is authorized and required pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 501 to create and enforce regulations regarding the use of land within the City’s municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103 and Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City and the primary Land Use Authority;

WHEREAS, currently the City only allows an individual “Dwellings” to be rented on a nightly basis upon the owner of that Dwelling receiving and maintaining a “Nightly Rental Permit” pursuant to Section 10-17-3 of the Toquerville City Code.

WHEREAS, the City Council finds that its current regulation of “Nightly Rentals” within existing developments of the City pursuant to 10-17-3 is well thought out and has been effective in assuaging the reasonable expectations of both existing residents and the property rights of others seeking to utilize Dwellings as a Nightly Rental on a “one off” basis.

WHEREAS, the City Council also finds that there is a benefit to allowing Nightly Rentals throughout a new development in the City’s commercial zoning districts (“Nightly Rental Development”) so long as said developments meet certain threshold requirements to insure that possible detrimental effects on existing residents are minimized or fully mitigated.

WHEREAS, accordingly, the City Council has determined that it is in the best interests of the health, safety and general welfare of the City to adding the defined term “nightly rental development” to the general definitions contained in section 10-2-1 of the Toquerville City Code (“code”); amending and restating Section 2 of Articles A (Neighborhood Commercial “N-C”), B (Highway Commercial “H-C”) & C (Planned Commercial “P-C”), Chapter 12 (Commercial

Districts) of Title 10 (Land Use Regulations) of the Code to add Nightly Rental Developments as a permitted use under limited conditions; and creating a new Section 5 in each of the above referenced Articles containing the mandatory requirements for Nightly Rental Developments.

## **ORDINANCE**

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

1. ADDITION OF THE TERM “NIGHTLY RENTAL DEVELOPMENT” TO SECTION 10-2-1 (GENERAL DEFINITIONS) OF THE TOQUERVILLE CITY CODE. Section 10-2-1 of the Code is amended to include the following defined term:

*NIGHTLY RENTAL DEVELOPMENT: a new development containing Dwellings or commercial structures with Dwellings located therein in which each and every Dwelling in the entire development is allowed to rented, under the terms of Ordinance \_\_\_\_ on a nightly or short-term basis.*

2. AMENDMENT AND RESTATEMENT OF THE PREAMBLE TO SECTION 10-17-3 OF THE TOQUERVILLE CITY CODE. The preamble of Section 10-17-3 of the Toquerville City Code is hereby amended and restated as follows:

*NIGHTLY RENTAL. Except within approved Nightly Rental Developments in the City’s commercial zoning districts, Nightly Rentals shall occur only within the City upon meeting the following requirements:*

3. ADDITION OF “NIGHTLY RENTAL DEVELOPMENT” AS A PERMITTED USE UNDER SECTIONS 2 (PERMITTED USES) OF CHAPTER 12, ARTICLES A, B & C. Section 2 of Articles A, B, C of Chapter 12 (Commercial Districts) of Title 10 of the Toquerville City Code is hereby amended to add the following use as a “Permitted Use”:

*Nightly Rental Developments (Subject to the Requirements of 10-12A-5, 10-12B-5 and 10-12C-5)*

4. ADDITION OF SECTIONS 10-12(A)-5, 10-12(B)-5 AND 10-12(C)-5 TO CHAPTER 12, TITLE 10 OF THE TOQUERVILLE CITY CODE. The identical Section 5 shall be added to Articles A, B and C of Chapter 12, Title 10 of the Toquerville City Code:

*10-12(\_)-5. NIGHTLY RENTAL DEVELOPMENT MINIMUM REQUIREMENTS:*

*A. Minimum 30 and maximum of 200 Dwellings per Nightly Rental Development.*

*B. Primary Access to Night Rental Development is directly from Toquerville Parkway.*

*C. There shall be one (1) onsite agent per Nightly Rental Development to administer the Nightly Rental Development.*

D. *There shall be included in the Nightly Rental Development two or more of the following amenities:*

1. *Golf;*
2. *Swimming pool(s) of a size customarily designed for the number of Dwellings in the Nightly Rental Development;*
3. *Exercise room of a size customarily designed for the number of Dwellings in the Nightly Rental Development;*
4. *Game room with arcade games, pool table, ping pong table, library or other attractions of a size customarily designed for the number of Dwellings in the Nightly Rental Development;*
5. *Basketball court; or*
6. *Tennis court.*

E. *Nightly Rental Development to have governing documents containing Covenants which:*

1. *Expressly authorizes and discloses the ability to use all Dwellings as a Nightly Rental.*
2. *Includes all the requirements of A-D, above.*
3. *Requires each owner of a Dwelling utilizing the same as a Nightly Rental to have all maintenance, cleaning and renting of their Dwelling to be performed by a singular third party, licensed and bonded, property management company chosen in a manner set for the in Covenants and which company:*
  - a. *maintains a staffed onsite management office,*
  - b. *a working direct dial phone number provided to Owners of the Dwelling Units and guests staying in the Dwelling Units, the City and all agencies providing law enforcement services to the City, which is monitored and answered 24 hours a day, 7 days a week.*
  - c. *has carte blanche authority under its management agreement with owners of the Dwellings to abate any emergency or nuisance arising or occurring within a Dwelling or the common areas of the Development as determined by them, the City, or law enforcement personnel immediately upon request.*

5. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and

resolutions governing the same. For clarification, however, this Ordinance does not repeal Ordinance 10-17-3 as it applies to properties outside of a Nightly Rental Development.

6. 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.

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

PASSED AND APPROVED this \_\_\_\_\_ day of September, 2022.

Council Person:

Justin Sip	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Ty Bringhurst	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Rachel Peart	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY  
a Utah Municipal Corporation

\_\_\_\_\_  
Keen Ellsworth, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Daisy Fuentes, City Recorder