

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 COMMERCIAL AREAS OF A MASTER PLANNED DEVELOPMENT AREA; AND CREATING 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 development 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 the Master Planned Development Overlay zone to add Nightly Rental Developments as a permitted use under limited conditions; and creating 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 be 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 commercial areas of the City’s Master Planned Development Overlay zone , Nightly Rentals shall occur only within the City upon meeting the requirements in Section 3, below:

3. 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 detached or 60 attached Dwellings and maximum of 200 detached or 300 attached Dwellings_ per Nightly Rental Development.

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

C. The Nightly Rental Development is in a development area with a commercial designation which is included within a final Master Planned Development Overlay zone approval.

D. Written consent from one hundred percent (100%) of the property owners within the Nightly Rental Development.

E, All final plats and covenants, conditions and restrictions (CC&Rs) which have been recorded shall include a note indicating that nightly or short-term residential rental properties are a permitted use.

F. At a minimum, Nightly Rental Developments shall provide usable amenities in a central location, as follows:

1. One thousand (1,000) square feet of recreation or playground area for the first five (5) Dwellings;

2. An additional two hundred (200) square feet for each unit over five (5) Dwellings;

3. The average width and length of each usable recreation or playground area shall not be less than twenty feet (20'); and

4. All of the required area shall be usable common space accessible to the entire Nightly Rental Development;

5. The number of amenities required depends on the size of the development. All amenities shall be approved by the land use authority in accordance with the following:

Units	Amenities
30 – 60	1
51 – 121	2
121 – 200	3
201 – 300	4

G. The type of amenities required depends on the nature, size, and density of the development. If multiple amenities are required, the type shall vary. All amenities shall be approved by the land use authority in accordance with the following:

1. All required amenities shall be fully constructed prior to construction of fifty percent (50%) of the total project units, or in accordance with an executed development agreement with terms acceptable to the city;

2. In addition to amenities, a minimum of thirty percent (30%) of the lot area shall be maintained in landscaped area, and at least fifty percent (50%) of the front setback area shall be maintained as landscaped area;

3. *Table of Amenities:*

Recreation and Enrichment Amenities

Pool – At least 400 square feet

Internal health or fitness facilities

Secured, programmed, children’s play areas

In-ground hot tub

Community garden

Perimeter trail

Sport court

Indoor, keyed bicycle storage for units

Community library, office, or meeting facilities

Exterior social area – At least 400 square feet

H. *There shall be at least the following number of personnel for each Nightly Rental Development to administer the Nightly Rental Development on a 24 hours a day, 7 days a week basis :*

1. *Onsite manager(s) for at least 8 hours per day, 7 days a week:*
 - a. *One for 30 – 60 Dwellings;*
 - b. *Two for 61 – 120 Dwellings; and*
 - c. *Three for 121 – 300 Dwellings.*
2. *In addition to an onsite manager(s), at least one handyman available 24/7; and*
3. *Other agents to which Owners of the Dwellings and their guests have direct telephone access to accomplish administration when an manager is not onsite.*

I. *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-I, 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 in the Covenants.*

4. **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.

5. **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.

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

PASSED AND APPROVED this _____ day of _____, 2022.

Council Person:

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

Justin Sip, Interim Mayor

Date

Attest:

Daisy Fuentes, City Recorder

DRAFT