

TOQUERVILLE CITY

ORDINANCE 2023.XX



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING AND COMPLETELY RESTATING CHAPTER 29 (RECREATIONAL VEHICLE PARKS) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE TO MODIFY AND ENHANCE THE REGULATIONS OF THE CITY RELATING TO RECREATIONAL VEHICLE PARKS (TO BE K/N/A RV RESORTS) AND CREATE NEW DEFINED TERMS IN CHAPTER 2 (DEFINITIONS) OF TITLE 10 (LAND USE REGULATIONS) THAT ARE CRITICAL TO THE ENHANCED CHAPTER 29.

RECITALS

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

WHEREAS, pursuant to Utah Code Annotated Title 10, Chapter 9a, Section 102, the City has the delegated police power to regulate land uses and development occurring within its municipal boundaries.

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103, Subsection 30 and Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City and City’s “Land Use Authority”;

WHEREAS, in Section 10-2-1 of the Toquerville City Code, a “Recreational Vehicle” is defined as “[a] vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power.”

WHEREAS, in Section 10-2-1 of the Toquerville City Code, a “Recreational Vehicle Park” is defined as “[a]ny site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two (2) or more Recreational Vehicles.

WHEREAS, the Utah Department of Health and Human Services has promulgated administrative regulations relating to the creation and maintenance of Recreational Vehicle Parks within the State known as R392-301 (Recreational Vehicle Park Sanitation) as may be amended from time to time (“State RV Park Regulations”). *See Utah Code Admin R392-301-1 et seq.*

WHEREAS, last Fall the City Council adopted Toquerville Ordinance 2022-11 which created a new chapter of (Chapter 29) of Title 10 of the Code attempting to create standards and requirements for all Recreational Vehicle Parks in the City that further regulate said Parks beyond that which is required by the State RV Park Regulations.

WHEREAS, after careful consideration by the City Staff and in consultation with the Toquerville City Planning Commission (“Planning Commission”) and the City’s Attorney, it has been determined that Chapter 29 (Recreational Vehicle Parks) should be amended and restated in its entirety to contain a more comprehensive set of regulations for these types of facilities and to utilize the term RV Resort instead of RV Park, and to revise or create new defined terms in Chapter 2 (Definitions) of Title 10 (Land Use Regulations) that are utilized in the revised Chapter 29.

ORDINANCE

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

1. DELETION OF CERTAIN DEFINED TERMS IN CHAPTER 2, TITLE 10 OF THE TOQUERVILLE CITY CODE. Section 1 (General Definitions) of Chapter 2 (Definitions), Title 10 (Land Use Regulations) of the Code is hereby amended to delete the following terms:

~~*RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use which has its own motive power.*~~

~~*RECREATIONAL VEHICLE PARK: Any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two (2) or more recreational vehicles.*~~

2. ADDITION OF CERTAIN DEFINED TERMS IN CHAPTER 2, TITLE 10 OF THE TOQUERVILLE CITY CODE. Section 1 (General Definitions) of Chapter 2 (Definitions), Title 10 (Land Use Regulations) of the Code is hereby amended to add the following terms:

CABIN: A living space equipped with a sleeping area, kitchen area and full bathroom facilities connected to a sewer system, with electricity and culinary water available inside the cabin. The cabin must be constructed in compliance with applicable building codes, be a minimum of one hundred fifty (150) square feet but not more than four hundred (400) square feet. No more than ten percent (10%) of the total sites in an RV Resort may be cabin sites.

CABIN SITE: An area within an RV Resort that contains a short-term rental cabin as well as one paved/concrete automobile parking space within the site. Cabin sites must be a minimum of one thousand six hundred (1,600) square feet in size and cabins must be separated from one another by at least the distance (or type of firewall) required by the international fire code as adopted by the City.

RV RESORT: A parcel of land under the control of any person wherein two (2) or more RV sites, along with amenities, facilities, and services designed to provide guests with a higher quality experience than found in an RV park or campground, are offered for short term rental to the public and complies with the requirements of this Chapter. RV Resorts shall not consist of more than eight (8) sites for RVs, cabins, and tents per gross usable acre.

RV SITE: An area within an RV Resort that may be rented to place an RV and parking for the towing vehicle if not a self-propelled RV.

RECREATIONAL VEHICLE (RV):

A. Dependent: An RV not containing sanitary facilities and/or devices for connecting said facilities to a community waste disposal system. Dependent RV sites are only allowed adjacent to tent sites. No more than ten percent (10%) of

the total sites in an RV Resort may be dependent RV sites.

B. Independent: A motor home, travel trailer or fifth wheel trailer containing sanitary facilities and devices for connecting said facilities to a community waste disposal system. This type of RV may also be referred to as a self-contained recreational vehicle.

TENT: A portable shelter for one or more individuals, consisting of synthetic fabrics or natural skins attached to any type of framework, including tent trailers (a.k.a. "pop-ups"). No more than ten percent (10%) of the total sites in an RV Resort may be tent sites.

TENT SITE: An area within an RV Resort that may be rented to place one tent on an improved, but not paved/concrete, tent pad. The site must also provide one automobile parking space within the site that is paved or concrete. Tent sites shall be a minimum of one thousand (1,000) square feet.

3. AMENDMENT AND RESTATEMENT OF CHAPTER 29, TITLE 10 OF THE TOQUERVILLE CITY CODE. Chapter 29 (Recreational Vehicle Parks) of Title 10 (Land Use Regulations) of the Code is hereby amended restated in its entirety as follows:

CHAPTER 29: RECREATIONAL VEHICLE RESORTS

10-29-1: PURPOSE:

To direct the development of facilities for a recreational vehicle resort ("RV Resort"), to set forth development requirements necessary to ensure that the RV Resort is developed as a "resort", rather than as an "RV park": or "campground", providing Guests with a relatively higher quality experience than found in an RV park or campground, and to protect the integrity, characteristics and values of the districts and land uses contiguous to or near the location of the RV Resort, and to ensure that they city collects transient room tax on the rental of spaces within the RV Resort.

10-29-2: RV RESORT APPLICATION:

An applicant shall submit a written application for approval for the development of an RV Resort on an application form provided by the City. Accompanying the RV Resort application shall be the following:

- A. Application fee;*
- B. Property address, acreage, boundary, and tax identification number;*
- C. Proposed name of the project;*
- D. Property owner of record and Developer;*
- E. Vicinity map showing the project location relative to city boundaries, major*

roads and minor roads that serve the property;

F. Date, scale and north arrow;

G. Existing streets, rights of way widths, major utilities, easements, fencing, parks, trails, open space and infrastructure on or adjacent to the property;

H. Site layout including, proposed open space, amenities, space sizes and gross density;

I. Traffic impact study, as required by the transportation master plan, in both paper copy and electronic format;

J. Geotechnical report in accordance with the standard specifications, in both paper copy and electronic format;

K. Preliminary hydrology report in accordance with standard specifications, in both paper copy and electronic format;

L. Preliminary Title report verifying ownership;

M. Recent list of names and addresses, and two (2) sets of address labels and postage, for owners of record at the Washington County recorder's office of the subject property and properties within three hundred feet (300') of the boundary line of the subject property;

1. List must be no older than thirty (30) days from date of submission.

2. Developer is responsible for the completeness and accuracy of the list of owners of record but is entitled to rely upon the records in the Washington County Recorder's office.

3. Failure to provide an accurate list may delay the approval of the project;

N. Plan for continued maintenance of the project amenities;

O. Proposed site plan: Provide two (2) twenty-four inch by thirty-six inch (24" x 36") or larger copies of the proposed project, ten (10) eleven inch by seventeen inch (11" x 17") reduced copies of the proposed project, and one copy of the proposed project in electronic format, including the names, addresses and phone numbers of the applicant, engineer, surveyor and/or architect;

P. Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, fencing, easements, rights of way, flood boundary, surface watercourse features, geologic hazards, parks, trails, open space, storm drain and sanitary sewer systems, topography (contours at maximum 2 foot intervals), survey monuments, section lines, other features and infrastructure on or adjacent to the property or as requested by the City engineer or other appropriate City Staff member;

- Q. Proposed grading plan in accordance with the standard specifications;*
- R. Proposed landscaping plan that meets the requirements of Section 10-21-5 of this Title;*
- S. Proposed lighting plan that meets the lighting standards set forth in Chapter 24 of this Title;*
- T. Proposed traffic circulation and parking plan within the RV Resort;*
- U. All property lines of adjacent properties within one hundred fifty feet (150') of the boundary of the proposed subdivision with the names of the owners and the parcel tax identification numbers.*

10-29-3: GENERAL STANDARDS FOR RV RESORTS:

- A. Conditionally, RV Resorts may contain no more than ten percent (10%) of the total RV rental spaces as Cabin sites.*
- B. Once a property has been developed as an RV Resort it may not be subdivided. It must remain as a single parcel for property tax purposes and to continue to meet all the requirements of this Chapter.*
- C. The minimum parcel size on which an RV Resort may be developed is twenty (20) acres, and one common owner.*
- D. All streets within an RV Resort shall be paved and all pads on RV sites shall be concrete or gravel.*
- E. All RV Resorts are considered lodging facilities for tourists and are subject to the transient room tax.*
- F. RV Resorts shall be designed by appropriate licensed professionals, such as architects, landscape architects, engineers, or land use planners. All plans and drawings for buildings, structures, grading, utilities, etc., shall be signed and stamped by the professional who prepared them.*
- G. All exterior boundaries shall be screened from surrounding streets and abutting uses by a minimum of a solid, six-foot four inch (6'4") colored masonry or colored stucco covered concrete/block privacy wall, unless it is a portion of property that due to topography is not used for RV sites, tent sites, cabins or is not visible from surrounding streets and abutting uses. Whatever material is used for the front wall must be used for the side walls as well. The privacy wall along a public street shall be modulated by 1.5 to four feet (4') every forty (40) linear feet;*
- H. A minimum buffer of thirty feet (30') shall be required between any RV site and any property boundary. The minimum buffer for cabin sites, however may be reduced to twenty feet (20') if they are located along boundaries abutting private property.*

I. *RV Resorts shall provide streets in such a pattern as to provide convenient and safe traffic circulation and emergency access within the RV Resort. Two-way streets shall be a minimum of twenty-six feet (26') and one-way streets shall be a minimum of twenty feet (20') wide.*

J. *RV Resorts shall have a traffic study done by a registered professional and shall install any necessary improvements found therein.*

K. *RV sites, tent sites and cabin sites shall each provide one concrete or gravel space suitable for automobile parking, which may either be a separate parking space within the site or may be added to the minimum dimensions for an RV pad. Additional parking spaces shall be placed throughout the park at a ratio of one parking space per every ten (10) RV, tent, and cabin sites. All parking spaces must be at least nine feet (9') wide and twenty feet (20') long.*

L. *Pets (dogs/cats) traveling with guests shall be kept inside the RV overnight. If kept outside during daytime hours, they shall be kept on a leash or tethered. No more than two (2) pets shall be allowed per guest site. No other animals are allowed to be brought onto the RV Resort premises by any guest of the RV Resort.*

M. *The RV Resort shall include a designated storage area for utility trailers (tow dollies, "toy haulers", etc.), motorized vehicles (excluding primary car/truck), bicycles, etc. This storage area shall occupy no more than five percent (5%) of the gross area of the resort. Such storage shall be for the exclusive use of registered guests only during the period the guest is a registered and paying occupant of an RV site. Storage areas shall be fully screened.*

N. *Equestrian RV sites are allowed when the RV Resort is directly adjacent to BLM managed property with equestrian use permitted and the RV Resort has written permission to access BLM property. Equestrian RV sites shall be located a minimum of one hundred feet (100') from any property line other than abutting BLM equestrian use property. All equestrian stalls shall be cleaned daily. No more than five (5%) of the total sites in an RV Resort may be equestrian RV sites.*

10-29-4: PROHIBITIONS:

The following are prohibited within an RV Resort:

A. *No separate mailboxes, street address designations, or other similar accessories which could give the appearance of permanence to occupants within the resort.*

B. *No freestanding fuel tanks permitted within an RV site, tent site or cabin site. All fuel tanks within any site must be securely mounted upon or attached to the RV they serve, unless used solely for cooking purposed.*

C. *No open storage of personal property, accessory building, shed or cabinet within any RV site, tent site or cabin site.*

D. *Campfires are allowed only in designated firepits. Fire pits are subject to*

the approval of the Hurricane Valley Fire District.

E. Other than operating the RV Resort itself, no employee or guest of the RV Resort may operate any type of business within the RV Resort.

F. Camping outside of an RV or cabin is only allowed on a tent site.

G. Removal of axles, wheels, or tires from an RV within the RV Resort, except in the case of an emergency repair. If the repair cannot be completed within twenty-four (24) hours, then the RV shall be removed from the RV Resort.

H. Parking RVs anywhere within the RV Resort other than a designated RV space is prohibited. No "on street" parking is permitted for any vehicle.

I. RVs shall not be stored, displayed for sale, or sold within the RV Resort.

J. No RV space shall have direct access from a public street.

10-29-5: RV RESORT MANAGEMENT:

A. A resort manager, or another employee of the resort, must be on duty within the resort at all times. RV Resort management shall maintain a patron log consisting of names, dates of occupancy, and number of spaces used. Upon request, patron logs shall be made available to inspection by representatives of the City during reasonable business hours. Representatives of the City shall also be allowed to drive through the RV Resort during reasonable business hours to verify compliance with this Chapter.

B. RV Resort management shall, at all times, maintain the resort and its facilities in a clean, orderly and sanitary condition. Management shall only allow independent RVs that are in good condition to stay at the RV Resort, i.e., no visible rust, no leaking fluids, visible license plate with current registration sticker, no significant damage, no visible patching material or primer paint, no chipping paint that appears to have been applied by spray can or brush. Management shall enforce quiet times between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., although arriving guests may be allowed to check into the RV Resort up until twelve o'clock (12:00) midnight.

C. RV Resort management shall be responsible for the regular and proper collection and disposal of all refuse, garbage, and litter accumulated within the RV Resort. Collection shall be no less than once a week. Garbage shall be placed in central dumpsters only that are set back from public streets and neighboring properties by at least fifty feet (50') from inside the buffer. Dumpsters shall be screened so they are not visible from public streets or neighboring properties.

10-29-6: TIME LIMIT ON OCCUPANCY:

Seventy percent (70%) of the total RV Resort sites shall be limited to a maximum occupancy period of twenty-eight (28) consecutive days or the time specified by Utah statutes to qualify for transient room tax, whichever period is shorter. Thirty

percent (30%) of the total RV Resort sites may be occupied by up to a maximum of one hundred eighty (180) consecutive days in a one-year period beginning on the initial date of occupancy. Note: Only independent RVs are allowed occupancy longer than twenty-eight (28) days. After a time limit is reached, a renter cannot re-register for a minimum of forty-eight (48) hours.

10-29-7: UTILITIES:

A. RV Resorts shall be connected to the applicable utility having a franchise agreement with the City for water, sewer(wastewater), storm drain (if applicable) and electricity. All utilities shall be located underground.

B. RV Resorts shall provide adequate water supply hookups to each RV site. Culinary water shall also be provided to all tent sites and cabins. All water supply lines shall be installed with an approved backflow prevention device per code.

C. RV Resorts shall provide wastewater disposal hookup to each RV site and shall also provide a sanitary dumping station for RV Resort users. Traditional septic systems are prohibited in RV Resorts.

D. RV Resorts shall provide electrical outlets of appropriate voltage to each RV site, tent site, and cabin sites. The use of a generator within the RV Resort is prohibited.

E. All lighting within the RV Resort shall comply with the City's outdoor lighting Chapter.

10-29-8: LANDSCAPING AND RECREATION:

A. The following landscape requirements shall apply to RV Resorts:

- 1. Provide a minimum of one tree for each RV site, tent site and cabin site.*
- 2. Provide a minimum of three (3) trees clustered every thirty (30) linear feet along all property boundaries of the RV Resort. Each cluster of trees shall include a mixture of trees so that each cluster provides adequate screening year-round.*
- 3. All open areas, except undisturbed sensitive lands, driveways, parking areas, walking paths, utility areas or patios shall be improved and maintained with landscaping with plants that are approved by the parks and recreation director.*
- 4. All landscaping must comply with the City's current landscaping ordinance. Should there be an conflict between this Chapter and the City's current landscaping ordinance, the current landscaping ordinance shall supersede the requirements found in this landscaping and recreation section 1.*

B. RV Resorts shall provide a minimum of five percent (5%) of the developable acreage as common recreational/open space. This excludes any required landscape

buffer areas, recreational facilities, offices, storage facilities, garbage areas, bathrooms, laundry facilities, guest parking areas, or other structures. At a minimum, an RV Resort must also provide the following recreation amenities:

- 1. Clubhouse;*
- 2. Pool; and*
- 3. Playground.*

10-29-9: INDIVIDUAL RV SITE DESIGN STANDARDS:

- A. Each RV site shall be plainly marked and numbered for identification.*
- B. Each RV site shall be a minimum of thirty-five feet (35') in width and (80') in length. Shorter sites may be accepted but are subject to approval.*
- C. All RVs shall be able to park in designated spaces, and no portion of a driveway or roadway may be used for RV parking.*
- D. RVs shall be separated from each other and from other structures by at least twenty feet (20'). Any accessory, such as attached awnings, steps or pop outs, shall be considered part of the RV.*
- E. No more than one RV shall be placed on an individual RV site.*

10-29-10: ACCESSORY FACILITIES:

- 1. Office: RV Resorts shall include a permanent building for office use. The building may also include a small store and/or a single-family dwelling for the exclusive use of the owner or manager. The building must comply with the design guidelines set forth in Chapter 18 of this Title. The single-family dwelling area shall not exceed one thousand six hundred (1,600) square feet of floor space.*
- 2. Laundry Room: RV Resorts shall have one or more laundry rooms providing sufficient washing machines and dryers for the number of sites developed within the RV Resort. The use of laundry drying lines is prohibited.*
- 3. Restroom and Shower Facilities: Communal restrooms, including toilets, showers, and lavatories, shall be provided to conveniently and adequately serve the number of sites developed within the RV Resorts. The following are the minimum requirements for these facilities:*

Number of RV Sites	Toilets		Urinals	Lavatories		Showers	
	M	F	M	M	F	M	F
1 to 40	1	2	1	1	1	1	1
41 to 80	2	4	2	2	2	2	2
81 to 120	3	6	3	3	3	3	3
121 to 160	5	8	3	4	4	4	4
161 to 200	6	10	4	4	4	4	4

4. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

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 March, 2023.

Council Person:

Joey Campbell	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Ty Bringham	AYE _____	NAE _____	ABSTAIN _____	ABSENT _____
Todd Sands	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, Mayor

Date

Attest:

Daisy Fuentes, City Recorder