

Nightly Rental:

Nightly rentals shall occur only within the City upon the meeting of the following requirements:

- A. Nightly Rental Permit License Application:
 - a. An applicant must apply for and obtain a nightly rental permit license, which is a special permit license and not a conditional use permit and is approved and otherwise regulated by this subsection and chapter. The nightly rental permit license is non-transferable to another owner or another dwelling.
 - b. The nightly rental license application shall include the name, address and phone number of the owner and/or other person designated by the owner as the property manager/emergency contact who shall be responsible for ensuring compliance with the rules and regulations specified in this section.
 - c. The nightly rental permit license application must include a detailed drawing to standard engineering scale, a site plan for the lot showing additional parking stalls, existing and proposed buildings, existing streets, and a floor plan of the dwelling. The site plan must identify the required off-street parking to be used in connection with the nightly rental permit license.
 - d. The nightly rental license application must include the applicants state tax ID number for remittance of transient lodging taxes.
 - e. Notification: Applicant must pay for and provide notification to neighboring property owners within three hundred feet (300') from all exterior boundaries of the lot on which the nightly rental is to be located. This notice shall indicate, and the City's Planning Commission shall conduct, a public hearing on the application. To comply with this requirement the applicant must submit self-addressed, stamped envelopes for the required notification along with a printed list of the lot owners in the designated notification area.
- B. Nightly Rental Permit License Application Review Process: A complete nightly rental permit license application will be reviewed by City staff at the next regularly scheduled City staff meeting. City staff shall review the application and forward their recommendation to the Planning Commission. The Planning Commission will hear the application at their next regularly scheduled meeting and conduct a public hearing on the same. After said public hearing the Planning Commission will forward their recommendation to the City Council for a final determination on the nightly rental permit license application. The City Council may deny, approve or approve with special conditions the nightly rental permit license application.
- C. One Structure: Each nightly rental must occur within and under one roof of a dwelling and not in a temporary structure. ~~that is temporary. Accessory structures can create multi-family zoning and shall not be used as nightly rentals. More specifically, a detached casita, garage, workshop, mother in-law building, etc. cannot be used exclusively as a nightly rental without the simultaneous use of part or all of the dwelling as well.~~
- D. Parking: ~~Applicant must have sufficient off street parking spaces for all guests and residents.~~ A minimum of four (4) nine feet by 18 feet (9' x 18') parking spaces are required. Two of those spaces must be available exclusively for nightly rental use. There shall be no overnight on-street parking by guests or residents.

- E. Maximum Guests: The maximum number of occupants per dwelling being used for nightly rental shall be the lesser of ten (10) (including the owner and his/her family), or that which is allowed by any Safety Code adopted by the City.
- ~~F. Owner Residency: The City's intent of a nightly rental is to keep the residential feel throughout the community and hold the nightly rental owner (resident) accountable for their occupants. Nightly rental owners (residents) that are absent from Toquerville for periods of times, exceeding fourteen (14) days every calendar month during which nightly rentals are available for occupancy or occurring, and/or do not meet the residency requirement of the city, shall be subject to revocation of their nightly rental permit and/or denied the renewal of their nightly rental permit at annual review. Owner must have an emergency contact on file of a Toquerville resident, in the event that the owner is unavailable or absent. For purposes of this chapter, the term "owner" shall mean:~~
- ~~a. A natural person who owns the controlling interest of the dwelling wherein the nightly rental occurs, or~~
 - ~~b. A business entity of which a natural person principal holding a controlling interest of at least fifty one percent (51%) of the entity shall have a primary residence within the city.~~
- G. Response Time: The owner or other person designated as the property manager/emergency contact shall respond to complaints and/or concerns within thirty (30) minutes of any phone call or other notification and be on site within one (1) hour if necessary. Failure of the owner or property manager to respond may result in a violation and possible fines to the business license holder and property owner.
- H. Nightly Rental Ownership Limitation: Neither a natural person applicant nor a principal of a business entity applying for a nightly rental ~~permit~~ license shall have an ownership interest in more than ~~two (2)~~ one (1) dwellings wherein nightly rentals occur within the City. One person residing in the same dwelling shall not have ownership interest in more than one (1) dwelling wherein nightly rentals occur within the City.
- I. Limit on Total number of Nightly Rental Licenses:
- a. The maximum number of nightly rental business licenses issued will be set at 5 percent (5%) of the total number of culinary connections within Toquerville City limits.
 - b. The total number of licenses available shall be continually updated as the number of new culinary connections increase.
 - c. Once the maximum number of licenses have been issued, any new application that meets all of the application requirements shall be placed on a waiting list in order of the date of receipt. No fees will be due until a license becomes available. When a license becomes available, the first applicant on the waiting list shall be notified of the license availability. From the date of notification, the applicant shall have fifteen (15) days to resubmit a complete application and pay the required application fee. The applicant must complete the licensing process within ninety (90) days thereafter. If the applicant fails to resubmit a complete application within fifteen (15) days, or fails to complete the licensing process within ninety (90) days, the application will be deemed expired. The next applicant will then be notified of the license availability and shall then follow the same procedure.

- J. Minimum Distance: Properties used for nightly rentals shall have a minimum separation of five hundred feet (500'). This will be measured in a straight line from the closest point of one nightly rental dwelling to the closest point of the other.
- K. Modifications: Any modifications to the appearance and size of the dwelling ~~in order~~ to accommodate and facilitate a nightly rental should be in keeping with the residential character of the neighborhood within which the dwelling is located.
- L. Penalties: Upon finding a violation under this chapter and section, the following penalties and requirements shall apply:
- a. First Violation: Two Hundred Fifty Dollars (\$250.00).
 - b. Second Violation: One Thousand Five Hundred Dollars (~~\$1,500.00~~ \$1,000.00).
 - c. Third Violation: Four Thousand Dollars (~~\$4,000.00~~ \$2,000.00).
 - d. Fourth Violation: Nightly rental ~~permit~~ license automatically revoked.
 - e. Review: Upon the second or subsequent violation of this chapter and section, there shall be a mandatory review conducted before the City's Planning Commission, who shall have the ability and right to revoke the nightly rental permit license in its sole and absolute discretion. Revocation of a nightly rental ~~permit~~ license, for any reason shall result in a minimum twelve (12) month waiting period ~~prior to~~ before any new application, ~~which~~ Revocation shall run with the land. Upon revocation, there is no guarantee of any future issuance of a nightly rental ~~permit~~ license and all applications will be processed under the then current ordinances. Failure to pay a ~~the~~ fine within thirty (30) days of its issuance shall constitute grounds for automatic revocation of the owner's nightly rental ~~permit~~ license.
 - f. Enforcement: In addition to the fines set forth in this subsection I, all violations of this chapter and section shall constitute a Class B misdemeanor and shall be enforced in compliance with Chapter 5 of this Title.
- M. Revocation of ~~Permit~~ License: The nightly rental ~~permit~~ license may be revoked at any time, upon notice and a hearing conducted by the Planning Commission, should the use of a dwelling for nightly rental become a nuisance per Title 4, Chapter 1 of this Code.
- N. Annual Renewal of Nightly Rental ~~Permit~~ License –
- a. ~~Site Approval Application~~: A nightly rental ~~permit~~ license has ~~the a~~ duration of one year and must be renewed annually. For renewal, an applicant must submit a renewal application in a form set by the city staff, ~~along with an updated site plan and floor plan for the lot and dwelling indicating where the nightly rental will occur is limited to.~~
 - b. Fire Inspection: To receive an annual renewal, the nightly rental must pass an annual fire inspection. The Fire inspection shall be scheduled with the Hurricane Valley Fire District and be performed within 30 days prior to the renewal.
 - c. Each renewal application shall be approved, approved with additional conditions, or denied by the city's zoning administrator. If the city has received more than two (2) complaints from neighbors or others regarding a nightly rental during the previous twelve (12) months, the zoning administrator shall defer the decision of renewal to the planning commission who shall hear the matter at their next regularly scheduled meeting, ~~giving~~ allowing the applicant/~~permit~~ license holder ~~the opportunity~~ to be present and speak in defense of why the nightly rental ~~permit~~ license should be renewed.

- O. Log: The holder of the nightly rental ~~permit~~ license shall maintain and provide, upon request, the name, ~~address~~, and phone number of all renters.
- P. Business License Required; Room Tax: Applicant must apply for and obtain a business license pursuant to Title 3, Chapter 1 of this Code and pay the current Transient Room Tax applicable to motels and hotels within the City.
- a. The business license must be displayed in a prominent location within the nightly rental.
 - b. Operating a nightly rental without a business license shall constitute a Class B misdemeanor and shall be enforced in compliance with chapter 5 of this Title.
- Q. Fees: Applicant must pay all applicable fees including an annual nightly rental ~~permit~~ license fee to maintain their ~~permit~~ license. The amount of said annual nightly rental ~~permit~~ license fee shall be set and adjusted by the City and set forth in the City's uniform fee schedule.
- R. Health Requirements: Applicants/~~permit~~ license holders shall ensure that the dwellings in which nightly rentals occurs complies with all local, State and Federal Health Codes, regulations, and requirements.
- ~~S. Notification: Applicant must pay for and provide notification to neighboring property owners within three hundred feet (300) from all exterior boundaries of the lot on which the nightly rental is to be located. This notice shall indicate, and the City's Planning Commission shall conduct, a public hearing on the application. To comply with this requirement the applicant must submit self-addressed, stamped envelopes for the required notification along with a printed list of the lot owners in the designated notification area.~~
- T. Signage: Signs for nightly rentals shall conform to the requirements of Chapter 22 of this Title.
- U. Exclusions: Hotels, Motels and RV Parks shall not be held to the requirements of this section. RV Parks shall conform to the requirements of Section 10-29-1 (RV Parks).
- V. Exceptions: The Nightly Rental of model homes located within a subdivision or which sales will be made, will be allowed with the following conditions:
- a. The subdivision shall be planned for more than one hundred (100) dwellings.
 - b. No more than ~~ten (10)~~ five (5) model homes used as a Nightly Rentals shall be allowed per subdivision. Once the model homes have been sold this exception shall be voided.
 - c. All other requirements of this Section 10-17-3 shall be met except for 10-17-3(F) and (G), (H) and (I).
 - d. A conditional use ~~r~~ permit is issued by the Planning Commission.