

ORDINANCE NO: 815

AN ORDINANCE AMENDING CHAPTER 5-13 VACATION RENTAL HOMES OF THE CITY OF GROVE ZONING ORDINANCES BY REMOVING THE SPECIAL USE PERMIT REQUIREMENT AND CREATING NEIGHBORHOOD DENSITY REGULATIONS ON PROPERTIES LOCATED IN RESIDENTIAL ESTATES ZONED DISTRICT AND SINGLE FAMILY RESIDENTIAL ZONED DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVE, OKLAHOMA:

SECTION ONE:

Chapter 5 Section 13 Vacation Rental Homes shall be amended to read in its entirety as follows:

SECTION 5-13 VACATION RENTAL HOMES

A. GENERAL INTENT:

Grove is known and promoted as a tourist community; Vacation Rental Homes (VRH) are a popular amenity in many tourist communities throughout the United States.

VRH provide opportunities to increase the number of tourists and visitors to the community, which will increase sales tax revenue. In addition, VRH will create jobs for local residents and provide property owners with another means of income.

The provisions of this Section are hereby established to regulate VRH in a manner that will prevent negative impacts on the community and residential neighborhoods. These regulations shall *only* apply when the property is being used in its VRH capacity, and shall not restrict the property owner's personal use of the property.

B. DENSITY OF VACATION RENTAL HOMES:

A maximum of five percent (5%) of the total Households (determined by the U.S. Census Bureau) located within the City of Grove may be utilized as Vacation Rental Homes.

NEIGHBORHOOD DENSITY:

Using a residence as a VRH shall be prohibited if the location is within a three-hundred foot radius of an existing VRH. For the purpose of this section, the three-hundred foot radius shall be measured from the entrance facing the street which constitutes the legal address of the proposed VRH.

Neighborhood Density Regulations shall apply *only* to applications submitted on/or after January 1, 2023 and *only* when the property owner is requesting to use a residence located in Residential Estates Zoned District (RE-1) or Single Family Residential Zoned District (R-1 or R-1s) as a VRH.

EXCEPTIONS: The three-hundred foot radius requirement *does not apply* when the proposed VRH is physically separated from an existing VRH by any of the following barriers:

- ✓ Grand Lake – including big waters and coves;
- ✓ US or State Highway;
- ✓ Designated Primary Arterial Streets (Broadway, Shundi, Sumac, 13th and 18th Street, Leisure Road, State Park Road, O'Daneil – see attached map), or;

- ✓ The VRH is *not* located in a Residential Estates District (RE-1) or Single Family Residential District (R-1 or R-1S).

C. AGENCY/LOCAL CONTACT PERSON

- a. The property owner or a designated agent must maintain a current occupational license in the City of Grove, and shall comply with the requirements of this chapter, including, without limitations, the filing of an application for a permit, the management of the VRH and the compliance with the conditions of the permit. The permit shall be issued to the *owner* of the VRH. The *owner* of the VRH is responsible for compliance with the provisions of this chapter and the failure of an agent, representative or local contact person to comply with this chapter shall be deemed noncompliance by the *owner*.
- b. Owner of VRH shall designate a local contact person within a twenty (20) mile radius who has access and authority to assume management of the unit and take remedial measures. The local contact person shall be available twenty-four (24) hours per day, seven (7) days per week to respond to occupant and neighborhood questions or concerns. An owner of the VRH may designate himself/herself as the local contact person. Any change in the local contact person's address or telephone number shall be provided to the City of Grove within ten (10) days of the change.
- c. Upon a VRH permit being issued and prior to any guests occupying the VRH, it shall be the responsibility of the VRH *owner* to provide residents within three-hundred feet (300') of the VRH property the following:
 - 1. A completed copy of the VRH Information Form;
 - 2. A copy of the Procedures and Guidelines for VRH Complaints;Both forms will be provided by the City of Grove. Failure to provide both forms to the neighboring residents prior to any guests occupying the VRH, may result in the VRH Permit being revoked.

D. REQUIREMENTS

- Owner or agent shall operate a Vacation Rental Home only under the provisions as set forth herein:
- a. Any VRH that has four (4) or more rooms available for sleeping accommodations and the rooms are rented as individual rooms to transient guests must comply with the Oklahoma State Department of Health Lodging Establishment Provisions, and a copy of the owner's current Lodging Establishment License shall be provided to the City Clerk. A VRH home that is rented as a unit shall be exempt from the Oklahoma State Department of Health Lodging Establishment License.
 - b. Any VRH that has a Septic System as the means of wastewater disposal shall provide a copy of a Perk Test or Drip Line Test performed by the Oklahoma Department of Environmental Quality on the septic system;
 - c. Submit an application to the City Clerk for an Occupational License for operating a VRH;
 - d. Submit an application for a VRH permit (a separate permit is required for each property used as a VRH) to the Building Inspector prior to use or advertisement of the property as a VRH; the Permit shall be renewed annually prior to July 1 of each year.
 - e. Shall provide the Building Inspector free access to the VRH and its premises, for the purpose of inspection and examination;
 - f. Permit approval is subject to compliance with the Oklahoma State Department of Health Lodging Establishment Provisions (if applicable), submittal of Perk or Drip Line Test on Septic System (if applicable), an inspection by the Building Inspector and issuance of a Certificate of Occupancy;

- g. Owners of properties that are being advertised or used as VRH prior to the passage of this ordinance shall comply with the VRH Regulations and shall submit an application for a VRH permit within sixty (60) days of the approval of this Ordinance.

E. APPLICATION REQUIREMENTS

VRH permit applications shall contain the following information:

- a. The name, mailing address, e-mail address, telephone number of the owner and the physical address of the VRH for which the permit is to be issued;
- b. The name, mailing address, e-mail address and telephone number of the local contact person, and the same information for an agent if applicable;
- c. The number of bedrooms and approximate square footage of the VRH;
- d. A diagram and/or photograph of the premises showing and indicating the number and location of designated on-site parking spaces;
- e. Indicate whether the VRH has a hot tub, spa or pool located on the premises;
- f. Owner's Federal Tax ID number or Social Security number;
- g. Proof of ownership including legal description;
- h. Such other information as the City of Grove deems reasonably necessary to administer this Section.

F. FEES.

- a. A Permit Fee of \$250 shall be submitted with the VRH application, a Permit Renewal Fee of \$100 is due and payable by July 1 of each year;
- b. The permit is non-transferable; upon change of ownership. If the new owner desires to use the property as a VRH, a new application shall be submitted, accompanied by the fees established by City Council.

H. STANDARD CONDITIONS

All owners, agents, local contact person and occupants/guests are required to comply with the following Standard Conditions:

- a. Occupancy.
 - 1. **MAXIMUM OVERNIGHT OCCUPANCY:** The number of overnight occupancy shall not exceed two (2) persons per bedroom, plus four (4) additional persons per residence; excluding children five (5) years of age or younger. (the number of bedrooms in the residence shall be determined by the Building Inspector during the initial inspection)
- b. Parking.
 - 1. All vehicle parking shall be on-site and shall be on asphalt or concrete including driveway(s), garage(s), and carport(s).
 - 2. Vehicle parking on grass or in the yard is prohibited.
 - 3. On-Street parking of vehicles, boat/watercraft trailers or other types of trailers is prohibited;
 - 4. In addition to vehicle parking, a combined total not to exceed three (3) boat or water sports trailers may be parked behind the front yard building line. Blocking of streets, driveways or boat ramps is prohibited;
 - 5. The construction of additional on-site parking that causes the property to exceed the Maximum Lot Coverage Percentage allowed per Chapter 4 – District Regulation Table of the Planning and Zoning Ordinances shall be prohibited.
- c. Use of Vacation Rental Home is Limited.
 - 1. The use of the VRH shall be limited to lodging by the occupants and guests;
 - 2. Using the VRH for any other uses including commercial activities is prohibited.

d. Noise.

Occupants and guests shall comply with city codes and shall not willfully or maliciously disturb, either by day or night, the peace and quiet of any city, neighborhood, family or person by loud or unusual noise.

e. Refuse.

1. Owner shall provide and at all times maintain in good order trash containers of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse created by the occupants and guests. The containers shall be rodent-proof with a tight-fitting lid and shall be kept clean and free from the accumulation of any substance remained attached to the containers which would attract flies, mosquitoes or other insects.
2. Owner or his/her designee shall be responsible for placement of trash containers at the curbside in a timely manner to allow trash to be collected on the scheduled pick-up day for the residence.
3. Occupants and guests shall dispose of trash in containers provided by the Owner.

f. Sewer Connection/Septic System Capacity.

1. The VRH property owner shall maintain a properly functioning wastewater disposal system such as a septic system, aerobic system or connection to the public sewer system.
2. Verification of the type of wastewater disposal system and the capacity of the system is required upon the application for the VRH Permit.
3. If the wastewater disposal is a septic system, the VRH property owner shall submit a copy of a Perk Test or Drip Line Test performed by the Oklahoma Department of Environment Quality (ODEQ) on the system with the VRH Permit application.

g. Advertisement.

All advertisements for the rental and promotion of the VRH must include the following:

1. The number of bedrooms available;
2. The maximum occupancy allowed;
3. The maximum number of boats and watercraft trailers allowed to be parked on the property;
4. The permit number of the City of Grove VRH Permit.

h. Signage and Notification Requirements

Each VRH shall have one (1) clearly visible and legible *interior* notice posted on the inside of the front door, containing the following information:

1. A copy of the VRH Permit issued by the City of Grove;
2. A copy of the Standard Conditions;
3. The name of the managing agency, agent, property manager or local contact or owner of the unit, telephone number at which the party may be reached on a twenty-four (24) hour basis;
4. The maximum number of occupants permitted to stay overnight in the unit;
5. The maximum number of vehicles, boat and watercraft trailers allowed to be parked on-site;
6. The location of on-site parking spaces;
7. Notice that on-street parking is prohibited;
8. Notice that violation to conform to all Standard Conditions shall constitute a violation and is subject to fine and penalties by the City of Grove.
9. In an emergency dial '911'.

I. FILING A COMPLAINT.

Citizens wishing to file a complaint regarding VRH may do so by following the Procedures and Guidelines for Vacation Rental Home Complaints and submitting a Vacation Rental Home Complaint form, both documents are available at City Hall and on the City's website www.cityofgrove.com.

J. VIOLATION AND PENALTIES.

Upon notification to the owner, agent or local contact person from the City of Grove that occupants or guests of the VRH have created unreasonable noise or disturbances, engaged in disorderly conduct or violated City Code, the Owner shall provide a written response within thirty (30) days of the date of the Notice and describe what action was taken to prevent the re-occurrence of such conduct by those occupants or guests.

Any person violating any provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-108 of the City of Grove Code of Ordinances, and the VRH Permit may be revoked.

SECTION 2: This Ordinance is in no way to affect, alter or change any of the other provisions of the Zoning Ordinances of the City of Grove, Oklahoma.

The provisions of this Ordinance are severable and if any clause, sentence, paragraph, part, provisions or section hereof shall be held void, the decision of the Court shall not affect or impair any of the remaining provisions of this Ordinance.

PASSED AND APPROVED THIS 19TH DAY OF JULY 2022.

SEAL

CITY OF GROVE

ATTEST:

Ed Trumbull, Mayor

Ivonne Buzzard, City Clerk