

ORDINANCE NO. 000

AN ORDINANCE AMENDING CHAPTER 1, SECTION 6-INTERPRETATION OF WORDS AND TERMS BY ADDING DEFINITION OF VACATION RENTAL HOMES AMENDING CHAPTER 3 BY ADDING SPECIAL USE PERMIT REQUIRMENTS, AMENDING CHAPTER 3 PERMITTED USE TABLE PROHIBITING VACATION RENTAL HOMES IN RESIDENTIAL ESTATES DISTRICTS (RE-1), AND SINGLE FAMILY RESIDENTIAL DISTRICTS (R-1) (R-1S) UNLESS THE CITY COUNCIL APPROVES A SPECIAL USE PERMIT ; AMENDING CHAPTER 5 SPECIAL CONDITIONS BY ADDING SECTION 5-13 VACATION RENTAL HOMES; ALL AMENDMENTS BEING MADE A PART OF THE ZONING ORDINANCES OF THE CITY OF GROVE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVE, OKLAHOMA, THAT, TO-WIT:

SECTION ONE:

Chapter 1, Section 6 Interpretation of Words and Terms of the Zoning Ordinances of the City of Grove are hereby amended as follows:

The following term is hereby added:

VACATION RENTAL HOME A property that is rented on a temporary/short-term basis, (less than thirty (30) consecutive days) to tenants for an established rate or fee. The property is fully-furnished and is designed for residential use, such as a villa, apartment, duplex, cottage, condominium, patio home, townhome or single-family home.

Chapter 3 – Uses Permitted in Districts is hereby amended as follows:

The following section is hereby added:

SECTION 3-1 SPECIAL USE PERMIT

1. PURPOSE:

Uses identified as a Use that requires a Special Use Permit (SUP) are more intense or have a greater impact than those permitted by right. The provisions of this Section are hereby established to regulate Uses in a manner that will prevent negative impacts on the community and residential neighborhoods.

2. REQUIREMENT:

A Special Use Permit is required for any Use that is not a Use allowed by right and is not identified as a Permitted Use in a particular zoning district as indicated on the Permitted Use Table.

Approval of a Special Use Permit shall not be a matter of right but shall only be granted when the proposed use is in harmony with the character of the zone where it shall be located.

A Special Use Permit will be issued *only* when the City Council determines the Use may be integrated with other adjacent land uses and the Use meets the evaluation criteria hereby established by the terms of this Chapter.

3. NON-TRANSFERRABLE

Once a Special Use Permit is approved, that Use may continue as long as the property owner abides by the requirements of the Ordinances and any special conditions placed upon the Use by the City Council.

The Special Use Permit is granted to the property owner for a Special Use at the Special property and is not transferable.

4. APPLICATION

The Special Use Permit process is commenced by the property owner submitting an application, supporting documentation and a non-refundable application fee (\$200.00) to the Community Development Department.

The application will be provided by the City and shall include the following information:

- a. Name, address and telephone number of the property owner, a warranty deed;
- b. Physical address, general description of location of the subject property;
- c. Brief statement describing the intended Use, and the affect the proposed the Special Use will have of the character of adjacent properties, the community and neighborhood;
- d. Provide a list of names and mailing addresses of all property owners within a three-hundred foot (300') radius of the boundaries of the subject property;
- e. Eight copies of a Special Use Permit plan drawn to an appropriate scale and containing the following:
 - ✓ Dimensions of the subject property, including easements and rights-of-ways, and location with respect to streets and adjacent properties;
 - ✓ Dimensions of buildings and located with respect to property boundaries;
 - ✓ Location and type of existing and proposed outdoor features such as signs, fences, pools, hot tubs, fences, landscaping or outdoor light fixtures;
 - ✓ Location of off-street parking, loading spaces and access drives;
 - ✓ Number of residential dwelling unit, if any, per structure;
 - ✓ Any other physical features or characteristics which may be unique to the subject property or particular use proposed;
 - ✓ Existing use of abutting/adjoining properties;
 - ✓ Existing Zoning of the subject property and the abutting/adjoining properties;
 - ✓ Location of existing and proposed public utilities;
 - ✓ Location of existing easements;
 - ✓ Building elevation drawings and construction materials when abutting a residential district.

5. CONSIDERATION CRITERIA

Prior to a Special Use Permit being approved, the following criteria shall be considered:

- a. Impact on and opinion of adjacent property owners;
- b. Property values or living conditions in residential districts;

- c. Population density;
- d. Impact on Infrastructure
- e. Public safety;
- f. Storm Water Drainage
- g. Reduction in light and air to adjacent areas;
- h. Deterrent to improvements or development of adjacent property in accord with existing regulations;
- i. Substantial reasons why the property cannot be used in accordance with existing zoning without the Special Use being granted;
- j. Harm to any historic, aesthetic or other intrinsic value of the structure to house the use;
- k. Adequacy of parking, and whether providing parking for the Use would damage existing scenic areas, including front yards, gardens and grounds;
- l. Traffic congestion near the proposed site, including ingress and egress, two-way traffic, danger from curves or other terrain conditions; prevention of smooth flowing traffic for residents, visitors, customers, and motorists;
- m. Adequacy of utilities serving the site;
- n. Adequacy of refuse and service areas;
- o. Screening and buffering from adjacent properties;
- p. Environmental impact of the proposed Use, including but not limited to odors, noise, smoke or signs;
- q. The temporal nature of the Use, with allowances for temporary activities only in extreme cases where effort is already underway to construct a permanent facility.

6. REVIEW AND NOTICE REQUIREMENT

Upon receipt of a Special Use Permit application, Staff will review and determine if application is complete and all required documentation has been provided. Upon review by Staff, the Planning & Zoning Commission shall hold a Public Hearing to consider the application.

A Notice of the Public Hearings shall be published in a newspaper of general circulation in the City of Grove. Such Notice shall also be given in writing by mail to all property owners within a three-hundred foot (300') radius of the boundaries of the subject property. Required Notices shall be published and mailed at least twenty (20) days prior to the date of said public hearing and shall contain the following:

- ✓ The legal description of the subject property, the street address (if any) and a general description of where the property is located within the City;
- ✓ The current zoning of the property;
- ✓ The date, time and place of the Public Hearing

The City shall place a sign on the subject property a minimum of ten (10) days prior to the Public Hearing. The sign shall contain the following:

- ✓ Notice of Public Hearing for consideration of Special Use Permit;
- ✓ The date, time and place of the Public Hearings

7. HEARING PROCEDURE

The applicant or representative must be present at the Public Hearing for the matter to be considered. If the applicant is unable to attend, written authorization from the applicant authorizing representation must be submitted to the Planning & Zoning Commission prior to the Public Hearing.

The Planning & Zoning Commission shall hear the applicant's request for a Special Use Permit at the Public Hearing and shall hear public comments regarding the Special Use Permit request. Any person affected by a proposed use may express approval or disapproval in writing or in person at the Public Hearing. Any lack of response by surrounding property owners shall not be interpreted as approval or disapproval. Following the public hearing, the Planning & Zoning Commission shall consider comments received and take action to make a recommendation to the City Council to approve, approve with conditions or deny the Special Use Permit.

The City Council shall consider the Planning Commission's recommendation, comments received and take action to approve, approve with conditions or deny the Special Use Permit.

When a Special Use Permit is opposed in writing by more than twenty (20) percent of the property owners located within a three-hundred foot (300') radius of the boundaries of the subject property, such Special Use Permit shall not become effective except by a favorable vote of four fifths (4/5) of all members of the City Council.

If the Special Use Permit is denied, said application shall not be eligible for reconsideration for one year subsequent to such denial.

A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the City Council, to be eligible for consideration within less than one year of the denial of the original application.

8. REVOCATION

The City may revoke a Special Use Permit for violation of any condition of the permit. In the event that the City learns of any such violation, it shall notify the property owner of the violation. The property owner may be heard at the meeting of the Planning & Zoning Commission scheduled for consideration of the revocation and show cause why the permit should not be revoked. If the property owner fails to appear or fails to show good cause why the permit should not be revoked, the permit shall be revoked and the Use shall cease; any continuation of the Use shall be a violation of the Ordinances, and is subject to a Fine up to \$500 plus court costs.

9. INSPECTION

Inspection by City Staff will occur annually to verify continual compliance with the conditions approved of the Special Use Permit. If a complaint is received, the property owner shall allow City Staff the right of entry to perform inspections to verify compliance with the conditions of approval.

Chapter 3 – Permitted Use Table of the Zoning Ordinances of the City of Grove is hereby amended as follows:

The following Permitted Use is hereby added:

DWELLING, VACATION RENTAL HOMES shall be a Permitted Use in A-1 Agriculture District, R-2 Two-Family Residential District, R-3 Multi-Family Residential Districts and RMH – Residential Manufactured Home Districts. VRH shall be prohibited in Residential Estate Districts (RE-1), and Single Family Residential Districts (R-1), (R-1S) unless the City Council has approved a Special Use Permit.

Chapter 5 - Special Conditions of the Zoning Ordinances of the City of Grove is hereby amended as follows:

The following Section is hereby added:

SECTION 5-13 VACATION RENTAL HOMES

1. 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.

2. SPECIAL USE PERMITS REQUIRED

Prior to using a residence as a VRH in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S) the property owner must submit an application for a Special Use Permit, and only upon approval by the City Council shall such a Use be allowed. (See Chapter 3 USES PERMITTED IN DISTRICTS)

3. 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.

4. AGENCY/LOCAL CONTACT PERSON

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*.

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.

5. 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. Submit an application for a Special Use Permit if the proposed VRH is located in a Residential Estates District (RE-1), or Single Family Residential District (R-1), (R-1S).
- F. Shall provide the Building Inspector free access to the VRH and its premises, for the purpose of inspection and examination;
- G. 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;
- H. 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.

4. 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.

5. 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 a new application for a VRH permit shall be submitted, accompanied by the fees established by City Council.

6. STANDARD CONDITIONS

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

A. *Occupancy.*

- a. **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.*

- a. All vehicle parking shall be on-site and shall be on asphalt or concrete including driveway(s), garage(s), and carport(s).
- b. Vehicle parking on grass or in the yard is prohibited.
- c. On-Street parking of vehicles, boat/watercraft trailers or other types of trailers is prohibited;
- d. 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;
- e. 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.*

- a. The use of the VRH shall be limited to lodging by the occupants and guests;
- b. 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.*

- a. 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.

- b. 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.
- c. Occupants and guests shall dispose of trash in containers provided by the Owner.

F. *Sewer Connection/Septic System Capacity.*

- a. 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.
- b. Verification of the type of wastewater disposal system and the capacity of the system is required upon the application for the VRH Permit.
- c. 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.

7. ADVERTISEMENTS.

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

- A. The number of bedrooms available;
- B. The maximum occupancy allowed;
- C. The maximum number of boats and watercraft trailers allowed to be parked on the property;
- D. The permit number of the City of Grove VRH Permit.

8. 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:

- A. A copy of the VRH Permit issued by the City of Grove;
- B. A copy of the Standard Conditions;
- C. 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;
- D. The maximum number of occupants permitted to stay overnight in the unit;
- E. The maximum number of vehicles, boat and watercraft trailers allowed to be parked on-site;
- F. The location of on-site parking spaces;
- G. Notice that on-street parking is prohibited;
- H. 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.
- I. In an emergency dial '911'.

9. 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.

10. 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 TWO: 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.

APPROVED FOR RECOMMENDATION to the Mayor and Council by the Planning and Zoning Commission on the ____ day of _____, 2015.

PASSED AND ADOPTED by the City Council of the City of Grove, Oklahoma on the ____ day of _____, 2015.

PASSED AND EMERGENCY CLAUSE RULED UPON SEPARATELY AND APPROVED at Grove, Oklahoma on the ____ day of _____, 2015.

SEAL
ATTEST:

Ivonne Buzzard, City Clerk

CITY OF GROVE

Marty Follis, Mayor