

ORDINANCE NO. 838

AN ORDINANCE AMENDING CHAPTER 5 SPECIAL CONDITIONS SECTION 5-13
VACATION RENTAL HOMES OF THE ZONING ORDINANCES OF THE CITY OF
GROVE.

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

Section One:

Chapter 5 Special Conditions Section 5-13 Vacation Rental Homes of the Zoning Ordinances of the City of Grove 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'Daniel – 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. OPERATION 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. Submit an application to the City Clerk for an Occupational License for operating a VRH;
 - c. 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.
 - d. 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. INSPECTION REQUIREMENTS

- a. Initial Inspection
Property owner shall provide the Building Inspector free access to the VRH and its premises, for the purpose of the following inspections and testing:
 1. Test water pressure;
 2. Test HVAC temperature for cooling and heating;
 3. Verify the working condition of windows and doors in bedrooms and validate there are adequate escape routes;
 4. Verify there are two (2) means of egress;
 5. Verify Fire Extinguishers are 5 pounds and Type ABC;
 6. Verify the Perk Test or Drip Line Test performed by the Oklahoma Department of Environmental Quality on the septic system is current for any VRH that has a Septic System as the means of wastewater disposal.
- b. Recurring Inspection
Building Inspector shall perform the same inspections and testing required in the Initial Inspection as noted above in every even numbered year (i.e., 2024, 2026, 2028, 2030) the property continues to operate as a VRH.

G. FEES.

- a. A Permit Fee of \$345 shall be submitted with the VRH application, a Permit Renewal Fee of \$140 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.

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 occupancies 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 inspection)
 2. No VRH shall be occupied until the Building Inspector has performed all required inspections and issues a Certificate of Occupancy.
- b. Parking.
1. All vehicle and trailer parking shall be on-site and shall be on asphalt or concrete including driveway(s), garage(s), and carport(s).
 2. The number of vehicles and trailers that are not parked inside a garage are limited to a combined total not to exceed three (3) vehicles and three (3) trailers.
 3. Vehicle parking on grass or in the yard is prohibited.
EXCEPTION: Occupants are allowed to temporarily park vehicles on the grass and in the yard near the entrance of the VRH for loading and unloading their belongings. Temporary parking shall be limited to 30 minutes.
 4. On-Street parking of vehicles, boat/watercraft trailers or other types of trailers is prohibited;
 5. Blocking of streets, driveways or boat ramps is prohibited.
 6. 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.
The Maximum Lot Coverage Percentage shall be calculated using only the property on which the VRH has been assigned a 911 address; vacant lots located within the city limits are not assigned 911 addresses.
- 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 said Chapter 5 Special Conditions of the Zoning Ordinances of the City of Grove.

PASSED AND APPROVED BY THE CITY OF GROVE MAYOR AND COUNCIL ON this 18th day of July, 2023.



Ivonne Buzzard
Ivonne Buzzard, City Clerk

CITY OF GROVE

By: *Ed Trumbull*
Ed Trumbull, Mayor