

ORDINANCE NO. 597-12

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, AMENDING THE CITY OF PAGE ZONING ORDINANCE SECTION 4, PERMITTED USE TABLE A: RESIDENTIAL ZONING DISTRICTS AND ADDING SECTION 5.12, VACATION HOME RENTALS (VHR).

WHEREAS, the City of Page Zoning Ordinance was adopted on April 9, 2001; and

WHEREAS, the Zoning Ordinance of the City of Page provides for the Planning and Zoning Commission to initiate amendments in accordance with the provisions of the Zoning Ordinance and Section §9-462 of the *Arizona Revised Statutes*; and

WHEREAS, the Mayor and Common Council, upon recommendation of the Planning and Zoning Commission, desire to amend the City of Page Zoning Ordinance to allow Vacation Home Rentals (VHR) within the City of Page.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, as follows:

The City of Page Zoning Ordinance, Section 4, Permitted Use Table A: Residential Zoning Districts is amended to read:

Permitted Use Table A: Residential Zoning Districts

USE	RE-2A	RE-1A	R1-8	R1-7	R1-5	R2	RM	MHS	MHP
Single Family Dwelling ¹	P	P	P	P	P	P	P	P	CUP ²
Accessory Buildings & Uses Incidental to the Principal Use	P	P	P	P	P	P	P	P	P
Temporary Offices, Travel Trailers, Construction Sheds, etc., Associated with Home Construction ³	P	P	P	P	P	P	P	P	NP
Churches & Accessory Uses, Including Convents and Parish Houses	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Schools	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Mortuaries	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Hospitals	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP

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Day Care	NP	NP	NP	CUP	NP	CUP	P	NP	NP
Senior Citizen Centers	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Dental & Medical Clinics	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Professional Offices	NP	NP	NP	CUP	NP	CUP	CUP	NP	NP
Dormitories	NP	NP	NP	NP	NP	NP	CUP	NP	NP
Duplex	NP	NP	NP	NP	NP	P	P	NP	NP
Apartments	NP	NP	NP	NP	NP	NP	P	NP	NP
Manufacturing Home Park & Accessory Laundry & Recreational Facilities	NP	P							
Convenience Stores & Restaurants as an Integral Part of Manufactured Home Park	NP	CUP							
Recreational Vehicle Park	NP	CUP							
Single Family Manufactured Homes and Accessory Uses and Buildings	NP	NP	NP	NP	P	NP	NP	P	P
One Non-Rental Guest House	P	P	NP						
Livestock; Plus Shelters, Stables, Stalls, Cages, Pens where they are held ⁴	P	P	NP ⁵						
Carnivals, Circuses & Similar Uses	TUP ⁶								
Bed & Breakfast Homestay	CUP	NP							
VACATION HOME RENTAL	CUP								
Group Home	NP	NP	NP	CUP ⁷	NP	CUP ⁷	CUP ⁷	NP	NP

P = Permitted NP = Not Permitted CUP = Conditional Use Permit TUP = Temporary Use Permit

BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, as follows:

The City of Page Zoning Ordinance is amended to include Section 5.12, Vacation Home Rentals (VHR) and shall read:

5.12 VACATION HOME RENTALS (VHR)

5.12.1 Purpose

A. The purpose of this section is to establish minimum regulations for the use of privately owned residential dwellings utilized as vacation rentals. It is designed to:

1. Minimize negative secondary impacts from the operation of vacation home rental units on surrounding residential neighborhoods;
2. Ensure the collection and payment of transient occupancy taxes;
3. Ensure vacation home rental units meet applicable building and fire code standards in relation to health and safety.

B. This section is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short term rental purposes as defined herein.

5.12.2 Applicability

The provisions of this section apply within the incorporated boundaries of the City of Page. All requirements, regulations and standards imposed by this section are intended to apply in conjunction with any other applicable requirements, regulations and standards imposed elsewhere in this code. *Vacation Home Rentals (VHR)* shall be allowed in the RE-2A, RE-1A, R1-8, R1-7, R1-5, R2, RM, and MHP districts with a Conditional Use Permit and in the CBD, C-2 and SC districts in conjunction with a Conditionally Permitted Residential Land Use.

5.12.3 Definitions

For purposes of this Chapter, the following words and phrases shall have meaning respectively ascribed to them by this section:

A. *Applicable laws, rules and regulations:* Any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a vacation home rental.

B. *Applicant:* The owner of the vacation home rental or the owner's authorized agent or representative.

C. *Community Development Director:* That person acting in the capacity as director of the Planning and Zoning and Building Departments or, in the event that position is vacant, a substitute employee designated by the City Manager.

D. *Local contact person:* A local property manager, owner, or agent representing the owner, who is available twenty-four (24) hours per day, seven (7) days a week for the purpose of (i) responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation home rental and (ii) taking remedial action to resolve any such complaints.

E. *Overflow Lodging:* The use of a vacation home rental unit for contingency lodging in association, conjunction, partnership, contract, or agreement with a local hotel/motel when the hotel/motel (or owner or employee thereof) has either an ownership interest in the vacation home rental unit or receives rent or other consideration in exchange for facilitating the lodging. Overflow lodging shall be considered an extension of hotel/motel operation and is strictly prohibited within

all residential zones.

F. Owner: The person or entity that holds legal or equitable title to the property.

G. Property: A residential legal lot of record on which a vacation home rental unit is located.

H. Rent: The consideration charged, whether or not received, for the occupancy of lodging space, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

I. Responsible Person: An occupant of a vacation home rental who is at least twenty one (21) years of age and who is legally responsible for ensuring that all occupants of the vacation rental home unit and/or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject vacation home rental unit.

J. Vacation home rental unit: One or more dwelling units or a part of a dwelling unit, including either a single-family, detached or multiple-family attached unit, being utilized by any person, other than the owner, as lodging on a daily, weekly, or any other basis for less than thirty (30) consecutive days, in exchange for rent.

5.12.4 Vacation Home Rental Permit Requirements

No owner of a vacation home rental unit may rent that unit without a valid vacation home rental Conditional Use Permit (CUP) issued by the City of Page Planning and Zoning Commission. A separate CUP is required for each vacation home rental. The CUP permit requirements of this section are in addition to any business registration, tax, other permit, licensing agreements, or other applicable law. The City Community Development Director or designee is authorized to prescribe forms and procedures for the processing of permits under this section.

5.12.5 Authorized Agent or Representative

A. An owner may retain an agent, representative, or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of the Conditional Use Permit application for a permit, the management of the vacation home rental, and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental.

B. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, managing agency, local contact person, responsible person, transient or occupant to comply with this Section is non-compliance by the owner.

5.12.6 Application for Vacation Home Rental Permit

No Conditional Use Permit shall be issued unless the application confirms unqualified compliance with this Section. Permits shall be personal to the permittee and applicable only to the specific property and shall not be transferable. The permit shall be applied for, and the property posted, in accordance with Section 2.6, Conditional Use Permit, Page Zoning Ordinance.

An application for a VHR Conditional Use Permit must be filed and approved

before use of the property as a vacation home rental and must contain the following information:

- A. The name, address, and telephone number of the owner of the vacation home rental for which the permit will be issued.
- B. The name, address, and telephone number of the local contact person for the vacation home rental. This information shall be furnished by the Community Development Department to the Page Police and Fire Departments. The owner shall ensure this contact information is current.
- C. Acknowledgment that all designated bedrooms contain a minimum of 70 square feet and meet all requirements of the current International Building Code.
- D. The number of bedrooms (each containing a minimum of 70 square feet), approximate total heated square footage in the vacation home rental, and the maximum number of overnight occupants.
- E. A Site Plan showing the relation of the building and parking to lot lines, location of parking, and a floor plan showing building square footage, exits, location of bedrooms and number of beds per room, shall be provided. The diagram or site plan shall indicate the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- F. Evidence of a valid transient occupancy tax remittance form issued by the State of Arizona for the vacation home rental as defined by ARS § 42-5070 Transient lodging classification. An Arizona Transaction Privilege (Sales) Tax License shall also be required.
- G. Acknowledgment that the owner, agent, or local contact has read all regulations pertaining to the operation of a vacation home rental.
- H. Acknowledgement that the owner, agent, or local contact has or will post the vacation home rental standard permit conditions and additional conditions.
- I. A copy of the proposed written rental agreement that will be utilized to rent the Vacation Home Rental Unit.
- J. Other information the Community Development Director or designee deems reasonably necessary to administer this chapter.

5.12.7 Application and Renewal Fees and Requirements

Vacation Home Rental Conditional Use Permits will require, in addition to the \$300.00 initial application fee, an annual fee of \$250.00 and shall be subject to an annual review or revocation by the Commission each year upon review of a status report for compliance with Section 2.6, Conditional Use Permits, and this Section.

An application for a Conditional Use Permit shall also be accompanied by preliminary inspection reports filed with the Planning and Zoning Department from the Building and Fire Departments. Subsequent to Commission action, no Conditional Use Permit shall be issued or renewed until the following final inspections have been conducted and reports have been filed with the Planning and Zoning Department.

- A. A Fire Department inspection report stating that the Vacation Home Rental single-family dwelling unit and premises comply with the applicable fire codes.
- B. A Building Department inspection report stating that the Vacation Home Rental single-family unit and premises comply with the applicable building codes, electrical codes and plumbing codes.

In the event the Vacation Home Rental fails to comply with any of the terms of the Conditional Use Permit or any other applicable laws, the permit may be revoked in accordance with the provisions of Section 2.6.6., Revocation, of this Ordinance.

5.12.8 Standard Permit Conditions and Additional Conditions

A. All permits issued pursuant to this section are subject to the following standard conditions:

1. Vacation home rentals shall be restricted to principal single-family buildings or units with a minimum of 1,000 sq. ft livable space. No accessory structure, guest house, motor home, travel trailer, shed, garage, or other similar structure shall be used as guest facilities.

The number of overnight occupants not to exceed 2 per bedroom plus 2 additional persons per residence, excluding children under twelve (12) years of age.

A bedroom for purposes of this Section is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height in accord with the current international residential code.

2. The number of vehicles of overnight occupants shall be limited to the number in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on-site parking spaces. Parking of buses, boats, recreational vehicles, or commercial vehicles in off-site vacant lots or the street shall be prohibited. Off-site on-street parking shall be strictly prohibited.
3. The Owner must use best efforts to ensure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

4. Visitation to the vacation home rental unit by invitees or guests of the occupants shall be limited to the hours of 7 a.m. to 10 p.m. Unattended pets shall not be allowed.
5. The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this Section in a conspicuous place within the vacation home rental unit.
6. Each vacation home rental must have a clearly visible and legible notice posted within the unit, on or adjacent to the front door, containing the following information:
 - a. The name of the local contact person and a telephone number at which that person may be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit;
 - c. The maximum number of vehicles allowed to be parked on the property;
 - d. The number and location of on-site parking spaces and the parking rules for emergency vehicle access;
 - e. The trash pick-up day and notification that trash and refuse must be placed in the appropriate container (i.e., blue for trash on Monday/Tuesday, green for recycling on Thursday/Friday).
 - f. Notification that an occupant as a person responsible for the stay, may be criminally or civilly cited for creating a disturbance or for violating other provisions of this ordinance; and
 - g. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance.
 - h. The occupants of a vacation home rental must make the notice required by this paragraph available for inspection by the Community Development Director or a designee, the police department or the code enforcement officer on a request made by any of these officials.
7. All permissible uses must comply with the City parking, driveway and loading standards and emergency vehicle access regulations. The owner must provide sufficient parking to meet city on-site parking requirements, including the garage when necessary. All overnight parking must be on-site.
8. A written rental agreement that contains at a minimum the requirements and provisions contained within Section 5.12.8.
9. Compliance with all applicable Federal, State, and local tax laws, including Section 8A-447 of the Tax Code of the City of Page.
10. No signs of any manner advertising or identifying the property as a vacation home rental shall be placed on the vacation home rental unit property.

B. The City Council, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.

C. The Community Development Director or a designee has the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter subject to compliance with the procedures set forth in this code.

5.12.9 Violation and Administrative Penalties

A. Additional Conditions: A violation of any provision of this chapter by any of the occupants, responsible party, owner(s) or the owner's authorized agent or representative shall authorize the City Manager, or his or her designee, to impose additional conditions on the use of any given vacation rental unit to ensure that any potential additional violations are avoided.

B. Permit Modification, Suspension and Revocation: A violation of any provision of this chapter by any of the occupants, responsible party, owner(s) or the owner's authorized agent or representative shall constitute grounds for modification, suspension, and/or revocation of the Conditional Use Permit for the Vacation Rental.

C. Notice of Violation: The City may issue a notice of violation to any occupant, responsible person, owner(s) or the owner's authorized agent or representative, pursuant to Section 1.9 Penalties and Enforcement of the Page Zoning Ordinance adopted April 9, 2001, if there is any violation of this chapter committed, caused or maintained by any of the above parties.

D. Penalties and Enforcement: Any penalty for violation of this Section by any occupant, responsible party, owner(s) or the owner's authorized agent or representative, shall be pursuant to Section 1.9, Penalties and Enforcement of the Page Zoning Ordinance adopted April 9, 2001. A civil sanction imposed pursuant to this Section shall not exceed one thousand dollars (\$1,000.00).

BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, as follows:

The City of Page Zoning Ordinance, Section 10, Definitions, Motel, is amended to read:

Motel—Any building (not including manufactured homes, Bed and Breakfast Homestays, and/or vacation home rentals) which contains one or more guest rooms or suites intended, available or designated to be used, rented or hired out to be occupied or which are occupied by guests on a temporary basis for sleeping purposes.

A *Guest Room*, for off-street parking purposes, is equal to two beds in a motel/hotel, or one guest room, whichever results in the larger number of required off-street parking spaces.

Temporary shall mean daily, weekly, bi-weekly or any other basis which is less than *month-to-month*. *Month-to-month* occupancy or rental/lease agreements shall be considered as a permanent or semi-permanent basis, as opposed to a temporary basis, and are excluded from this definition. Motel includes motels; hotels; transient dwelling establishments; motor hotels; rooming, boarding or lodging houses; hostels; pensions; inns; apartment hotels; court or cabins; bed and breakfast inns or country inns; motel-type dormitories; or resort condominiums; etc.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA this 27th day of February, 2013, by the following vote:

Ayes	<u>6</u>
Nays	<u>0</u>
Abstentions	<u>1</u>
Absent	<u>0</u>

CITY OF PAGE

By William R. Durb
Mayor

ATTEST:

Kim L. Hanson
Deputy CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY