

**Section 2401. Definitions.**

- A. "Single-Family Nightly Rental" is defined as a dwelling unit or portion thereof, including an attached or detached guest quarters, which is used in a Residential Zone or in a Greer Commercial (GC) Zone, by any person or group of persons who occupies or is entitled to occupy a dwelling unit for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days.
- B. "Remuneration" is defined as compensation, money, rent or other bargained for consideration given in return for occupancy, possession, or use of real property.
- C. "Residential Zone" is defined as any residential zone in Apache County, as described in the Apache County Zoning Ordinance.
- D. "Person" for the purpose of establishing occupancy, is defined as an individual at least two (2) years of age.

**Section 2402. Purpose.**

- A. The purpose of this Section 2400 is to protect the character of Residential Zones by regulating Single-Family Nightly Rentals.
- B. Single-Family Nightly Rentals in a Residential Zone have the potential to be incompatible with surrounding residential uses. Therefore, special regulation of Single-Family Nightly Rentals is necessary to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

**Section 2403. Single-Family Nightly Rental Requirements.**

- A. Single-Family Nightly Rental Permit required. No person shall occupy, use, operate or manage, nor offer or negotiate to use or rent a Single-Family Nightly Rental in a Residential Zone or in a Greer Commercial (GC) Zone, except:
  - 1. A dwelling unit for which a Single-Family Nightly Rental Permit has been issued to the Owner of that dwelling unit.
- B. Greer Commercial Resort ("GCR") Zone. In a Greer Commercial Resort Zone, the rental of a dwelling unit or portion thereof, by any person or group of persons who occupies or is entitled to occupy a dwelling for Remuneration for a period of less than thirty (30) calendar days, counting portions of days as full days, shall be considered one of the allowable uses of a resort, and; the use is allowed without a Single-Family Nightly Rental Permit, and; a Single-Family Nightly Rental Permit is not required, and; no Permit Fee shall be required, and said use is not subject to the requirements of this Section 2400.
- C. Permit Limits. In the Greer area as defined by the zoning ordinance, the number of permits issued shall be limited to a number fifteen percent (15%) greater than the actual number of permits issued with the first 12 months of the adoption of this Article.

- D. **Occupancy.** The maximum occupancy for a Single-Family Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited by off-street parking requirements as defined in this Section 2400. The maximum occupancy of a dwelling unit may not exceed twenty (20) persons. The Building Official may approve exceeding the occupancy based on size of home using standards provided by the current adopted version of the International Building Code.
- E. **Parking.** One (1) off-street parking space shall be provided for each three (3) persons of occupancy in a Single-Family Nightly Rental. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Single-Family Nightly Rental Permit which identifies the location of the required off-street parking.
- F. **Solid Waste Disposal.** The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Single-Family Nightly Rental is available for rent.
- G. **Permit Posting.** The Single-Family Nightly Rental Permit shall be posted within 5 feet of the front door of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information.
1. The name and telephone number of the Local Representative.
  2. The name and address of the Owner.
  3. The contact information for the Community Development Department and the Sheriff's office in Apache County.
  4. The maximum occupancy permitted.
  5. The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
  6. The solid waste disposal collection day if provided by a solid waste company.
- H. **Building Inspection.** Each Single-Family Nightly Rental dwelling unit must be inspected annually by the Building Official to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Single-Family Nightly Rental Permit, the Owner shall make all necessary alterations to the dwelling unit as required by the Building Official pursuant to the applicable building codes.
- I. **Ownership.** A Single-Family Nightly Rental Permit is issued to a specific "Owner" of a property in a Residential Zone or in a Greer Commercial (GC) Zone. If the property holding a Single-Family Nightly Rental Permit is sold to an unrelated third-party owner, the Single-Family Nightly Rental Permit shall immediately expire, and the new owner shall make application for a new Single-Family Nightly Rental Permit.

#### Section 2404. Application Procedures.

- A. **Single-Family Nightly Rental Permit Application.** Any Owner of a property in a Residential Zone wanting to use the property as a Single-Family Nightly Rental shall make application to the

Community Development Department at the County for a Single-Family Nightly Rental Permit. The permit shall be issued for one (1) year, and must be renewed annually. The Community Development Department shall issue the permit where it finds the application requirements and the requirements of this Section 2400 have been met, and upon payment of the "Permit Fee" in an amount as determined by the Community Development Department.

Section 2405. Local Representative.

- A. Local Representative. The Owner of the property shall designate a "Local Representative". The Local Representative must be either the Owner or other individual person who resides permanently within a 20-mile radius of the property, or; a legally operating resort, bed and breakfast establishment, or property Management Company with a physically staffed permanent office within a 20-mile radius of the property.
- B. Change Local Representative. The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation and is grounds for a penalty pursuant to this Section 2406.
- C. Guest and Vehicle Register. The Local Representative shall maintain a guest and vehicle register for each tenancy of the Single-Family Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants, and; the vehicle license plate numbers of all vehicles used by the occupants, and; the date of the rental period. The above information must be available for County inspection upon request, and; failure to maintain or provide the required information constitutes a Violation and is grounds for a penalty pursuant to this Section 2406.
- D. Complaints. The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Single-Family Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Single-Family Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.
- E. Availability. If the County Sheriff Department is not able to contact the Local Representative in a timely manner more than twice during the term of the annual permit, this shall be considered a Violation and is grounds for a penalty pursuant to this Section 2406.
- F. Neighbor Notification. The County shall notify property owners and or residents within 300 feet of the property of the name, address and telephone number of the Owner and the Local Representative. The purpose of this notification is so that adjacent property owners and residents can contact the Local Representative and/or Owner to report and request the resolution of problems associated with the operation of the Single-Family Nightly Rental.

Section 2406. Violations and Penalties.

- A. Violations. Failure to comply with the occupancy or other requirements of the Single-Family Nightly Rental Permit and/or this Section 2400, shall constitute a "Violation". Disturbances or nuisances caused by the occupants (and their invited guests) of a Single-Family Nightly Rental that violate the County Codes or State law shall also constitute a Violation. Penalties for each Violation shall be imposed by the County. Upon receipt of four (4) penalties for Violations, the Community Development Department may suspend or revoke the Single-Family Nightly Rental Permit.
- B. Penalties. Any person who shall violate the provisions of this Section 2400 shall be subject to penalties and fines under Article 13 of the Apache County Zoning Ordinance. Additionally, the Single-Family Nightly Rental Permit shall be subject to revocation.
- C. Revocation. The Community Development Department is hereby authorized to revoke any Single-Family Nightly Rental Permit issued under the terms of this Section 2400, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of the Section 2400, or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.