

ORDINANCE

NO. 2021-02

AN ORDINANCE PROVIDING GUIDELINES AND PROCEDURES FOR SHORT-TERM RENTAL RESIDENTIAL GUEST HOUSE IN AREAS ZONED R-1 AND R-2 WITHIN THE CITY OF BULL SHOALS, ARKANSAS.

WHEREAS, short-term residential guest houses are gaining popularity and provide economic opportunities within the City of Bull Shoals, Arkansas; and

WHEREAS, the placement of such short-term rentals within areas zoned R-1 and R-2 require guidelines and permit procedures to protect and benefit the inhabitants within R-1 and R-2 zoning classifications.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BULL SHOALS, ARKANSAS:

Section 1: It shall be unlawful for any person or entity to operate a short-term residential guest house within R-1 and R-2 zones of the City of Bull Shoals, Arkansas, without first obtaining a permit from the City. As used herein, the term short-term residential guest house shall be defined as follows:

A. A home permanently attached to a solid foundation. No mobile homes will be considered.

B. Square footage equivalent to a two-bedroom, two-bathroom home with full kitchen, dining space and living room space no less than 1200 square feet of heated space.

C. In good repair: exterior surfaces painted, siding, without obvious blemishes, roof, windows, screens, doors, garage/carport, yard free of debris; driveway/parking adequate for the number of guests.

D. A minimum of two nights rental shall be required to qualify as a short-term residential guest house. However, the term shall not include long-term, month-to-month or similar residential rentals which have traditionally been utilized in R-1 or R-2 zoned areas. Furthermore, the terms and conditions of this Ordinance shall not apply to a home where the owner with a majority interest, or an owner holding an equal shared interest if no owner owns a greater interest, occupies a home as his or her principal residence and offers the home, or portion thereof, for occupancy of others for a period of not less than 30 days, and is present during the occupancy of the guest(s).

Section 2: All short-term residential guest houses, in order to obtain a permit from the City, shall meet the following requirements, to wit:

A. The GUEST HOUSE operator shall provide 24-hour contact information to the City of Bull Shoals.

B. The GUEST HOUSE operator shall provide the names and contact information of all of the principals who have an interest in the property.

C. The GUEST HOUSE operator shall use the City permit number on all listings with third parties, such as Airbnb, FlipKey or VRBO.

D. The GUEST HOUSE cannot be used for any commercial parties or event parties, such as weddings or showers, but would not prevent a guest from using the short-term rental to entertain during their stay.

E. All abutting neighbors shall be notified of short-term rental.

F. The homeowner must show compliance with State, County and municipal tax requirements, and will obtain and maintain annually a business license through the Bull Shoals City Office prior to operation.

G. Any other State requirements for rental properties must be in compliance including the collection of all appropriate taxes, i.e.: State, County, Municipal and Tourism taxes.

H. Parking for guests to be provided onsite. Vehicles, boats, trailers and other items must not park in ditches along the street or on lawns and should not exceed the normal use of the neighborhood in which the short-term rental is located.

I. Occupation of the GUEST HOUSE will not exceed a number appropriate to the size of the home. For example: a three-bedroom two-bath home should not be occupied by more than six adult guests. Minor children may be additional guests without exceeding occupation limits.

J. A pet policy shall be established by the homeowner and must comply with local ordinances and leash laws and not create a disturbance for adjacent homeowners.

K. Prior to issuance of the initial permit, the property owner shall first submit to inspection by the City, the chief building official and/or fire chief or their designees to ensure compliance with all City Codes. Thereafter, the GUEST HOUSE operator shall have an annual fire inspection and include the following safety devices: fire extinguisher, smoke detector, carbon monoxide detector. The guest house operator shall follow all State, County and City fire codes.

L. No permit issued pursuant to the terms of this Ordinance shall be transferable to any other person or location.

Section 3: Upon compliance with the terms and conditions of this Ordinance, Residential Guest House permit shall be issued to the owner of the property by the City of Bull Shoals. The City shall charge \$100 per house per year for the permit. Any permits issued during any part of any calendar year must be renewed the succeeding year. Annual license fees are due on January 1st. A 10% late fee shall be assessed on February 1st. A 30% late fee shall be assessed on March 1st. Any permit not renewed prior to April 1st of each year shall be deemed to have lapsed.

Bull Shoals City officials may revoke the RESIDENTIAL GUEST HOUSE permit if there are valid complaints from adjacent neighbors that are not corrected in a timely manner (no longer than 30 days from the properly completed complaint process). These complaints will be made in the form of a written document from the concerned citizen(s) with specific details of date, time, and issue(s) and presented to the Planning and Zoning Commission of Bull Shoals. (Form to be included in application packet.)

If Zoning officials determine this to be a valid complaint, then a written correction plan with dates to verify resolution of the problem(s) from the homeowner will be required. Failure to respond or resolve a valid complaint will result in a revocation of the permit with notice to the property owner to cease rentals until resolved. A renewal fee of \$50 will be required to reestablish rental operations, and all records of the event will be kept on file at City Offices. If, and when, three (3) separate violations occur, the short-term rental permit will be revoked permanently.

Section 4: A RESIDENTIAL GUEST HOUSE in a R-1 or R-2 zone may be advertised for short-term rental via internet sites such as Homeaway, Airbnb, VRBO, FlipKey and in tourism magazines or other printed material, but NO ADVERTISING SIGNAGE shall be allowed on the property or streets in the City of Bull Shoals. A guest house may have a small sign attached to the entrance to identify a special name, i.e.: "Honeysuckle House," but these signs may not be separate from the home but must be attached to the home proper.

Section 5: A GUEST HOUSE owner shall require the renters to sign a CONTRACTURAL AGREEMENT which will be maintained in the property owner's possession and will be available for review should questions arise by City officials.

Section 6: Any violations of the terms and conditions of this Ordinance shall be subject to a fine ranging from \$0 to \$500 with each day of violation being deemed a separate offense. Furthermore, the failure to comply with the terms and conditions of this Ordinance shall result in the revocation of the Residential

Guest House permit after any notices and hearings required by law. Violations of this Ordinance shall be treated as a strict liability offense regardless of intent.

PASSED AND APPROVED this 30th day of September, 2021.


David L. Quinn
MAYOR

ATTEST:

Jana M. Bailey
RECORDER