

The following proposed ordinance, amending the Conway Zoning Code, will be considered by the Conway City Council at the September 14, 2021 meeting.



**City of Conway, Arkansas
Ordinance No. O-21-__**

AN ORDINANCE AMENDING THE CONWAY ZONING CODE ESTABLISHING STANDARDS FOR SHORT TERM RENTALS FOR TRANSIENT OCCUPATION:

WHEREAS, it is desirable to establish standards for the regulation of short term rentals and include these regulations in the Conway Zoning Code;

WHEREAS, The Conway Planning Commission has prepared amendments to the Conway Zoning Code, gave proper public notice in accordance with Arkansas Code Annotated § 14-56-422, held a duly authorized public hearing on August 16th, 2021, and adopted the prepared amendments;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

SECTION 1. The Conway Zoning Code be amended as follows:

Section 301.2 DEFINITIONS OF TERMS AND USES.

Bed and Breakfast: A dwelling unit that contains no more than ten (10) guest rooms where lodging, with or without meals, is provided for compensation for a term of less than 30 days.

Short Term Rental: The rental of no more than one entire dwelling with no more than five (5) sleeping rooms to one (1) family or no more than eight (8) persons not related by blood, marriage, custodial relationship, or guardianship for less than thirty (30) days with or without the owner living on the premises.

Section 601.29 SHORT TERM RENTALS

Requirements applying to Short Term Rentals are as follows:

A. General. The purpose of these provisions are to provide guidelines that balance the right for city homeowners to utilize the benefits of Short Term Rental units while protecting the health, safety, and welfare of the entire community. Additionally, these provisions seek to protect the users of Short Term Rentals.

B. All Short Term Rentals shall obtain and maintain a Short Term Rental license to operate within city limits. To obtain a Short Term Rental license, application shall be made to the Conway City Clerk's office and the following information is required:

1. Applicant Information: The applicant shall be the property owner or provide written authorization to act on the behalf of the property owner. The applicant shall provide their name, address, applicable business entity information, and authorization of agency.

2. Insurance: The applicant shall provide an up-to-date certificate of insurance documenting that the dwelling is insured as a Short Term or vacation rental with a general commercial liability policy of at least one million dollars (\$1,000,000) of coverage.
3. Inspection: The potential short term rental shall be inspected by the Fire Marshal and Chief Building Official or his/her designee for compliance with the Arkansas Fire Prevention Code regarding all applicable provisions including those for transient accommodation.
4. Local Property Representative: The applicant shall designate a local property representative who shall be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of:
 - a. Responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the Short Term Rental;
 - b. Taking remedial action to resolve any such complaints.

The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with the Conway City Clerk's office and Conway Police Department. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of the Short Term Rental license.

5. Fee: An annual fee set according to the fee schedule adopted by the Conway City Council. The fee shall be submitted at the time of application/renewal for the Short Term Rental license. If no fee schedule is adopted, the annual fee shall be one hundred dollars (\$100).
 6. A&P Tax Permit: The applicant shall be required to provide proof of a current Conway A&P Tax Permit prior to issuance of a Short Term Rental license.
- C. License Renewal: Licenses issued during any part of a calendar year must be renewed the succeeding year. Annual license renewal applications must be submitted to the City of Conway by January 31st. A ten percent (10%) late fee shall be assessed for renewal applications submitted after March 1st. A thirty percent (30%) late fee shall be assessed for renewal applications submitted after April 1st. A license shall be deemed revoked if an application for renewal has not been made before May 1st.
- D. Update of Information: If any information changes related to the applicant materials provided, the applicant shall be required to immediately provide an update of such information to the Conway City Clerk's office.
- E. Revocation: Any Short Term Rental license may be revoked upon written notice by Certificate of Mailing by the Conway City Clerk for any of the following:
1. A false material statement or misrepresentation has been made in, or in support of, the application;

2. A change occurs in any material fact upon which the Short Term Rental license was issued that has not been reported to the City Clerk as a change to the required applicant materials within thirty (30) days of the change;
3. The Short Term Rental has been the site of a violation of any provision of law, or otherwise fails to meet sanitation standards, Arkansas Fire Prevention Code requirements regarding all applicable provisions including those for transient accommodation, or other applicable standards established by local, state, or federal law.
4. The local property representative failed to timely respond to two (2) or more complaints within any twelve (12) month period.

F. Revocation Appeal: Any holder of a Short Term Rental license which is revoked by the City Clerk may appeal such decision to the Conway City Council within thirty (30) days of issuance by Certificate of Mailing of revocation by the Conway City Clerk. Appeal review by the Conway City Council shall be on the basis of determining factual compliance by the applicant with the provisions of this Code and in determining if the severity of noncompliance warrants revocation due to consistent lack of effort by the applicant to correct known issues.

G. Information Packet: A packet of information shall be provided to renters and posted noticeably in the common area of the Short Term Rental, summarizing guidelines and restrictions applicable to the Short Term Rental use, including:

1. Information on maximum occupancy;
2. Applicable noise and use restrictions;
3. Location of off-street parking;
4. Direction that trash shall not be stored within public view, except within proper containers for the purpose of collection, and provision of the trash collection schedule;
5. Contact information for the local property representative;
6. Evacuation routes;
7. The renter's responsibility not to trespass on private property or to create disturbances;
and;
8. Notification that the renter is responsible for complying with these regulations and that the renter may be cited or fined by the city for violating any provisions of this or any other applicable code.

H. Use: Short Term Rentals may only occur in a legally permitted and zoned single-family dwelling. All other transient use and Short Term Rentals shall meet the applicable standards and requirements for a bed and breakfast, hotel, or motel.

I. Parking: One (1) off-street parking space per bedroom rented shall be provided. Where on-street parking is available, up to two (2) spaces may be used to meet this requirement. These parking requirements shall not apply in C-1 or the C-MU district.

SECTION 2. That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

PASSED this 14th day of September, 2021.

APPROVED:

Mayor Bart Castleberry

ATTEST:

Michael O. Garrett
City Clerk/Treasurer