

- (2) When located in an OI, MUC, or NMU zoning district, areas of a site used for outdoor storage of materials, equipment, and vehicles shall be screened in accordance with the provisions of Sec. 6-3.7.
- (3) When located in an OI or NMU zoning district, contractor's office with on-site storage/fabrication shall be located on a parcel of land with a minimum area of five acres.
- (4) When located in an OI or NMU zoning district, all fabrication shall be conducted within an enclosed building.

4-3.5. *Short-term rental.* The standards in this subsection are required for all short-term rental properties

(A) *Definitions.* As used in this subsection, the following definitions apply:

*Advertise* means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

*Occupant* means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to pay rent, provide in-kind services, or be named in any lease, contract, or other legal document to be considered an occupant.

*Premises* means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

*Responsible person* means the signatory of an agreement for the rental, use and occupancy of a short-term rental unit, who shall be an occupant of that short-term rental unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests or visitors comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.

- (B) *Short-term rental permit required.* An annual short-term rental permit or renewal permit is required pursuant to Sec. 2-3.6.
- (C) *Designation of local contact person required.* The owner shall designate the name and contact information of a local contact person who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local contact person must be able to and shall be present at the premises within one hour of a call from administrator, or his designee. A local contact person must be authorized to make decisions regarding the premises and its occupants. A local contact person may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.
- (D) *Proof of insurance required.* The owner shall provide documentation of host protection or other commercial general liability insurance commensurate with the operations of the short-term rental that provides coverage of \$1 million per occurrence. Such coverage shall indicate that the property is being used as a short-term rental. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be provided to the administrator within 30 days.
- (E) *Hotel occupancy taxes; Request for occupancy history.* The owner shall remit all hotel occupancy taxes required under State law and Chapter 15 of the Code of the City of Perry. Upon request of the administrator or the City of Perry Finance Director, the owner of the premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.
- (F) *Occupational tax certificate required.* The owner shall obtain and maintain a City of Perry occupational tax certificate for the period(s) covered under the short-term rental permit or renewal permit.

- (G) *Separation of short-term rentals.* Within residentially zoned districts, a short-term rental shall not be located within 1,000 feet of a permitted short-term rental, measured from property line of the permitted short-term rental to the property line of a proposed short-term rental.
- (H) *Short-term rentals per premises.* Within residentially zoned districts, no more than one short-term rental shall be permitted per premises.
- (I) *Restrictions on the number of occupants.* The owner or local contact person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental unit. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental unit at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (J) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.
- (K) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental unit for a period of less than 24 hours.
- (L) *Physical conversion of premises prohibited.* Within residentially zoned districts, the owner shall not convert a garage to living space, remodel, renovate, enlarge, or otherwise modify premises to add additional bedrooms for use as a short-term rental. It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without prior approval from the administrator.
- (M) *Noise restrictions.* It shall be unlawful to allow or make noise or sound that exceeds the limits set forth in the City's noise ordinance, §17-55.
- (N) *On-premises curfew requirements.* The owner shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.
- (O) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.
- (P) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).
- (Q) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.
- (R) *Written rental agreement required.* The owner shall require a written rental agreement with a responsible person for the short-term rental unit which shall contain the following provisions:

- a. the responsible person's agreement to abide by all of the requirements of this chapter, any other applicable city ordinances, state and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;
  - b. the responsible person's acknowledgement that it shall be unlawful to make any noise or sound that exceeds the limits set forth in the city's noise ordinance; and
  - c. the responsible person's acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or local contact person, as well as the potential liability for payments of fines levied by the city.
- (S) *Permit to be displayed.* A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental unit.
- (T) *Use of assigned permit number required.* An owner or person shall not advertise a short-term rental unit in any medium without including the current permit number assigned by the administrator.
- (U) *Use of unauthorized permit number prohibited.* An owner or person shall not use, advertise, or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.

## **Sec. 4-4. Accessory uses and structures.**

4-4.1. *Purpose.* This section authorizes the establishment of accessory uses and structures that are incidental, customarily associated with, and subordinate to principal uses. The city's intent is to allow a broad range of accessory uses provided such uses are located on the same lot as the principal use and comply with the performance criteria set forth in this section.

4-4.2. *General development and operational standards.*

- (A) *Compliance with ordinance requirements.* All accessory uses, structures, and activities shall be subject to the applicable general, dimensional, operational, and use-specific regulations set forth in this chapter, including the regulations that apply to the associated principal use. In case of any conflict between the accessory use/structure standards of this section and any other requirement of this chapter, the standards of this section shall control.
- (B) *Time of establishment.* No accessory use or structure shall be permitted on the subject lot until after the principal structure is permitted.
- (C) *General conditions.* All accessory uses and structures shall:
  - (1) Be clearly incidental and customarily associated with the principal use;
  - (2) Not involve the conduct of trade on the premises;
  - (3) Be located and conducted on the same lot as the permitted principal use or structure; and
  - (4) Be operated and maintained under the same ownership as the permitted principal use.
- (D) *Location of accessory structures.* Unless otherwise specified, all accessory structures shall comply with the following general location requirements:
  - (1) An accessory structure may be located only in the side or rear yards of the principal building.
  - (2) Accessory structures shall be located at least ten (10) feet from any principal or other accessory structure.
  - (3) No accessory structure shall be located within any platted or recorded easement or over any utility.
- (E) *Maximum height.* The maximum allowed height for an accessory structure located at the setback shall be 20 feet; the maximum height may be increased one foot for each one foot of increase in setback beyond the minimum to a maximum height of 25 feet. In no case shall an accessory structure be taller than the associated principal structure.
- (F) *Maximum floor area.*
  - (1) *Accessory to residential uses.* The maximum floor area of all structures accessory to residential uses may be 500 square feet or 50 percent of the total floor area of the principal structure, whichever is greater. A