

ORDINANCE NO. 2023-06-007-08

AN ORDINANCE OF THE CITY OF WHITE SETTLEMENT, TEXAS, AMENDING CHAPTER 10, "BUSINESSES AND BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF WHITE SETTLEMENT, TEXAS, TO CREATE AN ARTICLE DEFINING AND GOVERNING THE STANDARDS AND REQUIREMENTS FOR SHORT-TERM RENTALS; AMENDING CHAPTER 20, "FEES," TO PROVIDE FOR ADMINISTRATIVE FEES ASSOCIATED WITH THE PERMITTING AND INSPECTION OF SHORT-TERM RENTAL PROPERTIES; AMENDING CHAPTER 111, "ZONING," TO IDENTIFY SHORT-TERM RENTALS AS A PERMITTED USE IN RESIDENTIAL DISTRICTS, SUBJECT TO CERTAIN CONDITIONS, AND PROVIDING FOR A SPECIAL EXCEPTION RELATED THERETO; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of White Settlement, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of White Settlement, Texas ("City Council") recognizes the City's proximity to tourist destinations in the Dallas-Fort Worth Metroplex; and

WHEREAS, in the City of White Settlement and elsewhere, the increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and vacation rental uses within neighborhoods previously planned, approved and constructed for solely residential use; and

WHEREAS, the use of residential properties by individuals for short periods of time may negatively impact the original residential character of neighborhoods that was an inducement for owners to buy their homes in such neighborhoods due, in part, to substituting permanent residents with transient visitors and thereby reducing or eliminating common goals, cohesiveness, communication and accountability between permanent residents; and

WHEREAS, the regulation of the use and operation of such "short-term rental" property is intended to prevent the further erosion of pre-existing and stable neighborhoods, and further advance the City Council's commitment to preserving the residential character of its neighborhoods; and

WHEREAS, the rise of substitute land uses for residential property, particularly in multi-family zoning districts, contributes to the shortage of affordable housing for both homeowners and long-term renters; and

WHEREAS, the use of residential units within multi-family zoning districts for short-term

rental purposes is particularly likely to disrupt the stability of permanent residential housing in these districts and to have significant consequences for reducing or eliminating common goals, cohesiveness, communication and accountability between permanent residents; and

WHEREAS, the proliferation of unregulated short-term rentals presents fire and structural safety concerns that are not applicable to structures used for permanent occupancy but are deemed necessary to accommodate guests who, as visitors to the City of White Settlement, will rely on City emergency services in the event of a crisis; and

WHEREAS, the City has received numerous complaints from neighbors seeking to resolve issues with trash and other adverse effects related to the operation of short-term rentals in residential areas; and

WHEREAS, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not cause adverse impacts to residential neighborhoods due to the intensive nature of the use creating excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions; and

WHEREAS, the City Council has reviewed data and information from other cities' experiences with short-term rentals and used this data and information to develop a regulatory structure suitable for the circumstances within the City of White Settlement; and

WHEREAS, the City Council finds and determines that regulations related to short-term rental uses should be adopted to define short-term rentals, establish standards for operation and appropriate review processes applicable to short-term rentals, and establish commensurate permitting and inspection fees; and

WHEREAS, a public hearing was held at a meeting of the Planning and Zoning Commission on May 9, 2023, and at a meeting of the City Council on June 6, 2023, with respect to the proposed regulations described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and chapter 211 of the Local Government Code; and

WHEREAS, the City Council finds that regulating the short-term rental of residential property is necessary for promoting the health, safety, and welfare of the general public, ensuring consistency in land uses and development, and protecting the rights of property owners, residents, and visitors in the City of White Settlement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF WHITE SETTLEMENT, TEXAS, THAT:

SECTION 1.

Chapter 10, “Businesses and Business Regulations,” of the Code of Ordinances, City of White Settlement, Texas, is hereby amended by adding a new Article XI to read as follows:

“ARTICLE XI. - SHORT-TERM RENTALS

Sec. 10-301. – Purpose.

The purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

Sec. 10-302. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bathroom shall mean an enclosed space containing one or more bathtubs, showers, or both, as well as one or more toilets, lavatories or fixtures serving similar purposes.

Bedroom shall mean a room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

Block shall mean a tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways or corporate limits.

Code or city code shall mean the Code of Ordinances, City of White Settlement, Texas.

Department shall mean the planning and economic development department of the city.

Director shall mean the building official as the head of building inspections, planning, and development of the city or their designee.

Fire marshal shall mean the fire marshal of the city or their designated representative.

Local responsible party shall mean an individual with a 24-hour contact number who shall serve as the designated local representative for the owner and/or operator, and who shall respond to complaints regarding any violations of law or notifications of any emergency conditions.

Occupant shall mean the person(s) who have lawfully obtained the exclusive use and possession of the short-term rental premises from the owner and/or operator, and the guest(s) of such person(s).

Operator shall mean the owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner shall mean the individual or entity that owns a property operating as a short-term rental.

Permit shall mean the permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental means the rental for compensation, of any residence or residential structure, or a portion of a residence or residential structure, located within a zoning district where the residential use is lawful, for the purpose of overnight lodging for a period of not more than thirty (30) days. A property in a multi-family residential zoning district may be operated in whole or in part as a short-term rental only if it is a single-family dwelling unit. A short-term rental shall not include a hotel or motel.

Sec. 10-303. - Short-Term Rental Permit Application.

It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a permit application has not been properly made and filed with the department, and a permit issued. A permit application shall be made upon forms furnished by the city for such purpose, shall be accompanied by the application fee identified in chapter 20 of the code, and shall specifically require the following minimum information:

- (1) The name, address, and contact information of the applicant, owner of the premises if different from the applicant (or signed owner authorization on a form provided by the city), and operator of the proposed short-term rental if different from the applicant and/or owner;
- (2) The name, address, and phone number of the local responsible party;
- (3) A parking plan of the premises identifying the location and quantity of parking spaces to be used in conjunction with the short-term rental, in relation to the residence;
- (4) A floor plan of the proposed short-term rental identifying the proposed maximum number of occupants, bedrooms, other living spaces, location of safety features, and emergency evacuation routes;
- (5) The name, contact information, and rules for the applicable homeowners' association (HOA), if any;
- (6) Proof of liability insurance, which shall meet the following minimum requirements:
 - a. The city, its officials, employees, agents and officers shall be named as an "additional insured" on all policies;
 - b. The policy should provide a minimum liability coverage of \$1,000,000 (one million dollars); and
 - c. Each policy shall be endorsed to provide the city with a minimum of a 30-day notice of cancellation, non-renewal, and/or material change in policy terms or

coverage; provided, however, a minimum 10-days' notice shall be required in the event of non-payment of premium;

- (7) A current official tax certificate indicating all taxes for the subject property have been paid to the current year (available from Tarrant Appraisal District).
- (8) A copy of the proposed host rules for the short-term rental, including a statement identifying the description and location of safety features described in section 10-304 (e); and
- (9) A statement that the owner and/or operator of the short-term rental complies with and will continue to comply with the standards and other requirements of this article, as well as all applicable standards and other requirements of the code.

Sec. 10-304. - Regulations.

- (a) *Maximum stay; minimum stay.* It shall be unlawful for an owner to rent or lease a short-term rental for a period of more than thirty (30) days or less than twenty-four (24) hours.
- (b) *Occupancy.* The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons. It shall be unlawful for a short-term rental owner, operator, or occupant to block, obstruct, or otherwise interfere with an emergency evacuation route in order to provide sleeping accommodations for any occupant.
- (c) *Parking restrictions.* Parking is restricted to the number of off-street parking spaces associated with the residential structure, either in the driveway and garage or by location or number assigned to a specific unit, and to on-street parking immediately adjacent to the property's front lot line. It shall otherwise be unlawful for an occupant or invitee of an occupant to park a motor vehicle on a residential street near or across the street from a short-term rental. Additionally, it shall be unlawful for an occupant to park a motor vehicle on an unimproved surface, or for an owner and/or operator to permit such parking. All motor vehicles are further subject to the parking requirements of chapter 44, article IV of the code.
- (d) *Access to basic sanitation.* Each bedroom of a residence or portion of a residence used as a short-term rental must provide interior access to a bathroom, such that an occupant shall have access to a bathroom without exiting the residence, regardless of whether such bathroom is private or shared.
- (e) *Life safety.*
 - (1) The short-term rental must be equipped with:
 - a. Working smoke alarms, meeting the requirements of Section 92.254 of the Texas Property Code, with a minimum of one on each floor level and one in each room used as a bedroom; and

- b. A minimum of one working carbon monoxide detector on each floor or level; and
 - c. A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
- (2) All gas appliances shall be properly ventilated outside the home.
- (3) Emergency escape openings shall comply with the city's currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.
- (4) An evacuation plan shall be posted in each bedroom.
- (5) Any room that does not comply with this subsection (e) shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.
- (f) *Conduct on premises.* Each short-term rental owner, operator, and occupant shall comply with all requirements of the city code. Owners and/or operators shall be responsible for informing occupants of all relevant city codes and occupants' liability for violations of same. In addition, the following shall be unlawful:
 - (1) Conduct involving the use of amplified sound, excessive noise or other disturbances outside the short-term rental structure between the hours of 8:00 p.m. and 6:00 a.m. (pursuant to chapter 30, article IX of the code) including, but not limited to, the following outside areas: decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
 - (2) Sleeping outdoors;
 - (3) Disposing of solid waste in any manner that violates chapter 38 of the code;
 - (4) Advertising, promoting, or operating a special event, or permitting the advertising, promotion, or operation of a special event (including, but not limited to, a banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or similar activity that would assemble large numbers of invitees) to be held on the premises; and
 - (5) Using or permitting the use of the short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.
- (g) *Signage.* On-premise signage advertising or identifying the short-term rental shall not be

permitted.

- (h) *Advertising.* The owner shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the occupancy limits, parking standards, and city permit number for the listing.
- (i) *Local responsible party.* An owner must designate the name and contact information of a representative who shall be a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available in person or by phone at all times while occupants are on the premises of the short-term rental. If called, the operator must be able to, and shall be present at the premises, within one (1) hour of receiving a call from the director. An operator must be authorized to make decisions regarding the premises and its occupants.
- (j) *Occupant notification packet.* The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, the following information:
 - (1) Maximum number of occupants;
 - (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas or on the street;
 - (3) Quiet hours and noise restrictions;
 - (4) List of HOA rules, if applicable;
 - (5) 24-hour local contact person and phone number;
 - (6) Property cleanliness requirements;
 - (7) Waste pick-up requirements, including location of waste and recycling receptacles;
 - (8) Flooding hazards and evacuation routes, as well as information on the emergency siren system and other safety features;
 - (9) Emergency and non-emergency numbers; and
 - (10) Notice that failure to conform to the occupancy and parking requirements constitutes a violation of the code and an occupant or visitor may be cited.
- (k) *Rental agreement notification.* The rental agreement between the owner and/or operator of the short-term rental and the occupant shall include, by attachment, all of the information provided in the occupant notification packet.
- (l) *Changes in ownership.* The purchaser of a short-term rental shall provide the director with current application materials required by section 10-303, revised to include any new information associated with the change in ownership, within thirty (30) days of the closing date for the purchase of the short-term rental. Since a permit is non-transferable pursuant to section 10-305, the purchaser shall also remit a permit renewal fee as described in chapter 20 of the code.

- (m) *Hotel occupancy taxes.* The owner and/or operator of the short-term rental property must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.
- (n) *Request for occupancy history.* Upon request of the city manager or director, the owner of a premises used as a short-term rental shall remit, within thirty (30) days, an accounting of all rental activity and the hotel occupancy taxes paid therefor.
- (o) *Right to inspect premises.*
 - (1) *Inspections.* The fire marshal or building official shall perform periodic inspections of each short-term rental property to ensure compliance with this article and other applicable laws. For the purpose of performing inspections, the fire marshal or building official may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and the premises used as a short-term rental property. An owner and/or operator may refuse to consent to an inspection conducted by the fire marshal or building official. If consent is refused, the fire marshal or building official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure and the city code. No permit for operating a short-term rental shall be issued until the premises successfully passes such inspection.
 - (2) *Types of inspections.* The city may perform the following inspections:
 - a. *Initial and annual fire inspection.* The fire marshal may perform an initial inspection of the short-term rental property upon application for a permit, as well as annual fire inspections of the short-term rental property.
 - b. *Initial and annual code inspection.* The building official may perform an initial inspection of the short-term rental property upon application for a permit, as well as annual code inspections of the short-term rental property.
 - c. *Repeat inspections.* If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of this section, the city shall provide written notice of such violation and shall set a re-inspection date. If a property fails to pass an inspection, a re-inspection fee will be charged upon the second re-inspection of the premises. A property cannot be occupied as a short-term rental while its status is noted as being in violation of the fire code, building code, or this ordinance.
 - d. *Fire extinguisher inspections.* The owner and/or operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the city regulations.
 - e. *Inspection required when buildings are vacated.* When a property has become vacant or when ownership of the property changes, inspections are required pursuant to section 103-62 of the code.
- (p) *Density limitations for short-term rental properties.*

- (1) *Limitation.* Short term rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of residential units on the block or in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per block or multi-unit building, regardless of density.
- (2) *Special exception available.* In order to obtain a permit for a short-term rental that would exceed the density limitation of this section, a property owner may apply to the board of adjustments and appeals for a special exception in accordance with section 111-333 of the code.
- (3) *Nonconforming uses.* A short-term rental that was lawfully in existence on the effective date of this article shall be considered a nonconforming use and shall not be subject to the density limitations set forth in this subsection. A short-term rental shall be considered lawfully in existence on the effective date of this article if the owner provides written confirmation from the city finance department indicating that, prior to the effective date of this article, the property owner and/or operator had been remitting payment of hotel occupancy tax as required by chapter 42, article IV of the code and that the tax account was not in arrears.

Sec. 10-305. - Permit term and renewal; fees; non-transferability; public information designation.

- (a) All permits issued under this article shall be valid for a period of one (1) year from the date of issuance.
- (b) A nonrefundable fee for administration of the application shall be charged as established in chapter 20 of the code. Such fee shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued.
- (c) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The fee for the renewal of a permit to operate a short-term rental shall be charged as established in chapter 20 of the code. The permit holder shall either update the information required under section 10-303 or submit a statement affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 10-303.
- (d) A permit to operate a short-term rental is not transferable to another owner, operator, or location.
- (e) All permits issued under this article constitute public information, subject to the terms of the Public Information Act.

Sec. 10-306. - Repeat offenses.

- (a) If the city manager or designee finds that the owner, operator, or any occupant of a short-term rental failed to comply with any requirement of this article three or more times within a 12-month period, the director may revoke an existing permit or may deny an application to renew a permit. No new permit may be sought for the subject property for a period of 12 months following a denial or revocation pursuant to this section.
- (b) If a property is the subject of five or more violations of federal law, state law, or the other provisions of the city code outside of this article within the previous 24-month period, the director may revoke an existing permit; may deny an application for an original permit; or may deny an application to renew a permit, based on: (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare. No new permit may be sought for the subject property for a period of 12 months following the denial or revocation pursuant to this section.
- (c) A permit applicant may appeal the director's decision to revoke an existing permit or deny an application, in accordance with the process set forth in section 10-307 of this article.

Sec. 10-307. - Appeals.

- (a) The revocation of a permit or the denial of an application for a permit to operate a short-term rental, by the director, may be appealed to the city manager in accordance with the provisions of this section.
- (b) An appeal filed under this section must be filed with the director no later than the 20th day following the date on which the permit was revoked or denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The city manager or a designee shall, not later than the 10th day after the date the notice of appeal is filed, hear the appeal, and may affirm, modify or reverse a permit revocation or application denial.
- (d) The city manager or designee shall give written notice of a decision on an appeal to the appellant.
- (e) An appellant who seeks judicial review of the city manager's review on appeal must file a petition with a court of competent jurisdiction not later than the 30th day after receipt of the notice of the decision.

Sec. 10-308. - Enforcement.

- (a) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant, including, but not limited

to, the immediate issuance of a citation and shall be punishable by a fine as provided in section 1-11 of the code.

- (b) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in permit revocation if all applicable tax is not paid within ninety (90) days of the issuance of a delinquency notice.
- (c) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of thirty days (30) or less, shall constitute prima facie evidence of the property's use as a short-term rental.

Sec. 10-309. - Discontinuance of operations.

- (a) The owner and/or operator of a property used as a short-term rental that was remitting hotel occupancy tax prior to the effective date of this article, and who is unable, fails, or refuses to obtain a permit for operation as a short-term rental following the effective date of this article, shall discontinue the short-term rental use within sixty (60) days of the effective date of this article or the notice of permit denial. The density limitation of section 10-304 (p) shall not bar such owner and/or operator from obtaining a permit if all other requirements and standards of section 10-304 are met.
- (b) The owner and/or operator of a property used as a short-term rental that was not remitting hotel occupancy tax prior to the effective date of this article shall discontinue the short-term rental use immediately following the effective date of this article. Such property shall not be resumed as a short-term rental until a permit has been applied for and has been issued pursuant to section 10-303.

Secs. 10-310–10-319. – Reserved.”

SECTION 2.

Section 20-2, “Fee Schedule,” of Chapter 20, “Fees,” of the Code of Ordinances, City of White Settlement, Texas, is hereby amended by modifying subsection “Zoning Fees” of the “Planning & Zoning Fees” to indicate that a special exception is available for short-term rentals and by modifying subsection “Other” of the “Operational & Health & Sanitation Fees” by adding the following fees to read as follows:

PLANNING & ZONING FEES		
<i>Zoning Fees</i>		
* * *		
Special Exception (Attached Carport, Antenna, Short-Term Rental)	\$50.00	each

OPERATIONAL & HEALTH & SANITATION FEES		
* * *		
Other		
Operational		
* * *		
Short term rental permit application or renewal (includes inspections)	\$150.00	

SECTION 3.

Section 111-6, "Definitions," of Chapter 111, "Zoning," of the Code of Ordinances, City of White Settlement, Texas, is hereby amended to add the definition for short-term rentals, to be inserted alphabetically to read as follows:

"*Short-term rental* means the rental for compensation, of any residence or residential structure, or a portion of a residence or residential structure, located within a residential zoning district in which such use is permitted, for the purpose of overnight lodging for a period of not more than thirty (30) days. A short-term rental shall not include a hotel or motel. A short-term rental is further subject to the provisions of article XI of chapter 10 of the city code."

SECTION 4.

Section 111-31, "Permitted use table," of Chapter 111, "Zoning," of the Code of Ordinances, City of White Settlement, Texas, is hereby amended by adding the operation of a short-term rental as a permitted use ("P") in all single-family residential zoning districts, in the section "Residential Uses," subject to the special conditions in Section 111-32 (27).

DISTRICTS	Residential											Commercial			Industrial			CONDITION S (Sec. 111-32)
USES	R-8	R-7	R-6	R-5	R-C	R-D	MF-16	MF-24	MF-24-A	M-H	R-V	C-F	C-N	C-C	I-L	I-H	I-M	
RESIDENTIAL USES																		
Short-term rental	P	P	P	P	P	P	P		P	P								27

SECTION 5.

Section 111-32, "Conditions and special regulations for listed uses," of Chapter 111,

“Zoning,” of the Code of Ordinances, City of White Settlement, Texas, is hereby amended by adding a new subsection (27) to read as follows:

“(27) For short-term rental operations, a property in a single-family or duplex residential zoning district may be operated in whole or in part as a short-term rental as defined in section 111-6, subject to the standards and requirements of article XI of chapter 10 of the city code. A property in a multi-family residential zoning district may be operated in whole or in part as a short-term rental only if it is a single-family or duplex dwelling unit. A property in a planned development zoning district may be operated as a short-term rental only if the planned development district explicitly permits the operation of short-term rentals.”

SECTION 6.

Section 111-333, “Special exceptions,” of Chapter 111, “Zoning,” of the Code of Ordinances, City of White Settlement, Texas, is hereby amended by adding an authorized special exception for short-term rentals to read as follows:

“(5) *Short-term rentals.* Short-term rentals may obtain a special exception to operate in excess of the density limitation in single-family residential zoning districts.

- a. In considering whether to grant a special exception from the density regulations specified in chapter 10, article XI of the code, the board of adjustments and appeals shall consider the following:
 1. The zoning district and the adjoining zoning districts of the property for which the special exception is sought;
 2. Whether operation as a short-term rental will negatively affect the public health, safety, or welfare;
 3. Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
 4. Whether such operation is likely to disrupt adjacent owners’ right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 5. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 6. Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to a portion of the residence;
 7. Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and

8. Whether other short-term rentals in excess of the density limitation are already operating on that block.
- b. An application for a special exception pursuant to this section must comply with all application requirements contained in chapter 10, article XI of this code.”

SECTION 7.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of White Settlement, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 8.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 9.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-11 of the Code of Ordinances, City of White Settlement, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 10.

All rights and remedies of the City of White Settlement are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of White Settlement, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 19 of Article IV of the Charter of the City of White Settlement.

SECTION 12.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED THIS 6th day of June, 2023.



Amber Munoz, Mayor ProTem

ATTEST:


Amy Arnold, City Secretary