

ORDINANCE NO. 3595

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 708 SOUTH ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.403 ACRES KNOWN AS PROPERTY ID 172368, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-218-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the City Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-3 to SF-3, with a SUP in order to allow a Short-Term Rental use on the following property: Property ID 172368, which is shown on the Location Map (Exhibit A), Zoning Map (Exhibit B), Floorplan (Exhibit C), Survey (Exhibit D), and Host Rules (Exhibit E).

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN THE SINGLE-FAMILY-3 (SF-3) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-218-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Survey, Exhibit E – Host Rules.
3. The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City's applicable rules and regulations governing such permits.
4. The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes and applicable fees as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The applicant shall provide a copy of the updated Host Rules to reflect the maximum number of three (3) vehicles are allowed to park on-site, and that no street parking is allowed.

5. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
6. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
7. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
8. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
9. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
10. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
11. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
12. The accessory structure shall not be used as an accessory dwelling without a Specific Use Permit approved by City Council.
13. The registration shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 21st day of January, 2025.



Bill Wallace

MAYOR

ATTEST:

Amber Villarreal

City Secretary

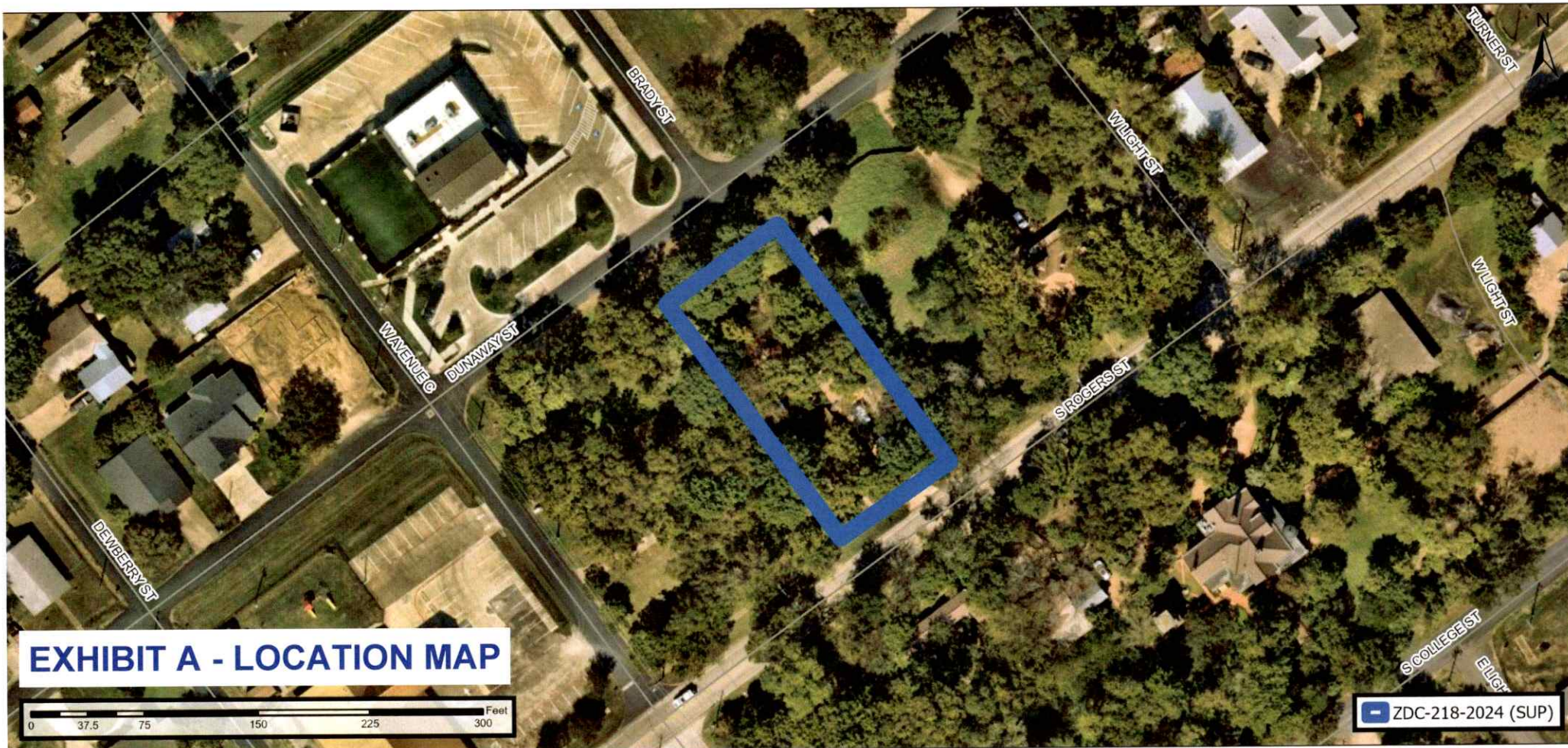
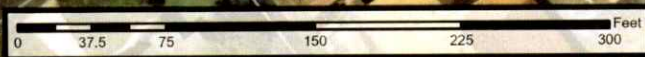


EXHIBIT A - LOCATION MAP



ZDC-218-2024 (SUP)

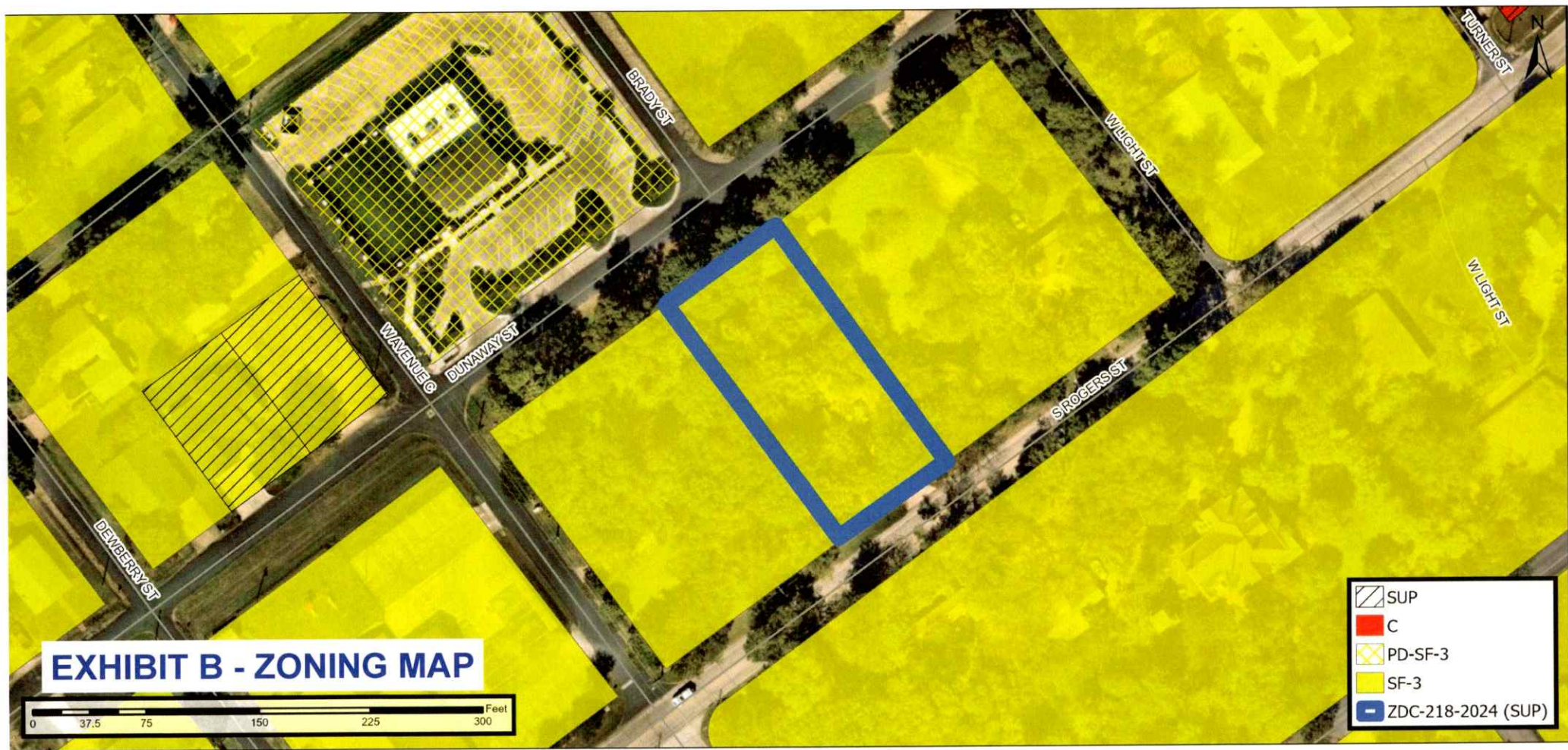
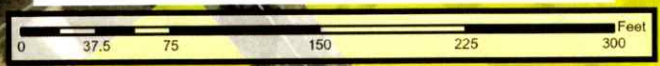


EXHIBIT B - ZONING MAP



	SUP
	C
	PD-SF-3
	SF-3
	ZDC-218-2024 (SUP)

EXHIBIT C - FLOORPLAN

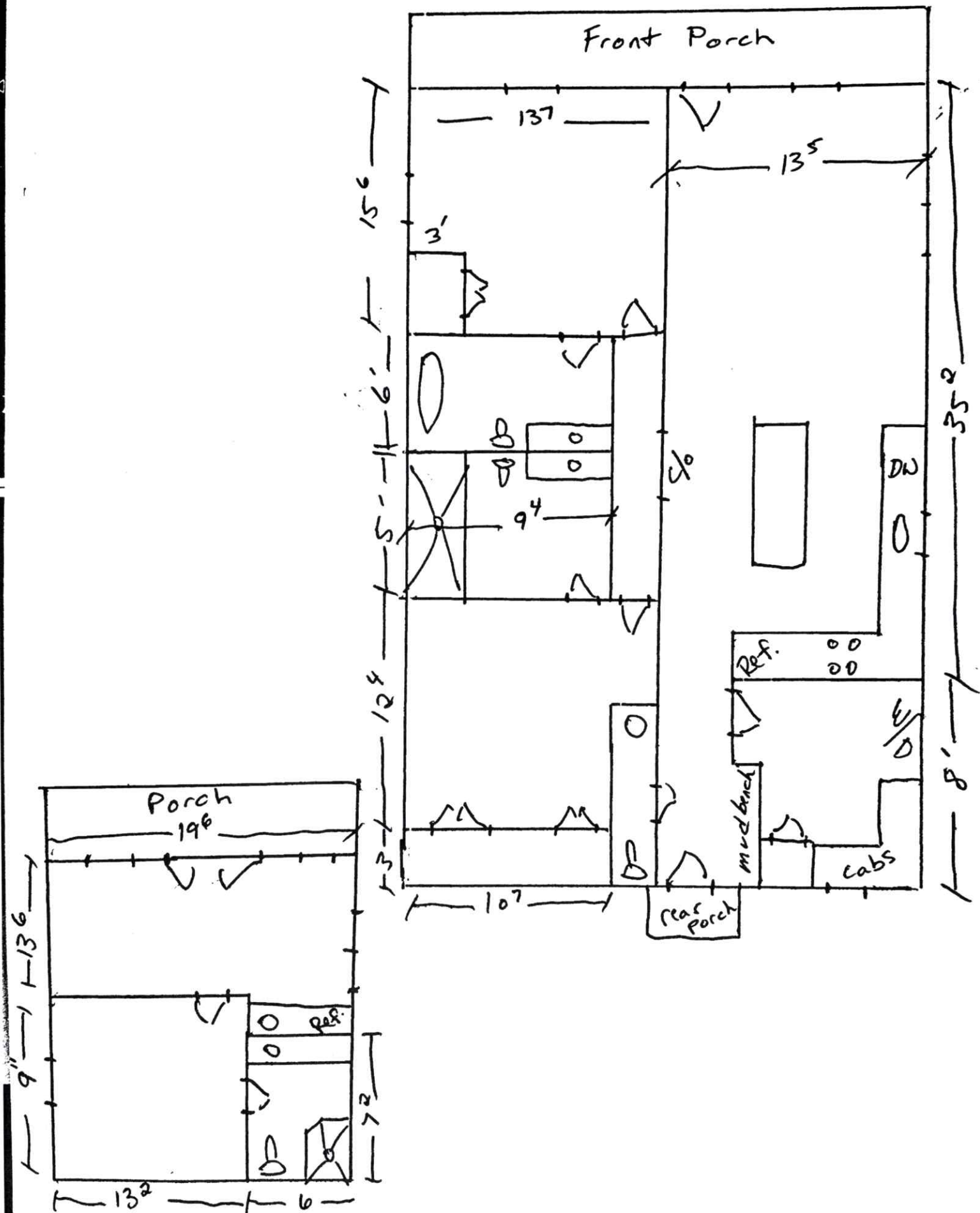
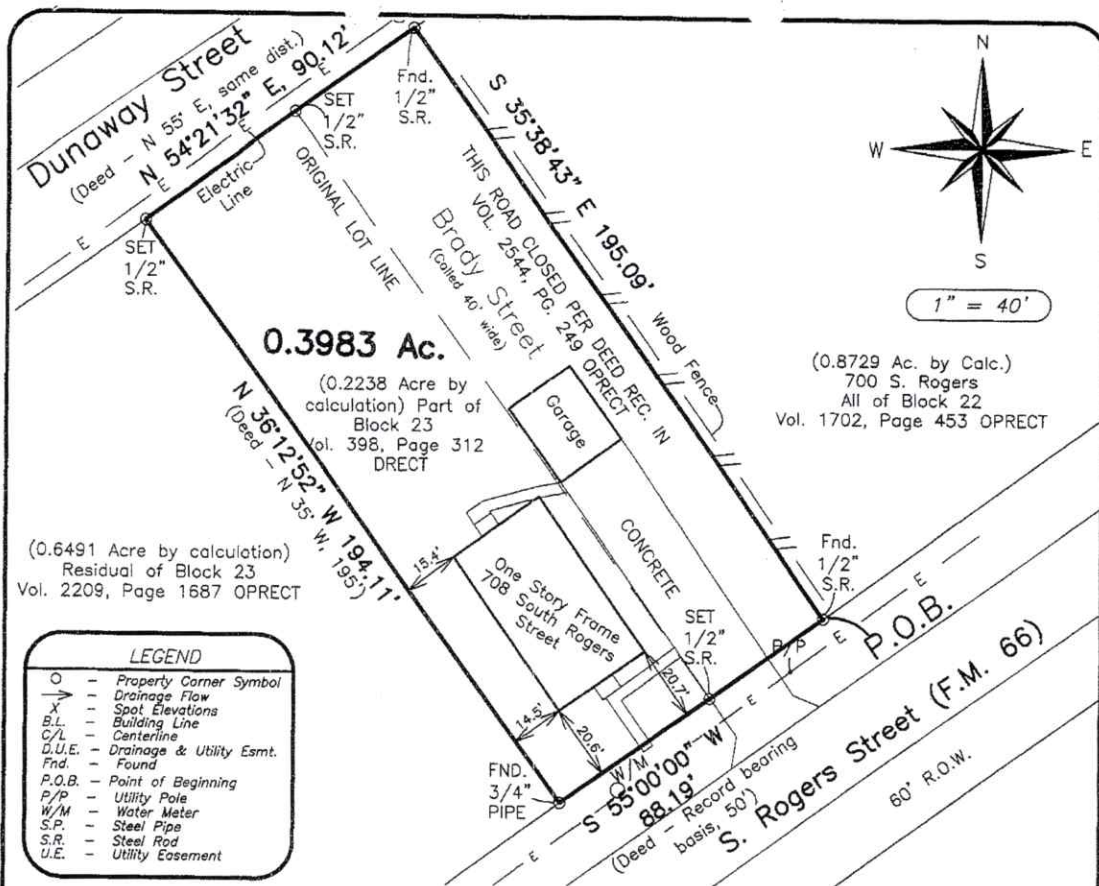


EXHIBIT D - SURVEY



All that certain lot, tract or parcel of land being a part of BLOCK 23 of the REVISED BULLARDS ADDITION, an Addition in Ellis County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 163, Plat Records, Ellis County, Texas, and being more particularly described as follows:

SEE ATTACHED FIELD NOTES

(also known as 708 Rogers Street)

The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantees that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0185 D, Zone X. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 3 Survey. This survey was prepared for title purposes in conjunction with Ellis County Abstract and Title Co. Commitment for Title Insurance, G.F. No. 1008052W, dated: August 24, 2010. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not abstracted the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

No easements listed on Sch. B.

**ENGINEERS
D & M
SURVEYORS**

Walter Keven Davis
Walter Keven Davis
Registered Professional Land Surveyor #4466
DAVIS & McDILL, Inc.

(A Texas licensed surveying firm # 101504-00)
P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307



Description Survey Plat Client: Ellis County Abstract and Title Co. G.F.# 1008052W
Drawn by: Kevin Huber Scale: 1" = 40' Date: September 2, 2010 Job# 210-0368

FIELD NOTES

**Part of Block 23 and a closed street, Revised Bullards Addition
0.3983 Acre**

BEING all that certain lot, tract, or parcel of land being a part of Block 23 of the REVISED BULLARDS ADDITION to the City of Waxahachie, according to the plat thereof recorded in Cabinet A, Slide 163, Plat Records, Ellis County, Texas, (PRECT) and being the same tract of land (0.2238 acre by calculation) described in Volume 398, Page 312, Deed Records, Ellis County, Texas (DRECT), and being all of a section of Brady Street (originally a city street per plat but unimproved and closed at this time) as described in Volume 2544, Page 249, Official Public Records, Ellis County, Texas (OPRECT) and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found in the intersection of the northwest line of S. Rogers Street (a city street also known as F.M. 66, [a state road]) and the northeast line of said Brady Street (an unimproved city street) for the east corner of this tract and being the south corner of Block 22 of Revised Bullards Addition and same for a 0.8729 acre tract (by calculation) as described in Volume 1702, Page 453, OPRECT;

THENCE S 55°00'00" W, 88.19 feet (Deed – Record bearing basis) along the southeast line of this tract and the same for said Brady Street and along the northwest line of S. Rogers Street at approximately 40.00 feet pass the south corner of Brady Street and the east corner of Block 23 and east corner of the 0.2238 acre tract, continuing along the southeast line of the 0.2238 acre tract and Block 23, in all, 88.19 feet to a 3/4" steel pipe found for the south corner of this tract and same for the said 0.2238 acre tract and being the east corner of a tract of land (0.6491 acre by calculation) described in Volume 2209, Page 1687, OPRECT;

THENCE N 36°12'52" W, 194.11 feet (Deed - N 35° W, 195 feet) through Block 23 and along the southwest line of this tract and same for the said 0.2238 acre tract and along the northeast line of the said 0.6491 acre tract to a 1/2" steel rod set in the northwest line of Block 23 and in the southeast line of Dunaway Street (a city street) for the west corner of this tract and same for the said 0.2238 acre tract and being the north corner of the 0.6491 acre tract;

THENCE N 54°21'32" E, (Deed – N 55° E) along the northwest line of this tract and same for the said 0.2238 acre tract and same for Block 23 and along the southeast line of Dunaway Street at 50.12 feet pass the north corner of the 0.2238 acre tract and same for the said Block 23 and being the west corner of Brady Street, continuing along the northwest line of Brady Street, in all, 90.12 feet to a 1/2" steel rod found in the intersection of the southeast line of Dunaway Street with the northeast line of Brady Street for the north corner of this tract and same for Brady Street and being the west corner of Block 22 and the 0.8729 acre tract;

THENCE S 35°38'43" E, 195.09 feet (Deed - S 35° E, 195 feet) along the northeast line of this tract and same for said Brady Street and along the southwest line of Block 22 and same for the said 0.8729 acre tract to the POINT OF BEGINNING, and containing approximately 0.3983 acre of land.

EXHIBIT E - HOST RULES

HOUSE POLICIES

Our home located at 708 S. Rogers is provided to you for your enjoyment. We ask that you please be gentle and respect the house rules. Welcome to Waxahachie and we hope you enjoy our town.

- ABSOLUTELY NO SMOKING AND NO PETS.
- Please do not move furniture.
- No glitter or confetti.
- Do not attach decorations/signs, etc. to walls, ceilings, decor, or furniture.
- Property damage or excessive cleaning needs will result in additional charges to guest.
- Please respect our neighbors. Reduce noise & turn off patio lights after 10pm & do not park in front of their properties.
- City mandated quiet hours are enforced from 10pm to 6am.
- NO OUTDOOR SPEAKERS AFTER 10PM PER CITY ORDINANCE.
- City fines may be assessed for violation of parking and noise ordinances. All violation fees will be passed on to the guest.
- Maximum occupancy 8 guests at all times. No parties with additional guests.

HOUSE POLICIES ARE STRICTLY ENFORCED.
VIOLATIONS MAY RESULT IN ADDITIONAL
CHARGES OR IMMEDIATE EVICTION WITHOUT
REFUND.