

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING TITLE IX, “HEALTH, SAFETY, AND PROPERTY MAINTENANCE,” BY ADOPTING A NEW CHAPTER 100, “TEMPORARY SHORT-TERM RENTAL AND BED AND BREAKFAST PERMIT DURING INTERIM PROHIBITION,” OF THE CARROLLTON CODE OF ORDINANCES REGARDING THE ESTABLISHMENT OF A PERMIT PROCESS DURING THE INTERIM PROHIBITION OF SHORT-TERM RENTAL AND BED AND BREAKFAST PROPERTIES; ESTABLISHING DEFINITIONS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING SPECIFIC VIOLATIONS; PROVIDING FOR MINIMUM STANDARDS AND NOTICE OF VIOLATION; PROVIDING FOR APPLICATION OF STANDARDS; ESTABLISHING A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home-Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City is further authorized to enact and enforce minimum standards relating to the use and occupancy of structures pursuant to Subchapter A of Chapter 214 of the Texas Local Government Code; and

WHEREAS, the regulation and licensure of permitted short-term rental business operations within the City is necessary and essential to the economic health of the community and the preservation and protection of the public welfare; and

WHEREAS, the City Council of the City of Carrollton (“City Council”) seeks to protect the public safety and preserve the quality of life within the City; and

WHEREAS, on May 6, 2025, the City Council considered and approved an interim prohibition on: (1) new short-term rental (“STR”) and bed and breakfast (“B&B”) uses in the City, and (2) the application and issuance of special use permits (“SUP”) for such uses, as provided in Ordinance No. 4127; and

WHEREAS, during the interim prohibition, the City Council desires to provide a process for STR and B&B uses that were not operating in the City prior to the adoption of Ordinance No. 4127 on February 7, 2023, and have not received an SUP since that date; and

WHEREAS, it is necessary to maintain and protect the health and safety of residents, the integrity of residential neighborhoods, and to avoid blight conditions from occurring it is necessary to adopt Chapter 100 to ensure that any STRs or B&Bs operating within the City of Carrollton,

who don't have non-conforming status or an SUP, operate in conformity with the standards the City Council adopted in Chapter 97 of the Code of Ordinances during the interim prohibition, but who aren't eligible to apply for a permit under Chapter 97 because they do not yet have the right to operate within the City pursuant to Ordinance No. 4127; and

WHEREAS, by adopting a temporary permit process, the City Council is not granting any land use rights, but is maintaining the status quo while the City Council studies the current process for STRs and B&Bs and determines how to regulate such uses in the future.

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

SECTION 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

The Code of Ordinances of the City of Carrollton, Texas Title IX, "Health, Safety, and Property Maintenance," is hereby amended by adding a new Chapter 100 to read as follows:

"CHAPTER 100. TEMPORARY SHORT-TERM RENTAL AND BED AND BREAKFAST PERMIT DURING INTERIM PROHIBITION

Sec. 100.01. Purpose and eligibility.

On February 7, 2023, the City of Carrollton City Council adopted Ordinance No. 4127 ("Ord. 4127"), which provided non-conforming status to short-term rental ("STR") and bed and breakfast ("B&B") uses in operation prior to the effective date of Ord. 4127. In addition, Ord. 4127 set forth a STR and B&B special use permit ("STR/B&B-SUP") process for any STR and B&B not in operation prior to the effective date of Ord. 4127. After numerous public hearings for STR/B&B-SUP applications, the City Council determined on May 6, 2025, pursuant to a recommendation from the Planning and Zoning Commission on May 1, 2025, to enact a interim prohibition on the STR/B&B-SUP process for a period of one (1) year, in order for the City to study the impacts of STRs and B&Bs within the City and to, potentially, adopt new STR and B&B regulations moving forward. All applications for an STR/B&B-SUP will be on hold until such time as the City Council reinstates the process or adopts new regulations. Owners of an STR or B&B that were in operation prior to May 6, 2025, but did not receive non-conforming status under Ord. 4127, may be eligible under this chapter to apply for a Permit, as defined in Section 100.02, to operate an STR or B&B during the interim prohibition on special use permits.

Sec. 100.02. Definitions.

For the purpose of this chapter, the definitions found in Section 97.02 of the Code of Ordinances shall apply unless the context clearly indicates otherwise.

Permit. For the purpose of this chapter 100, “Permit” shall mean a temporary short-term rental or bed and breakfast lodging license issued for a period not to exceed one (1) year for properties that were not granted non-conforming status under Ord. 4127.

Complete Application. For the purpose of this chapter 100, “Complete Application” shall mean the fulfillment of the technical requirements relating to the form and content of the application as required by Ch. 97 of the Code of Ordinances or the criteria contained in Art. XXI of the Carrollton Comprehensive Zoning Ordinance.

Sec. 100.03. Exceptions.

- (A) This chapter does not apply to STR/B&B-SUP applications denied on the basis of one (1) or more of the following:
 - 1. Documented violations of applicable building, zoning, housing, fire, safety, and health regulations and codes within the preceding twelve (12) month period;
 - 2. The owner, operator, and/or their manager is or has been a registered sex offender;
 - 3. The owner or operator of the STR or B&B received and was convicted of more than two (2) citations for violations of chapter 97 or any other provision of the Code of Ordinances within the preceding twelve (12) month period; or
 - 4. The property where the STR or B&B will be located is within a Child Safety Zone, as defined in Section 130.24 of the Code of Ordinances.
- (B) This chapter does not apply to an STR or B&B that began operation after February 7, 2023, but before May 6, 2025, if the owner, operator, or manager of the STR or B&B did not submit a Complete Application for a lodging license and SUP prior to May 6, 2025 or within forty-five (45) days of the date of the notice of the requirement to apply for a lodging license.

Sec. 100.10. Permit required; fee.

- (A) It shall be unlawful for any person to operate an STR or B&B without first having obtained a Permit and paying the prescribed taxes and fees.
- (B) The lodging license fee for a Permit is set forth in chapter 31 of the Code of Ordinances.
- (C) The taxes for an STR and B&B are set forth in chapter 38 of the Code of Ordinances.

Sec. 100.11. Application for permit.

An eligible owner or operator seeking a Permit shall file an application with the DCO upon forms provided by the city and consistent with the requirements in Section 97.03 of the Code of Ordinances.

Sec. 100.12. Permit - Grounds for Denial.

A Permit may be denied for any grounds listed in Section 97.05 of the Code of Ordinances.

Sec. 100.13. Restrictions - Grounds for Revocation.

In addition to the grounds for revocation in Section 97.06 of the Code of Ordinances, a Permit may be revoked for the following:

1. Use of STR or B&B for the purpose of housing one (1) or more sex offenders;
2. Operating a structured sober, recovery, or other purpose living home or similar enterprise;
3. Selling illegal drugs;
4. Selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; or
5. Operating an Adult Entertainment Establishment, as set forth in Article XXIII, of the Carrollton Zoning Ordinance.

Sec. 100.14. Revocation of Permit and Appeals.

Revocation of a Permit and appeals under this chapter 100 will be governed by chapter 97 of the Code of Ordinances.

Sec. 100.15. Expiration of Chapter and any Permit Issued Under this Chapter.

The provisions of this chapter, and any Permit issued hereunder, shall expire on May 5, 2026, at 11:59 p.m.

Sec. 100.16. Penalty.

An operator, owner, manager, or responsible person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99 for each act of violation and for each day or part of a day during which the violation is committed, continued, or licensed.”

SECTION 3.

Any Person violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 4.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 5.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated herein shall remain in full force and effect.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Carrollton, Texas, except where the provisions of this Ordinance are in direct conflict with provisions of such ordinances and such codes, in which event the conflicting provisions of such ordinances and such codes are hereby repealed.

SECTION 7.

All rights and remedies of the City of Carrollton are expressly saved as to any and all violations of the provisions of any ordinances governing nuisances that have accrued at the time of 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 8.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 6th day of May, 2025.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd,
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple,
Environmental Services Director