

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 02/07/23

CZO TEXT AMENDMENT
SHORT-TERM RENTAL

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ARTICLE V. USE OF LAND AND STRUCTURES TO REVISE THE LAND USE MATRIX TO MODIFY THE TERM “BED AND BREAKFAST INN” TO “SHORT-TERM RENTAL”; TO ALLOW “SHORT-TERM RENTAL” IN ALL SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICTS, ALL SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICTS AND (D) DUPLEX RESIDENTIAL DISTRICT; TO MODIFY THE TERM “BED AND BREAKFAST HOME” TO “BED AND BREAKFAST”; TO ALLOW THE "BED AND BREAKFAST" IN THE (D) DUPLEX RESIDENTIAL DISTRICT AND TO PROHIBIT "BED AND BREAKFAST" IN ALL MULTI-FAMILY RESIDENTIAL DISTRICTS; ARTICLE XXI. SPECIAL USE PERMITS, SECTION D, SPECIAL CONDITIONS, 2(F) HOTEL AND TRANSIENT LODGING; AND ARTICLE XXXIV. DEFINITIONS TO ADD DEFINITIONS FOR “BED AND BREAKFAST,” “BOOKING SERVICE,” AND “SHORT-TERM RENTAL”; TO PROVIDE PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND TO PROVIDE AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of January 2023, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. PLZT 2022-187); and

WHEREAS, the City Council conducted a public hearing on the Seventh day of February 2023, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE 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.

Article V. Use of Land and Structures (Use Table), Primary Uses, 3. Hotels and Transient Lodgings, of the Comprehensive Zoning Ordinance is hereby amended to read as follows:

- i. Short-Term Rental and Bed and Breakfast
 - a) Short-Term Rental and Bed and Breakfast use must be evidenced by association with a Booking Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.
 - b) Rate:

A daily rate shall be charged, and no weekly or bi-weekly rates may be charged.
 - c) Accommodations/Operations:

No kitchens are allowed in rooms, i.e., no ovens, burners, or full-sized refrigerators. Microwave and/or under-counter refrigerators are permissible.
 - d) Site Design:
 - 1. No vending machines are allowed outdoors.
 - 2. No commercial trash dumpsters are allowed for a Short-Term Rental or Bed and Breakfast.
 - e) Parking:

Parking at a Short-Term Rental or Bed and Breakfast must comply with Title IX, Chapter 97 of Carrollton Code of Ordinances relating to Parking Restrictions at a Short-Term Rental or Bed and Breakfast.
 - f) Signage:

No-outdoor advertising or signage is allowed.
 - g) All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs, and all other applicable ordinances, and as amended, shall be met, except where provided herein.
 - h) Owner must secure a Lodging License before operating a Short-Term Rental or Bed and Breakfast. Owner must comply with Chapter 97 of the Carrollton Code of Ordinances and maintain the Lodging License in order to operate.”

Section 4.

Article XXXIV. Definitions, Section B. Terms and Definitions, is hereby amended to repeal the definitions for “Bed and Breakfast Home” and “Bed and Breakfast Inn” and establish the following definitions:

“BED AND BREAKFAST: A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

BOOKING SERVICE: Is any reservation and/or payment service provided by a person or entity that facilitates a hotel, short-term rental, or bed and breakfast transaction between the Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the hotel, short-term rental or bed and breakfast transaction.

SHORT-TERM RENTAL: A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.”

Section 5.

Any person, firm or corporation 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 6.

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

Section 7.

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

Section 8.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 9.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of February 2023.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

Albert Thomas
Assistant City Attorney

APPROVED AS TO CONTENT:

Michael McCauley
Senior Planner