

ORDINANCE _____

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S ZONING REGULATIONS; ALLOWING FOR SHORT TERM RENTALS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, 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;

WHEREAS, the City of Killeen has declared the application and enforcement of the City's zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare of the City; and,

WHEREAS, the City Council desires to amend district regulations to allow for short term rentals; and,

WHEREAS, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

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

SECTION I. That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

Sec. 31-2. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure;" the word "shall" is mandatory and not directive; the word "lot" includes the word "plot;" the term "used for" includes the meanings "designed for" or "intended for." Such words and terms are as follows:

Accessory use or building shall mean a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

All weather surface on privately owned property shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface must be capable of retaining paint or striping material.

Alley shall mean a public way which affords only a secondary means of access to property abutting thereon.

Animal production shall mean the raising and sales of animals or production of animal products produced on site, to include eggs or dairy products, on an agricultural or commercial basis. Typical uses include, but are not limited to, grazing, ranching, dairy farming and poultry farming, and do not include operating feed lots.

Apartment complex shall mean five (5) or more attached dwelling units on one (1) lot.

Automotive parts store shall mean an establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

Boardinghouse or *lodginghouse* shall mean a building other than a hotel where sleeping rooms are rented to four (4) or more adults for compensation, pursuant to previous arrangements for definite periods of time, but not to the public or transients.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of, shall mean the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building line shall mean a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Cemetery shall mean a burial place for deceased humans.

Child care facility shall mean a facility that furnishes care, training, education, custody, supervision and guidance of a child or group of children, who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of a twenty-four-hour day.

Clinic shall mean an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial communication tower shall mean a tower built and designed for commercial communication usage including, but not limited to, radio, television and microwave towers.

Crop production shall mean the raising, harvesting and sales of tree crops, row crops or field crops on an agricultural or commercial basis, produced on site, including, but not limited to, packing and processing.

Day care center shall mean a child care facility that provides care for more than twelve (12) children under fourteen (14) years of age or less than twenty-four (24) hours a day. It does not include a group day care home or drop-in care center.

Drop-in care center shall mean a child care facility that provides care for children under fourteen (14) years of age for part of the day. It does not provide regular care for the same child. It does not include a group day care home or day care center.

Dwelling shall mean any building or portion thereof which is designated for or used for residential purposes.

Dwelling, multifamily, shall mean a building designed for or occupied by three (3) or more families.

Dwelling, single-family, shall mean a building designed for or occupied by one (1) family.

Dwelling, two-family, shall mean a building designed for or occupied by two (2) families.

Family shall mean any number of individuals living together as a single housekeeping unit, in which not more than three (3) adults are unrelated by blood, marriage, adoption, or guardianship and occupying a dwelling unit.

Frontage, block, shall mean all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Halfway house shall mean a facility operated under the authority of the Texas Department of Criminal Justice for the Federal Bureau of Prisons for persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hotel shall mean a building in which lodging or boarding and lodging are rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee.. This term includes hotels, motels, bed and breakfasts, inns, extended stay hotels, and long-term stay hotels.

Hotel Occupancy Tax shall mean the hotel occupancy tax required to be assessed and collected for the operation of any hotel or short term rental and paid pursuant to Chapter 351 of the Texas Tax Code and Killeen Code of Ordinances Chapter 27, Article IV.

Housekeeping unit shall mean a group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities, responsibilities and expenses.

Loading space shall mean a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Lot, depth of, shall mean the mean horizontal distance between the front and rear lot lines.

Lot, width of, shall mean the mean horizontal distance between side lot lines, as measured in a straight line from points at the front building setback line on each side lot line.

Manufactured housing shall mean a residential housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition) and Manufactured Housing Standards Act, section 5521f V.A.T.S.

Nonconforming use, building or yard shall mean a use, building or yard, existing legally at the time of passage of the ordinance from which this chapter is derived, which does not, by reason of design or use, conform with the regulations of the district in which it is situated.

Outside storage and display shall mean a primary land use providing for the incidental outdoor storage or display of commodities, materials, goods, equipment, vehicles or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Parking space, off-street, shall mean an area of not less than one hundred eighty (180) square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed. A public street shall not be classified as off-street parking in computing the parking requirements for any use, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

Personal services shall mean an establishment providing services of a personal nature. This classification includes barber and beauty shops, nail and tanning salons, cosmetologists, massage therapists, seamstresses, tailors, shoe repair, dry cleaners (excluding plants), self-service laundries, tattoo parlors as licensed per V.T.C.A., Health and Safety Code ch. 146, laser tattoo removal, laser hair removal, permanent makeup application, and the like.

Place shall mean an open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Planning commission shall mean the planning and zoning commission of the city.

Private school shall mean a private school, including a parochial school, that offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12, and has more than one hundred (100) students enrolled and attending courses at a single location.

Sale shall mean sales at both wholesale and retail unless specifically stated otherwise.

Servants' quarters shall mean an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Short term rental shall mean a single-family, two-family, or multi-family dwelling that is rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee.

Story shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half, shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations shall mean any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Trailer camp or park shall mean an area designed, arranged or used for the parking or storing of one (1) or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transient shall mean a person who occupies a dwelling unit or sleeping unit for less than thirty (30) consecutive days.

Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear, shall mean a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

Yard, side, shall mean a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Sec. 31-186. Use regulations.

A building or premises in a district "R-1" single-family residential district shall be used only for the following purposes:

- (1) One-family dwellings, including site-built and modular construction.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.

- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
 - a. A sign or outside advertising display (as defined by subsection 101.1 of the International Building Code) shall not be allowed as an accessory use, except that:
 - 1. An on-premises ground sign, limited to the provisions of subsection 31-507(A)(3) may be allowed as an accessory use to churches, places of worship, libraries, museums and public buildings.
 - 2. Any unilluminated signs allowed in section 31-503 may be allowed as an accessory use to any primary use authorized by this chapter.
 - 3. An on-premises sign, limited to the provisions of subsection 31-503(2), may be allowed as an accessory use to those primary uses authorized by subsection (8), provided that such signs shall be allowable only so long as these specified primary uses are allowed.

No authorized accessory use sign shall be located in a required side or rear yard which is adjacent to any other lot designated for residential use.

- b. A private garage with or without storeroom and/or utility room shall be permitted as an accessory building; provided that such garage shall be located not less than twenty-five (25) feet from the front lot line and shall not be less than five (5) feet from any interior side lot line and ten (10) feet from any rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- c. The term "accessory use" shall include home occupations subject to the following provisions:
 - 1. *Definition.* A home occupation is an accessory use of a dwelling unit or garage for gainful employment, involving the provision of goods and/or services.
 - 2. When a use is a home occupation, the owner, lessee or other resident occupant persons having a legal right to the use of the dwelling unit shall also have the

vested right to conduct the home occupation without securing special permission from the city to do so.

3. Notwithstanding subsection 31-186(13)c.2. above, persons conducting a home occupation are required to comply with, and are subject to, any other city ordinance conditions affecting the occupation and its property, such as off-street parking, building permits, business licenses, fire safety and the life.
4. Notwithstanding subsection 31-186(13)c.2. above, persons conducting a home occupation are required to comply with, and are subject to, any and all local, state and/or federal rules, regulations, ordinances, or laws, including, but not limited to, those regarding environmental protection.
5. Home occupations are permitted accessory uses only so long as all the following conditions are observed:
 - (i) No persons other than resident occupants of the premises shall be engaged in such occupation;
 - (ii) The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that for purposes of a telephone directory listing, a telephone number, but no business address, may be published;
 - (iii) In no way shall the outside appearance of the dwelling be altered from its residential character;
 - (iv) Performance of the occupation activity shall not be visible from the street;
 - (v) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, the use shall not increase the number of vehicles parked on the premises by more than two (2) additional vehicles at a time. All customer/client parking shall be off-street and other than in unpaved areas of the front yard;
 - (vi) There shall be no outside storage, (to include trailers), or display related to the home occupation;
 - (vii) No home occupation shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;

- (viii) One (1) commercial vehicle, capacity of one (1) ton or less (excluding attached trailers) may be used or parked on the property in connection with the home occupation;
 - (ix) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises;
 - (x) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and
 - (xi) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
6. Home occupations may, subject to the requirements of subsections 31-186(13)c.1—5, include, but are not necessarily limited to, the following:
- (i) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;
 - (ii) Author, artist or sculptor;
 - (iii) Dressmaker, seamstress, or tailor;
 - (iv) Music/dance teacher, or similar school of instruction, provided that instruction shall be limited to no more than one (1) pupil at a time;
 - (v) Individual tutoring;
 - (vi) Millinery;
 - (vii) Minister, rabbi, priest or member of religious orders;
 - (viii) Home crafts such as rug weaving, model making;
 - (ix) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether said individual or individuals are self-employed or otherwise, and provided that no retail or wholesale transactions or provision of services are made on the premises;
 - (x) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small

items, provided the item does not have an internal combustion engine; and

- (xi) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises.

7. Permitted home occupations shall not in any event be deemed to include:

- (i) Animal hospitals or clinics, commercial stables, or commercial kennels;
- (ii) Schools of instruction of any kind with more than one (1) pupil at a time unless such school was established prior to the date of passage of this section;
- (iii) Restaurants;
- (iv) Automobile, boat or trailer paint or repair shops (major or minor);
- (v) Doctor, dentist, veterinarian or other medically related offices;
- (vi) On-premises retail sales, except garage sales as otherwise provided in this Code;
- (vii) Laundromats with more than one (1) washing machine and one (1) dryer;
- (viii) Mortuaries;
- (ix) Private clubs;
- (x) Trailer rentals;
- (xi) Repair shops or service establishments, except as provided in subsection 31-186(13)c.6.(x) above;
- (xii) Carpentry work;
- (xiii) Photo developing or photo studios;
- (xiv) Upholstering;
- (xv) Antique shops;
- (xvi) Gift shops;

(xvii) Repair shops for any item with an internal combustion engine; and

(xviii) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.

8. No conditional use permit as provided in section 31-456 of this chapter shall be issued for any home occupations prohibited by subsection 31-186(13)c.7. above.
9. The provisions of this section shall apply to all home occupations, regardless of the date of their creation/existence, unless specifically exempted by subsection 31-186(13)c.7.(viii), or temporarily exempted by subsection 31-186(13)c.8. above.

(14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision. Such sign:

- a. Shall not have a sign face which exceeds a total of twenty-four (24) square feet; and
- b. Shall not exceed six (6) feet in height; and
- c. Shall not be located in a side or rear yard which is adjacent to any other lot designated for residential use; and
- d. Shall advertise only the name of the subdivision.

(15) Cemetery.

(16) Licensed community homes or group home for persons with disabilities having not more than six (6) persons with disabilities and two (2) supervisors in accordance with V.T.C.A., Human Resources Code, ch. 123.

(17) Short term rentals in accordance with Killeen Code of Ordinances Chapter 31, Article VII.

Secs. 31-913 – 31-949. - Reserved.

Article VII. – Short term rental registration.

Sec. 31-950. – Title.

This Article of the Code of the City of Killeen is hereby designated and shall be known and referred to as the “Short Term Rental Registration” Article of the City Code of Ordinances.

Sec. 31-951. – Purpose.

The purpose of this Article is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short term rental residential property. The intent of this Article is to preserve the neighborhood character of residential neighborhoods within the City of Killeen and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

Sec. 31-952. – Applicability.

The requirements in this Article shall apply to the owner(s) and/or operator(s) of all existing and future short term rentals, including single-family homes, patio homes, garden homes, townhomes, duplexes, triplexes, fourplexes, multi-family units, and manufactured homes unless expressly provided otherwise herein.

Sec. 31-953. – General provisions.

- a)** It shall be unlawful for any person or entity to rent, lease, advertise, offer to rent, or otherwise permit or allow any premises to be operated or used without a valid short term rental registration permit issued under this Article.
- b)** A permit issued under this Article may not be transferred and does not convey with the property upon sale. Each new owner of a permitted or previously permitted dwelling unit must apply for a short term rental permit to rent property under the short term rental guidelines.
- c)** It shall be unlawful for an owner or operator to rent, lease, advertise, or offer a short term rental for a period of less than 24 hours.
- d)** Any advertising of a short term rental by the owner or any person or service shall conform to the provisions of this article and the property's approval.

Sec. 31-954. – Distance and density.

- a)** Beginning one (1) year from the effective date of the ordinance from which this Article is derived, a short term rental shall not be located within two hundred (200) feet of another permitted short term rental. Such measurement shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- b)** For two-family or multi-family dwellings including three-plexes, four-plexes or apartments, the number of short term rentals shall not exceed two (2) dwelling units per two-family or multi-family building.

Sec. 31-955. – Permit application.

- a) A person seeking a short term rental permit shall submit an application to the City. Said application shall be in writing on a form provided by the City and shall, at a minimum, include the following information:
 - a. The physical/street address of the short term rental;
 - b. The name, address, email address(es), phone number(s) and authenticated signature for the owner(s) of the premises and the corporation owner's representative as applicable;
 - c. The name, address, email address and phone number(s) of the operator(s), agent(s) if any, and designated local responsible party as required in Sec. 31-956(e)(2).
 - d. Such certifications deemed necessary and proper to ensure compliance with his Article.
- b) A separate permit application shall be submitted for each individual short term rental and shall be assigned a unique permit number upon permit issuance by the City. A permit is valid for one year from the date of issuance and must be renewed annually. The fee for such permit shall be as prescribed on the City's fee schedule.

Sec. 31-956. – Permit requirements.

- a) *Life Safety Inspection.* Prior to issuance of a short term rental permit, the operator shall allow, with reasonable notice, an on-site inspection of the short term rental by the City to ensure compliance with minimum health and safety requirements and to determine compliance with this Article as well as other applicable city codes.
 - 1) This includes, but is not limited to, carbon monoxide detectors, smoke detectors, fire extinguishers per floor, emergency evacuation plan posted, no parking on unimproved surfaces.
 - 2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.
 - 3) If only a portion of the premises is offered for rent, then that portion, plus shared amenities and points of access, may be inspected.
- b) *Hotel Occupancy Tax.* It is a condition of the initial and continued validity of a short term rental permit that the operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code.
- c) *Fees.* The applicant shall pay a nonrefundable application fee upon submission of a short term rental application to the City established by the fee schedule. If a dwelling unit does not pass the initial life safety inspection, the applicant shall pay a non-refundable re-inspection fee, as prescribed in the City's adopted fee schedule.
- d) *Personal Injury Liability Insurance.* Each owner/operator shall maintain a minimum of \$500,000 in liability insurance, including personal injury liability insurance, on the short term rental for the full duration of their permit term and provide proof of insurance to the City.

- e) *Notice of Instructions.* Each owner/operator of a short term rental shall provide a Notice of Instructions (also known as “host rules”) to occupants staying at the premises. The notice shall instruct the occupants as to all applicable City regulations pertaining to short term rentals. These include, but are not limited to:
- 1) Owner/operator’s 24-hour contact information;
 - 2) A local responsible party’s 24-hour contact information, who is able to be on site within sixty (60) minutes to address any complaints, if the owner/operator is not within the city limits when guests are renting the premises;
 - 3) Pertinent neighborhood information including but not limited to parking restrictions, noise and amplified sound restrictions, trash collection schedules;
 - 4) Information to assist guests in case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates; and
 - 5) Notification that guests are responsible for compliance with all applicable laws, rules, and regulations pertaining to the use of the short term rental, and that guests may be fined by the City for violations of this Division.
- f) *Notice of approval.* Within ten (10) days of approval of the short term rental application, the City shall send written notice to all property owners within two-hundred (200) feet of the short term rental informing them of the use of the property as an approved short term rental. This notice will include the owner/operator’s 24-hour contact information and information about short term rental regulations. It shall also include contact information and phone numbers for the City’s Police Department and Code Enforcement division.

Sec. 31-957. – Permit denial and revocation.

- a) *Denial of Permit.* The permit application shall be denied and no permit shall be issued if the City finds that:
- 1) Any statement made in the application is incomplete, inaccurate, misleading, or false;
 - 2) The operator, its partners, officers, owners, and other principals have not paid to the City all fees due under this Division; or
 - 3) The applicant has had a short term rental permit revoked within the preceding year.
- b) *Revocation of Permit.* The City may revoke a permit for one or more of the following reasons:
- 1) The applicant fails to comply with or is in violation of any provision of the permit, City ordinances, or any other applicable law;
 - 2) The application contains a false or misleading statement of material fact;
 - 3) The City determines that the rental poses a serious threat to the public health, safety or welfare;
 - 4) Three (3) or more confirmed cases of nuisances/citations;

- 5) Failure to pay hotel occupancy tax; or
- 6) Failure to complete the permit renewal process.
- c) *Notice of denial or revocation.* The City shall provide written notice within ten (10) days of the denial or revocation of a permit to operator, which shall state the reason(s) for the decision and inform the operator of its right to appeal the decision in writing including when and to whom it must be delivered.
- d) *One-Year Waiting Period.* In the event an owner's short term rental registration is revoked and the applicant fails to successfully appeal decision, no second or additional registration shall be issued for a short term rental on the premises for one year of the date such registration was revoked.

Sec. 31-958. – Permit expiration and renewal.

- a) *Permit expiration.* A short term rental registration shall expire on the last day of the month one year after the date of issuance. No short term rental registration may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. An application for the renewal of a short term rental registration may only be approved by the City if the renewal application satisfies all the conditions of this Article and all other applicable City Code provisions, including the Zoning Ordinance.
- b) *Renewing a Permit.* An operator may file an application for renewal of the permit beginning thirty (30) days prior to expiration of a current registration. The City may deny the renewal if there is reasonable cause to believe that:
 - 1) The applicant has violated any ordinance of the city, or any state, or federal law on the property or has permitted such a violation on the property by any other person; or
 - 2) There are grounds for revocation or other sanction as provided in this Article.
- c) Every complete application for a short- term rental renewal registration shall include:
 - 1. A list of all owners, operators, and agents (if applicable) of the short term rental and the owner of the premises on which the short term rental is to be operated, including names, addresses and current email addresses and telephone numbers of each such person; if a partnership, the name of all partners and the principal business address and telephone number of each partner; if a corporation, the person registering must state whether it is organized under the laws of the state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
 - 2. The name, address, email address and 24-hour telephone number of a contact person who is the owner, operator, or owner's designated agent relating to ownership and/or operation of the short term rental, and the designated local responsible party who shall be responsible and authorized to respond to complaints concerning the short term rental within one hour or less;

3. An acknowledgement that any registration granted under this article does not supersede any property-specific restrictions against short term rentals that may exist under law, agreement, lease, covenant, or deed restriction;
 4. A depiction of the floor plan that identifies sleeping areas, evacuation routes and location of all fire extinguishers and smoke detectors;
 5. The Notice of Instructions containing the information required by Section 31-956(e).
 6. A sworn statement that the owner has met and will continue to comply with all requirements of this article; and
 7. Other information as may be required by the City.
- d) An application for a short term rental renewal registration submitted after the expiration of the most immediate registration for the premises shall be treated as an application for a new registration as described in section 31-955.
 - e) Applications shall not be considered complete until all documentation required under this Article is submitted, and until the full application and registration fees have been paid. Incomplete applications will not be accepted.

Sec. 31-959. - Designation of local responsible party required.

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public or City. 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 responsible party must be able to and shall be present at the premises within one (1) hour of call from the City. A local responsible party must be authorized to make decisions regarding the premises and its occupants.

Sec. 31-960. - Hotel occupancy taxes; Request for occupancy history.

Every person owning, operating, managing or controlling a short term rental shall collect the tax imposed in section 27-72 of this City Code for the city and remit the same to the tax assessor-collector on or before the due date, and at the same time file the report required by sections 27-74. If any person shall fail to collect the tax imposed in Article IV, or shall fail to file a report as required by section 27-74, or shall fail to remit to the tax assessor-collector the tax as imposed in Article IV when such report or remittance is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 27-76 of this Code.

Sec. 31-961. – Complaints.

- a) Suspected criminal activity involving a short term rental, including but not limited to complaints concerning noise and disorderly conduct by guests shall be reported to the Police Department.
- b) Complaints related to the operation of a short term rental, including but not limited to complaints concerning trash, parking, and high weeds and grass, shall be reported to the City Code Enforcement division.

Sec. 31-962. – Appeal.

- a)** The applicant may appeal a denial of a permit by submitting in writing a notice to appeal, delivered to the City Manager’s office no later than five (5) business days after the denial or revocation decision.
- b)** The notice of appeal must be in writing and state the grounds for the appeal and why the determination should be reversed or modified. If the applicant makes a timely, written request for appeal, the City Manager or designee shall hold a hearing within ten (10) business days. The decision of the City Manager or designee is final.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective on October 1, 2023.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of April, 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Debbie Nash-King, MAYOR

ATTEST:

APPROVED AS TO FORM:

Laura Calcote, CITY SECRETARY

Holli C. Clements, CITY ATTORNEY