

## **ARTICLE 8-22. - SHORT TERM RENTAL**

### **Sec. 8-22-1. - Purpose and applicability.**

The purpose of this ordinance is to establish regulations for the registration and use of Short Term Rentals (STRs) for any of the following: a room or suite within an existing single-family home, an accessory dwelling unit, or an entire single-family home that is rented on a short-term basis. The requirements of this Section only apply to STRs located in residential zoning districts (2F, SF-MD, SF-6, PH-6.5, PH-7.8, PH, SF-7, SF-8.4, SF-10, SF-12, SF-15, SF-20, SF-25, SF-30, SF-36), the Town Center zoning district, the Old Town Keller zoning district, or the Center Stage Planned Development.

### **Sec. 8-22-2. - Definitions.**

*Advertise* means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a STR in order to promote the availability of the STR.

*Guest* means an individual adult or child.

*Host* means the person, firm, corporation, partnership or association, assigned the duty and responsibility by the owner to manage or rent the residence for a STR.

*Hotel occupancy tax* means the hotel occupancy tax as defined in \_\_\_\_\_ of the Keller Code of Ordinances and Chapter 3 of the Texas Tax Code.

*Local emergency contact* means an individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the STR, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

*Owner* means the person who has the title to the real property of the STR recorded in the Official Public Records of Tarrant County, Texas.

*Person* means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or community entity.

*Short term rental (STR)* means the rental of any residence, portion of a residence, or accessory dwelling unit for a period of less than 30 days to the same guest and no more than 180 days to all guests combined within the same calendar year.

The term does not include:

- (1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;

(2) A bed and breakfast; or

(3) A hotel/residence hotel.

### **Sec. 8-23-3. - Short Term rental registration requirements.**

A. No person shall hereafter advertise, offer to rent or rent, lease, or sublease, a residential property within the city as a Short Term Rental (STR) for which a registration has not been properly made and filed with the community development department of the city.

Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1. Name, address, phone number and e-mail address of the property owner(s) of the STR property.
2. Verification that the STR is associated with the owner's residence (the home itself, a room or suite in the home, or an accessory dwelling unit of the home).
3. Name, address, phone number and e-mail address of the designated local emergency contact.
4. A submission of a dimensioned floor plan of the dwelling with room layout.
5. The maximum number of guests (occupants) permitted for the dwelling unit or sleeping rooms in accordance with Section 8-22-5(b), below.
6. Site plan/survey of the property indicating emergency access and maximum number of vehicles that can be legally parked on an improved surface of the property, without encroaching onto the street, sidewalks, alleys, or other public rights-of-way or public property.
7. Acknowledgement of the requirement to remit hotel occupancy taxes each year.

### **Sec. 8-22-4. - Inspection required.**

A. Upon registration and annual renewal, and prior to the first rental occupant of a Short Term Rental property, the owner is required to schedule an inspection of the residential structure with the Building Services Division to determine compliance with the minimum building property standards (IRC and IFC codes as adopted by the City of Keller).

1. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.
2. If, upon completion of the 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 violation to be corrected prior to its occupancy.

## **Sec. 8-22-5. - Restrictions on short term rentals.**

A. *External signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.

B. *Limit on occupants allowed.* No more than two guests per bedroom shall be allowed when renting a property as a home share rental, except that bedrooms under 120 square feet shall be limited to only one adult guest/occupant.

C. *Limits on number of vehicles.* There shall be a maximum of one motor vehicle per bedroom, or maximum number of motor vehicles that can be accommodated within the garage and driveway, without extending over the public rights-of-way (alleys, streets, and sidewalks), whichever is less.

D. *Advertisement and contracts.* Any advertisement of the property as a STR and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

### **E. Other restrictions.**

1. Documented advertisement of the subject property as a STR, online or offline, without complying with the requirements of this ordinance shall be considered evidence of a violation of this ordinance.

2. All STRs shall comply with all applicable city and state laws and codes.

3. Offering or allowing the use of a STR for the sole or primary purpose of having a party venue is prohibited. This restriction shall be included in all advertisement related to the STR.

## **Sec. 8-22-6. - Notification of approval of Short Term Rental.**

Within ten days of the approval of a short term rental registration or renewal, a notice will be sent to all property owners within 200 feet of the property, and shall include the 24-hour complaint line, and pertinent information about this article.

## **Sec. 8-22-7. - Registration term, fees, and renewal.**

A. All registrations approved under this chapter shall be valid for a period of one year from the date of its issuance.

B. All fees for registration, inspection or renewal, including any late fees or exemptions, as provided in this article, shall be as established by resolution of the city council with adoption of the annual budget.

## **Sec. 8-28-8. - Inspections; re-inspections; suspension and revocation of registration.**

(a) *Inspections; access.* The resident owner shall consent and agree to permit and allow the city's building official or their designee to make the following inspections of the short-term rental when and as needed to ensure compliance with this article:

(1) Right and access annually to inspect all portions of the premises and structures located on the premises that are to be accessible by STR guests;

(2) Right and access to inspect all occupied dwelling units when, upon receipt of reliable information, the building official or their designee has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property; and

(b) *Reinspection.* If any of the inspections authorized by this article require a second reinspection due to noted violations, then a reinspection fee per the annually adopted fee schedule shall be paid prior to the second reinspection.

(c) *Suspension or revocation of registration.* Failure of an owner to comply with the provisions of this article after receipt of written notice of the violation from the Building Official, Fire Marshall, a Code Enforcement Officer, or their designee setting out the violations and the time allowed to rectify the violations, can result in revocation of the STR registration.

(d) *Reinstatement.* Any person requesting a reinstatement or reissuance of a STR registration that has been revoked shall be required to apply for and receive a new STR registration issued under this article as a condition precedent to operating an STR.

### **Sec. 8-22-9. - Revocation/appeal.**

A. A registration holder may be subject to revocation of their permit if there are four or more violations of this ordinance within a twelve-month period of this article or other safety, health and welfare ordinances of the city.

B. An applicant or registration holder who wishes to appeal the denial or revocation of a registration under this article shall file an appeal with the Board of Adjustment for reinstatement of a denied or revoked registration.

C. After a permit under this article has been revoked an owner may not reapply until after a six months of any revocation or appeal.

### **Sec. 8-22-10. - Violations and penalties.**

Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.