



City of Azle
Regular Agenda
Planning and Zoning Commission

505 W. Main Street
Azle, Texas 76020

April 17, 2025

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Commission may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

REGULAR SESSION

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the Planning and Zoning Commission on posted agenda items or non-agenda items. In order to address the Commission, please complete a Speaker's Request Form and submit to the Secretary prior to the start of the meeting. All comments must be directed to the Presiding Officer, rather than an individual commissioner or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. The Commission may not comment publicly on non-agenda items, but may direct the staff to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require Commission action, you may obtain a form from the Secretary and request the item be placed on a future agenda.

CONSENT AGENDA

1. Consider approval of the minutes of the Planning and Zoning Commission meeting held April 3, 2025.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

2. Conduct a public hearing and consider text amendments to Chapter 4 "Business Regulations", Chapter 14A "Zoning Ordinance", and Appendix A, "Fee Schedule," of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider adding new regulations pertaining to Short-Term Rentals (STRs) in Azle.

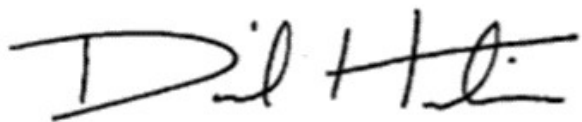
David Hawkins, Director of Planning and Development

EXECUTIVE SESSION

Pursuant to Section 551.071 of the Texas Government Code, the Commission may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item, and may receive advice from its attorney as permitted by law.

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on Friday, April 11, 2025, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.

A handwritten signature in black ink, appearing to read "Dil H. Hawkins". The signature is stylized with a large "D" and a horizontal line through the middle of the letters.

David Hawkins, AICP
Director of Planning and Development

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete Planning and Zoning Commission agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



MINUTES
Regular
Azle Planning and Zoning
Commission

505 W. Main Street
Azle, Texas 76020

April 3, 2025

6:00 PM

Council Chambers

REGULAR SESSION

CALL TO ORDER

Chairman Leonard Wheeler called the meeting to order at 6:02 p.m.

Members Present:

Chairman Leonard Wheeler
Commissioner Jared Arneson
Commissioner Laurel Mosier
Commissioner Cynthia Barrios
Commissioner Curt Lampkin

Members Absent:

Vice Chairman Jim Carlson
Commissioner Rick Simmons

Staff Present:

David Hawkins, AICP	Director of Planning and Development
Malinda Nowell	Sr. Administrative Assistant

INVOCATION

Commissioner Jared Arneson gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Laurel Mosier led the pledge.

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

1. Consider approval of the minutes of the Planning and Zoning Commission meeting held February 20, 2025.

Commissioner Jared Arneson moved to approve the minutes of the Planning and Zoning Commission meeting held February 20, 2025. Commissioner Laurel Mosier seconded the motion. Motion carried.

Yes: (5) Jared Arneson, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin
Absent: (2) Jim Carlson, Rick Simmons

ACTION ITEMS

2. **Consider and take appropriate action on a Replat for a 4.72-acre tract of land out of the Don Thomas Flores Survey, Abstract No. 510, Tarrant County, Texas and a portion of Lot 8 and all of Lots 9, 10, 11, and 12A, Block 1, Old Cobweb Park Addition to create Lots 1, 2, and 3, Block 1, Simmons Addition, an addition in the City of Azle, Tarrant County. The properties are located at 1017 and 1025 Park Street, which are located on the north side of Park Street approximately 700 feet east of Denver Trail. Case No. RP2025-01**

Director of Planning and Development David Hawkins presented this item. This item is a Replat for three lots located on Park Street. The owner is reconfiguring six lots into three lots with two existing homes and the third lot will be vacant. The proposed plat meets all the requirements for the zoning ordinance for SF-2 where each lot has to be at least one-third (1/3) of an acre. The existing on-site septic system for Lots 2 & 3 will remain in place to serve those residences. Lot 2 has received a waiver from Tarrant County Public Health to retain their septic system with the lot being below the 1-acre minimum. No Council action is needed.

Commissioner Arneson moved to approve Case No. RP2025-01 as presented. Commissioner Laurel Mosier seconded the motion. Motion carried.

Yes: (5) Jared Arneson, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin
Absent: (2) Jim Carlson, Rick Simmons

PUBLIC HEARING

3. **Conduct a public hearing and make a recommendation to City Council regarding a Planned Development (PD) District Amendment request for approximately 18.2434 acres of land, being described as a tract of land in the Nathan Almond Survey, Abstract No. 42, being a portion of that certain 8.76-acre tract of land described in a deed to William Earl Burtram and recorded in Instrument No. D207164501 of the official public records of Tarrant County, Texas, and also being the remaining portion of that certain 5.40-acre tract of land described in a deed to William Earl Burtram and wife, Brenda Lee Burtram recorded in Volume 8270, Page 649, of the Deed Records of Tarrant County, Texas and the remaining portion of Lot 2, Block 2, Almond Addition, an addition to the City of Azle, Tarrant County, Texas, according to the Plat recorded in Volume 388-209, Page 88, Plat Records of Tarrant County, Texas, said Lot 2 being conveyed to William Earl Burtram by deed and recorded in Instrument No. D207164499 of the Deed Records of Tarrant County, Texas. The property is generally located on the south side of Sandy Beach Road and east side of Boyd Road (FM 730 N), approximately 200 feet east of the Sandy Beach Rd. and Boyd Rd. intersection. The purpose of this Planned Development Amendment is to consider changing a few of the development standards for a previously approved multi-family residential development approved back on Dec 2, 2003 by Ordinance No. 2003-30. Case No. Z2025-01**

Director of Planning and Development David Hawkins presented this item. The approximate 18-acre subject property is currently zoned as a Planned Development (PD) District for a multi-family residential development. The zoning ordinance was approved in December 2003 by Ordinance No. 2003-30 for a 312-unit apartment complex with an associated 5,000-square foot commercial pad site fronting on Boyd Road. The property has never been developed but the PD zoning remains in place. The property is under new ownership and is ready to proceed with development under the existing zoning. The purpose of this amendment request is to modify the development standards and concept plan that were originally approved in 2003. The total number of units will remain at 312, but the following changes have been requested:

1. Revise the dwelling unit mix.
2. Reduce the minimum square feet for two-bedroom units from 900 to 850.
3. Revise the minimum parking ratio and provide for carports/covered parking spaces.
4. Increase the size of the commercial building fronting Boyd Road.
5. Buildings will remain three (3) stories in height but increase the floor to ceiling heights in units.
6. The total number of buildings will remain at thirteen (13) but the overall layout of buildings and parking areas will be revised.

The applicant is also requesting a delay to the Tree Survey requirements from the Tree Preservation Ordinance and intends to submit the Tree Survey and Tree Mitigation Plan at time of site plan application.

Chairman Leonard Wheeler opened the public hearing at 6:10 p.m.

Applicant Tommy Mann, 500 Winstead Building, Dallas, TX presented the proposed amendments to the PD ordinance. Mr. Mann reiterated that the existing zoning was approved for a PD in 2003 for 312 apartments. The applicant mentioned the following items and stated that the requested changes are to meet the current market and design:

1. The total amount of dwelling units permitted remains unchanged at 312.
2. The layout will be configured differently to create more of a courtyard experience.
3. The drives have been reconfigured and there will be a larger commercial pad.
4. Reduce square footage of two-bedroom units from 900 square feet to 850 square feet.
5. Provide a minimum of 200 covered parking spaces.
6. Provide a minimum required parking requirement of 1.7 parking spaces per unit.
7. Revise the dwelling unit mix requirements to be provided as percentages of the total dwelling units provided. The proposal is not to exceed 50% one-bedroom, 50% two-bedroom, and 10% three-bedroom but the overall unit mix will be determined at a later time.
8. Revise the elevations and change the overall look of the three-story building that was previously approved.

Don Lavender, 332 Sandy Beach Road, Azle, TX stated he was not advised of this in 2003. Concerns included the type of apartments, whether they would be low-income, traffic on Sandy Beach Road, and watershed on the subject property.

Todd Smith, 300 Roe Street, Azle ISD, stated that the school district can handle the students and would welcome the additional students, and that his comments are in no way related to capacity. Concerns included the changes that have occurred in Azle since 2003; focus areas of the new comprehensive plan; water availability to this property versus recent district expenditures for a tank and pump for their facility on Sandy Beach Road; sewer encroachment easement approved by Council in December 2024 about the same time that this property changed hands; timing of notice of hearing; whether 850 square foot two-bedroom apartments are "first-class" living; traffic study; and sidewalks.

Bart Rue, 1570 Jackson Trail, Azle, TX and owner of property at 328 Sandy Beach Road, stated he also had no recollection of the 2003 apartments, or the 150 homes D R Horton is building at six houses per acre. Concerns included apartment size and quality, where the traffic will go, and the waterway through the subject property.

Pam Malhotra, 1570 Jackson Trail, Azle, TX and owner of property at 328 Sandy Beach Road, stated they own the fifty acres between the proposed apartments and the D R Horton development. Concerns included 2003 approval, review of master plan, alteration of this development, amount of traffic, watershed, setbacks, 8-foot screening wall and where it starts, the natural state and that development is depressing for those that have land here in Azle.

As there were no other speakers, Chairman Wheeler closed the hearing at 6:40 p.m. and invited the applicant to address the mentioned concerns.

Mr. Mann stated that this is proposed to be a \$67 million project, rent is estimated between \$1,200 to \$2,000 per month, and there is no Section 8 housing. Regarding drainage, a full engineering study will be conducted and they cannot increase the flow or velocity of stormwater off of their property. The plan is to increase the capacity of the creek to cut down the risk of flooding. Regarding traffic, they are creating dispersion and alternate routes with two points of ingress/egress. A traffic study is currently under review by TxDOT. The city will get a copy too. Sidewalks and etc. will be required by the city at time of permitting. Mr. Mann stated that they are not changing the density that was approved in 2003.

Sean Alibrando, 1670 Keller Parkway, Keller, TX stated he is a second-generation real estate developer. The company takes pride in the way their properties are managed. They typically hold their developments for decades, and they build beautiful projects that provide good quality for a very long time. This development is not Section 8, and they don't plan on converting it to Section 8.

Director of Planning and Development David Hawkins stated that the zoning was established in 2003 and there is no expiration. Zoning stays with a property regardless of whether anything was built unless the property changes hands and the new owner would then go through the zoning process if they wanted to change the zoning to allow something else. FM 730 is a state road, so the City of Azle has no control over whether a traffic light will be required. The traffic study could warrant a deceleration lane due to the number of units. There could be a sidewalk on Sandy Beach Road. Screening walls, if required, are typically eight (8) feet above grade. The subject property does have a 100-year flood plain designated by FEMA. The owner/developer will have to ensure they are not increasing the runoff or velocity. Regarding water or sewer for this property, if there is not enough capacity, it will be on the developer to extend, expand, etc. The Comprehensive Plan was updated last year, and it still shows high-density at this intersection. The new Comp Plan listed a number of expectations they would like to see, so if this property was a blank slate and someone approached the City about developing it, staff would look at the Comp Plan and work with the developer to incorporate some of the elements. However, in this case, the PD from 2003 is locked in. If this proposed amendment is not approved, it will simply revert to the 2003 version and the developer could proceed with what was approved at that time. The applicant could detain any stormwater on their property and increase the capacity of Walnut Creek on their property, but they have to prove they are not exceeding the runoff or increasing the flow upstream or downstream. Other site plans have come in since 2003, but they never followed through, possibly due to costs of extending water/sewer and dealing with the floodplain.

Further discussion included proposed changes to the approved PD, roadway expansion on FM 730, water pressure for fire suppression, due diligence for company to obtain sewer encroachment, unit mix, types of amenities within the complex for residents, no public amenities, commercial space and professionally leasing space for residents/tenants who work from home.

Chairman Wheeler allowed Mr. Lavender to ask one additional question. Don Lavender, 332 Sandy Beach Road, Azle, TX stated he put that he was against this complex but it seems like the issue to be determined is whether they move forward with the 2003 version or the version that has been presented now. If that is the case, Mr. Lavender said he prefers the version that has been presented tonight. Mr. Wheeler confirmed that the 2003 version or the new version is the question for this item.

Commissioner Arneson moved to approve Case No. Z2025-01 as presented. Commissioner Mosier seconded the motion. Motion carried.

Yes: (5) Jared Arneson, Laurel Mosier, Leonard Wheeler, Cynthia Barrios, Curt Lampkin
Absent: (2) Jim Carlson, Rick Simmons

Mr. Hawkins stated that the next hearing is on May 6th at City Council. Letters will not be sent out for that hearing.

OTHER ITEMS

4. Development Project Updates

Director of Planning and Development David Hawkins presented the development report. He mentioned commercial projects in progress as well as projects under review including the Sandy Beach Apartments, the Profit Street warehouse, Chase Bank, and a proposed Short-Term Rentals ordinance. This is scheduled for Planning and Zoning on April 17th. He also mentioned facade grants and the first one has been approved for Pecan Plaza parking lot improvements. That parking lot work will start on April 8th with a new sub base, and new three-inch asphalt. Mr. Hawkins stated Ascuba Diving is

relocating, several new Certificates of Occupancy and residential permits have been issued. Mr. Hawkins also stated that Azle Grove Phases One and Two are almost built out with only 19 lots left. Sandy Beach residential subdivision is already 50% built out. There are approximately 220 residential lots left across platted subdivisions.

EXECUTIVE SESSION

None.

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 7:19 p.m.

Presented and approved on _____

Leonard Wheeler, Chairman

Attest:

David Hawkins, AICP
Director of Planning and Development



Presenter: David Hawkins, Director of Planning and Development

Agenda Item: Conduct a public hearing and consider text amendments to Chapter 4 “Business Regulations”, Chapter 14A “Zoning Ordinance”, and Appendix A, “Fee Schedule,” of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider adding new regulations pertaining to Short-Term Rentals (STRs) in Azle.

Background and Explanation:

On May 21, 2024, the City Council held its initial discussion on the possibility of adopting a new ordinance pertaining to regulating Short-Term Rentals in Azle. On June 4, 2024, Council directed the City Attorney to develop a draft ordinance which was presented to the Council on September 17, 2024 where they recommended some amendments to the first draft. The final draft for review was presented to the Council at their March 4, 2025 meeting where they made some additional revisions and forwarded this to the P & Z Commission for their consideration.

The STR Ordinance is intended to require permits and inspections; establish limitations on occupancy and parking; require life and safety measurements; file documentation for hotel occupancy taxes; set limitations on numbers and locations of STRs; and establish rules for exceptions and enforcement of the new ordinance.

The fees will be determined at a later date by the City Council so no recommendation is needed by the P & Z Commission on the proposed fee schedule.

Board/Commission/Committee Recommendation:

After the conclusion of the public hearing, the P & Z Commission may make a recommendation on the proposed amendments to the Zoning Ordinance pertaining to the requirements for Short-Term Rentals in Azle. Any recommendation will be forwarded to the City Council for final action.

Staff Recommendation:

Staff forwards this proposed code amendment to the Planning and Zoning Commission for their consideration.

Attachments:

1. Draft STR Ordinance - PZ Meeting 4.17.2025

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO CREATE AN ARTICLE DEFINING AND GOVERNING THE STANDARDS AND REQUIREMENTS FOR SHORT-TERM RENTALS; AMENDING APPENDIX A, "FEE SCHEDULE," TO PROVIDE FOR ADMINISTRATIVE FEES ASSOCIATED WITH THE PERMITTING AND INSPECTION OF SHORT-TERM RENTALS; AMENDING CHAPTER 14A, "ZONING ORDINANCE," TO IDENTIFY SHORT-TERM RENTALS AS A PERMITTED USE IN ZONING DISTRICTS WITH RESIDENTIAL USES, SUBJECT TO CERTAIN CONDITIONS, AND TO AUTHORIZE THE BOARD OF ADJUSTMENT TO HEAR SPECIAL EXCEPTIONS IN CERTAIN CIRCUMSTANCES; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Azle, Texas (the "City"), 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; and

WHEREAS, the City Council of the City ("City Council"), recognizes the City's proximity to tourist destinations in the Dallas-Fort Worth Metroplex, including nearby Eagle Mountain Lake; and

WHEREAS, in the City and elsewhere, the increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and vacation rental uses within neighborhoods previously planned, approved, and constructed for solely residential use; and

WHEREAS, the use of residential properties by individuals for short periods of time may negatively impact the original residential character of neighborhoods that was an inducement for owners to buy their homes in such neighborhoods due, in part, to substituting permanent residents with transient visitors and thereby reducing or eliminating common goals, cohesiveness, communication, and accountability between permanent residents; and

WHEREAS, the regulation of the use and operation of such "short-term rental" property is intended to prevent the further erosion of pre-existing and stable neighborhoods, and further advance the City Council's commitment to preserving the residential character of its neighborhoods; and

WHEREAS, the rise of substitute land uses for residential property contributes to the shortage of affordable housing for both homeowners and long-term renters; and

WHEREAS, the proliferation of unregulated short-term rentals presents fire and structural safety concerns that are not applicable to structures used for permanent occupancy but are deemed necessary to accommodate guests who, as visitors to the City, will rely on City emergency services in the event of a crisis; and

WHEREAS, the City has received numerous complaints from neighbors seeking to resolve issues with parking, noise, and other adverse effects related to the operation of short-term rentals in residential areas; and

WHEREAS, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not cause adverse impacts to residential neighborhoods due to the intensive nature of the use creating excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions; and

WHEREAS, the City Council has reviewed data and information from other cities' experiences with short-term rentals and used this data and information to develop a regulatory structure suitable for the circumstances within the City; and

WHEREAS, the City Council finds and determines that regulations related to short-term rental uses should be adopted to define short-term rentals, establish standards for operation and appropriate review processes applicable to short-term rentals, and establish commensurate permitting and inspection fees; and

WHEREAS, the Planning and Zoning Commission of the City held a public hearing on _____, and the City Council held a public hearing on _____, with respect to the short-term rental regulations described herein; and

WHEREAS, the City Council finds that regulating the short-term rental of residential property is necessary for promoting the health, safety, and welfare of the general public, ensuring consistency in land uses and development, and protecting the rights of property owners, residents, and visitors in the City.

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

SECTION 1.

Chapter 4, "Business Regulations," of the Code of Ordinances, City of Azle, Texas, ("the Code") is hereby amended by adding a new Article 4.11 to read as follows:

"ARTICLE 4.11. SHORT-TERM RENTAL

§ 4.11.001 **Purpose.**

The purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

§ 4.11.002 **Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bathroom. Enclosed space containing one or more bathtubs, showers, or both, as well as one or more toilets, lavatories or fixtures serving similar purposes.

Bedroom. A room with a closet that is used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio, breezeway, or other purpose.

Block. A tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways, or corporate limits.

Block face. The portion of a block abutting one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and another boundary such as a railroad right-of-way, unsubdivided land, watercourse, or municipal boundary. A corner lot shall be part of the block face parallel to the lot's front lot line.

Code or city code. The Code of Ordinances, City of Azle, Texas.

Department. The planning and development department of the city.

Director. The director of planning and development of the city or their designated representative.

Fire marshal. The fire marshal of the city or their designated representative.

Occupant. The person(s) who have lawfully obtained the exclusive use and possession of the short-term rental premises from the owner and/or operator, and the guest(s) of such person(s).

Operator. The owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner. The individual or entity that owns a property operating as a short-term rental.

Permit. The permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental. The rental for compensation, of any residence or residential structure, or a portion of a residence or residential structure, located within a zoning district where the residential use is lawful, for the purpose of overnight lodging for a period of less than thirty (30) days. A short-term rental shall not include a hotel or motel.

§ 4.11.003 Short-term rental permit application.

It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a permit application has not been properly made and filed with the department, and a permit issued. A permit application shall be made upon forms furnished by the city for such purpose, shall be accompanied by the application fee identified in appendix A of the code, and shall specifically require the following minimum information:

- (1)** The name, address, contact information, and signature of the owner of the premises (or signed owner authorization, on a form provided by the city);
- (2)** The name, address, and phone number of a twenty-four (24)-hour contact;
- (3)** The registration number for the city hotel occupancy tax as required by section 4.11.004 (m), below;
- (4)** A parking plan of the premises identifying the location and quantity of parking spaces to be used in conjunction with the short-term rental, in relation to the residence;
- (5)** A dimensioned floor plan of the proposed short-term rental identifying the proposed maximum number of occupants, bedrooms, other living spaces, location of safety features, and emergency evacuation routes;
- (6)** The name, contact information, and rules for the applicable homeowners' association (HOA), if any;
- (7)** Proof of liability insurance, which shall meet the following minimum requirements:
 - (A)** The city, its officials, employees, agents and officers shall be named as an "additional insured" on all policies;
 - (B)** The policy should provide a minimum liability coverage of \$1,000,000 (one million dollars); and
 - (C)** Each policy shall be endorsed to provide the city with a minimum of a thirty

(30)-day notice of cancellation, non-renewal, and/or material change in policy terms or coverage; provided, however, a minimum ten (10) days' notice shall be required in the event of non-payment of premium;

- (8) A current tax certificate(s) indicating all taxes for the subject property have been paid to the current year (available from the Appraisal District for the county in which the property is located). Tax statements printed from the Tarrant or Parker County website (pdf) are acceptable in lieu of the original certificate(s);
- (9) A copy of the proposed host rules for the short-term rental, including a statement identifying the description and location of safety features described in section 4.11.004(e); and
- (10) A statement that the owner of the short-term rental complies with and will continue to comply with the standards and other requirements of this article, as well as all applicable standards and other requirements of the code.

§ 4.11.004 **Regulations.**

- (a) Maximum stay; minimum stay. It shall be unlawful for an owner to rent or lease a short-term rental for a period of more than twenty-nine (29) days or less than twenty-four (24) hours.
- (b) Occupancy. The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons.
- (c) Parking restrictions. Parking is restricted to the number of off-street parking spaces associated with the residential structure, either in the driveway and garage or by location or number assigned to a specific unit. It shall be unlawful for an occupant or invitee of an occupant to park a motor vehicle on a residential street adjacent to or near a short-term rental. All motor vehicles are further subject to the parking requirements of chapter 12, article 5 of the code.
- (d) Access to basic sanitation. Each bedroom of a residence or portion of a residence used as a short-term rental must provide interior access to a bathroom, such that an occupant shall have access to a bathroom without exiting the residence, regardless of whether such bathroom is private or shared.
- (e) Life safety.
 - (1) The short-term rental must be equipped with:
 - (A) Working smoke alarms, meeting the requirements of Section 92.254 and 92.255 of the Texas Property Code, with a minimum of one (1) on each floor or level and one (1) in each room used as a bedroom; and

- (B) A minimum of one (1) working carbon monoxide detector on each floor or level if the premises are equipped with natural gas, propane, fire place/ or heating stove, and/or an attached garage; and
 - (C) A minimum of one (1) 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) available on each floor, inspected annually in accordance with the International Fire Code and tagged by a third-party inspector.
- (2) All gas appliances shall be properly ventilated outside the home.
 - (3) Emergency escape openings shall comply with the city's currently adopted International Residential Code (IRC), with at least one (1) emergency escape opening for each bedroom opening directly to the outdoors.
 - (4) An evacuation plan shall be posted in each bedroom.
 - (5) Any room that does not comply with this subsection (e) shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.
- (f) Conduct on premises. Each short-term rental owner, operator, and occupant shall comply with all requirements of the city code. Owners and/or operators shall be responsible for informing occupants of all relevant city codes and occupants' liability for violations of same. In addition, the following shall be unlawful:
- (1) Conduct involving the use of amplified sound or radios, phonographs, or musical instruments between the hours of 7:00 p.m. and 7:00 a.m., excessive noise, or other disturbances outside the short-term rental structure that would violate chapter 8, article 8.03 of the code, including, but not limited to, the following outside areas: decks, portals, porches, balconies, patios, hot tubs, pools, saunas, or spas;
 - (2) Sleeping outdoors;
 - (3) Placing, or allowing to be placed, waste or recycling receptacles at the designated pickup location prior to 7:00 p.m. on the day prior to the scheduled pickup, or otherwise in violation of chapter 13, article 13.08 of the code;
 - (4) Advertising, promoting, or operating a special event, or permitting the advertising, promotion, or operation of a special event (including, but not limited to, a banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or similar activity that would assemble large numbers of invitees) to be held on the premises; and

- (5) Using or permitting the use of the short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery, or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.
- (g) Signage. On-premise signage advertising or identifying the short-term rental shall not be permitted.
- (h) Advertising. The owner and/or operator shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the occupancy limits, parking standards, and city permit number for the listing.
- (i) Local contact. An owner and/or operator must designate the name and contact information of a representative who shall be the local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available in person or by phone at all times while occupants are on the premises of the short-term rental. If called, said individual must be able to, and shall, be present at the premises within one (1) hour of receiving a call from the planning director. A local contact must be authorized to make decisions regarding the premises and its occupants.
- (j) Occupant notification packet. The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, the following information:
 - (1) Maximum number of occupants;
 - (2) Location of required off-street parking, other available parking and prohibition of parking on unapproved surfaces as provided by section 12.05.008 of the code;
 - (3) Quiet hours and noise restrictions;
 - (4) List of HOA rules, if applicable;
 - (5) Twenty-four (24)-hour local contact person and phone number;
 - (6) Property cleanliness requirements;
 - (7) Waste pick-up requirements, including location of waste and recycling receptacles;
 - (8) Flooding hazards and evacuation routes, as well as information on the emergency siren system and other safety features;

- (9) Emergency and non-emergency numbers; and
- (10) Notice that failure to conform to the occupancy and parking requirements constitutes a violation of the code and an occupant or visitor may be cited.
- (k) Rental agreement notification. The rental agreement between the owner and/or operator of the short-term rental and the occupant shall include, by attachment, all of the information provided in the occupant notification packet.
- (l) Changes in ownership. The purchaser of a short-term rental shall provide the director with current application materials required by section 4.11.003, revised to include any new information associated with the change in ownership, within thirty (30) days of the closing date for the purchase of the short-term rental. Since a permit is non-transferable pursuant to section 4.11.005, the purchaser shall also remit a permit renewal fee as described in appendix A of the code.
- (m) Hotel occupancy taxes. The owner and/or operator of the short-term rental property shall register with the city finance department to pay hotel occupancy taxes prior to the date that the short-term rental permit application is submitted, and the owner and/or operator must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.
- (n) Request for occupancy history. Upon request of the director, the owner of a premises used as a short-term rental shall remit, within thirty (30) days, an accounting of all rental activity and the hotel occupancy taxes paid therefor.
- (o) Right to inspect premises.
 - (1) Inspections. The fire marshal or building official shall perform periodic inspections of each short-term rental property to ensure compliance with this article and other applicable laws. For the purpose of performing inspections, the fire marshal or building official may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and the premises used as a short-term rental property. An owner and/or operator may refuse to consent to an inspection conducted by the fire marshal. If consent is refused, the fire marshal may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure and the city code. No permit for operating a short-term rental shall be issued until the premises successfully passes such inspection.
 - (2) Types of inspections. The city may perform the following inspections:
 - (A) Initial and renewal inspections. The fire marshal or building official may perform an initial inspection of the short-term rental property upon application for a permit, as well as inspections of the short-term rental property upon application for permit renewal.

- (B) Repeat inspections. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of this section, the city shall provide written notice of such violation and shall set a re-inspection date. If a property fails to pass an inspection, a re-inspection fee will be charged after the third re-inspection of the premises. A property cannot be occupied as a short-term rental while its status with the fire marshal's office is noted as being in violation.
- (C) Fire extinguishers. The owner and/or operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with city regulations.
- (D) Change in ownership inspection. As part of the change in ownership process for a short-term rental the fire marshal shall conduct an inspection to verify compliance with this article.

(p) Density limitations for short-term rental properties.

- (1) Limitation. Short-term rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of residential units on the block face or in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per block or multi-unit building, regardless of density.
- (2) Special exception available. In order to obtain a permit for a short-term rental that would exceed the density limitation of this section, a property owner may apply to the zoning board of adjustment for a special exception in accordance with chapter 14A, section 34 of the code. The board may consider factors such as the following:
 - (A) Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
 - (B) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - (C) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - (D) Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to a portion of the residence;
 - (E) Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and

- (F) Whether other short-term rentals in excess of the density limitation are already operating on that block.

- (3) Nonconforming uses. A short-term rental that was lawfully in existence on the effective date of this article shall be considered a nonconforming use and shall not be subject to the density limitations set forth in this subsection. A short-term rental shall be considered lawfully in existence on the effective date of this article if the owner provides written confirmation from the city finance department indicating that, prior to the effective date of this article, the property was registered for payment of hotel occupancy tax as required by chapter 11, article 11.04 of the code and the tax account was not in arrears.

§ 4.11.005 Permit term and renewal; fees; non-transferability; public information designation

- (a) All permits issued under this article shall be valid for a period of one (1) year from the date of issuance.
- (b) A nonrefundable fee for administration of the application shall be charged as established in appendix A of the code. Such fee shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued.
- (c) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The fee for the renewal of a permit to operate a short-term rental shall be charged as established in appendix A of the code. The permit holder shall either update the information required under section 4.11.003 or submit a statement affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 4.11.003.
- (d) A permit to operate a short-term rental is not transferable to another owner, operator, or location.
- (e) All permits issued under this article constitute public information, subject to the terms of the Public Information Act. Information regarding permitted short-term rentals shall be made available on the city's website and shall identify, at minimum, the property address, permit number, and permit date of each short-term rental permitted to operate in the city.

§ 4.11.006 Repeat offenses.

- (a) If the director finds that the owner, operator, or any occupant of a short-term rental failed to comply with any requirement of this article three (3) or more times within a twelve (12) month period, the director may revoke an existing permit or may deny

an application to renew a permit. No new permit may be sought for the subject property for a period of twelve (12) months following a denial or revocation pursuant to this section.

- (b) If a property is the subject of five (5) or more violations of federal law, state law, or the other provisions of the city code outside of this article within the previous twenty-four (24)-month period, the director may revoke an existing permit; may deny an application for an original permit; or may deny an application to renew a permit, based on: (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare. No new permit may be sought for the subject property for a period of twelve (12) months following the denial or revocation pursuant to this section.
- (c) A permit applicant may appeal the director's decision to revoke an existing permit or deny an application, in accordance with the process set forth in section 4.11.006 of this article.

§ 4.11.006 **Appeals.**

- (a) The revocation of a permit or the director's denial of an application for a permit to operate a short-term rental may be appealed to the city manager in accordance with the provisions of this section.
- (b) An appeal filed under this section must be filed with the director no later than the twentieth (20th) day following the date on which the permit was revoked or denied. The appeal must be sworn and must identify each alleged point of error, facts, and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The city manager or a designee shall, not later than the tenth (10th) day after the date the notice of appeal is filed, hear the appeal, and may affirm, modify, or reverse a permit revocation or application denial.
- (d) The city manager or designee shall give written notice of a decision on an appeal to the appellant.
- (e) An appellant who seeks judicial review of the city manager's review on appeal must file a petition with a court of competent jurisdiction not later than the thirtieth (30th) day after issuance of the notice of the decision.

§ 4.11.007 **Enforcement.**

- (a) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant,

including, but not limited to, the immediate issuance of a citation.

- (b) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in permit revocation if all applicable tax is not paid within ninety (90) days of the issuance of a delinquency notice.
- (c) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of less than thirty (30) days, shall constitute prima facie evidence of the property's use as a short-term rental.

§ 4.11.008 **Discontinuance of operations.**

- (a) The owner and/or operator of a property used as a short-term rental that was registered with the city for collecting hotel occupancy tax prior to the effective date of this article, and who is unable, fails, or refuses to obtain a permit for operation as a short-term rental following the effective date of this article, shall discontinue the short-term rental use within sixty (60) days of the effective date of this article or the notice of permit denial. The density limitation of section 4.11.004(p) shall not bar such owner and/or operator from obtaining a permit if all other requirements and standards of section 4.11.004 are met.
- (b) The owner and/or operator of a property used as a short-term rental that was not registered with the city for collecting hotel occupancy tax prior to the effective date of this article shall discontinue the short-term rental use immediately following the effective date of this article. Such property shall not be resumed as a short-term rental until a permit has been applied for and has been issued pursuant to section 4.11.003.

§ 4.11.009 through § 4.11.14. **(Reserved)**

SECTION 2.

Article A1.000, "General Fee Tables," of Appendix A, "Fee Schedule," of the Code is hereby amended by adding a new Section A1.012, "Short-term rental fees," to read as follows:

"§ A1.012 Short-term rental fees.

The schedule of fees for short-term rentals shall be as follows:

- (1) Application for permit: TBD.
- (2) Permit renewal: TBD.
- (3) Inspection (initial or renewal):
- (4) After hours inspection (after 4:00 p.m. or weekends/holidays):

- (A) 2-hour minimum: TBD.
- (B) Each additional hour: TBD per hour.
- (5) Reinspection fee: TBD.
- (6) Application for special exception: TBD

SECTION 3.

Section 3.2, "Definitions," of Chapter 14A, "Zoning Ordinance," of the Code is hereby amended to add the definition for short-term rentals, to be inserted alphabetically and to read as follows:

"SHORT-TERM RENTAL: The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, located within a residential zoning district, for the purpose of overnight lodging for a period of not more than twenty-nine (29) days. A short-term rental shall not include a hotel or motel or bed and breakfast facilities. A short-term rental is further subject to the provisions of Chapter 4, Article 4.11 of the Azle Municipal Code."

SECTION 4.

Section 4.10, "Permitted Use Schedule," of Chapter 14A, "Zoning Ordinance," of the Code is hereby amended by adding the operation of a short-term rental as a permitted use ("P") in certain zoning districts, in the section "Residential Uses."

PERMITTED USES	AG	LF O	E- 1	E- 2	E- 3	SF -1	SF -2	SF -3	SF- 3.5	SF- 4	SF- 5	SF- MHP	MD -1	MD -2	MF -1	MF -2	O	CBD	INS	C	HC	IND
Residential Uses																						

Short-term rental	P		P	P	P	P	P	P	P	P	P		P	P	P	P		P				

SECTION 5.

Subsection 34.3, "Jurisdiction of Board," of Section 34, "Zoning Board of Adjustment," of Chapter 14A, "Zoning Ordinance," of the Code is hereby amended to add a new subsection C to read as follows:

- "C.** Hear and decide, upon application, special exceptions to the terms of the zoning ordinance. The term "special exception" shall mean a deviation from the requirements of the zoning regulations herein established. Special exceptions shall be granted only when the board finds that such special exceptions will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest. Special exceptions may be granted in the following circumstances:

1. To permit short-term rental operations in excess of the density limitation identified in Section 4.11.004(p) of the Azle Municipal Code, subject to consideration of the following factors:
 - a. Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
 - b. Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - c. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - d. Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to a portion of the residence;
 - e. Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and
 - f. Whether other short-term rentals in excess of the density limitation are already operating on that block.
2. To permit a minimum lot area of 2.5 acres in the AG, Agricultural district, in accordance with Section 26.7 of Chapter 14A."

SECTION 6.

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

SECTION 7.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the

City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION 8.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1.01.009 of the Code of Ordinances, City of Azle, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 9.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the 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 10.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.11 of the Charter of the City.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter and the laws of the State of Texas.

PRESENTED AND PASSED this ____ day of _____, 2025, by a vote of ____ ayes, ____ nays, and ____ abstentions, at a regular meeting of the City Council of the City of Azle, Texas.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary