

CITY OF ROCKWALL

ORDINANCE NO. 24-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE MUNICIPAL CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, BY CREATING CHAPTER 13, *RENTAL HOUSING*, OF THE MUNICIPAL CODE OF ORDINANCES AND AMENDING ARTICLE 04, *PERMISSIBLE USES*, AND ARTICLE 13, *DEFINITIONS*, OF THE UNIFIED DEVELOPMENT CODE (UDC) AS DEPCITED IN *EXHIBITS 'A', 'B', & 'C'* OF THIS ORDINANCE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that regulations are needed to address regulations for *Short-Term Rentals*; and,

WHEREAS, the operation of *Short-Term Rentals* should not negatively affect property values and the *Short-Term Rentals* should be required to pay Hotel Occupancy Taxes; and,

WHEREAS, the City Council has determined that regulations needed are intended to protect the health, safety, morals, and general welfare of the general public; and,

WHEREAS, an amendment to the City of Rockwall's Municipal Code of Ordinances and the Unified Development Code [Ordinance No. 20-02] has been initiated by the City Council of the City of Rockwall to establish Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances and amend Article 04, *Permissible Uses*, and Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] for the purpose of establishing definitions, regulations, and requirements for *Short-Term Rentals*; and,

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the city's corporate boundaries, and the governing body in the exercise of its legislative discretion, has concluded that the Municipal Code of Ordinances and the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

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

SECTION 1. That Chapter 13, *Rental Housing*, of the Municipal Code of Ordinances of the City of Rockwall, as heretofore amended, be and the same is established and hereby amended as specifically described in *Exhibit 'A'* of this ordinance;

SECTION 2. That Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'B'* of this ordinance;

SECTION 3. That Article 13, *Definitions*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended as specifically described in *Exhibit 'C'* of this ordinance;

SECTION 4. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Municipal Code of Ordinances and/or Unified Development Code [*Ordinance No. 20-02*], and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 6. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1ST DAY OF APRIL, 2024.


Trace Johannessen, Mayor

ATTEST:


Kristy Teague, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: March 18, 2024

2nd Reading: April 1, 2024

CHAPTER 13. RENTAL HOUSING

ARTICLE 1. IN GENERAL

SECTIONS 13-1 – 13-20. RESERVED

ARTICLE 2. SHORT-TERM RENTALS

SECTION 13-21. PURPOSE

The purpose of this *article* is to minimize the impacts of *Short-Term Rentals* on the City of Rockwall's existing residential neighborhoods and buildings, and to provide regulations to preserve and protect the integrity of the City's residential districts while continuing to support the rights or property owners. In addition, the following sections are intended to provide a logical process for the registration, permitting, and inspection of *Short-Term Rentals*. The requirements of this *Article* apply only to the regulation of *Short-Term Rentals*, as defined herein; however, nothing in this *Article* shall be construed to be a waiver of the requirement to assess and collect the required *Hotel Occupancy Taxes* for any *Short-Term Rental* for less than 30 consecutive days, or any applicable provision of the City of Rockwall's Municipal Code of Ordinances.

SECTION 13-22. DEFINITIONS

Hotel Occupancy Tax. The *Hotel Occupancy Tax* as defined Article IV, *Hotel Occupancy Tax*, of Chapter 40, *Taxation*, of the City's of Rockwall's Municipal Code of Ordinance and Chapter 3, *Tax Administration*, of the Texas Tax Code.

Responsible Party. An individual other than the applicant, who resides within Rockwall County, 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 available on a 24-hour basis, have access to the *Short-Term Rental* property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, emergencies and property conditions.

Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. The term does not include: [1] a *Bed and Breakfast*; [2] a *Motel, Limited Service Hotel, Full-Service Hotel, or Residence Hotel*; [3] a *Boarding House*; [4] a place for residence or use as a licensed health care or *Assisted Living Facility*.

Single-Family Residence. As defined by the Municipal Code of Ordinances and in this *Article*, which includes the following:

- (1) *Single-Family Dwelling (Detached).* A dwelling designed and constructed for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract, and which is located in a single-family zoning district or Planned Development District.
- (2) *Single-Family Dwelling (Attached).* A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate wall and which is designed for occupancy by one (1) family and which is located on a separate platted lot, delineated by front, side, and rear lot lines.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) Two Family Dwelling: A single structure designed a constructed with two (2) dwelling units under a single roof for occupancy by two (2) families, one (1) in each unit.
- (4) Condominium. The separate ownership of single dwelling units in a multiple unit structure/structures with common elements.
- (5) Multi-Family Dwelling or Apartment. Any building or portion of a building, which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

SECTION 13-23. AUTHORITY

The Director of Planning and Zoning and/or the Building Official shall implement and enforce the requirements of this *Article* and may by written order establish such procedures, rules, and or regulations -- *not inconsistent with the requirements of this Article or other City ordinances* -- necessary to implement the intent of this *Article*.

SECTION 13-24. TYPES OF SHORT-TERM RENTALS

The three (3) classifications of *Short-Term Rentals* shall be consistent with the definitions contained in [Article 13, Definitions, of the Unified Development Code \(UDC\)](#), and are further defined as follows:

- (a) Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
 - (3) The property owner or *Responsible Party* is generally present on-site at the *Short-Term Rental Property* during the entire term of the rental.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (b) Non-Owner-Occupied Single-Family Home, Townhome, or Duplex. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.
 - (2) The *Short-Term Rental* shall be for the entire dwelling unit.
 - (3) The property owner or responsible party is not present on-site during the term of the rental of the *Short-Term Rental Property*.
 - (4) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this *Article*.
- (c) Apartment or Condominium Unit. A *Short-Term Rental* under this classification shall be subject to the following conditions:
 - (1) The *Short-Term Rental* may be owner-occupied or non-owner-occupied.
 - (2) The *Short-Term Rental* shall be for a period of time that is less than 30 consecutive days.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (3) A sleeping area must -- *at a minimum* -- include the shared use of a full bathroom.
- (4) The property owner or responsible party may or may not be generally present on-site during the entire term of the rental of the *Short-Term Rental Property*.
- (5) The *Short-Term Rental* may not operate without a *Short-Term Rental Permit* as required by Section 13-25, *Permit and Registration Requirements* of this Article.

SECTION 13-25. PERMIT AND REGISTRATION REQUIREMENTS

- (a) Applicability. No person shall advertise, offer for rent or lease, establish or operate a *Short-Term Rental* on any property within the City of Rockwall without registering and being approved for a *Short-Term Rental Permit*. A *Short-Term Rental Permit* shall be required for each physical address, regardless of the ownership of the property or the physical attributes of the structure situated on the property (e.g. *the number of bedrooms, bathrooms, cooking facilities, etc.*).
- (b) Short-Term Rental Permit. An application for a *Short-Term Rental Permit* shall be submitted on a form provided by the City of Rockwall. A *Short-Term Rental Permit* shall be accompanied by an application fee of \$500.00, and shall include the following information:
 - (1) Ownership Information. The name, street address, email address, and telephone number of the owner of the *Short-Term Rental*, and verification if the *Short-Term Rental* is owner occupied (*i.e. the applicant's residence*). If the owner of the property is a partnership, a corporation, or limited liability company, the application shall list the names of all partners, directors, members, or officers -- *as applicable* -- of ownership entity.
 - (2) Responsible Party. The name, street address, email address, and telephone number of the *Responsible Party* (see [Section 13-28, Enforcement or Penalty](#)).
 - (3) Site Plan. A *Site Plan* showing the location of the *Short-Term Rental* and the parking areas provided for the *Short-Term Rental*.
 - (4) Pictures. Pictures of the subject property showing the rear, front, and side yards of the subject property shall be provided. In addition, pictures of all structures -- *one (1) per each façade of a structure* -- and any on-site amenities shall be provided.
 - (5) Self-Certification of Compliance. A sworn self-certification that the owner of the *Short-Term Rental* is in compliance with and will continue to comply with the standards and other requirements of this Article.
 - (6) Acknowledgement of this Article. Acknowledgement of receipt of a copy of this Article and agreement to comply with all provisions contained within this Article as a condition to receiving and consent to inspection while maintaining a *Short-Term Rental Permit*.
 - (7) Commercial Insurance. Each *Short-Term Rental* property shall be required to have general commercial insurance (*or an equivalent*) coverage of a minimum of \$500,000.00 per occurrence coverage and an aggregate of \$1,000,000.00. The applicant for a *Short-Term Rental* shall provide a copy of the certificate of insurance which shows the name insured, any additional insureds, the location address, the effective date, the coverage limit and type. The owner must notify the City of Rockwall within 30 days if the insurance status changes and provide the City with the updated insurance information. The *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article if updated insurance information is not provided.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (c) Completeness of Short-Term Rental Permit Application. Applications for a *Short-Term Rental Permit* shall not be considered complete until all documentation required by this *Article* has been submitted and accepted. Incomplete applications will not be accepted.
- (d) Acknowledgement by Applicant. As part of the submission of an application for a *Short-Term Rental Permit*, the property owner shall acknowledge that a *Short-Term Rental Permit* granted by the City of Rockwall 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.
- (e) Expiration of a Short-Term Rental Permit. Unless revoked by the City of Rockwall in accordance with [Section 13-29, Revocation, Suspension, or Denial of a Short-Term Rental Permit](#), of this *Article*, permits shall be valid for a period of three (3) years from the date the permit is issued.
- (f) Renewal of a Short-Term Rental Permit. 30-days prior to the expiration of a *Short-Term Rental Permit*, the property owner shall apply for the renewal of the *Short-Term Rental Permit* on a form provided by the City of Rockwall. Failure to submit an application 30-days prior to the expiration of the *Short-Term Rental*, shall cause all nonconforming rights to lapse and the application shall be treated as a new application subject to the requirements of this *Article* and [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#).
- (g) Records. A property owner or operator of a *Short-Term Rental* shall keep detailed records showing each booking and the fees paid for each rental for at least three (3) years and make this information available to the City of Rockwall upon request.
- (h) Non-Transferability. A *Short-Term Rental Permit* is not transferable to another property owner or operator, or address or property. Any attempt to transfer the *Short-Term Rental Permit* shall result in the termination of the permit.

SECTION 13-26. GENERAL STANDARDS FOR SHORT-TERM RENTALS

All *Short-Term Rentals* permitted pursuant to this *Article* and the requirements of [Article 04, Permissible Uses, of the Unified Development Code \(UDC\)](#) shall be subject to the following general standards:

- (a) Advertising. All advertisements for a *Short-Term Rental* -- including online or on a proprietary website, application, or other technology -- shall include the *Short-Term Rental Permit Number* within the description or body of the advertisement for public reference.
- (b) Parking. Parking shall comply with the requirements of [Table 5: Parking Requirement Schedule of Article 06, Parking and Loading, of the Unified Development Code \(UDC\)](#); however, all parking shall be on an improved surface (*i.e. gravel, pavers, asphalt, or concrete*) and no parking shall be permitted on an unimproved surface (*e.g. grass, vegetation, soil, etc.*).
- (c) Evacuation Plan. For all *Short-Term Rentals* that are located within an apartment or condominium building that does not have direct access to the exterior of the building through the front door (*i.e. the primary exit exits to a shared hallway*), shall post an evacuation plan on the front door showing how to exit the building.
- (d) Temporary Structures. Temporary structures including -- *but not limited to* -- recreational vehicles/campers, vehicles intended for occupancy, tents, canopies/shade structures (*not permitted by the City of Rockwall*), or similar structures/vehicles shall not be utilized as *Short-Term Rentals*.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

- (e) Trash/Rubbish/Solid Waste. All trash, rubbish, and/or solid waste shall be completely contained within a City approved container (*i.e. a polycart or approved garbage can*), and no trash, rubbish, and/or solid waste -- *bagged or otherwise* -- shall be placed on the ground.
- (f) Signage. No external signage shall be installed or constructed on the property indicating or advertising the property as a *Short-Term Rental*. In addition, the property shall maintain compliance with [Chapter 32, Signs, of the Municipal Code of Ordinances](#).
- (g) Life Safety. The *Short-Term Rental* shall comply with the following *Life Safety* requirements:
- (1) A standard five (5) pound fire extinguisher (*i.e. 2A:10B:C*) shall be properly mounted within 75-feet of all portions of the *Short-Term Rental* on each floor.
 - (2) Operable smoke and carbon monoxide detectors shall be installed and conform to all applicable city codes.
 - (3) All bedrooms/sleeping areas shall have at least one (1) operable emergency point of ingress/egress for rescue and escape (*i.e. windows and/or doors*) in accordance with the City's adopted codes, regulations, and ordinances.
- (h) Conduct On-Premises.
- (1) The property owner and/or *Responsible Party* shall be responsible for informing all occupants of all relevant City of Rockwall codes and the occupants' liability for violating the City's codes.
 - (2) Excessive noise or other disturbance outside of the *Short-Term Rental* that are in violation of [Article IV, Noise, of Chapter 16, Environment, of the Municipal Code of Ordinances](#) shall be prohibited.
 - (3) No overnight sleeping outdoors or outdoor sleeping spaces shall be provided as part of the *Short-Term Rental*.
- (i) Tenant Notification. At a minimum, the property owner and/or responsible party shall post in a visible and obvious location of the *Short-Term Rental* the following information:
- (1) The property owner and/or responsible party's contact information and telephone number.
 - (2) Pertinent information -- *conforming to the general standards of this Article* – including, but not limited to, the location of the required off-street parking or other available parking; the schedule, location and requirements regarding trash/rubbish/solid waste; and information regarding the conduct of guests on-premise.
 - (3) Information to assist guests in the case of an emergency that poses a threat to personal safety or property. This information should include emergency and non-emergency telephone numbers for police, fire, and medical services.
 - (4) A notice that failure to conform to the above listed requirements is a violation of the City of Rockwall's Municipal Code of Ordinances and that an owner, occupant, or visitor can be cited for violations of these requirements.
- (j) Hotel Occupancy Tax. The property owner or *Responsible Party* shall remit all applicable state, county and local hotel occupancy taxes in a timely manner pursuant to all applicable laws and this *Article*.

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

SECTION 13-27. INSPECTIONS

To ensure compliance with the requirements of this *Article* a *Short-Term Rental* may be inspected under the following circumstances:

- (1) Initial Inspection. As part of the issuance of a new *Short-Term Rental Permit* -- and any *reapplication thereof* --, the City shall conduct inspections to verify compliance with the requirements of this *Article*.
- (2) Inspections Upon Complaint or Suspicion of a Violation. The City of Rockwall may perform inspections when a violation is reported or suspected in accordance with the established code enforcement procedures.
- (3) Inspections for Owner Occupied Short-Term Rentals. If only a portion of the premises is offered for rent, then that portion plus any shared amenities and points of access shall be inspected.
- (4) Violations Resulting from Inspections. If upon completion of an inspection, the premises are found to be in violation of one (1) or more provisions of the applicable City codes and ordinances, the City shall provide written notice of such violations and shall set up a subsequent inspection and date for the violation to be corrected prior to its occupancy.

SECTION 13-28. ENFORCEMENT OR PENALTY

- (a) Operation without a Short-Term Rental Permit. A person commits an offense under this *Article* if a person owns or operates a *Short-Term Rental* without a valid *Short-Term Rental Permit*.
- (b) Responsible Party. The property owner or operator of the *Short-Term Rental* shall designate a *Responsible Party* for each *Short-Term Rental*. The *Responsible Party* is a local representative that resides in Rockwall County and who is available at all times the rental is in use. Should a law enforcement or Neighborhood Improvement Services (NIS) representative respond to a suspected violation at a *Short-Term Rental* and issue a citation, the *Responsible Party* shall be contacted. If applicable, the *Responsible Party* shall contact the occupants within one (1) hour of the issuance of a citation to notify them of the citation and attempt to remedy the situation. Should multiple citations or violations be issued this could result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this *Article*. Failure to update the *Responsible Party* information associated with a *Short-Term Rental Permit* shall be a violation of this *Article*.
- (c) Admission to Premises. The Building Official or their designee may enforce the provisions of this *Article* upon presentation of proper identification to the occupant in charge of the *Short-Term Rental* and may enter -- *with the occupant's permission* -- any *Short-Term Rental* between the hours of 8:00 AM and 6:00 PM; provided, however, that in cases of emergency where extreme hazards are known to exist, which may involve imminent injury to persons, loss of life, or severe property damage, the Building Official or their designee may enter the *Short-Term Rental* at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the Building Official is denied admission to inspect any *Short-Term Rental* under this provision, inspection shall be made only under the authority of a warrant issued by a magistrate authorizing the inspection.
- (d) Violations. Violation of the terms and conditions for *Short-Term Rentals* contained under this *Article* shall be punishable by a fine of not less than \$500.00, but not more than \$2,000.00 per offense. Penalties for other violations of the City of Rockwall's codes shall be as applicable. Each day a violation of this *Article* continues shall be considered a separate offense, and -- *upon conviction* -- shall be subject to a fine of \$500.00 to a maximum of \$2,000.00 per violation, per day. In addition, violations of any section of this article or any of the City of Rockwall's codes are deemed to be a

Exhibit 'A'
Chapter 13, Rental Housing,
of the Municipal Code of Ordinances

violation and may result in the revocation of a *Short-Term Rental Permit* in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

- (e) *Failure to Pay Hotel Occupancy Tax*. Failure to timely pay any applicable hotel occupancy tax is a violation of this Article. If arrearage is not paid within 90-days of the issuance of a delinquency notice the *Short-Term Rental Permit* shall be revoked in accordance with Section 13-29, *Revocation or Suspension of a Short-Term Rental Permit*, of this Article.

SECTION 13-29. REVOCATION OR SUSPENSION OF A SHORT-TERM RENTAL PERMIT

- (a) *Revocation or Suspension Due to Error or False Information*. The Director of Planning and Zoning and/or the Building Official is authorized to suspend or revoke a *Short-Term Rental Permit* issued under the provisions of this Article if it is found that the *Short-Term Rental Permit* was issued in error, the property owner fails to pay hotel occupancy tax, or if it is determined that the property owner or applicant of a *Short-Term Rental Permit* made a false statement of material fact on an application for the permit.
- (b) *Revocation Due to Violation*. The Director of Planning and Zoning and/or the Building Official is authorized to revoke a *Short-Term Rental Permit* after three (3) violations have occurred in any consecutive 12-month period or when a property owner fails to correct a violation within the specified time period. For the purposes of this section, a violation shall be defined as any violation of the requirements of this Article or Article XII, *Property Maintenance Code*, of the Municipal Code of Ordinance.
- (c) *Revocation Process*. Upon a determination to revoke a *Short-Term Rental Permit*, the Director of Planning and Zoning and/or the Building Official shall notify the property owner of the decision to revoke and the effective date of the revocation in writing within ten (10) days of the determination.
- (d) *Reapplication After Revocation*. If a *Short-Term Rental Permit* is revoked, the property owner may not submit a new application for a *Short-Term Rental Permit* for the same property for a period of 12-months from the date of revocation.
- (e) *Permanent Revocation*. A *Short-Term Rental Permit* holder may be subject to permanent revocation if their *Short-Term Rental Permit* is revoked two (2) times due to violations of this Article or other violations to the City's safety, health, and general welfare ordinances.

SECTION 13-30. APPEALS

If the Director of Planning and Zoning and/or the Building Official denies the issuance or renewal of a *Short-Term Rental Permit* or revokes or suspends an existing *Short-Term Rental Permit* issued under this Article, the property owner may appeal the decision to the Board of Adjustments (BOA) in accordance [Subsection 04.03\(A\)\(1\) of Article 02, Development Review Authority, of the Unified Development Code \(UDC\)](#).

SECTION 13-31. NONCONFORMING RIGHTS

Short-Term Rentals existing prior to **April 1, 2024** shall be considered vested or legally nonconforming (see the requirements of Subsection 06.05, *Non-Conforming Short-Term Rentals*, of Article 04, *Permissible Uses*, of the Unified Development Code [UDC]) if they register as such through the *Short-Term Rental Permit* process outlined in this Article by **June 30, 2024**. *Short-Term Rental Permits* and registration is not transferable to another property owner or operator, or address or location. Nonconforming rights also shall not transfer with change of ownership, and any *Short-Term Rental Permit* shall be void upon change of ownership. Notwithstanding the foregoing, the conveyance or

Exhibit 'A'
*Chapter 13, Rental Housing,
of the Municipal Code of Ordinances*

transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior owner shall not constitute a change in ownership, provided that the new property owner: [1] apply for a new *Short-Term Rental Permit* in accordance with the terms of this *Article*, and [2] provide evidence to satisfactorily prove that the ownership did not change. Under this circumstance the property owner may maintain the nonconforming rights.

Exhibit 'B'
*Article 04, Permissible Uses, of the
Unified Development Code (UDC)*



- (E) A Bed and Breakfast shall be subject to an annual inspection by the Fire Department.
- (F) All applicable hotel/motel taxes shall be paid.
- (G) The maximum length of a guests stay is shall be limited to 14 consecutive days in any 30-day period.
- (H) A Specific Use Permit (SUP) for a Bed and Breakfast shall be reviewed six (6) months after the adoption of the Specific Use Permit (SUP) and annually thereafter unless otherwise stipulated by the Specific Use Permit (SUP) ordinance.
- (3) Duplex.
- (A) Duplexes shall be limited to two (2) dwelling units (i.e. two [2] families) per lot or parcel of land.
- (B) See the standards for the Two-Family (2F) District [Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.](#)
- (4) Attached Garage.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (5) Detached Garage.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (6) Guest Quarters/Secondary Living Unit.
- (A) Guest Quarters or Secondary Living Units may be allowed on a property in a residential zoning district provided that it is ancillary to a single-family home.
- (B) The area of such quarters shall not exceed 30% of the area of the main structure.
- (C) No such use may be sold or conveyed separately without meeting the requirements of the zoning district and the subdivision ordinance.
- (D) Guest Quarters or Secondary Living Units not meeting the requirements stated above shall require a Specific Use Permit (SUP).
- (7) Home Occupation.
- (A) The Home Occupation use must clearly be incidental and secondary to the primary use of the property as a residence.
- (B) No person outside the family may be employed in the Home Occupation use.
- (C) There shall be no exterior display, signage, exterior storage of materials, and/or other exterior indication of the Home Occupation use or variation from the residential character of the principal building.
- (D) No traffic shall be generated by such Home Occupation than would normally be expected in the neighborhood.
- (E) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
- (F) A Home Occupation may not be interpreted to include facilities for the repair of motor vehicles, repair of small motors, or a daycare center.
- (8) Full-Service Hotel.
- (A) The minimum room count for a Full-Service Hotel shall be 250-rooms.
- (B) Each guestroom shall have a minimum square footage of 380 SF.
- (C) A Full-Service Hotel shall have a full-service restaurant and kitchen that provides service to the general public.
- (D) A Full-Service Hotel shall have staff that is present 24-hours a day, seven (7) days a week.
- (E) A Full-Service Hotel shall have the following minimum amenities: [1] a minimum 10,000 SF meeting or conference room, and [2] a swimming pool with a minimum area of 1,000 SF.
- (9) Multi-Family Structure or Development.
- (A) See [Subsection 07.02, Multi-Family District Development Standards, of Article 05, District Development Standards.](#)
- (10) Portable Building.
- (A) See [Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards.](#)
- (11) Residential Infill in or Adjacent to an Established Subdivision.
- (A) For the purposes of this Article, an Established Subdivision shall be defined as a subdivision that consists of five (5) or more lots, that is 90% or more developed, and that has been in existence for more than ten (10) years.
- (B) All proposed residential infill housing that is located within an Established Subdivision or a lot or tract of land that is located with 500-feet of an Established Subdivision shall be required to apply for a Specific Use Permit (SUP).
- (C) As part of the Specific Use Permit (SUP) request the applicant shall be required to submit a residential plot plan or site plan, landscape plans, and building elevations of the proposed home.
- (D) In reviewing the proposed Specific Use Permit (SUP), the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing in the Established Subdivision.
- (E) All housing proposed under this section shall be constructed to be architecturally and visually similar or complimentary to the existing housing in the Established Subdivision.
- (12) Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex).
- (A) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (e.g. *Banquet Facility/Event Hall* which



includes meeting halls and wedding venues) as stipulated by the *Permissible Use Charts* contained within this Article.

- (B) In order to establish and operate a *Short-Term Rental (Owner Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.
- (13) Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex).
- (A) *Short-Term Rentals* that are *Non-Owner-Occupied* shall not be located within 1,000-feet of another *Short-Term Rental* that is *Non-Owner Occupied*; however, *Short-Term Rentals* that were in existence prior to **April 1, 2024** that [1] meet the criteria established in Subsection 06.05, Non-Conforming Short-Term Rentals, of this Article, and [2] received a valid permit and registration -- in accordance with Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances -- prior to **June 30, 2024** shall be exempted from the proximity requirements.
- (B) *Short-Term Rentals* that are *Non-Owner-Occupied* that do not meet proximity requirements may be considered on a *case-by-case* basis by the Planning and Zoning Commission and City Council through a Specific Use Permit (SUP). In considering a Specific Use Permit (SUP) for a *Short-Term Rental* that is *Non-Owner-Occupied* the Planning and Zoning Commission and City Council shall consider the size, location, and impact of the proposed and existing *Short-Term Rentals* on the adjacent residential properties and their occupants.
- (C) The *Short-Term Rental* shall not incorporate accessory land uses that are not permitted within the underlying zoning district (e.g. *Banquet Facility/Event Hall which includes meeting halls and wedding venues*) as stipulated by the *Permissible Use Charts* contained within this Article.
- (D) In order to establish and operate a *Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.
- (14) Short-Term Rental (Apartment or Condominium).
- (A) The number of *Short-Term Rentals* permitted within an *Apartment Complex, Condominium Building, or any other multi-family structure* -- as defined by this land use in Article 13, Definitions, of this Unified Development Code (UDC) -- shall be limited to a total of five (5) percent of the total units situated on a single parcel of land. For example, if a *Condominium Building* consisted of 100-units on a single parcel of land, a total of five (5) of the units could be established as *Short-Term Rentals*. In

cases where there is a remainder in the number of units, the number of units shall round up (e.g. $25\text{-Units} \times 5.00\% = 1.25\text{-Units}$ or 2-Units).

- (B) In order to establish and operate a *Short-Term Rental (Apartment or Condominium)* in the City of Rockwall, a permit and registration shall be required in accordance with the requirements of Article 2, Short-Term Rentals, of Chapter 13, Rental Housing, of the Municipal Code of Ordinances.
- ~~(12)~~(15) Single-Family Attached Structure.
- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.
- (B) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.
- ~~(13)~~(16) Single-Family Detached Structure.
- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.
- (B) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.
- ~~(14)~~(17) Single-Family Zero Lot Line Structure.
- (A) A five (5) foot maintenance easement is required on the non-zero-lot-line side of the structure.
- (B) See Section 03, Residential Districts, of Article 05, District Development Standards.
- (C) See Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.
- ~~(15)~~(18) Townhouse.
- (A) See Section 03, Residential Districts, of Article 05, District Development Standards.
- (B) See the standards for the Two-Family (2F) District Subsection 07.01, Residential District Development Standards, of Article 05, District Development Standards.
- ~~(16)~~(19) Urban Residential.
- (A) Urban Residential includes residential development that at least partly face streets, public sidewalks, or common open space, and/or which are located above retail, office or service uses.
- (B) Ground floor urban residential should have direct access to a sidewalk via a stoop or landing, and a majority of parking should be located in a structure.
- (C) Institutional and Community Service Land Uses.
- (1) Assisted Living Facility.
- (A) These facilities shall include establishments that accommodate seven (7) or more residents. For facilities with six (6) or fewer residents see Group or Community Home in Subsection 02.03(C)(5).
- (2) Church/House of Worship.



designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this Unified Development Code (UDC), or any amendment thereto, where construction, conforming with the plans, shall have been started prior to the effective date of the ordinance from which this Unified Development Code is derived or such amendment, and where such construction shall have been completed in a normal manner within the subsequent 12-month period, with no interruption, except for reasons beyond the builder's control.

- (D) Damage Due to Acts of God. Any non-conforming structure which is damaged more than 75% of its then appraised tax value above the foundation, by fire, flood, explosion, wind, earthquake, war, riot or other calamity or act of God, shall not be restored or reconstructed and used as it was before the damaging event. If such structure is damaged less than 75% of its then appraised tax value above the foundation, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event. The 12-month period does not include any necessary litigation.
- (E) Repair of Unsafe Buildings, Structures and Sites. Nothing in this Unified Development Code (UDC) shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority, unless such repairs exceed 50% of the replacement cost of the building. If the repairs exceed 50%, the building shall be brought into conformity with all requirements of the zoning district in which it is located.
- (F) General Repairs and Maintenance.
- (1) On any non-conforming structure or portion of a structure containing a non-conforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixture, wiring, or plumbing to an extent exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be.
 - (2) If 50% or more of a non-conforming structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- (G) Moving of a Non-conforming Building or Structure. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district.
- (H) Non-conforming Lot Sizes. All lots used for storage that do not require a building and the use of such lot is made non-conforming by this Unified Development Code (UDC) or amendments thereto shall cease to be used for such storage within six months of the date

of adoption of the ordinance from which this Unified Development Code (UDC) is derived, or amendments [*thereto*].

SUBSECTION 06.05: NON-CONFORMING SHORT-TERM RENTALS

Short-Term Rentals, as defined in Article 13, Definitions, of this Unified Development Code (UDC), shall be considered to be legally in existence for the purpose of establishing vested or non-conforming rights regarding the zoning requirements if all of the following criteria is met by the owner of a Short-Term Rental:

- (A) The owner of a property provides a property deed or proof of ownership showing that the property was purchased prior to **April 1, 2024**.
- (B) The owner of the property can provide proof that the property was used as a Short-Term Rental (i.e. a listing, proof of rental, etc.) OR proof of payment of hotel occupancy tax to the City of Rockwall.

Exhibit 'C'
*Article 13, Definitions, of the
Unified Development Code (UDC)*

See Next Page ...



vehicles are kept for remuneration, hire, or sale and where a retail service station may be maintained as a secondary use.

- (7) Residential Garage. A residential accessory building used for the storage motor vehicles. These structures are typically attached to the primary structure; however, they may also be a detached structure.
- (8) Guest Quarters/Secondary Living Unit. An accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration and is not rented or otherwise used as a separate domicile.
- (9) Home Occupation. A commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without offering any commodity or service for sale on premises, without the installations of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, without the use of a sign to advertise the occupations, and which does not cause the generation of other than normal noise, and pedestrian and vehicular traffic.
- (10) Limited-Service Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange of financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.
- (11) Full-Service Hotel. A building or group of buildings designed for and occupied as a temporary dwelling place. Access to guestrooms shall be restricted exclusively to interior corridors, that shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system. Customary hotel services such as linen, maid service, telephone, and other guest amenities are provided and may also contain various personal service shops.
- (12) Residence Hotel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.
- (13) Motel. A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.
- (14) Multi-Family Structure or Development. A development consisting of at least three (3) single-family dwelling units grouped into a single building or multiple buildings on an individual parcel of land. Examples of a *Multi-Family*

Development include Triplexes, Quad or Fourplexes, apartments, condominiums, and etcetera.

- (15) Portable Building. A temporary building that may or may not have a foundation and is transportable.
- (16) Residential Infill in or Adjacent to an Established Subdivision. The new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out.
- (17) Short-Term Rental. A *Short-Term Rental* is a residential dwelling unit, apartment, condominium, or *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* in which the entire structure or a portion thereof is offered for rent for a period exceeding 12-hours, but less than 30 consecutive days, to a particular occupant. In practice, a *Short-Term Rental* is considered to be a residential land use, and is *not* considered to be a *Limited-Service Hotel, Full-Service Hotel, Residence Hotel, Motel, or Bed and Breakfast* as defined in this Unified Development Code (UDC). *Short-Term Rentals* can be further defined based on the following three (3) categories:
 - (a) Short-Term Rental (Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or portion thereof -- in which the property owner or operator, as reflected in a valid lease agreement, is a resident (*i.e. occupies the primary structure*) and is present during the rental. This includes when a *Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit* is detached from the primary structure and either the primary or secondary structure is rented, but the owner or operator resides on the property.
 - (b) Short-Term Rental (Non-Owner-Occupied Single-Family Home, Townhome, or Duplex). A single-family home, townhome, or duplex -- or a portion thereof -- in which the property owner or operator does *not* occupy the dwelling unit during the rental, or that the owner or property owner does *not* occupy another dwelling unit -- or portion thereof -- on the same property (*i.e. the property owner or operator is not on-site as an occupant during the rental of the property*).
 - (c) Short-Term Rental (Apartment or Condominium). An *Apartment or Condominium (or similar multi-family structure, excluding duplexes, but including triplexes or quadplexes, as defined in this Unified Development Code [UDC])* -- or a portion thereof -- in which the property owner or operator may or may not be an occupant of the dwelling unit during the rental.
- (17)(18) Single-Family Attached Structure. A single-family residential structure that is occupied by one (1) family and shares a common wall or walls with another single-family residential structure, but that is on an individual lot and can be conveyed individually (*i.e. one [1] dwelling unit per lot*).
- (18)(19) Single-Family Detached Structure. A single-family residential structure that is occupied by one (1) family, is situated on a single parcel of land, does not share a common