



CITY COUNCIL AGENDA ADDENDUM

AGENDA

Monday, June 06, 2022 at 6:00 PM

City Hall – Council Chambers, 200 North Fifth, Crockett, TX 75835

Dr. Ianthia Fisher, Mayor

Gene Caldwell, Council Member
Darrell Jones, Council Member
Ernest Jackson, Council Member
Marquita Beasley, Council Member
Mike Marsh, Mayor Pro Tem

John Angerstein, City Administrator
Mitzi Stefka, City Secretary
William Pemberton, City Attorney
Clayton Smith, Police Chief
Jason Frizzell, Fire Chief

Notice is hereby given of a meeting of the City Council of Crockett to be held on **Monday, June 6, 2022 at 6:00 PM** at City Hall – Council Chambers, 200 North Fifth, Crockett, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

BUSINESS

1. CONSIDER AND APPROVE AN ORDINANCE AMENDING APPENDIX A, ZONING, OF THE CROCKETT CODE, AMENDING SUB-SECTION D, SPECIFIC USE PERMIT PROCEDURE, OF SECTION 303, TO ALLOW FOR OPPOSITION TO SPECIFIC USE PERMITS BY PROPERTY OWNERS WHOSE LANDS ARE LYING WITHIN 200 FEET OF THE SITE WHERE SPECIFIC USE PERMIT IS SOUGHT AND TO REQUIRE A THREE-FOURTHS MAJORITY VOTE OF THE CITY COUNCIL IN SUCH EVENT; AMENDING SECTION 603 TO PROVIDE FOR NOTICE TO OWNERS OF LAND WITHIN 200 FEET OF THE PROPERTY FOR WHICH THE PROPOSED CHANGE IS SOUGHT; AMENDING SUB-SECTION D, AMENDMENTS TO THE ZONING MAP AND TEXT, OF SECTION 605; TO REQUIRE A THREE-FOURTHS MAJORITY VOTE BY CITY COUNCIL WHEN A PROPOSED AMENDMENT TO THE ZONING MAP OR TEXT IS OPPOSED BY OWNERS OF LAND WITHIN 200 FEET OF THE SITE FOR WHICH THE ZONING CLASSIFICATION CHANGE IS SOUGHT; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE
2. CONSIDER AND APPROVE AN ORDINANCE AMENDING APPENDIX A, ZONING, OF THE CROCKETT CODE, ADDING SECTION 310 TO PROVIDE REGULATION FOR SHORT TERM RENTALS; DEFINING SHORT-TERM RENTALS; PROVIDING FOR SHORT-TERM RENTAL PERMITS, REGISTRATION FEES AND APPLICATIONS; PROVIDING SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

In compliance with the Americans with Disabilities Act, the City of Crockett will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Mitzi Stefka, City Secretary, at 936-544-5156.

CERTIFICATION

I certify that a copy of the June 6, 2022 agenda addendum to be considered by the Crockett City Council was posted for viewing at Crockett City Hall on June 3, 2022 at 10:15 AM.

Mitzi Stefka, City Secretary

I certify that the agenda items to be considered by the City Council was removed from the City Hall window on the _____ day of _____, 2022. _____ Title _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, ZONING, OF THE CROCKETT CODE, AMENDING SUB-SECTION D, SPECIFIC USE PERMIT PROCEDURE, OF SECTION 303, TO ALLOW FOR OPPOSITION TO SPECIFIC USE PERMITS BY PROPERTY OWNERS WHOSE LANDS ARE LYING WITHIN 200 FEET OF THE SITE WHERE SPECIFIC USE PERMIT IS SOUGHT AND TO REQUIRE A THREE-FOURTHS MAJORITY VOTE OF THE CITY COUNCIL IN SUCH EVENT; AMENDING SECTION 603 TO PROVIDE FOR NOTICE TO OWNERS OF LAND WITHIN 200 FEET OF THE PROPERTY FOR WHICH THE PROPOSED CHANGE IS SOUGHT; AMENDING SUB-SECTION D, AMENDMENTS TO THE ZONING MAP AND TEXT, OF SECTION 605; TO REQUIRE A THREE-FOURTHS MAJORITY VOTE BY CITY COUNCIL WHEN A PROPOSED AMENDMENT TO THE ZONING MAP OR TEXT IS OPPOSED BY OWNERS OF LAND WITHIN 200 FEET OF THE SITE FOR WHICH THE ZONING CLASSIFICATION CHANGE IS SOUGHT; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Sub-Section D of Section 303, Appendix A, Zoning, of the Crockett Code, is hereby deleted, and substituted therefor is the following:

D. Specific use permit procedure.

1. An applicant must contact the code enforcement officer for an initial feasibility review discussion. The officer must provide the applicant with an appropriate application form and all necessary information for the applicant to proceed.

2. a. The applicant must file an application form with the officer, at which time a fee of one hundred dollars (\$100.00) shall be paid. The application form must be supplemented with a blueline or blackline print of the project plan, supportive materials and a legal description of the site for which the specific use permit is sought.

b. If work is started prior to obtaining the permit, the fees specified in this section shall be doubled. Payment of the fee shall not relieve any person from fully complying with the requirements of the Crockett Code in the execution of the work or from any other penalties prescribed in the Crockett Code.

3. The planning and zoning commission and the city council will hold a public hearing on the proposed project. The hearing must follow the procedure outlined in section 603 of Appendix A, Zoning of the Crockett Code.

4. In submitting its recommendation, the planning and zoning commission must clearly indicate each reason in support of its recommendation for approval or denial of the application.

5. The planning and zoning commission may recommend and the city council may, in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such developmental standards as are deemed to be important to the welfare of the applicant, the protection of adjacent property and protection of the community as a whole.

6. Where the city council approves the issuance of a specific use permit, the conditions imposed must be cited on the project plan, and a copy of that plan must be permanently filed in the office of the city secretary.

7. The city council must approve a specific use permit by three-fourths (3/4th) majority of the city council if the proposed specific use is objected to in writing and signed by the owners of at least twenty percent (20%) of either:

1. The area of the lots or land covered by the proposed change; or
2. The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

8. In computing the percentage of land area under sub-section 7, the area of streets and alleys shall be included.

SECTION II:

Section 603, Appendix A, Zoning, of the Crockett Code, is hereby deleted, and substituted therefor is the following:

Section 603. *Public hearings.*

A. Public hearings shall be held in conjunction with the following:

1. Requests to the city council for an amendment to the zoning ordinance, a specific use permit, or a PUD designation.
2. Requests to the city council for approval of annexation plans as required in section 606.
3. Requests to the board of adjustment for variances or appeals to the board of adjustment on the decisions of the zoning enforcement officer or for

the determination of abandonment of a nonconforming use.

4. Establishment of an amortization schedule for a nonconforming use by the board of adjustment.
5. Requests to the planning and zoning commission for recommendations on specific use permits, recommendations on zoning amendments, and recommendations on PUD designations.

B. Notice of all public hearings must be published in a newspaper of circulation in Crockett at least one time, fifteen (15) days prior to the hearing.

C. Before the 10th day before the hearing date, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice shall be served by deposit in the City, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the city and is not included on the most recently approved municipal tax roll, the notice shall be given by being published in an official newspaper or newspaper of general circulation in the city before the 15th day before the date of the hearing.

D. For public hearings held by the board of adjustment, owners of the property for which a decision will be made must be notified by certified mail, return receipt requested, at least ten (10) days prior to a public hearing.

E. For public hearings held by the city council on zoning related issues, public notice will be served through newspaper publication not less than fifteen (15) days prior to said hearings.

F. The City of Crockett shall place a twelve-square-foot sign on the property being affected by a proposed amendment to the zoning map, stating that the property is affected by a proposed amendment to the zoning map, ten (10) days prior to the hearing held by the planning and zoning commission.

SECTION III:

Sub-section D of Section 605, Appendix A, Zoning of the Crockett Code, is hereby deleted, and substituted therefor is the following:

D. Requirement of a three-fourths majority vote by city council.

The city council must approve a map amendment by a three-fourths majority vote when the proposed amendment is opposed by twenty percent (20%) or more of the property owners whose lands are lying within two hundred feet (200') of the site for which the zoning classification change is sought.

SECTION IV: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION IV: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V: Effective Date.

This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2022.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY



WILLIAM R. PEMBERTON,
CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, ZONING, OF THE CROCKETT CODE, ADDING SECTION 310 TO PROVIDE REGULATION FOR SHORT TERM RENTALS; DEFINING SHORT-TERM RENTALS; PROVIDING FOR SHORT-TERM RENTAL PERMITS, REGISTRATION FEES AND APPLICATIONS; PROVIDING SHORT-TERM RENTAL OPERATIONAL REQUIREMENTS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Appendix A, Zoning, of the Crockett Code, is hereby amended to add Section 310 as follows:

Sec. 310. Short Term Rentals.

310.100. Purpose.

The purpose of this section is to establish regulations for the use of privately owned dwellings as short term rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of the hotel occupancy tax.

310.101. Definitions.

As used in this section, the following terms shall have the following meanings:

City. The City of Crockett, Texas.

Guest. The overnight occupant or occupants renting a short term rental unit for a specified period and the daytime visitors of the overnight occupant.

Local Contact Person. The owner, operator, or person designated by the owner or the operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the owner's short term rental.

Operator. The owner or the owner's authorized representative who is responsible for compliance with this section while advertising or operating a short term rental.

Owner. The person or entity that holds legal or equitable title to the short term rental property.

Short Term Rental. A privately owned dwelling, including, but

not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or a portion of such dwelling, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

The following are exempt from the regulations under this section: bed and breakfast, hotel, motel, dormitory, public or private club, recreational vehicle park, hospital or medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a short term rental.

Short Term Rental Unit. One of more habitable rooms forming a single habitable division within a short term rental, or an entire undivided short term rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of guests under a single reservation or single rental payment.

310.102. Short Term Rental Permit Required.

It shall be unlawful for any person or entity to rent, or offer to rent, any short term rental without a valid short term rental permit issued under this section.

310.103. Short Term Rental Permit Registration Fee and Application.

A. An applicant shall submit an application for a short term rental permit using a format and method promulgated by the City Administrator or his/her designee. The application form shall require, at a minimum, the following information from applicant:

1. The name, address, email address and telephone number of the owner of the short term rental.
2. The name, address, email address and telephone number of the operator of the short term rental.
3. The name, address, email address and 24 hour telephone number of the local contact person.

4. The name and address of the short term rental.
 5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the short term rental.
 6. A diagram showing the proposed layout of the property use and any on-site parking available for the short term rental.
 7. A general description of any food service to be offered to guests of the short term rental.
- B. An applicant for a short term rental permit shall pay to the City a permit fee of \$150.00.
- C. A separate short term rental permit application and permit fee must be submitted for each individual short term rental unit. Each individual short term rental unit shall be assigned a unique permit number upon permit issuance by the City.
- D. Prior to issuance of a short term rental permit, the operator shall allow an on-site inspection of the short term rental unit by a City Code Enforcement officer, to ensure compliance with the following:
1. The requirements set forth in section 310.104 of this section; and
 2. The requirements set forth in section 310.106 of this section.
- E. A short term rental permit issued under this section shall be valid for a period of one calendar year from the date of issuance, provided, however, the short term rental permit shall expire immediately upon any change in ownership of the short term rental unit.
- F. The owner has a duty to notify the City, in writing, within 20 calendar days, of any changes to information submitted as part of the short term rental permit application under this section.
- G. An application for short term rental permit may be denied if the owner has had a short term rental permit suspended or revoked during the previous 365 calendar days.

Sec. 310.104. Short Term Rental Operational Requirements.

- A. The operator shall post the following information in a

prominent location within the short term rental unit, using a form promulgated by the City:

1. The unique short term rental permit number assigned to the short term rental unit;
2. Operator name and telephone number;
3. Local contact person name and 24-hour telephone number;
4. The location of any on-site and off-site parking spaces available for guests;
5. The overnight and daytime occupancy limits;
6. Instructions to guests concerning disposal of garbage and handling of garbage containers;
7. Notification that the guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental, and that guests may be fined by the City for violations of this section; and
8. Notification that all functions such as weddings, parties or other gatherings are prohibited at the short term rental, except short term rentals located in the C-3 zoning district.

B. The operator shall operate a short term rental in compliance with the following:

1. Zoning regulations prescribed for the zoning district in which such short term rental is located. Short term rentals may be located only in AR, R-1, R-2, R-3 and C-3 zoning districts, as defined in Appendix A of the Crockett Code.
2. City of Crockett Sign Ordinance, as applicable, set forth in Chapter 13 of the Crockett Code.
3. Maximum occupancy limits prescribed by the City Fire Marshal, pursuant to the International Fire Code, as adopted in Chapter 5 of the Crockett Code.
4. City of Crockett Hotel Occupancy Tax Ordinance, set forth in Chapter 18 of the Crockett Code.
5. City of Crockett Noise and Sound Level Regulation Ordinance, set forth in Chapter 15 of the Crockett Code.
6. City of Crockett Garbage Collection Ordinance, set forth in Chapter 10 of the Crockett Code.
7. During any period when a short term rental is occupied or intended to be occupied by guests, the local contact person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the short term rental. The local contact person shall

respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the short term rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

8. No more than two persons ages twelve years or older per bedroom may occupy short term rental unit.
9. Functions such as weddings, parties or other gatherings are prohibited at short term rentals, except for short term rentals located in the C-3 zoning district.

- C. Any advertisement that promotes the availability of a short term rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current short term rental permit number assigned by the City.

Sec. 310.105. Notification of Complaints.

Complaints related to the operation of a short term rental, including, but not limited to, complaints concerning noise, garbage and parking, shall be reported to the City Code Enforcement Officer, unless the complaint is made outside normal business hours, in which event it shall be reported to the Police Department. Complaints related to disorderly conduct and other violations of the Texas Penal Code shall be reported to the Police Department

Sec. 310.106. Compliance with Other Law.

The owner, operator, local contact person and guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a short term rental. The owner shall not be relieved from any civil or criminal liability for a violation of this section, regardless of whether such violation is committed by the owner, operator, local contact person, or guest of the owner's short term rental.

Nothing in this section shall be construed to relieve any person or owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this section shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the owner's property that may prohibit the use of such owner's property as a short term rental as defined in this section.

Sec. 310.107. Compliance and Penalty Provision.

- A. It shall be unlawful for any person or entity to violate any provision of this ordinance. Proof that a violation of this ordinance occurred at a short term rental shall create a rebuttable presumption that the owner of the short term rental committed the violation.
- B. Any violation of this section is a Class C misdemeanor offense, and, upon conviction, shall be punished by a fine not to exceed \$500.00 per violation.
- C. Prosecution under this ordinance shall not require the pleading or providing of any culpable mental state.
- D. Penalties provided for in this ordinance are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

Sec. 310.108. Permit Suspension or Revocation; Appeal.

Upon violation of this section, the City Administrator may suspend or revoke any short term rental permit issued for the same short term rental where the violation occurred. The City Administrator shall notify an owner of a suspension or revocation under this section in writing, delivered by certified mail, return receipt requested, and mailed to the address of the owner as set forth on the most recent short term rental permit application submitted to the City.

An owner may appeal a notice of suspension or revocation under this section by filing a written appeal with the City Administrator within ten business days following the date the notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the owner may present evidence to the City Administrator related to the suspension or revocation under this section. Following the City Administrator's final decision on appeal, the owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five business days following the date of the City Administrator's final decision.

SECTION II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the Houston County Courier, the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2022.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2022.

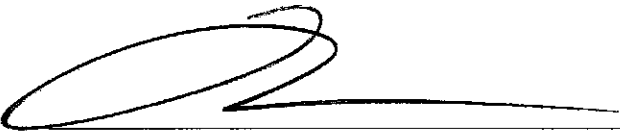
CITY OF CROCKETT

BY:

DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY



WILLIAM R. PEMBERTON,
CITY ATTORNEY