

Chairman
Dwain Rogers



Board Members
Diana Firestone
John Osborne
Charles Simpson
Julie Ireland

**NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 301 WEST MAIN STREET, OF LLANO, TEXAS
5:30 P.M. THURSDAY, SEPTEMBER 21, 2023**

Agenda

This notice is posted pursuant to the Texas Open Meetings Act. All agenda items are subject to action. The Planning and Zoning Meeting of the City of Llano, Texas, reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. PUBLIC COMMENTS

(Visitors shall be limited to no more than (3) three minutes to address the Board or at the discretion of the Mayor) In accordance with Section 551.042 of the Texas Government Code, an inquiry made at a meeting shall be conducted as follows: (a.) If at a meeting of a governmental body, a member of the public or the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to 1. A statement of specific information was given in response to the inquiry, and 2. A recitation of existing policy in a response to the inquiry; and (b.) Any deliberation of or a decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

3. CONSENT AGENDA

- a. Approval of minutes from Regular Called meeting on August 18, 2023.

4. PUBLIC HEARING

- a. The City of Llano Planning and Zoning Commission will conduct a public hearing to receive written or hear oral testimony regarding a specific use permit to allow a bed and breakfast in a single family – 2 (SF-2) District at 207 E Wallace.

5. REGULAR AGENDA

- a. Discussion and possible action regarding a short-term rental ordinance for Llano.
- b. Discussion and possible action regarding a specific use permit to allow a bed and breakfast in a Single Family – 2 (SF-2) at 207 E Wallace.

6. ADJOURNMENT

Although a quorum of the members of Councilmembers and/or other Boards or Commissions may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Llano, was posted on the bulletin board in front of Llano City Hall, 301 W. Main, Llano, Texas, by 5:30 p.m. on Monday, September 21, 2023, which is always readily accessible to the public. Said Notice remained so posted continuously for at least seventy-two (72) hours preceding the scheduled time of said Meeting. I further certify that the following news media were properly notified of this meeting as stated above.



Kim Wagner, TRMC, City Secretary

Date Posted 9-18-23



**NOTICE OF MEETING OF WORKSHOP PLANNING AND ZONING
COMMISSION CITY HALL, 301 WEST MAIN STREET, OF LLANO, TEXAS
5:30 P.M. TUESDAY, AUGUST 22, 2023**

Minutes

This notice is posted pursuant to the Texas Open Meetings Act. All agenda items are subject to action. The Planning and Zoning Meeting of the City of Llano, Texas, reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER-Chairman Dwain Rogers called the workshop to order at 5:30pm, John Osbourne was absent

2. PUBLIC COMMENTS

(Visitors shall be limited to no more than (3) three minutes to address the Board or at the discretion of the Mayor) In accordance with Section 551.042 of the Texas Government Code, an inquiry made at a meeting shall be conducted as follows: (a.) If at a meeting of a governmental body, a member of the public or the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to 1. A statement of specific information was given in response to the inquiry, and 2. A recitation of existing policy in a response to the inquiry; and (b.) Any deliberation of or a decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

3. REGULAR AGENDA ITEMS

- a. Discussion and possible action regarding a short-term rental ordinance for Llano. **No action was taken**
- b. Discussion regarding affordable housing. **No action was taken**

4. ADJOURNMENT-The Planning and Zoning Workshop adjourned at 6:55

Although a quorum of the members of Councilmembers and/or other Boards or Commissions may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Llano, was posted on the bulletin board in front of Llano City Hall, 301 W. Main, Llano, Texas, by 5:30 p.m. on Thursday, August 17, 2023, which is always readily accessible to the public. Said Notice remained so posted continuously for at least seventy-two (72) hours preceding the scheduled time of said Meeting. I further certify that the following news media were properly notified of this meeting as stated above.

Kim Wagner, City Secretary

**SPECIFIC USE PERMIT
REQUEST FORM**

Name: Oscar Salazar Address: _____ Date 08-20-2023

Phone: (432)288-5502 Email: Oscar@Salazarservice.com

Property owner Yes No
(NOTE: You must be the owner of the property relating to the specific use permit)

Request We would like to short-term rent our house when not in use by ourselves and family.

Physical Address of Request 207 E. Wallace St.
Llano, TX 78643

Legal description for area of request Please see exhibit "A" attached

Zoning District of request _____

Present zoning requirement _____

REQUEST FEE -- non-refundable \$250.00 plus actual costs (cost includes certified return receipt per letter mailed, depending on the number of property owners notified, and the publication in the newspaper)

Requester Signature 

Code Enforcement Dept. - Approval: Yes No Initial _____
Reasoning / Recommendation: _____

City Secretary - Approval: Yes No Initial _____
Reasoning / Recommendation: _____

City Manager - Approval: Yes No Initial _____
Reasoning / Recommendation: _____

CITY OF LLANO



DEER CAPITAL OF TEXAS

301 W Main St.

Llano, Texas

OFFICE (325) 247-4158 X 3

FAX (325) 247-4150

Bed & Breakfast (Application)

Applicant: Oscar Salazar

Mailing Address of Applicant: 4507 Lennox Dr, Midland Texas 79707

Phone Number of Applicant: 432-288-5502

Name of Establishment: Yellow Rose of Texas, LLC

Address of Establishment: 207 E Wallace St. Llano, Texas 78643

Number of Rooms for Guests: 2 Bedroom

Number of on-Site Parking Spaces: 4 Total: 2 in-lot / 2 off street

Applicant states that property qualify for a Bed and Breakfast Compliance Permit and has met the following requirements for a Bed and Breakfast Initial each statement as evidence of fact and compliance.

My business is registered with Texas Comptroller's Office, and a DBA has been Secured from the Llano County Clerk's Office and have secured liability insurance

I have provided a diagram of the property showing all listed requirements

My property has been inspected by a city official or designee for safety and fire prevention

N/A Food Handlers Certification if applicable (required if serving breakfast)

Signage is in compliance with the City's Sign Ordinance

Fenced in area for pets if applicable

Required parking spaces in compliance with city code

External lighting is shielded from adjacent properties

I will maintain my premises and yard to enhance the neighborhood If a renewal application, proof of Hotel Motel tax payments is required

I understand once approved my utility rates will change from Residential to Commercial rates.

Signature of Applicant: Date: *Oscar Salazar*

Name of City Official insuring Compliance Permit:

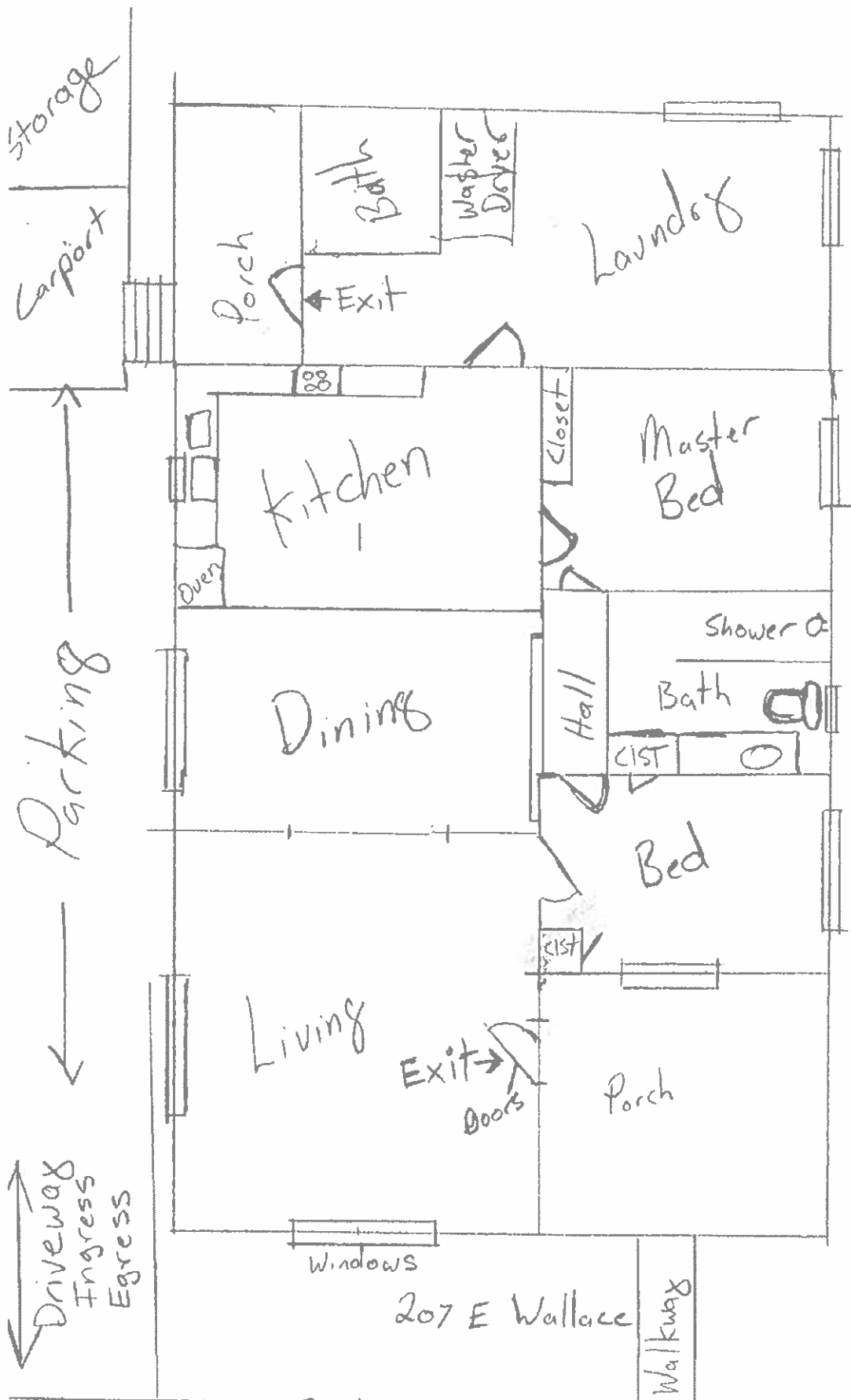
PERMITTEE / AUTHORIZED AGENT

BUILDING OFFICIAL/BUILDING INSPECTOR

FOR OFFICIAL USE ONLY:

Date Permit Issued: _____ Permit Number: _____

Issued By: _____ Expiration Date: _____



Notes

86+ Ceilings

One story

Block 9

1260 Sq Ft

Bayley ST

207 E Wallace

Wallace ST

Exhibit "A"

LLANO SURVEYING & MAPPING, L.L.C.
FRED L. THOMPSON & ASSOCIATES
P. O. BOX 74 LLANO, TEXAS 78643-0074
325-247-4510 info@llanosurvey.com
PITAT Registration #1 190303-00

(PAGE 1 OF 3)

FIELD NOTES DESCRIBING 0.246 OF AN ACRE OF LAND IN THE CITY OF LLANO,
LLANO COUNTY, TEXAS.

BEING 0.246 OF AN ACRE, BEING THE WEST 1/2 OF LOT 76, BLOCK 9, OLD TOWN SOUTH, A SUBDIVISION LOCATED IN THE CITY OF LLANO, LLANO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME J, PAGE 616, LLANO COUNTY DEED RECORDS (L.C.D.R.), ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO CAROL SHEPPARD AND EDWARD SHEPPARD, RECORDED IN VOLUME 1074, PAGE 349, LLANO COUNTY OFFICIAL PUBLIC RECORDS (L.C.O.P.R.), SAID 0.246 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the north right of way of East Wallace, a 60 foot wide right of way of record in Volume J, Page 616, L.C.D.R., and in the south line of said Lot 76, for the southwest corner of that certain tract of land described as the Southeast 1/4 of Lot 76, in a deed to Tom Sheppard, the southeast corner of said Carol and Edward Sheppard tract, the southeast corner and POINT OF BEGINNING hereof, from which a 1/2" iron rod found in the west right of way of Bayley Street, a 60 foot wide right of way of record in Volume J, Page 616, L.C.D.R., and in the north line of said East Wallace Street, for the southeast corner of said Block 9, the southeast corner of said Lot 76, and the southeast corner of said Tom Sheppard tract lies N 88°56'13" E 73.04 feet;

THENCE S 88°56'13" W 73.52 feet to a 3/8" iron rod found in the north line of said East Wallace Street for the southeast corner of Lot 77, said Block 9, the southeast corner of that certain tract of land described as 0.230 of an acre in a deed to Brandi Louise Wooten, recorded in Doc. #19-04813, L.C.O.P.R., the southwest corner of said Lot 76, the southwest corner of said Carol and Edward Sheppard tract, and the southwest corner hereof;

THENCE N 01°10'11" W 146.91 feet to a 1/2" iron rod found in the south line of that certain tract of land described as 0.218 of an acre out of Lots 74 and 75, in a deed to Amanda Grenvelge, recorded in Volume 1573, Page 1919, L.C.O.P.R., for the southwest corner of said Lot 75, the southeast corner of said Lot 74, the northeast corner of said Lot 77, the northeast corner of said Wooten tract, the northwest corner of said Lot 76, the northwest corner of said Carol and Edward Sheppard tract, and the northwest corner hereof;

THENCE N 88°45'31" E 71.89 feet to a 3/8" iron rod found in the south line of said Lot 75 and in the north line of said Lot 76, for the southeast corner of said Grenvelge tract, the southwest corner of that certain tract of land described as 0.273 of an acre in a deed to Josie Najor, recorded in Volume 1525, Page 2936, L.C.O.P.R., the northwest corner of that certain tract of land described as the Northeast 1/4 of Lot 76 in a deed to Christine M. Loss, recorded in Volume 1526, Page 1490, L.C.O.P.R., the northeast corner of said Carol and Edward Sheppard tract, and the northeast corner hereof;

THENCE, over and across said Lot 76, S 01°55'50" E 73.54 feet to a 1/2" iron rod found for the southwest corner of said Loss tract, and the northwest corner of said Tom Sheppard tract, and continuing across said Lot 76, S 01°40'25" E 73.61 feet to the POINT OF BEGINNING hereof, and containing 0.246 of an acre of land, more or less, as surveyed by Llano Surveying & Mapping, L.L.C., under the supervision of John A. Ables R.P.L.S. No. 6102.

Basis of Bearing for this tract is State Plane Coordinate System, Texas Central Zone 4203. Distances are Grid. CSF=0.9998445475.

This description is to be used in conjunction with the accompanying survey plat attached hereto and made a part hereof.

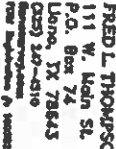
I, John A. Ables, Registered Professional Land Surveyor #6102 do hereby certify that this description was prepared from an on the ground survey performed under my supervision on the 3rd day of March, 2021. Witness my hand and seal this the 23rd day of March, 2021.



John A. Ables R.P.L.S. #6102
P. O. Box 74, Llano, TX 78643

Exhibit "A"

LLANO SURVEYING & MAPPING, L.L.C.
 FRED L. THOMPSON & ASSOC.
 111 W. Main St.
 P.O. Box 74
 Lone, TX 78643
 (512) 340-8110
 Fax: (512) 340-8110



- LEGEND**
- 1/2" ROW ROAD FOUND
 - UTILITY POLE
 - WATER PETER
 - WOOD FENCE
 - DIRT LANE
 - () RECORD INFORMATION
 - P.O.B. POINT OF BEGINNING

GENERAL ADDRESS 207 E WALLACE STREET, LAMAR, TX 78643

LEGAL DESCRIPTION:
 1) BLK 9, AN ACRES, BEING THE WEST 1/2 OF LOT 76, BLOCK 9, OLD TOWN SOUTH, A SUBDIVISION LOCATED IN THE CITY OF LAMAR, LAMAR COUNTY, TEXAS, ACCORDING TO THE PLAT HERETOBY RECORDED IN VOLUME 4, PAGE 211, L.C.D.R. NO. 1582/1707 AND EMBOWED LAND DESCRIBED IN A DEED TO LAND SURVEYOR AND EMBOWED SURVEYOR, RECORDED IN VOLUME 1024, PAGE 1024, L.C.D.R. NO. 1582/1707.

2) 0.128 AC. BEING THE SOUTHWEST 1/4, LOT 76, BLOCK 9, OLD TOWN SOUTH, A SUBDIVISION LOCATED IN THE CITY OF LAMAR, LAMAR COUNTY, TEXAS, ACCORDING TO THE PLAT HERETOBY RECORDED IN VOLUME 4, PAGE 211, L.C.D.R. NO. 1582/1707 AND EMBOWED LAND DESCRIBED IN A DEED TO LAND SURVEYOR AND EMBOWED SURVEYOR, RECORDED IN VOLUME 1582, PAGE 1707, L.C.D.R. NO. 1582/1707.

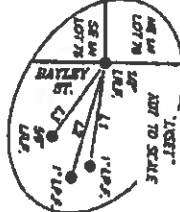
BY: REV. 10/6/21 21022207 PAGE 1 OF 3

TITLE SURVEY
 1776 LOT-1978
 1776 LOT-1978
 OTHER AS TO 0.246 AC. TOM SHEPPARD
 RECORDED EXHIBIT OF THE ESTATE OF EDWARD RAY SHEPPARD, DECEASED, CLAW STANTON F/K/A DEAN HUNTING & JAMES EDWARD SHEPPARD BY: REV. 10/6/21 21022207

SUBJECT TO:
 RECORDED PLAT 1/616 L.C.D.R.
 ZONING REGULATIONS, RULES &
 ORDINANCES OF THE CITY OF LAMAR,
 LAMAR COUNTY, TEXAS

1. JOHN A. ABLES, REGISTERED PROFESSIONAL LAND SURVEYOR # 6102 DO HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED FROM A POINT ON THE GROUND THE 21 DAY OF MARCH, A.D. 2021. I, JOHN A. ABLES, REGISTERED PROFESSIONAL LAND SURVEYOR # 6102 DO HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED FROM A POINT ON THE GROUND AND THAT THIS SURVEY WAS PERFORMED ON THE 21 DAY OF MARCH, A.D. 2021.

JOHN A. ABLES, REGISTERED PROFESSIONAL LAND SURVEYOR # 6102



LINE	BEARING	DISTANCE
1	N 89°44'15" E	73.80'
2	S 00°50'44" E	73.60'
3	N 01°13'47" E	73.60'
4	S 89°44'15" W	73.80'
5	S 87°15'00" W	0.246
6	S 87°15'00" W	0.246



FLOOD INFORMATION:
 THE SUBJECT PROPERTY DETICED REGION DOES NOT LE WITHIN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON FEMA'S FLOOD INSURANCE RATE MAP NO. 42202003100 DATED DATE: 1/20/21

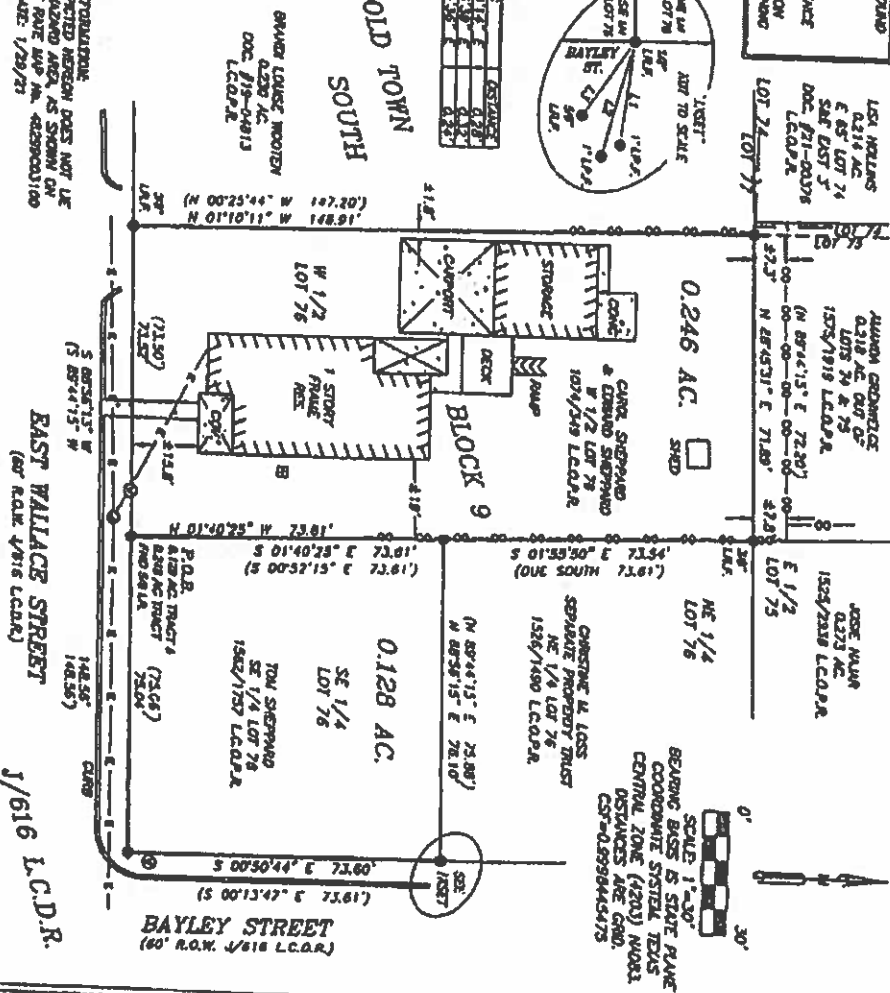


EXHIBIT "B"

LLANO SURVEYING & MAPPING, L.L.C.
FRED L. THOMPSON & ASSOCIATES
P. O. BOX 74 LLANO, TEXAS 78643-0074
325-247-4516 info@llanosurvey.com
P.L.S. Registration #: 180503-00

(PAGE 3 OF 3)

FIELD NOTES DESCRIBING 0.128 OF AN ACRE OF LAND IN THE CITY OF LLANO,
LLANO COUNTY, TEXAS.

BEING 0.128 OF AN ACRE, BEING THE SOUTHEAST 1/4 OF LOT 76, BLOCK 9, OLD TOWN SOUTH, A SUBDIVISION LOCATED IN THE CITY OF LLANO, LLANO COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME J, PAGE 616, LLANO COUNTY DEED RECORDS (L.C.D.R.), ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO TOM SHEPPARD, RECORDED IN VOLUME 1562, PAGE 1757, LLANO COUNTY OFFICIAL PUBLIC RECORDS (L.C.O.P.R.), SAID 0.128 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod found in the north right of way of East Wallace, a 60 foot-wide right of way of record in Volume J, Page 616, L.C.D.R., and in the south line of said Lot 76, for the southeast corner of that certain tract of land described as the West 1/2 of Lot 76 in a deed to Carol Sheppard and Edward Sheppard, recorded in Volume 1074, Page 349, L.C.O.P.R., the southwest corner of said Tom Sheppard tract, the southwest corner and POINT OF BEGINNING hereof, from which a 3/8" iron rod found in the north line of said East Wallace Street for the southeast corner of Lot 77, said Block 9, the southeast corner of that certain tract of land described as 0.230 of an acre in a deed to Brandi Louise Wooten, recorded in Doc. #19-04813, L.C.O.P.R., the southwest corner of said Lot 76, and the southwest corner of said Carol and Edward Sheppard tract lies S 88°56'13" W 73.52 feet;

THENCE, over and across said Lot 76, N 01°40'23" W 73.61 feet to a 1/2" iron rod found in the east line of said Carol and Eddis Sheppard tract for the southwest corner of that certain tract of land described as the Northeast 1/4 of Lot 76 in a deed to Christine M. Lass, recorded in Volume 1526, Page 1490, L.C.O.P.R., the northwest corner of said Tom Sheppard tract, and the northwest corner hereof;

THENCE, continuing over and across said Lot 76, N 88°56'15" E 76.10 feet to a 1/2" iron rod found in the west right of way of Bayley Street, a 60 foot wide right of way of record in Volume J, Page 616, L.C.D.R., for the southeast corner of said Lass tract, the northeast corner of said Tom Sheppard tract, and the northeast corner hereof, from which the following 3 witnesses lie:

A 1" iron pipe found lies S 82°43'14" E 0.28' (L1).

A second 1" iron pipe found lies S 74°25'39" E 0.32 feet (L2), and

A 3/8" iron rod found lies S 55°15'36" E 0.24 feet (L3).

THENCE S 00°50'44" E 73.60 feet to a 1/2" iron rod found in the west line of said Bayley Street and in the north line of said East College Street, for the southeast corner of said Lot 76, the southeast corner of said Tom Sheppard tract, and the southeast corner hereof;

THENCE S 88°56'13" W 75.04 feet to the POINT OF BEGINNING hereof, and containing 0.128 of an acre of land, more or less, as surveyed by Llano Surveying & Mapping, L.L.C., under the supervision of John A. Ables R.P.L.S. No. 6102.

Basis of Bearing for this tract is State Plane Coordinate System, Texas Central Zone 4203. Distances are Grid. CSF=0.9998445475.

This description is to be used in conjunction with the accompanying survey plat attached hereto and made a part hereof.

I, John A. Ables, Registered Professional Land Surveyor #6102 do hereby certify that this description was prepared from an on the ground survey performed under my supervision on the 23rd day of March, 2021. Witness my hand and seal this the 23rd day of March, 2021.




John A. Ables R.P.L.S. #6102
P. O. Box 74, Llano, TX 78643

21022201
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LLANO SURVEYING & MAPPING

207 E Wallace - Yellow Rose - SUP - 08/25/2023

23561	SALAZAR OSCAR & BRISCOE KATHERINE A	207 E Wallace	Applicant
52251	SALAZAR OSCAR & BRISCOE KATHERINE A	No address	Applicant
23567	LOSS CHRISTINE M SEPARATE PROPERTY TRUST	1005 Bayley	Llano
23551	NAJAR JOSIE	208 E LUCE ST	Llano
23540	GRENWELGE AMANDA	206 E LUCE	Llano
23539	BURRESCIA CARY RYAN & KATHERINE M	204 E LUCE ST	Llano
23552	VALENTINE DANIEL C AND DIANE	202 E LUCE ST	Llano
23572	VALDEZ DAVID & HEIKE BRIGITTE	1010 Oatman St.	Llano
23571	WOOTEN BRANDI LOUISE	205 E Wallace	Llano
22280	HARLOW SYLVIA DAWN	103 E Wallace	Llano
18521	LANING BELLE	1102 Oatman	Llano
18556	FOS SANDRA J TRUST AGREEMENT	206 E Wallace	Llano
19741	MORRIS WAYNE A	304 E Wallace	Llano
24574	MC WILLIAMS TOBY H AND VICKY	1006 Bayley	Llano



About Legend Layers Refresh Exit



Draw Line

The line graphic was drawn on the map.

207 E Wallace St,
Llano, Tx 78643



Active Tool: Identify
 Active Layer: LCAD Tax Parcels
 Map Scale: 1 : 1,174 (Change scale)

SHORT-TERM RENTAL ORDINANCE

AN ORDINANCE AMENDING THE CITY OF LLANO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CREATING UNDER CHAPTER 5, "BUSINESS REGULATION", A NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT- TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTIIED "TAXATION"; ESTABLISHING REQUIREMENTS AND REGULATIONS FOR USE OF PROPERTY AS A SHORT-TERM RENTAL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$300.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Llano ("City") is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which impact the health, safety and well-being of residents, citizens, and Inhabitants; and

WHEREAS, the City Council finds that there are certain owners of residential short-term rental properties within the City who do not provide adequate information on how they may be contacted; and

WHEREAS, the City Council finds that there are owners of residential short-term rental properties who do not reside locally or who reside out-of-state; and

WHEREAS, the City Council finds that there are owners of certain residential short-term rental properties that do not pay the required hotel/motel occupancy tax; and

WHEREAS, the City Council desires to preserve and enhance residential neighborhoods and property values within the City; and

WHEREAS, in consideration of the foregoing, and other matters before City Council, the City Council of the City has determined that it would be advantageous, beneficial and in the best interest of the citizens of the City to amend certain provisions of the City's Code of Ordinances, Chapter 9, "Planning and Development" and Exhibit A thereto, Unified Development Code (UDC), and Chapter 5, "Business Regulation", to create a new Article 5.04, in the City's Code of Ordinances, entitled "Additional Requirements for Properties Used as Short-Term Rentals"; and amend Chapter 2, "Administration and Personnel", Article 2.08, entitled "Taxation";

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

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENTS TO THE CITY OF LLANO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CHAPTER 5, "BUSINESS REGULATION", CREATING NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION".

The Code of Ordinances of the City, Chapter 9, "Planning and Development", at Exhibit A, UDC, is hereby amended to add or amend certain definitions, amend provisions relating to the process of amending or creating exceptions and conditions to current property uses under the City's Comprehensive Plan and Zoning map; and under Chapter 5, "Business Regulation», create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows: [DKR NOTE: YELLOW HIGHLIGHTS – NEED TO CONFORM TO LLANO REFERENCES IF DIFFERENT.]

A. DEFINITIONS. The following definitions under Section 1.13 Definitions, of the City's UDC are hereby amended, in part or whole, as stated below, or adopted in their entirety as new definitions, and If applicable, thus repeal and replace the current definition stated if such definition is currently stated within the City's UDC:

ACCESSORY STRUCTURE/USES

An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may include a detached garage, storage shed, residential garage, guest house, and other similar structures. [DKR NOTE: GREEN HIGHLIGHTED TEXT NEEDS TO BE CONFORMED TO CITY OF LLANO DEFINITIONS IF THEY ARE DIFFERENT. THE ACCESSORY STRUCTURE DEFINITION HOWEVER SHOULD BE DELETED AS OUR ACCESSORY DWELLING UNITS CAN'T BE RENTED. PLEASE SEE COMMENT TO SECTION D OF THE ORDINANCE ON PAGE 11 BELOW.]

APARTMENT

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. Apartments may be leased, rented, or owned in a condominium style of ownership. Such facilities are not regulated as STRs and prohibited from receiving STR permits.

BED AND BREAKFAST

[INSERT CITY OF LLANO DEFINITION OF B&B]

DUPLEX, RESIDENTIAL

The use of a site for two dwelling units, within a single building, other than a manufactured home. These facilities are not regulated as STRs and prohibited from receiving STR permits unless they are owner-occupied.

GUEST

The overnight occupants, who are eighteen (18) years or older, renting temporary transient lodging for a specified period and the daytime visitors of the overnight occupants.

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.

MOTEL

A building, or group or cluster of buildings, containing three (3) or more transient guest rooms or separate dwelling units or small structures, where access to individual units is made directly from exterior walkways or courts and which are used, rented, or hired for lodging or sleeping purposes by transient guests. The term motel may also sometimes refer to a tourist court, auto court or motor lodge. These facilities are not regulated as STRs and prohibited from receiving STR permits.

MULTIPLE FAMILY RESIDENTIAL

The use of a site for three or more dwelling units, within one or more buildings, including apartments, triplexes, and fourplexes Intended for rental, lease, or condominium ownership. The term multiple family does not include bed and breakfast lodging, manufactured housing, single-family detached or attached residential uses. These facilities are prohibited from obtaining STR permits.

OPERATOR

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

OWNER

The person or entity that holds legal or equitable title to a property.

SHORT-TERM RENTAL (STR)

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner-occupied (other than a duplex), which includes but is not limited to a single-family residence, townhouses, owner-occupied duplex, accessory structure, short-term rental dwelling unit and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30) consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to bed and breakfasts, duplexes (unless they are owner-occupied), multi-family projects, apartment complexes, hotels, motels, or recreational vehicle parks. This term is a general definition of STRs and is inclusive of the distinct types of STRs.

SHORT-TERM RENTAL, DWELLING UNIT

A short-term rental dwelling unit is defined as a structure, including an individual room within a larger structure, which is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit. [DKR NOTE: WE SHOULD DISCUSS WHETHER THIS CONCEPT IS USEFUL GIVEN THAT B&Bs ARE EXCLUDED FROM OUR STR ORDINANCE.]

SHORT-TERM RENTAL PERMIT.

A permit issued by the City authorizing the use of a privately owned dwelling as a Short-term Rental.

B. AMENDMENTS TO APPROVAL CRITERIA FOR SPECIAL USE PERMIT. The following provisions amend Chapter 3.5(4) of the City's UDC to create and adopt new provisions of such Chapter, and create and adopt consistent cross-references and amendments in applicable provisions of Chapter 2 & 3, as follows:

1. The following amendment is adopted as a new general criteria for approval of a Special Use Permit, at Chapter 3.5(4)(c) is, as follows:

5. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relationship between the proposed use and the following:

1. Buffers
2. Driveways
3. Parking Areas

2. Additional Criteria for Short-term Rentals. In addition to the foregoing criteria, the following criteria shall be applied to any application for a Special Use Permit for a short-term rental. Such criteria are adopted here as an amendment to Chapter 3.5(4)(c) iii, as follows:

iii. Additional Criteria for Short-term Rentals.

1. The property affected by the request is within an SF-1, SF-2, SF-3 or SF-4 zoning district.

2. The property affected by the application, if granted, will not substantially impact, affect, or impair the underlying character or usage within the zoned district in which the property is located.

3. The application if granted will have no adverse effect on any property within one thousand (1000) feet of the affected property and is not immediately adjacent to another short-term rental.

4. The proposed property occupancy relative to the size of the property.

5. The applicants' consent and agreement to operate in accordance with the

other requirements for short-term rentals set forth in the City's Code of Ordinances.

6. The application if granted will not result in permitting more than 20% of the primary residences in a city block or similar geographic area as STRs.

C. **ADDITIONAL REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS**, The following provisions are adopted under the City's Code of Ordinances, **Chapter 5, "Business Regulation", to create a new Article 5.04**, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

General Requirements: All short-term use facilities shall be subject to the following requirements in addition to those otherwise set forth in the City's Code of Ordinances:

1. Food Service:

a. Only overnight guests may receive food service, except in City zones permitting restaurant services.

b. Such food service shall be limited to continental style breakfast, consisting of pastries prepared by a licensed provider, and pre-packaged milk, cereal, fruit, fruit juice and coffee, unless the facility meets the State of Texas and Llano County Health Division requirements for commercial food service.

2. Signs: All signs must comply with the City's sign ordinance. A two (2) square foot nameplate may be attached to the structure.

3. Code Compliance Generally: All short-term rental facilities must comply with City code provisions applicable to the zoning then applicable to the area in which the facilities are located, and with all federal, State of Texas, and City of Llano building codes for existing or new construction.

4. Fire & Safety: Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code.

5. External lighting: All external lighting shall be shielded from adjoining properties and comply with the City's outdoor lighting ordinances.

6. Historic Overlay District.

a. Properties located in the Historic Overlay District shall be developed in accordance with the development standards of the base zoning district and all other City regulations and ordinances, subject to the following restriction:

i. Density shall be in accordance with the base zoning district, except that the number of STR structures shall be limited to a maximum of one (1) structure per three thousand (3,000) square feet of land.

ii. Commercially zoned properties In the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.

7. Utilities. Each STR shall be served by a single water and electrical meter **unless the STR dwelling unit is a single room within a larger or main structure.** [DKR NOTE: SEE PRIOR COMMENT ABOUT STR DWELLING UNIT DEFINITION.]

8. Trash & Solid Waste. Each STR shall provide a minimum of ninety-six-gallons (96 gals) of bulk garbage container capacity, or equivalent, for every four (4) occupants, based on the maximum permitted occupancy for the STR.

9. Quiet Hours. Each STR use shall have signage posted in a prominent location In the rear yard or other common gathering area, providing the occupants and guests with notice of the nighttime hours, as set forth in the City's Noise and Sound Level Regulation ordinance.

10. Permitting. 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 by the City.

a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit. Unless the applicable property is subject to vested rights as a pre-existing STR, any such application shall be deemed an application for a Special Use Permit and shall be reviewed and evaluated in accordance with other relevant provisions of the City's UDC. An applicant shall apply for a Short-term Rental permit using a format and method promulgated by the City Administrator or his/her designee.

If an application for a Short-term Rental Permit states a claim of vested rights because it relates to and covers a pre-existing STR operating prior to the adoption of this ordinance, then the applicant shall also submit with the application evidence acceptable to the City of pre-existing operation as a STR. Evidence of collection and remittance of hotel occupancy taxes shall be deemed sufficient evidence of such pre-existing operation. The absence of prior collection of hotel occupancy taxes creates a rebuttable presumption of no pre-existing STR operation, which the applicant may rebut with other substantial and good faith evidence acceptable in the City's sole and reasonable discretion. If the City determines that any application relates to a pre-existing STR, then a Special Use Permit shall be subject to review only for general compliance as set forth herein, and not under the general requirements for a special use permit under other provisions of the City's UDC.

In any event, the application form shall require, at a minimum, the following information from applicants:

1. The name, address, email, and telephone number of the Owner of the Short-Term Rental.

2. The name, address, email, and telephone number of the Operator of the Short-Term Rental.

3. The name, address, email 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 site plan showing the proposed layout of the property use and any on-site parking available for the Short-Term Rental. The site plan shall also include any proposed spas, hot tubs, pools, fire pits, bars, cabanas, and any other proposed uses or structures.

7. A floorplan of the existing or proposed structure to include bedroom sizes and dimensions.

8. A general description of any food service to be offered to Guests of the Short-Term Rental.

b. At the time of submission of the application for a permit, the applicant shall submit the permit application fee of \$300, portions of which the City may defer and allocate as nonrefundable or refundable based upon final action on the permit application.

c. Each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. The City Administrator shall issue unique, numbered decals or stickers which the Owner shall affix to the dwelling unit. The City administration shall maintain a register of all such permits, including the location of each permitted dwelling.

d. Except as provided herein, STR permits may not be transferred to new owners. Upon sale or other ownership transfer of the STR dwelling unit, the permit shall remain in force for a period of 60 days thereafter, during which time the new owner(s) may file an application for a new permit. Any such application shall be deemed a new permit application under Section 10.a. above, unless at the time the existing permit was granted the STR held and retained vested rights based on operation as a STR prior to the effective date of this ordinance. If no such application is made within the 60-day period stated above, the existing permit shall be void with no further force and effect whatsoever. Transfers of ownership among or between immediate family members, their heirs or devisees, or business entities under the control of the original owner, their immediate family members, or their heirs or devisees, are not subject to the foregoing transfer conditions, and shall not affect nor void the underlying permit.

Initial transfers of ownership by the initial permit holder of a STR which holds vested rights

based on operation as a STR prior to the effective date of this ordinance are not subject to the foregoing transfer conditions; provided, the new owner of any such STR shall provide evidence satisfactory to the City, in the time period allotted under paragraph 10.h. below, of continuous operation of the STR since the date the STR permit was granted. Subsequent transfer(s) of any such STRs shall be subject to the transfer conditions stated herein.

e. Prior to issuance of a STR Permit, the Operator shall allow an on-site Inspection by City staff, to ensure compliance with City's ordinances and regulations.

f. Inspections shall also be required when a new STR permit is required as the result of a sale or transfer to another owner, or when additions or modifications are performed to the property which requires a City building permit.

g. Notwithstanding the foregoing, STRs may be inspected by the City or its designee every other year, regardless of the date of the last inspection, or at such other times designated by the City.

h. In the event of any transfer, whether or not permitted under paragraph 10.d. above, a new owner of an STR has thirty (30) days to update the City of changes to ownership, contact information, management company information, and Local Contact Person. In addition, if applicable, the new owner shall provide evidence of continuous operation required under paragraph 10.d. above.

j. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section.

k. Changes or modifications to the property that result in non-compliance with City ordinance or other applicable law shall void the existing STR permit.

l. 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 before submission of the relevant application.

m. No more than two (2) Short-term Rental Permits shall be issued for any single residential-zoned and platted property lot within the City.

n. Any Short-term Rental permit shall terminate and be considered abandoned if there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in continuous use as a STR.

11. General 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 stating:

1. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;
2. Operator name and phone number;
3. Contact person name and number;
4. The location of any on-site and off-site parking spaces available for Guests. The owner must limit guests' vehicles to the number of off-street parking spaces provided. The number of permitted vehicles shall be included on any advertisement of the rental unit;
- S. Instructions to Guests concerning disposal of garbage and handling of garbage containers; and
6. 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 Article.

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;
2. Maximum occupancy limits prescribed in this ordinance, or by the City Fire Marshal pursuant to the International Fire Code;
3. City of Llano Hotel Occupancy Tax Ordinance, set forth in the Code of Ordinances;
4. City of Llano Noise and Sound Level Regulation Ordinance, set forth in the Code of Ordinances;
5. City of Llano Garbage Collection Ordinance, set forth in the Code of Ordinances; and
6. 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.
 - a. 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.

b. Failure to respond in the required timeframe shall be a violation of this ordinance.

c. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City and the number of available parking spaces provided for each rental unit.

12. Complaints

a. Complaints related to the operation of a Short-Term Rental, including complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

1. When the City's Code Enforcement Officer is unavailable, all calls shall be directed to the City's Police Department.

2. Any noise complaints, after 10:00 p.m. shall be directed to the City's Police Department.

13. Enforcement.

a. It shall be unlawful for any person or entity to violate any provision of this Ordinance. Proof that a violation occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short-Term Rental committed the violation.

1. Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in **Section 1-6 of this Code of Ordinances**.

2. Penalties provided for herein are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

3. Any property operating as an STR, without a permit, shall be prohibited from receiving an STR permit for a minimum of one (1) year.

b. Fines & Revocation; Other Enforcement Action

1. Each violation of this ordinance shall be punishable by a fine not to exceed \$300.

2. Each violation of this ordinance may be punishable by a suspension of the STR permit for a period of not more than six (6) months or revocation of the STR permit for a period of not more than one year.

3. Permits shall be revoked automatically for a period of six (6) months on the third violation in any one calendar year.

4. If an Owner operates a STR without permit, or after revocation of a permit, in violation hereof, the City may take additional enforcement action including a shutoff of utility service to the applicable premises.

c. Notice of Suspension or Revocation. Upon conviction for a violation of this Article, the City may suspend or revoke any Short-Term Rental Permit issued for the same Short-Term Rental where the violation occurred. The City 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.

d. Appeal. An Owner may appeal a suspension or revocation under this Section by filing a written appeal with the City Administrator within ten (10) business days following the date said 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 (5) business days following the date of the City Administrator's final decision. The decision of the City Council shall be final.

D. AMENDMENT OF CHAPTER 4, SECTION 4.8, RELATING TO ACCESSORY USE. Provisions of the UDC at Chapter 4, Section 4.8, are hereby amended or adopted:

1. Chapter 4, Section 4.S(e) is amended as follows: Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations or permitted Short-Term Rental, Accessory Structure/Uses; and

2. Chapter 4, Section 4.S(f) is adopted as follows: Short-Term Rental, Accessory Structure/Uses shall mean property containing a primary dwelling that also contains a legal guest house that is being used for Short-Term Rental purposes. [DKR NOTE: WE SHOULD PROBABLY NOT HAVE SECTION D OR THE DEFINITION OF ACCESSORY STRUCTURE AS OUR ACCESSORY DWELLING UNIT DEFINITION DOESN'T ALLOW FOR RENTALS.]

E. AMENDMENT OF ARTICLE 2.08 TAXATION; DIVISION 4 HOTEL OCCUPANCY TAX;

SECTION 2.08.093 DEFINITIONS. The definition of the term *Hotel* is hereby amended and adopted:

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes but is not limited to a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, short term rental, or bed and breakfast.

SECTION 3. EFFECTIVE DATE; IMPLEMENTATION AND ENFORCEMENT DATE

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City's website, the local newspaper of general circulation, and by such other and further means necessary to provide notice to the public. No new permit applications shall be accepted for 60 days from the effective date of this ordinance, during which time applications for permits based on claims of pre-existing operation as a STR may be filed under the provisions of Section C.10. above. During this initial 60-day period and thereafter, the City shall create and maintain a GIS map of all permitted STRs to assist with review of future new permit applications. After the initial 60-day period referenced above, applications for new STR permits (in addition to those for pre-existing STRs) may also be filed, accepted, and reviewed by the City.

The City shall not seek enforcement of this ordinance until at least 75 days after the initial publication of notice in the newspaper of general circulation and the City's website.

SECTION 4. SEVERABILITY

If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except the part held or adjudged invalid or unconstitutional.

SECTION 5. REPEALER

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

**APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF LLANO, ON THE_ DAY OF _____ ,
2023.**

CITY OF LLANO

Mayor

ATTEST:

City Secretary