



PLANO CITY COUNCIL
1520 K Avenue, Plano TX 75074 and via videoconference

DATE: MARCH 25, 2024

TIME: 5:00 PM

Our Vision - Plano is a global economic leader bonded by a shared sense of community where residents experience unparalleled quality of life.

This City Council Meeting will be held in person in the Senator Florence Shapiro Council Chambers and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

For those wanting to watch the meeting but not address the Council, the meeting will be live-streamed on Plano's website at www.planotv.org and Facebook.com/cityofplanotx.

To pre-register to speak at the City Council meeting, please visit https://forms.plano.gov/Forms/Sign_Up_Citizen. Online registration opens at 5:00 p.m. on the Wednesday prior to the meeting and closes at 4:00 p.m. on the day of the meeting. Onsite registration is available on the day of the meeting until 15 minutes prior to the start of the meeting.

Emails regarding agenda items may be submitted to: councilcomments@plano.gov.

CALL TO ORDER

EXECUTIVE SESSION

- | | | | |
|-----|---|------|---------|
| I. | Legal Advice | Mims | 15 min. |
| | a) Respond to questions and receive legal advice on agenda items | | |
| II. | Litigation/Potential Litigation | Mims | 30 min. |
| | a) Discussion of legal issues and potential remedies concerning whether the Plano Housing Authority, Plano Public Facility Corporation, Bluebonnet Public Facility Corporation, Pecan Public Facility Corporation and/or private real estate developers have complied with all laws, regulations, and requirements, including applicable processes and procedures, relating to multifamily residential developments authorized by Chapter 303 of the Texas Local Government Code, including but not limited | | |

to Texas Local Government Code 303.042(d)(2). This includes but is not limited to discussion of the following petitions filed under Texas Rule of Civil Procedure 202 to which the City is a party:

- *In re Plano ISD and City of Plano*, Cause No. 471-06281-2023 (471st District Court, Collin County, Texas).
- *In re Plano ISD and City of Plano*, Cause No. D-1-GN-23-007492 (250th District Court, Travis County, Texas).
- *In re Plano ISD and City of Plano*, Cause No. DC-23-17977 (193rd District Court, Dallas County, Texas).

III.	Economic Development Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect.	McDonald	10 min.
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PRELIMINARY OPEN MEETING

I.	Consideration and action resulting from Executive Session discussion	Council	5 min.
II.	Review of the Bulky Waste Pilot Program	Park	15 min.
III.	Short-Term Rental Registration Ordinance Overview	Howard	30 min.
IV.	Consent and Regular Agendas	Council	5 min.
V.	Council items for discussion/action on future agendas	Council	5 min.

In accordance with the provisions of the Open Meetings Act, during the Preliminary Open Meeting, agenda items will be discussed and votes may be taken where appropriate. The City Council may convene into Executive Session to discuss posted items in the session as allowed by law.

IMPORTANT MESSAGE *Plano City Council meetings will temporarily be held at Davis Library as of April 8, 2024 during renovation of the council chambers. Due to limited seating, all speakers must register online by 4:00 p.m. on the day of the meeting. No onsite registration is available.*

The City of Plano encourages participation from all citizens. The facility has accessible restroom facilities, drinking fountains, and power assist entrance doors. The facility is easily accessed from public sidewalks and parking areas, with

designated accessible parking nearby. If you require additional assistance or reasonable accommodations under the Americans with Disabilities Act for this meeting or facility, including ASL interpreters, you should submit an ADA Reasonable Accommodation Request Form to the ADA Coordinator at least 48 hours in advance. If you need assistance completing the form, please call 972-941-7152. Complete or download the ADA Reasonable Accommodation Request Form at <https://www.plano.gov/395/Accessibility-Accommodations>.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

PRESENTER:

TIME SPAN:

ITEM SUMMARY

This City Council Meeting will be held in person in the Senator Florence Shapiro Council Chambers and via videoconference. A quorum of the City Council, including the presiding officer, will participate in person. The facility will be open to members of the public.

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CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Paige Mims, City Attorney

AGENDA ITEM: Legal Advice

PRESENTER: Mims

TIME SPAN: 15 min.

ITEM SUMMARY

Legal Advice

a) Respond to questions and receive legal advice on agenda items



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Paige Mims, City Attorney

AGENDA ITEM: Litigation/Potential Litigation

PRESENTER: Mims

TIME SPAN: 30 min.

ITEM SUMMARY

Litigation/Potential Litigation

a) Discussion of legal issues and potential remedies concerning whether the Plano Housing Authority, Plano Public Facility Corporation, Bluebonnet Public Facility Corporation, Pecan Public Facility Corporation and/or private real estate developers have complied with all laws, regulations, and requirements, including applicable processes and procedures, relating to multifamily residential developments authorized by Chapter 303 of the Texas Local Government Code, including but not limited to Texas Local Government Code 303.042(d)(2). This includes but is not limited to discussion of the following petitions filed under Texas Rule of Civil Procedure 202 to which the City is a party:

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CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Doug McDonald, Director of Economic Development

AGENDA ITEM: Economic Development

PRESENTER: McDonald

TIME SPAN: 10 min.

ITEM SUMMARY

Economic Development

Discuss a financial offer or other incentive to a business prospect to locate, stay, or expand in Plano and consider any commercial and financial information from the business prospect.



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

PRESENTER: Council

TIME SPAN: 5 min.

ITEM SUMMARY

Consideration and action resulting from Executive Session discussion



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Dan Prendergast, Director of Public Works

AGENDA ITEM: Review of the Bulky Waste Pilot Program

PRESENTER: Park

TIME SPAN: 15 min.

ITEM SUMMARY

Review of the Bulky Waste Pilot Program



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Curtis Howard, Director of Neighborhood Services

AGENDA ITEM: Short-Term Rental Registration Ordinance

PRESENTER: Howard

TIME SPAN: 30 min.

ITEM SUMMARY

Short-Term Rental Registration Ordinance Overview

ATTACHMENTS:

Description	Upload Date	Type
Memo	3/20/2024	Memo
Draft Code	3/20/2024	Other

DATE: March 20, 2024
To: City Council
From: Curtis Howard, Director of Neighborhood Services
Subject: Draft Short-term Rental Registration Ordinance

The City of Plano has prioritized neighborhood conservation to ensure our community has beautiful, engaged, safe and thriving neighborhoods. Additionally, the City's strategic vision states that Plano residents wish for an unparalleled quality of life bonded by a shared sense of community.

The rise of on-line platforms, such as Airbnb, VRBO, and others has led to an increase of residences being rented for less than thirty days, known as "short-term rentals" (STRs). The popularity of these STRs has led to an increase in citizen concern about their impact on the quality of life for neighbors in the City of Plano.

Plano residents continue to express concerns about the increase in health, safety, and nuisance issues related to STRs units within the City of Plano. There have been reports of tenants and visitors at STRs engaging in conduct that negatively impacts the sense of well-being and security in our community. The reports commonly include complaints of loud parties, trash, and illegal parking that have caused disruption to some neighborhoods.

The need for STR regulations has been discussed during several City Council meetings as a result of public concerns. The City hired a consultant that assisted in facilitating a task force, soliciting community input, and developing recommendations for a STR registration ordinance. As a result of the work of the Short-Term Rental Task Force, several recommendations were proposed relating to the creation of a registration program.

The Short-Term Rental Task Force recommended the following, which have been integrated into this draft registration ordinance:

- Require registration or licensing of STRs.
- Prohibit listing an STR on a platform without registration.
- Require regular renewals of registration.
- Require posting of registration / license inside property.
- Require hosts to post rules (including city noise ordinance).
- STR registration must include links to all listings on all platforms.
- Require liability insurance.
- Require payment of applicable taxes.
- Require payment of registration and renewal fees.
- Require a local contact who can be available to address issues.
- Require local property management who actively manages the site.

- Hosts must be responsive to issues in a reasonable time.
- Require STR operators of full-dwelling STRs to utilize city-directed technology as tools for property monitoring (e.g., noise level sensors and exterior cameras).
- Multiple violations should result in escalating penalties.
- Repeat violation of trash / debris results in penalties.
- STRs should be subject to a one-year suspension of registration for one-time severe offenses that cause significant public harm.

In addition, as recommended by the Short-Term Rental Task Force, the Neighborhood Services Department will put together a program of required training in the following areas in order to obtain and maintain STR registration:

- Plano's STR Ordinance requirements.
- How to complete and submit STR registration.
- How to meet the city's noise standards.
- How to comply with the city's parking regulations.
- Trash and waste pick-up regulations and resources.
- Property maintenance training.
- Human trafficking awareness and prevention.

Assembly Hall Use Prohibited

An owner, registrant or occupant cannot advertise, promote or allow a STR for use that would be consistent with primary use as an "assembly hall" under the City of Plano Zoning Ordinance.

Registration Denial, Suspension, and Revocation Processes

An application for registration or renewal may be denied or suspended for three months, six months, or one year for failing to abide by the provisions of the ordinance.

A three-month denial or suspension may result from the failure to maintain or provide insurance or to designate and ensure the availability of a contact person.

Additionally, a Nuisance Incident or Serious Incident that occurs at a STR premises may result in the denial or suspension of a STR registration.

A Nuisance Incident means an incident involving criminal conduct committed at the premises of the STR by an occupant, guest or visitor, that tends to substantially interfere with the use or enjoyment of private or public property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy their property including, but not limited to, conduct involving assault, sexual misconduct, public order and decency, alcohol, drugs, weapons, noise, trash, and parking.

A Serious Incident means an incident involving criminal conduct committed at the premises of the STR by an occupant, guest or visitor that substantially interferes with the use or enjoyment of private or public property and is reasonably likely to

induce fear in persons of ordinary sensibilities, including but not limited to, conduct involving child abuse, sexual offenses, discharge of firearms, and offenses causing serious bodily injury or death.

A six-month denial or suspension may result from the occurrence of one Nuisance Incident at a STR premises.

A one-year denial or suspension may result from the occurrence of two or more Nuisance Incidents or one Serious Incident in which the registrant was aware of but consciously disregarded a substantial risk of the serious incident occurring.

A one-year denial or suspension may also result if an STR was operated, advertised, or promoted without a valid registration.

An application for registration or renewal will be denied permanently or a registration will be revoked permanently if the premises cannot be legally used as a short-term rental as determined under the provisions of the City of Plano Zoning Ordinance or other legal basis as determined by the city.

The Director of Neighborhood Services will make the determination for the denial, suspension, or revocation based on a preponderance of the evidence. Notice of determination will be given to the applicant or registrant in writing.

Appeal

An appeal based upon nonconforming status will be governed by the process found in Articles 5 and 7 of the City of Plano Zoning Ordinance.

All other appeals will be submitted to the Director of Neighborhood Services who will conduct a hearing. Based on evidence presented at the hearing, the Director shall sustain, modify, or rescind the initial determination.

An applicant or registrant may appeal the decision made by the Director to the City Manager. The determination by the City Manager will be final.

Criminal Offense

Additionally, it may be a criminal offense for any person to operate an STR in violation of certain provisions of this ordinance or to promote or engage in criminal activity in violation of local, state, or federal law. A violation of this article is a Class C misdemeanor punishable by a fine not to exceed \$500.00.

ARTICLE XXIV. - REGISTRATION OF SHORT-TERM RENTAL PROPERTIES

Sec. 6-730. - Short title.

This article may be referred to as the "Short-Term Rental Code".

Sec. 6-731. - Definitions.

Any terms not defined in this article shall be defined as they are in the City of Plano Zoning Ordinance. Any terms not defined in this article or in the Zoning Ordinance shall have their ordinary accepted meanings. The following terms and phrases, as used in this article, are defined as follows:

Advertise or Promote means to offer an STR for rental in any medium, including but not limited to, newspaper, magazine, handbill, brochure, website, social media, or mobile application.

Applicant means a person applying for registration of an STR.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates an STR rental transaction between an owner and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation or payment services provided for the STR transaction.

Criminal Conduct means any violation of local, state, or federal law. Criminal conduct includes, but is not limited to, violation of the City of Plano Code of Ordinances, the City of Plano Zoning Ordinance, or state or federal law. Proof of criminal conduct may include, but does not require, criminal enforcement action, criminal prosecution, an adjudication of guilt, or a criminal defendant's plea of No Contest or Guilty.

Designated Contact means an individual designated to respond to a report or request regarding an emergency condition, property or building maintenance condition, nuisance or criminal conduct at an STR.

Director means the director of the department of the City of Plano designated by the City Manager to administer and enforce the provisions of this article and any person or persons designated by the Director to represent the department for this purpose.

Hosting Platform means a person or entity that participates in the STR business by providing, and collecting or receiving a fee for, booking services through which an owner may offer an STR. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the STR through a website provided by the hosting platform

and the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the owner or to the hosting platform.

Noise monitoring device means a device capable of all of the following (i) monitoring noise levels (ii) detecting exposure to noise levels that exceed an acceptable level for more than a continuous five-minute period (iii) sending real-time alerts to the subject short-term rental owner and operator, and (iv) being programmed to receive real-time alerts if noise levels continuously exceed an acceptable level for the five-minute period. The noise monitoring device must comply with all laws, rules and regulations regarding privacy.

Nuisance Incident means an incident involving criminal conduct committed at the premises of the STR by an occupant, guest or visitor of the STR, that tends to substantially interfere with the use or enjoyment of private or public property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy their property, including, but not limited to, conduct involving assault, sexual misconduct, public order and decency, alcohol, drugs, weapons, noise, trash, and parking.

Occupant means any person lawfully living in, sleeping in or possessing an STR. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

Operate means to do any of the following for an STR: rent or lease; offer, advertise, or market to rent or lease; or enter into an agreement to rent or lease.

Owner means any person, agent, operator, firm or trust who: (1) has a legal or equitable interest in the STR and their designee; (2) is recorded in the official records of the county as holding title to the STR; or (3) has control of the STR, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of the STR by a court.

Person means an individual, corporation, association, partnership or other entity acting as a group.

Premises means any parcel of real property together with all buildings and structures thereon used as an STR and any public property immediately adjacent to the STR that is used because of the use of the STR, such as the public right-of-way used for parking, or the sidewalk used to access the STR.

Registrant means a person who has applied for and been approved for registration and operation of an STR.

Registration means approval by the Director of an application to operate an STR.

Seasonal Short-term Rental (Seasonal STR) means a *Short-term Rental* available for not more than one 30/60/90-day period annually.

Serious Incident means an incident involving criminal conduct committed at the premises of the STR by an occupant, guest or visitor of the STR that substantially interferes with the use or enjoyment of private or public property and is reasonably likely to induce fear in persons of ordinary sensibilities, including but not limited to, conduct involving child abuse, sexual offenses, discharge of firearms, and offenses causing serious bodily injury or death.

Short-term Rental (STR) means any portion, or all, of a dwelling unit offered or used for transient lodging, in exchange for compensation, for less than thirty (30) consecutive days. This definition of Short-term Rental includes Vacation Rental, Bed and Breakfast (2-5 Rooms), Bed and Breakfast (1 Room), and Short-term Rental (Seasonal) uses, but does not include Temporary Accessory Housing Shelter.

Sec. 6-732. - Purpose.

The purpose of this article is to develop a process to identify STRs and their owners and others responsible for their operation, management, and ensuring compliance with applicable law; to register and self-inspect STRs; and to provide equitable and practical remedies for violations of this article in order to protect the general health, safety and welfare of occupants and others in the community. Registration of short-term rentals is a privilege, rather than a right.

Sec. 6-733. – Applicability, administration, and training.

- (a) This article shall apply to STRs located in the city. The Director is authorized to administer and enforce the provisions of this article.
- (b) Registration of a short-term rental with the City of Plano does not supersede any prohibition or requirement placed upon a short-term rental owner by a lease, private contract or property covenant, such as a deed restriction or binding HOA rules.
- (c) The Director may require training to be completed by an applicant for STR registration. The Director establishes the training and must include at least the following: requirements of this ordinance, noise regulations, parking requirements, trash pickup, human trafficking awareness and prevention, and property maintenance requirements. The Director may discount registration up to a maximum of \$75.00/\$100.00? for completion of training.

Sec. 6-734. - Requirements of hosting platforms.

- (a) All hosting platforms shall provide the following information in a notice to any person listing an STR located within the city through the hosting platform's service. The notice shall be provided prior to the person listing the premises and shall include the following information: THE SHORT-TERM RENTAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF PLANO PROHIBITS THE SHORT-TERM RENTAL OF PREMISES WITHIN THE CITY OF PLANO WITHOUT AN ACTIVE SHORT-TERM RENTAL REGISTRATION.
- (b) Notwithstanding any other provision of this article, nothing shall relieve any owner, person, occupant or hosting platform of the obligations imposed by applicable local, state, and federal law including this Code and the Texas Tax Code. Further, nothing in this article shall be construed to limit any remedies available under applicable local, state, and federal law.

Sec. 6-735. – Registration required.

- (a) No STR may be operated without an approved, valid STR registration from the city.
- (b) Every individual dwelling unit operated as an STR within a common structure or building, regardless of ownership or management, shall require a separate, individual registration.
- (c) The following are required for issuance of an STR registration:
 - (1) Along with the completed registration application described in the subsection below, the applicant must provide evidence of one of the following: a) that the STR is allowed by right in the zoning district where the STR will operate; or b) that the STR is allowed by specific use permit in the zoning district where the STR will operate and an SUP has been issued for the property; or c) that the applicant has received a determination by the city, pursuant to Article 7, Nonconformities, of the Zoning Ordinance establishing that:
 - i. The STR is a nonconforming use because it was in operation on the subject property prior to May 15, 2023, which is the effective date of Ordinance No. 2023-5-1; or
 - ii. The owner had an investment-backed expectation in creating an STR on the subject property prior to May 15, 2023, which is the effective date of Ordinance No. 2023-5-1.
 - (2) A completed registration application must be submitted on a form prescribed by the Director containing, at a minimum, the following:

- i. Business or trade name, physical address, and business mailing address of the STR; identity and contact information (including legal name, mailing address, email addresses, and telephone number), for every owner, operator, manager, partner, and mortgage lien holder of the STR or premises where it is located, including the registered agent for any entity;
- ii. Complete contact information for all designated contacts, including legal name, residential and business mailing addresses, email address, telephone number, copy of government-issued identification, and dates and times of availability as a designated contact;
- iii. Copy of government-issued identification for the primary applicant for registration;
- iv. Depiction of the floor plan, including room dimensions, that identifies sleeping areas, dining areas, living areas, furniture layout, evacuation routes, and location of all fire extinguishers and smoke and carbon monoxide detectors;
- v. Photographs of all interior and exterior rooms, hallways and spaces that are offered for use as an STR;
- vi. Proof of insurance as required by this article;
- vii. Identity and contact information for the property owners' association, if any, of which the premises are included in a dedicatory instrument;
- viii. A list of all Hosting Platforms and other media that the applicant will use to advertise the STR, and a link to each listing for the STR on a Hosting Platform;
- ix. A copy of the proposed host rules for the STR, including any rule on maximum number of guests;
- x. For Seasonal STRs, the 30/60/90 day period during which the STR may operate.
- xi. A sworn statement that the owner:
 1. is not prohibited from operating an STR at the premises by a lease, property covenant, private contract, binding HOA rule, or other agreement;

2. has met and will continue to comply with all requirements of this article and all applicable local, state, and federal law;
3. has provided accurate and complete information on all documents submitted to the city pursuant to this article;
4. has paid and shall continue to pay all applicable fees and assessments levied upon the premises to be used as an STR including hotel occupancy taxes. If an STR is booked through a Hosting Platform that has entered into a contract with the city to collect hotel occupancy taxes ("a Hosting Platform Agreement"), then the owner is not required to remit the hotel occupancy taxes for that booking if it is remitted by the Hosting Platform; and
5. understands that the owner or their representative does not have a property right in an STR registration and it is issued at the city's discretion and subject to revocation or denial in accordance with the terms of this article.

xii. All other information as may be required by this article.

- (d) Applications shall be considered complete when all documentation required under this article has been submitted, all training is completed, and all registration fees have been paid.
- (e) Incomplete applications will not be accepted.
- (f) An STR registration may be approved and issued by the Director if the STR application satisfies all conditions of this article.
- (g) All city fees due from the owner and city assessments levied upon premises must be paid prior to the registration or renewal of an STR registration by the city.
- (h) A registration to operate an STR is non-transferable and shall not be assigned nor transferred to another owner, operator or location. Any attempt to transfer a registration or attempt to use another person's registration is a violation of this Article.
- (i) The registration granted by this article is a regulated privilege, not a right, and can be revoked or suspended by the city in accordance with the provisions provided herein.

Sec. 6-736. - Designated contact.

- (a) As part of the registration application, applicant, owner, or registrant must

designate one or more designated contacts for the STR. A designated contact may be an owner, applicant, registrant, or a designee and shall meet the following criteria:

- (1) Accessible by telephone;
 - (2) Able to respond within one hour of being contacted;
 - (3) Authorized to make decisions regarding the premises, STR, and its occupants.
- (b) The Owner shall ensure the designated contact(s) is/are available and authorized to act as described in section (a) above during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.
- (c) The City recommends that the designated contact be local to the DFW area to assist with the required accessibility, responsiveness, and authority, but a non-local designated contact is acceptable so long as the required accessibility, responsiveness and authority under this Section is maintained.

Sec. 6-737. - Expiration of registration; renewals.

- (a) A registration is valid for one calendar year after the date of issuance, unless suspended or revoked pursuant to this article or there is a change in ownership of the STR, except that for Seasonal STRs, the registration is valid only for the 30/60/90 day time period specified on the application and terminates automatically on the last day of the period.
- (b) Every complete renewal application for an STR registration shall include updates, if any, to the information contained in the original registration application or any subsequent renewals. The registrant shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The Director may require additional information to ensure compliance with this article.
- (c) A renewal application for an STR registration submitted after the expiration of the most current registration shall be treated as an application for a new registration as described in this article.
- (d) No STR registration may be renewed without a completed renewal application and payment of the renewal application fee prior to the expiry of the current registration.
- (e) An application for renewal may be denied if the premises cannot be legally used as a short-term rental as determined under the provisions of the City of Plano Zoning Ordinance, other law, private contract, or property covenant, including,

but not limited to, deed restrictions and binding HOA rules. The city, however, is not responsible for interpreting or enforcing property covenants or private contracts.

- (f) The Director may renew the registration of an STR if the renewal application satisfies all conditions of this article and all applicable local, state, and federal law.

Sec. 6-738. - Application fees.

- (a) A non-refundable fee of three hundred dollars (\$300.00) shall be submitted with each registration or renewal application for an STR.
- (b) A fee of twenty-five dollars (\$25.00) shall be submitted to reprint an already issued registration certificate.

Sec. 6-739. - Proof of insurance required.

No STR shall be operated without liability insurance that provides coverage of at least \$1 million per occurrence. A certificate of insurance must be on file with the Director. Proof of insurance shall be required at the time of application and notice of cancellation or change of insurance must be made to the Director within thirty (30) calendar days.

Sec. 6-740. - Hotel occupancy taxes; request for occupancy history.

No STR shall be operated without payment of hotel occupancy taxes as required under state law. Upon request of the city, the registrant shall remit, within thirty (30) calendar days, an accounting of all occupants who rented the STR and the hotel occupancy taxes paid therefor.

The owner, however, is not required to provide such accounting for STRs rented with a Hosting Platform that has entered into a Hosting Platform Agreement with the city. If, however, the city receives a complaint about failure to pay hotel occupancy taxes or the City determines, independent of information gained from the Hosting Platform Agreement or information received pursuant to that Agreement that there is reason to believe the hotel occupancy taxes have not been paid, then the city may audit the owner for compliance with the hotel occupancy tax laws.

Sec. 6-741. - Owner self-inspections and record retention.

- (a) Registrant shall fully inspect each STR in compliance with this article. Self-inspections by the owner shall be conducted at least once a year. The Director shall provide a list indicating the areas to be self-inspected by owner. Owner shall sign and date each self-inspection report at the time the self-inspection is completed for each STR and provide it to the Director upon request. Self-inspection reports shall be in writing and on a form prescribed or approved by

the Director.

- (b) All documents related to the self-inspection, and the inspection reports shall be maintained by the registrant for a minimum of three (3) years from the date of approval by the Director.

Sec. 6-742. – Noise and outdoor electronic monitoring

Each STR that is a Vacation Rental shall be equipped with a noise-monitoring device, and all data produced by this device must be retained for a period of 180 days and made available to the City upon request. Data shall not include data protected by privacy laws, rules and regulations, including but not limited to Texas Penal Code Section 16.02.

Each STR that is a Vacation Rental shall be equipped with an outdoor surveillance device for security purposes in areas where there is not a reasonable expectation of privacy.

Sec. 6-743. – Registration and host rules to be displayed.

Each STR shall provide, in a conspicuous, publicly accessible area inside the front entrance(s) of the STR:

- (a) A copy of the current and valid registration certificate;
- (b) The contact information for the designated contact(s);
- (c) Pertinent local and state information, regulations, and laws, in a format to be provided by the Director, as it relates to the use of the STR by the occupant; and
- (d) Host rules for the STR.

Sec. 6-744. – Advertising, promoting or allowing primary use as an assembly hall prohibited.

- (a) The registrant must update the information provided pursuant to Section 6-735(c)(2)(viii), in a method determined by the Director, within 24 hours of a new, revised or removed advertisement or promotion.
- (b) An owner, registrant or occupant shall not advertise, promote or allow a short-term rental for use that would be consistent with primary use as an “assembly hall” under the City of Plano Zoning Ordinance.
- (c) The owner and the registrant is presumed to have allowed an advertisement or promotion on a hosting platform identified pursuant to Section 6-735(c)(2)(viii.)

Sec. 6-745. - Denial, suspension or revocation of short term rental registration.

(a) **Suspension Pending New Application.** A registration may be suspended, and a registrant may reapply immediately, if the Director determines, by a preponderance of the evidence, any of the following:

(1) Previous registration was issued in error; or

(2) Previous registration was issued on the basis of incomplete or incorrect information provided by applicant, registrant or owner.

(b) **Suspension for Three Months.** An application for registration or renewal may be denied or a registration may be suspended for three months, if the Director determines, by a preponderance of the evidence, any of the following:

(1) Failure to maintain or to provide upon request from the Director proof of insurance in compliance with this article and consistent with the registration application.

(2) Failure of the Owner to designate a contact as required by 6-736(a) or failure of the Owner to ensure the designated contact is available and authorized to act as required by 6-736(b).

(3) Failure of the Designated Contact to meet the requirements of 6-736(a) during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.

(c) **Suspension for Six Months, Nuisance Incident.**

If the Director determines, by a preponderance of the evidence, that one Nuisance Incident occurred at the STR premises within six months preceding the date of the application, then an application for registration may be denied until six months after the date of the Nuisance Incident.

If the Director determines that one Nuisance Incident occurred at the STR premises while the STR was registered, the registration may be suspended for six months.

(d) **Suspension for One Year, Nuisance Incident, Serious Incident, or Operation of an STR without a valid registration.**

If the Director determines, by a preponderance of the evidence, that two or more Nuisance Incidents occurred at the STR premises within one year preceding the date of the application, or that one Serious Incident occurred and the Director determines that the registrant was aware of but consciously disregarded a substantial risk of the serious incident occurring, then an application for

registration may be denied until one year after the date of the last Nuisance Incident.

If the Director determines, by a preponderance of the evidence, that two or more Nuisance Incidents occurred at the STR premises while the STR was registered, or one Serious Incident occurred and the Director determines that the registrant was aware of but consciously disregarded a substantial risk of the serious incident, then the registration may be suspended for one year.

If the Director determines, by a preponderance of the evidence, that an STR was operated, advertised or promoted without a valid registration, then the application for registration may be denied for one year.

- (e) **Other Violations Not Specially Addressed.** An application for registration or renewal may be denied for a period of three months or a registration may be suspended for three months, if the Director determines, by a preponderance of the evidence, that the Registrant, owner or designated person failed or refused to comply with a requirement of this article, other than the requirements specifically addressed in this section, and remains in non-compliance ten (10) business days after being notified in writing of such non-compliance.
- (f) **Presumption of Nuisance Incident.** A Nuisance Incident is presumed if enforcement action was taken by law enforcement or code enforcement, including, but not limited to, issuance of a citation, notice to appear, or summons; an arrest; or issuance of a warrant for arrest for the criminal conduct at the premises of the STR or committed by an occupant or guest of the STR during the rental period.
- (g) **Denial or Revocation for Illegal Use.** An application for registration or renewal will be denied or a registration will be revoked permanently if:
 - (1) the premises cannot be legally used as a short-term rental as determined under the provisions of the City of Plano Zoning Ordinance, such as situations where the property owner has intentionally abandoned a nonconforming use; or
 - (2) in the opinion of the city, the premises cannot be legally used as a short-term rental by other law, private contract or property covenant, including but not limited to deed restrictions, HOA rules, or leases. The City, however, is not responsible for interpreting or enforcing property covenants or private contracts.
- (h) **Prior Incidents.** No suspension or revocation may be based upon Nuisance Incidents that occurred prior to the adoption of this Article.
- (i) **Action during Suspension.** While a registration is suspended, the registration is

inactive. The premises may not be advertised as available for use, or used, as an STR on an inactive registration.

- (j) **Term of Suspension.** If the term of the suspension of an STR registration is shorter than the amount of time left before the registration expires, the registration becomes valid the day after the suspension concludes. If the term of the suspension of an STR registration is longer than the amount of time left before registration expires, the applicant may not be granted a new registration until the day after the suspension concludes.
- (k) **Notice of Director Determination.** Notice of the determination of denial, suspension or revocation shall be given to the applicant or registrant in writing, with the reasons for the denial, suspension or revocation. Such notice of determination shall be served either by personal service, express mail service, or by United States mail to the applicant or registrant's last known address. In cases of suspension or revocation, the service of the suspension or revocation shall become effective the day following personal service, or, if mailed, five (5) business days from the date of mailing.

Sec. 6-746. - Hearing to contest the Director's determination of denial of an application, or suspension or revocation of a registration.

- (a) If the determination of denial, suspension or revocation is based upon absence of nonconforming status, then the process for determination and appeal is found in Articles 5 and 7 of the City of Plano Zoning Ordinance.
- (b) To contest the determination of denial, suspension or revocation of a registration, the applicant or registrant shall file a written request for a hearing with the Director within ten (10) business days following service of such notice. If no written request for hearing is filed within ten (10) business days, the denial, suspension or revocation is sustained.
- (c) The Director shall give notice of the date and time of the hearing to the appellant and conduct the hearing within twenty (20) business days of the date on which the notice of appeal was filed with the Director, unless otherwise agreed by the parties.
- (d) A request for hearing shall stay the denial, suspension or revocation of the registration unless the Director determines an immediate denial, suspension or revocation is necessary because of urgent concern for physical safety.
- (e) Based upon the evidence presented at such hearing, the Director shall sustain, modify or rescind the determination by written decision supported by reasoning and findings of fact.
- (f) If no appeal is timely filed with the City Manager, the Director's decision is final.

Sec. 6-747. –Final Appeal to City Manager.

- (a) An applicant or registrant may appeal a decision made pursuant to 6-746(e) to the City Manager. All appeals to the City Manager must be made in writing and received no less than ten (10) business days after any final decision made by the Director in accordance with the sections above.
- (b) The City Manager shall give notice of and conduct a hearing within twenty (20) business days from receipt of the applicant or registrant's appeal request, unless otherwise agreed by the parties.
- (c) An appeal shall stay the denial, suspension or revocation of the registration unless the City Manager determines an immediate denial, suspension or revocation is necessary because of urgent concern for physical safety.
- (d) Based upon the evidence presented at such hearing, the City Manager shall sustain, modify or rescind the determination by written decision supported by reasoning and findings of fact.
- (e) The decision shall be furnished to the applicant or registrant.
- (f) If a determination of suspension or revocation is reversed, the registration shall be reinstated immediately. If a determination of denial is reversed, the registration must be issued within five (5) business days.
- (g) The determination of the City Manager or the City Manager's designee shall be final on the date the written decision is signed.
- (h) For purposes of this section, City Manager includes his designee.

Sec. 6-748. - Offenses.

- (a) It shall be an offense for any person to operate an STR and:
 - (1) Fail to have a valid registration for the STR;
 - (2) Fail to pay registration fees as required in this article;
 - (3) Fail to comply with self-inspection requirements or record-retention as required in this article;
 - (4) Fail to provide information as required in Section 6-743;
 - (5) Advertise, promote, or allow the use of an STR that is not in compliance with the STR registration, this article or other law. The registrant is

presumed to have allowed an advertisement or promotion on a hosting platform identified pursuant to Section 6-735(c)(2)(viii.)

- (6) Operate the STR using a registration number not assigned to the owner or registrant, or to a different address, or to a different dwelling unit;
 - (7) Operate the STR without current, valid insurance in compliance with this article;
 - (8) Fail to provide within thirty (30) days following a request by the Director an accounting of payment of hotel occupancy taxes and history of occupants as required in this article;
 - (9) Fail to designate a contact as required by 6-736(a).
 - (10) Fail to ensure the designated contact(s) is/are available and authorized to act as described in section 6-736(a) above during all periods of guest occupancy, including nights and weekends, to facilitate compliance with this article.
 - (11) Fail to provide complete and accurate information in an application for registration or renewal of registration of an STR; or
 - (12) Fail to notify the Director within seventy-two (72) hours after information in an application or approved STR registration becomes inaccurate, excluding information regarding the change in the ownership of the STR.
- (b) It shall be an offense for a person to operate an STR and intentionally, knowingly, or recklessly allow the use of the STR:
- (1) To promote or engage in an illegal activity;
 - (2) By one or more persons in violation of the Residency Restrictions for Child Predator Offenders as set forth in Sec. 14-123 of this Code or in violation of Registration Requirements in Chapter 62 of the Texas Code of Criminal Procedure;
 - (3) To promote or engage in illegal distribution or possession with intent to distribute marijuana, a dangerous drug, or any controlled substance, as defined by the Texas Health and Safety Code;
 - (4) To promote or engage in selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code;
 - (5) To operate as a sexually oriented business as defined in Sec. 17.5-2 of this Code; or

- (6) As an “assembly hall” as defined in the City of Plano Zoning Ordinance unless the short-term rental is located in a district where assembly hall use is permitted.

Sec. 6-749. - Enforcement.

- (a) Any violation of this article is a Class C misdemeanor punishable as stated in Section 1-4(b) of the City Code of Ordinance by a fine not to exceed \$500.00 for each offense. Every day a violation continues shall constitute a separate offense.
- (b) Nothing in this article prohibits the city from using civil and criminal enforcement remedies concurrently or availing itself of any other remedy allowed by law. The city may seek injunctive relief to prevent, restrain or correct unlawful use or illegal acts on the premises pursuant to Chapter 211 of the Local Government Code or bring a civil action or seek injunctive relief under Chapter 54 of the Local Government Code.

Sec. 6-750 to 769. – Reserved”



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

PRESENTER: Council

TIME SPAN: 5 min.

ITEM SUMMARY

Consent and Regular Agendas



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Mark D. Israelson, City Manager

PRESENTER: Council

TIME SPAN: 5 min.

ITEM SUMMARY

Council items for discussion/action on future agendas



CITY COUNCIL AGENDA MEMO

MEETING DATE: 3/25/2024

DEPARTMENT: City Secretary

DIRECTOR: Lisa Henderson, City Secretary

PRESENTER:

TIME SPAN:

ITEM SUMMARY

IMPORTANT MESSAGE *Plano City Council meetings will temporarily be held at Davis Library as of April 8, 2024 during renovation of the council chambers. Due to limited seating, all speakers must register online by 4:00 p.m. on the day of the meeting. No onsite registration is available.*