

APPLICATION FOR SPECIAL PERMITS



1. Case Z- _____ Applicant _____
2. Property Address _____
3. Legal Description: (Submit certified field notes, if not subdivided with lot and block description)
 Lot(s) _____ Block _____ Addition _____
4. Existing Property Use: _____ 5. Proposed Property Use: _____
6. Existing Special Permit: _____ 7. Proposed Special Permit: _____
8. Existing Land Use Plan Designation: _____ 9. Existing Zoning: _____
10. Development Plan included? _____ All applications for special permits must be accompanied by development plans that includes elements such as a site plan drawn to scale showing building locations, parking layout, utilities, fencing and landscaping as well as other information as required by Section 28-171 of the Zoning Ordinance.
11. If permit is for child care or group residence, how many patrons will this facility serve? _____
12. Have any of these requests been made before? _____ Dates? _____
13. Fee: \$300.00 Date paid: _____ (Make check payable to the City of Waco)
14. The next monthly deadline is 5 p.m. on _____ to be heard at the Plan Commission meeting on _____ and at the City Council on _____.
15. I hereby certify that a) the information included in this application is true to the best of my knowledge, and b) I have checked to determine that no deed restrictions apply to this property that conflict with this request.

Applicant's Signature	Date	Name (PRINTED),	Address+Zip	Telephone
Present Owner's Signature	Date	Name (PRINTED),	Address+Zip	Telephone
Buyer's Signature, if under contract	Date	Name (PRINTED),	Address+Zip	Telephone

16. List names of all partners, board members, and officers of companies involved in this case, in order for the Plan Commission to determine conflicts of interest they might have in individual cases. Failure to do so may result in delaying action on the case until the following month. _____

17. **IT IS IMPERATIVE THAT SOMEONE REPRESENT THE APPLICANT AT EACH PUBLIC HEARING TO ANSWER ANY QUESTIONS WHICH THE COMMISSION, COUNCIL OR PUBLIC MAY HAVE.** The City has adopted a Comprehensive Plan which is used as a guide in considering requests for changes in zoning. Any request should be in general conformance with that plan or the applicant should be prepared to present evidence to the Commission that the plan should be changed. The Plan Commission holds a public hearing on each request to determine the effect of the proposed uses upon the neighborhood, traffic, utilities, public health and safety and general welfare. After receiving the report and recommendation of the Plan Commission, the City Council also holds a public hearing on the application. Such hearings and their notices are given in accordance with State statutes and City ordinances regulating the rezoning of property.

18. **Mail this application to:**
City of Waco, Planning Services, P.O. Box 2570, Waco, TX 76702-2570 Or deliver to Planning Services located at 401 Franklin Avenue. If you need more information, please call 254/750-5650.

Special Permit Checklist and Criteria

Submittal of Application

_____ Complete the application and state the reason why the applicant is requesting a Special Permit.

_____ Pay filing fee of \$300.00.

_____ Include map(s) indicating the following:

1. Existing and proposed locations and arrangements of uses on the site, abutting sites within 50 feet, and any other information needed to describe or identify the proposed development.
2. Existing and proposed site improvements; building elevations for buildings on the site; any off-site improvements, utilities, facilities, drainage systems; street features, and trees. Building elevations shall indicate the general height, bulk, scale, and architectural character of buildings.
3. Existing and proposed topography, grading, landscaping, exterior lighting, screening, irrigation facilities, and erosion-control measures.
4. When access to a public water or sanitary sewer line is available at the site, details of the proposed connections if the water line is greater than one (1) inch or if the sewer line is greater than four (4) inches.
5. Existing and proposed parking, loading and traffic, and pedestrian circulation features on the site.

Criteria for Granting Special Permit

1. The proposed use is consistent with the Comprehensive Plan.
2. The proposed use is compatible with the appropriate and orderly development of the neighborhood in which it is located.
3. The proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations, or other use characteristics than any use permitted in the zoning district without the granting of a special permit.
4. The available community facilities and services, including road systems are adequate to support the proposed use.
5. The proposed use is consistent with the special district regulations.

CASE #

[STANDARD] SPECIAL PROVISIONS & CONDITIONS
FOR [TEMPORARY RESIDENTIAL RENTAL UNIT
OR BED AND BREAKFAST HOMESTAY ESTABLISHMENT]

1. The permit hereby granted is to, [*Applicant*], and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, and the lawful use of the property listed as the location for the permit shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
3. This permit is for the specific location designated herein and shall not be transferred to another location.
4. That said [*temporary residential rental unit or bed and breakfast homestay*] shall be operated in accordance with all applicable regulations and the permittee shall obtain all permits or licenses which may be required under the Ordinance of the City of Waco or other agencies of the County, State or Federal government. The property may be inspected by the Departments of Planning, Inspections Services, Fire Services, the Health District or any other responsible departments to ensure the building or premises complies with all applicable codes and special conditions.
5. A Life Safety Inspection for compliance with applicable City codes must be approved by the Inspections Services Department prior to issuance of the Special Permit. This inspection includes, but is not limited to, smoke detectors, at least one operable egress window per bedroom, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
6. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due and owing the State or any political subdivision of the State, or for a violation of this special permit and any ordinance of the City of Waco, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
7. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Waco.
8. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
9. This permit shall be for a period of [*Time limit specific to site*] and expire on [*Date*]. At expiration of said period the permittee shall make an application for renewal of said special permit. If the permit is not renewed, it will be considered abandoned and terminated and the lawful use of the said premises shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
10. The [*temporary residential rental unit or bed and breakfast homestay*] shall be subject to City and State's hotel occupancy taxes.
11. Functions such as meetings, receptions, weddings and other social events provided for compensation are not permitted as part of the [*temporary residential rental unit or bed and breakfast homestay*] special permit.
12. Functions such as meetings, receptions, weddings and other social events are not permitted

to be held by the tenants. No outside vendors are permitted on the property.

13. A maximum of [*Number specific to site*] [*temporary residential or bed and breakfast homestay*] guest vehicles shall be permitted to park on the property at any time.
14. No on-street parking shall be allowed for [*temporary residential or bed and breakfast homestay*] guest vehicles.
15. The owner or on-site manager shall be present or available at all times the property is being rented as a [*temporary residential rental unit or bed and breakfast homestay*]. Contact information shall be filed with Planning Services Department.



Planning Services
Post Office Box 2570
Waco, Texas 76702-2570
254 / 750-5650
Fax: 254 / 750-1605
planning@ci.waco.tx.us
www.waco-texas.com

Instructions for completing a Special Permit Application for a Bed & Breakfast Homestay Establishment or Temporary Residential Rental Unit for an EXISTING PROPERTY. A \$300 processing fee (non-refundable) is required along with your completed application form.

The following instructions are intended to assist applicants in completing the special permit application form. This is not intended to be an exhaustive list of all requirements; planning staff may request additional information in order to deem your application complete. The numbering below corresponds to the application form numbering.

APPLICATION FOR SPECIAL PERMIT

1. Leave case number blank– staff will fill this out. Include applicant’s name, which may be a business entity or individual.
2. Address of property that will be operated as a bed & breakfast homestay establishment or temporary residential rental unit.
3. Legal description can be determined by running a Property Search through the McLennan County Appraisal District website:
<https://propaccess.trueautomation.com/clientdb/?cid=20>
4. Describe your existing property use (e.g., private single-family home, backyard guest house, full-time rental property, student rental housing).
5. Briefly describe your intended use as applicable to this special permit (e.g., full-time short-term rental property; rent out room(s) in my home; occasionally rent out my home).
6. If you don’t have an existing special permit, this is N/A.
7. State which permit you are applying for: bed and breakfast homestay establishment OR temporary residential rental unit. Please review the definitions in the Ordinance (see attached). The following are examples of how to interpret the ordinance:
 - a. Bed and Breakfast Homestay Establishment
 - i. You live on the property and will rent out one or more rooms in your home. You will remain on site while hosting guests.
 - ii. You live on the property and will rent out your guest house, pool house, air stream, etc. that is located on the same lot. You will remain on site while hosting guests.
 - b. Temporary Residential Rental Unit

- i. You do not live on the property, and will rent out the entire residence, or one or more rooms. You will not reside on site while hosting guests.
 - ii. You live on the property, but do not remain on site while hosting guests. For example, you rent your house during a Baylor game day weekend and stay with friends.
8. Leave this blank – staff will fill this out
9. Leave this blank – staff will fill this out
10. You can submit a simple site plan. This does not need to be an engineered or architectural drawing, but it should be clearly depict your property and site features. The site plan should include:
 - a. Property lines
 - b. Dimensions of your lot
 - c. Structures/buildings – house, garage, guest house, etc.
 - d. Parking area, number of parking spots, and layout. Standard parking stalls are 9’ wide and 18.5’ long.
 - e. Sidewalks, pathways or other pedestrian walkways
 - f. Anything else that you want to include to give Plan Commission and City Council members an understanding of your property
11. Not required. Leave this blank.
12. List any previous special permit applications you have submitted for a bed and breakfast homestay establishment or temporary residential rental unit.
13. Please submit a fee along with your completed application. This fee is used to process your application, including public noticing. The fee is non-refundable, even if your application is denied.
14. Staff will fill out these dates. For your information, the 2016 planning department calendar can be viewed here: <http://www.waco-texas.com/pdf/planning/2016%20Calendar.pdf>. Plan Commission meeting are typically held the fourth Tuesday of each month. City Council meetings are held on the first and third Tuesdays of each month.
15. Required signatures. Please note that property owner signature is required. If you do not own the property or have the property under contract, please obtain all proper signatures.
16. Leave blank if not applicable.
17. Special permit requests are heard by the Plan Commission and the City Council. If approved, the special permit will be adopted as a resolution by the City Council. Public hearings will be held at both the Plan Commission and City Council meetings. As part of this process, a notice of your special permit application will be sent to all property owners within 200 feet.
18. Information on where to send your application.

SPECIAL PERMIT CHECKLIST AND CRITERIA

1. See Site Plan requirements in previous list, item #10.
2. Submit representative photos, including a view of the property from the street, and the required parking area. For bed & breakfast homestay establishments, also include photos of

the room(s) for rent. A description of existing site improvements and building elevations are not required. If you are making improvements to the property (i.e., building addition or additional parking area) please indicate this on the site plan.

3. Not required.
4. Not required.
5. See Site Plan requirements in previous list, item #10. Note the parking requirements that are detailed in the Ordinance under [Section 28-962](#). Generally, one space per guest room is required for a temporary residential rental unit, and two spaces are required for a bed and breakfast homestay establishment, plus one added space per guest room.

ADDITIONAL ITEMS AND CONSIDERATIONS

- A. Please complete the Supplemental Written Statement form.**
- B. Standard Special Conditions apply to all temporary residential rental units and bed & breakfast homestay establishments. Please contact the Planning Department to request a copy. Additional conditions may be added to individual permits.**
- C. Bed and breakfast homestay establishments and temporary residential rental units are subject to taxation, including but not limited to hotel occupancy taxes (state and city).**

If you have any questions, please contact us and we will be happy to assist you!



CITY OF WACO

Waco Convention & Visitors Bureau
Waco Convention Center

Post Office Box 2570
Waco, Texas 76702-2570
254 / 750-5810
Fax: 254 / 750-5801

Operating a Bed & Breakfast or Vacation Rental in Waco, Texas

This information is provided for individuals interested in operating a bed and breakfast, or renting their private home, a room in their home, a cottage on premises, or other structure for hosting overnight guests in Waco, Texas. This should not be construed as legal advice; consult your attorney and/or CPA for information specific to your situation. This information is provided as a general guide for the convenience of those considering opening this type of business.

City of Waco Special Permit - \$300

A City of Waco Special Permit is required to run a bed and breakfast or vacation rental within the city limits of Waco, Texas. The permit regulates parking, signage, and other zoning-related matters in residential areas. Special permits are subject to Waco City Council approval. If the City Council approves the permit, the Planning Department will forward the business's information to Patty Byrd at the Waco Convention Center, to be set up in the system.

- City of Waco Ordinance with information about signage, parking, etc.:
<http://library.municode.com/index.aspx?clientId=11666> – search for bed and breakfast.
- Link to the Special Permit: <http://www.waco-texas.com/pdf/planning/Applications/APPLICATIONFORSPECIALPERMITS.pdf>

For questions about the special permit process, please contact the City of Waco Planning Department:

Planning Services
401 Franklin Ave
Waco, TX 76701
(254) 750-5650
(254) 750-1605 (fax)

Hotel Occupancy Taxes

There are two lodging taxes that owners are responsible for charging their guests: 1) the State of Texas occupancy tax of 6%, and 2) the municipal hotel occupancy tax, which is 7% for those located within the City of Waco city limits. **Total tax due is 13%.**

City of Waco Hotel Occupancy Taxes (7%)

If the Special Permit has been approved by Waco City Council, you will be able to open your business and must begin collecting the 7% municipal occupancy tax for each stay. At the end of each month, remit 7% of your room revenues via check payable to the City of Waco. The check can be mailed to the address on the form, or paid at the City of Waco Water Office at 5th and Franklin, or at the Cashier's Office on the 4th Floor of Waco City Hall. Some guests may be exempt from paying the 7% local occupancy tax. These include:

- Federal employees
- Foreign diplomats with a tax exempt card issued by the U.S. Department of State
- A limited number of state officials with a hotel tax exemption card (heads of state agencies, state legislators and legislative staff, members of state boards and commissions, and state judges)
- Persons or businesses who have agreed **in advance** to use a hotel room for more than 30 consecutive days.

Individuals claiming an exemption are required to show appropriate identification and fill out a Hotel Occupancy Tax Exemption Certificate. This form is available on the State Comptroller's website at: <http://www.window.state.tx.us/taxinfo/taxforms/12-forms.html>.

Other Cities

If you are within the **city limits** of other area municipalities, please contact City Hall in that city to inquire whether a municipal hotel occupancy tax is imposed, and for the paperwork related to getting on the rolls. The municipal hotel occupancy tax of 7% is collected in Bellmead, Hewitt, and McGregor.

Unincorporated Areas of the County

If you are located in an unincorporated area of McLennan County, you would only be responsible for collecting the State hotel occupancy tax of 6%.

State Hotel Occupancy Tax (6%)

From the State Comptroller's web site: "A tax is imposed on a person who pays for a room or space in a hotel costing \$15 or more each day. Local hotel taxes apply to sleeping rooms costing \$2 or more each day. The tax covers hotels, motels and bed and breakfasts, as well as condominiums, apartments and houses rented for less than 30 consecutive days. Persons leasing their houses or rooms in their house must collect hotel occupancy tax from their customers, in the same way a hotel or motel collects the tax from its patrons."

- › State of Texas Comptroller's Office link: <http://www.window.state.tx.us/taxinfo/hotel/>
- › State of Texas application: <http://www.window.state.tx.us/taxinfo/taxforms/ap-102.pdf>
- › Some guests may be exempt from paying the 6% state occupancy tax. Exemptions are not all the same. You can verify whether a guest is exempt from state hotel occupancy tax by going to this link and searching the name of the entity:
http://www.window.state.tx.us/taxinfo/exempt/exempt_search.html

County Hotel Occupancy Tax

Some counties collect an additional hotel occupancy tax ranging from 2% to 7%, which may or may not be applicable in cities that also charge a municipal hotel occupancy tax. At the time of this writing (3/2016), McLennan County does not impose this tax.

Additional Resources

As an owner of a lodging establishment, you may be interested in the following organizations:

- **Waco Convention & Visitors Bureau** - www.Wacoheartoftexas.com
 - Regional destination marketing organization can assist in marketing lodging with a listing on their website, visitors guide and arterial maps.
 - Contact: Carla Pendergraft, carlap@wacotx.gov or 254-750-5806 for more information.
- **Greater Waco Hotel & Lodging Association** -- <https://www.facebook.com/#!/GWHLA>
 - Contact: Teresa Thomas, President 2016, Teresa.thomas@hilton.com
- **Heart of Texas Bed & Breakfast Owners Association** -- <http://www.heartoftexasbb.com/>
 - This regional alliance of bed & breakfast/vacation rental owners is a great resource for information. Their website also promotes their members. Contact: Pam Allen, Colcord House B&B, colcordhouse@grandecom.net
- **Texas Hotel & Lodging Association** -- www.texaslodging.com
 - This association can provide assistance to you in understanding occupancy taxes, among other benefits.

DIVISION 5. - BED AND BREAKFAST AND TEMPORARY RESIDENTIAL RENTAL UNIT ESTABLISHMENTS^[12]

Footnotes:

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Editor's note—Ord. No. 2010-693, § 1, adopted December 7, 2010, amended division 5 in its entirety to read as herein set out. Formerly, division 5 pertained to bed and breakfast establishments, and derived from Ord. No. 1997-2, § 2, adopted February 4, 1997, and Ord. No. 2003-0034, § 1, adopted January 7, 2003.

Sec. 28-960. - Purpose.

The regulation of bed and breakfast and temporary residential rental unit establishments is intended to provide for an alternative type of lodging for visitors, and to provide for the preservation and the adaptive reuse for larger, historically significant, and/or unique structures.

(Ord. No. 2010-693, § 1, 12-7-10)

Sec. 28-961. - Definitions.

Bed and breakfast homestay establishment. A private residence that contains no more than six guest rooms, where short-term lodging is provided for compensation and where breakfast service is provided to overnight guests only. The owner shall reside on the homestay establishment property.

Bed and breakfast inn. A resident managed structure that contains no more than 15 guest rooms, where short-term lodging is provided for compensation. Limited social functions such as receptions and private parties, with or without food service may also be provided, however, this definition shall not permit food service for customers other than the occupants of the guest rooms and their guests, or the invitees to the reception or private parties. Limited social functions or events are not to exceed 36 per year or three per month in districts where a special use permit is required.

Temporary residential rental unit. A residential dwelling unit where short-term lodging is provided for compensation, the owner does not reside on the property and breakfast provided for overnight guest is optional. Short-term lodging shall be considered to be for a period of time under 30 days.

(Ord. No. 2010-693, § 1, 12-7-10)

Sec. 28-962. - Parking requirements.

Except in the C-4 district, off-street parking for bed and breakfast homestay establishments and inns shall be provided at a minimum of two spaces, plus one added space per guest room. Off-street parking for temporary residential rental units shall be provided at a minimum of one space per guest room. In addition, the following requirements shall apply:

- (1) Bed and breakfast homestay establishment and temporary residential rental unit guest room parking shall be restricted to the side or rear yard of the lot except for parking in the front yard for a single-family temporary residential rental unit shall be permitted subject to the requirements in subsection 28-1019(d)(1).
- (2) Bed and breakfast inns which provide for limited social functions must provide at least 15 additional off-street parking spaces. The entire parking requirement, except for handicap parking spaces, may be provided off-site, subject to section 28-1019 of this chapter.
- (3) Parking in the side and rear yard shall be screened by a fence subject to sections 28-929 and 28-219(b).

(Ord. No. 2010-693, § 1, 12-7-10)

Sec. 28-963. - Signage.

Signage for bed and breakfast homestay establishments and temporary residential rental units located within an R-E, R-1A, R-1B, R-1C, or R-2 district shall be subject to the following:

- (1) One detached or attached sign may be displayed.
- (2) Attached signs may not exceed three square feet in area.
- (3) Detached signs shall not exceed four square feet in area and four feet in height.
- (4) Detached signs shall be located at least five feet from any property line.
- (5) No portion of the sign may have a luminance greater than 200 footlamberts and may not flash, move, rotate or change illumination.

(Ord. No. 2010-693, § 1, 12-7-10)

Sec. 28-964. - Other permits.

A temporary residential rental unit, bed and breakfast homestay establishment or inn shall comply with all applicable regulations and obtain all other permits or licenses which may be required under the ordinances of the city or other agencies of the county, state or federal government. Such permits may relate to health, safety, sale of alcohol or any other topic. The property may be inspected by the departments of planning and community development services, fire services, inspections services, the health district and all other responsible departments to ensure the building or premises complies with all applicable codes and special conditions prior to beginning operation. If the bed and breakfast requires a health permit the applicant will be sent to the Waco McLennan County Health District to receive the permit, prior to the issuance of a certificate of occupancy by the building official and/or prior to beginning operation.

(Ord. No. 2010-693, § 1, 12-7-10)