

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2015-015 Short-Term Rentals Type 2 License Suspension

**Description:** Consider an amendment to Title 25 of the City Code to suspend the issuance of new short-term rental Type 2 licenses.

**Proposed Language:** See attached draft ordinance.

**Summary of proposed code changes:**

- Will suspend the issuance of new short-term rental Type 2 licenses in the following zoning districts:
  - lake Austin residence (LA)
  - rural residence (RR)
  - single-family residence large lot (SF-1)
  - single-family residence standard lot (SF-2)
  - family residence (SF-3)
  - single-family residence small lot (SF-4A)
  - single-family residence condominium site (SF-4B)
  - urban family residence (SF-5)
  - townhouse and condominium residence (SF-6)
  - multifamily residence limited density (MF-1)
  - multifamily residence low density (MF-2)
  - multifamily residence medium density (MF-3)
  - multifamily residence moderate-high density (MF-4)
  - multifamily residence high density (MF-5)
  - multifamily residence highest density (MF-6)
  
- Does not apply to renewal of previously-issued licenses.

**Background:** Initiated by Council Resolution on September 17, 2015.

On September 17, 2015, Council initiated a code amendment to suspend the issuance of short-term rental Type 2 licenses, with the intent to revisit the effectiveness of the proposed license suspension at the end of 2016.

**Staff Recommendation:** Recommended

**Board and Commission Actions**

**October 20, 2015:** Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote (Commissioners Schissler absent).

**October 27, 2015:** To be reviewed by the Planning Commission.

**Council Action**

**November 12, 2015:** A public hearing has been set.

**Ordinance Number:** NA

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ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE AMENDING CHAPTERS 25-2 (ZONING) OF THE CITY  
2 CODE RELATING TO SHORT-TERM RENTALS.

3 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

4 PART 1. City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited*  
5 *Uses*) is amended to amend the chart in Subsection (C) as follows:

6 Short-term rental uses regulated under Section 25-2-788 (*Short-term Rental*  
7 *(Type 1) Regulations*) and Section 25-2-790 (*Short-term Rental (Type 3)*  
8 *Regulations*) are a permitted use in the following base districts:

- 9 Lake Austin residence (LA)
- 10 rural residence (RR)
- 11 single-family residence large lot (SF-1)
- 12 single-family residence standard lot (SF-2)
- 13 family residence (SF-3)
- 14 single-family residence small lot (SF-4A)
- 15 single-family residence condominium site (SF-4B)
- 16 urban family residence (SF-5)
- 17 townhouse and condominium residence (SF-6)
- 18 multifamily residence limited density (MF-1)
- 19 multifamily residence low density (MF-2)
- 20 multifamily residence medium density (MF-3)
- 21 multifamily residence moderate-high density (MF-4)
- 22 multifamily residence high density (MF-5)
- 23 multifamily residence highest density (MF-6)
- 24 central business (CBD)
- 25 downtown mixed use (DMU)
- 26 planned unit development (PUD)

- 1           general-retail – mixed use (GR-MU)
- 2           commercial services – mixed use (CS-MU)
- 3           commercial services – vertical mixed use (CS-V)
- 4           general retail – vertical mixed use (GR-V)

5           Short-term rental use regulated under Section 25-2-789 (*Short-Term Rental*  
6 *(Type 2) Regulations*) is a permitted use in the following base districts:

- 7           central business (CBD)
- 8           downtown mixed use (DMU)
- 9           planned unit development (PUD)
- 10          general-retail – mixed use (GR-MU)
- 11          commercial services – mixed use (CS-MU)
- 12          commercial services – vertical mixed use (CS-V)
- 13          general retail – vertical mixed use (GR-V).

14 **PART 2.** City Code Section 25-2-791 (*License Requirements*) is amended to  
15 amend Subsection (C) and add a new Subsection (H) and a new Subsection (I) to  
16 read as follows:

17 **§25-2-791 LICENSE REQUIREMENTS.**

- 18
- 19       (C) Except as provided in subsection (H), t[F]he director shall issue a license  
20 under this section if:
  - 21       (1) the application includes all information required under Subsection (B)
  - 22       of this section;
  - 23       (2) the proposed short-term rental use complies with the requirements of
  - 24       Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section
  - 25       25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-
  - 26       790 (*Short-Term Rental (Type 3) Regulations*);
  - 27       (3) for a short-term rental use regulated under Section 25-2-789 (*Short-*
  - 28       *Term Rental (Type 2) Regulations*), no more than 3% of the single-
  - 29       family, detached residential units within the census tract of the
  - 30       property are short-term rental (Type 2) uses as determined by the
  - 31       Director under Section 25-2-793 (*Determination of Short-Term Rental*
  - 32       *Density*); and

- 1 (a) the structure has a valid certificate of occupancy or compliance,  
2 as required by Chapter 25-1, Article 9 (*Certificates of*  
3 *Compliance and Occupancy*); or  
4 (b) the structure has been determined by the building official not to  
5 pose a hazard to life, health, or public safety, based on a  
6 minimum life-safety inspection;
- 7 (4) for a short-term rental use regulated under Section 25-2-790 (*Short-*  
8 *Term Rental (Type 3) Regulations*), located in a non-commercial  
9 zoning district, no more than 3% of the total number of dwelling units  
10 at the property and no more than 3% of the total number of dwelling  
11 units located within any building or detached structure at the property  
12 are short-term rental (Type 3) uses as determined by the Director  
13 under Section 25-2-793 (*Determination of Short-Term Rental*  
14 *Density*); and
- 15 (a) the structure and the dwelling unit at issue have a valid  
16 certificate of occupancy or compliance, as required by Chapter  
17 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or  
18 (b) the structure and the dwelling unit at issue have been  
19 determined by the building official not to pose a hazard to life,  
20 health, or public safety, based on a minimum life-safety  
21 inspection.
- 22 (5) For a short-term rental use regulated under Section 25-2-790 (*Short-*  
23 *Term Rental (Type 3) Regulations*), located in a commercial zoning  
24 district, no more than 25% of the total number of dwelling units at the  
25 property and no more than 25% of the total number of dwelling units  
26 located within any building or detached structure at the property are  
27 short-term rental (Type 3) uses as determined by the Director under  
28 Section 25-2-793 (*Determination of Short-Term Rental Density*); and
- 29 (a) the structure and the dwelling unit at issue have a valid  
30 certificate of occupancy or compliance, as required by Chapter  
31 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or  
32 (b) the structure and the dwelling unit at issue have been  
33 determined by the building official not to pose a hazard to life,  
34 health, or public safety, based on a minimum life-safety  
35 inspection.

36 (H) After November 23, 2015, the director may not issue a license to operate  
37 short-term rental use as described in Section 25-2-789 (*Short-Term Rental*  
38 *(Type 2) Regulations*) located in the following base districts:

39 (1) Lake Austin residence (LA);

40 (2) rural residence (RR);

