

ORDINANCE NO. _____

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

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

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

Short-term rental uses regulated under Section 25-2-788 (*Short-term Rental (Type 1) Regulations*) and Section 25-2-790 (*Short-term Rental (Type 3) Regulations*) are a permitted use in the following base 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)
central business (CBD)
downtown mixed use (DMU)
planned unit development (PUD)
general-retail – mixed use (GR-MU)

commercial services – mixed use (CS-MU)

commercial services – vertical mixed use (CS-V)

general retail – vertical mixed use (GR-V)

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

central business (CBD)

downtown mixed use (DMU)

planned unit development (PUD)

general-retail – mixed use (GR-MU)

commercial services – mixed use (CS-MU)

commercial services – vertical mixed use (CS-V)

general retail – vertical mixed use (GR-V).

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

§25-2-791 LICENSE REQUIREMENTS.

(C) Except as provided in subsection (H), t[F]he director shall issue a license under this section if:

- (1) the application includes all information required under Subsection (B) of this section;
- (2) the proposed short-term rental use complies with the requirements of Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-790 (*Short-Term Rental (Type 3) Regulations*);
- (3) for a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), no more than 3% of the single-family, detached residential units within the census tract of the property are short-term rental (Type 2) uses as determined by the Director under Section 25-2-793 (*Determination of Short-Term Rental Density*); and
 - (a) the structure has a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or

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

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

36 (1) Lake Austin residence (LA);

37 (2) rural residence (RR);

38 (3) single-family residence large lot (SF-1);

39 (4) single-family residence standard lot (SF-2);

- (5) family residence (SF-3);
(6) single-family residence small lot (SF-4A);
(7) single-family residence condominium site (SF-4B);
(8) urban family residence (SF-5);
(9) townhouse and condominium residence (SF-6);
(10) multifamily residence limited density (MF-1);
(11) multifamily residence low density (MF-2);
(12) multifamily residence medium density (MF-3);
(13) multifamily residence moderate-high density (MF-4);
(14) multifamily residence high density (MF-5); and
(15) multifamily residence highest density (MF-6).

(I) The limitation in subsection (H) does not apply to an annual renewal authorized in subsection (E).

PART 3. Council directs the City Manager to set a public hearing on or before December 31, 2016, that allows the Council to consider the effectiveness of this ordinance and to consider revisions.

PART 4. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015 § _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
Interim City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk