

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)

1           planned unit development (PUD)  
2           general-retail – mixed use (GR-MU)  
3           commercial services – mixed use (CS-MU)  
4           commercial services – vertical mixed use (CS-V)  
5           general retail – vertical mixed use (GR-V)

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

9     **§25-2-791 LICENSE REQUIREMENTS.**

- 10  
11       (C) Except as provided in subsection (H), t[F]he director shall issue a license  
12       under this section if:  
13       (1) the application includes all information required under Subsection (B)  
14       of this section;  
15       (2) the proposed short-term rental use complies with the requirements of  
16       Section 25-2-788 (*Short-Term Rental (Type 1) Regulations*), Section  
17       25-2-789 (*Short-Term Rental (Type 2) Regulations*), or Section 25-2-  
18       790 (*Short-Term Rental (Type 3) Regulations*);  
19       (3) for a short-term rental use regulated under Section 25-2-789 (*Short-*  
20       *Term Rental (Type 2) Regulations*), no more than 3% of the single-  
21       family, detached residential units within the census tract of the  
22       property are short-term rental (Type 2) uses as determined by the  
23       Director under Section 25-2-793 (*Determination of Short-Term Rental*  
24       *Density*); and  
25       (a) the structure has a valid certificate of occupancy or compliance,  
26       as required by Chapter 25-1, Article 9 (*Certificates of*  
27       *Compliance and Occupancy*); or  
28       (b) the structure has been determined by the building official not to  
29       pose a hazard to life, health, or public safety, based on a  
30       minimum life-safety inspection;  
31       (4) for a short-term rental use regulated under Section 25-2-790 (*Short-*  
32       *Term Rental (Type 3) Regulations*), located in a non-commercial  
33       zoning district, no more than 3% of the total number of dwelling units  
34       at the property and no more than 3% of the total number of dwelling  
35       units located within any building or detached structure at the property  
36       are short-term rental (Type 3) uses as determined by the Director  
37       under Section 25-2-793 (*Determination of Short-Term Rental*  
38       *Density*); and

- 1 (a) the structure and the dwelling unit at issue have a valid  
2 certificate of occupancy or compliance, as required by Chapter  
3 25-1, Article 9 (*Certificates of Compliance and Occupancy*); or  
4 (b) the structure and the dwelling unit at issue have been  
5 determined by the building official not to pose a hazard to life,  
6 health, or public safety, based on a minimum life-safety  
7 inspection.
- 8 (5) For a short-term rental use regulated under Section 25-2-790 (*Short-*  
9 *Term Rental (Type 3) Regulations*), located in a commercial zoning  
10 district, no more than 25% of the total number of dwelling units at the  
11 property and no more than 25% of the total number of dwelling units  
12 located within any building or detached structure at the property are  
13 short-term rental (Type 3) uses as determined by the Director under  
14 Section 25-2-793 (*Determination of Short-Term Rental 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 (H) After November 23, 2015, the director may not issue a license to operate  
23 short-term rental use as described in Section 25-2-789 (*Short-Term Rental*  
24 *(Type 2) Regulations*).

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

27 **PART 3.** Council directs the City Manager to set a public hearing on or before December  
28 31, 2016, that allows the Council to consider the effectiveness of this ordinance and to  
29 consider revisions.

30 **PART 4.** This ordinance expires on December 31, 2016.

31 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2015.

1 **PASSED AND APPROVED**

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5 \_\_\_\_\_, 2015

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Steve Adler  
Mayor

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10 **APPROVED:** \_\_\_\_\_  
11 Anne L. Morgan  
12 Interim City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk