

WORKING DRAFT AND SUBJECT TO CHANGE – 1/10/2025**ORDINANCE NO.****AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 RELATED TO SHORT-TERM RENTAL USE AND REGULATIONS.****BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

PART X. City Code Chapter 25-2, Subchapter C, Article 4, Division 1, Subpart C (*Requirements for Short-Term Rental Uses*) and City Code Section 25-2-950 (*Discontinuance of Nonconforming Short-Term Rental (Type 2) Uses*) are repealed.

PART X. Subsection (D) of City Code Section 25-2-773 (*Duplex, Two-Unit, and Three-Unit Uses*) and Subsection (M) of City Code Section 25-2-779 (*Small Lot Single-Family Residential Use*) are repealed.

PART X. Subsection (C) of City Code Section 25-2-1463 (*Secondary Apartment Regulations*) is amended to read:

§ 25-2-1463 SECONDARY APARTMENT REGULATIONS.

(C) The secondary apartment:

- (1) must be contained in a structure other than the principal structure;
- (2) must be located:
 - (a) at least 10 feet to the rear or side of the principal structure; or
 - (b) above a detached garage;
- (3) may be connected to the principal structure by a covered walkway;
- (4) may not exceed a height of 30 feet, and is limited to two stories;
- (5) may not exceed:
 - (a) 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller; and
 - (b) 550 square feet on the second story, if any. [~~;-and]~~

~~[(6) may not be used as a short term rental for more than 30 days in a calendar year if the secondary apartment was constructed after October 1, 2015.]~~

PART X. The description of “Short-Term Rental Use” in City Code Section 25-2-3 (*Residential Uses Described*) is amended to read:

§ 25-2-3 RESIDENTIAL USES DESCRIBED.

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- (10) SHORT-TERM RENTAL use is the rental of a housing unit or a portion of a housing unit [~~residential dwelling unit~~] for a period of less than 30 consecutive days [~~or accessory building, other than a unit or building associated with a group residential use, on a temporary or transient basis in accordance with Article 4, Division 1, Subpart C (Requirements for Short-Term Rental Uses) of this chapter.~~] The use does not include an extension for less than 30 consecutive days of a previously existing rental agreement of 30 consecutive days or more or [~~The use does not include~~] a rental between the parties to the sale of that housing unit [~~residential dwelling unit~~].

PART X. The table in Subsection (C) of City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to remove “Short-Term Rental Use” from the table.

PART X. Article 5 (*Accessory Uses*) of City Code Chapter 25-2 (*Zoning*) is amended to add a new Section 25-2-904 to read:

§ 25-2-904 SHORT-TERM RENTAL USE.

- (A) Short-term rental use is subject to the requirements of this section and is allowed as an accessory use to a residential use in all base zoning districts, special purpose districts, and combining and overlay districts.
- (B) Short-term rental use cannot be prohibited.
- (C) A person must obtain an operator’s license as set out in Chapter 4-23 (*Short-Term Rentals*).
- (D) This section controls over a conflicting provision in City Code or uncodified ordinance.

PART X. This ordinance takes effect on _____, 2025.