



Late Backup

## **Resolution of the Austin Neighborhoods Council Regarding Short Term Residential Rentals in Single Family Zoning Districts**

**Whereas** the Land Development Code's definition of permissible residential uses in single-family zoning districts states:

“Residential uses include the occupancy of living accommodations on a nontransient basis,”  
and;

**Whereas** the Planning Commission's Codes & Ordinances Sub-Committee has proposed defining Short Term Rental (STR) as a single family residential use of a single family residential structure for a period of time between one and thirty consecutive days, and this resolution accepts this proposed definition as the definition of transient residential rental use in single-family zoning districts, and;

**Whereas** there is a definable distinction between transient residential rental use in single-family zoning districts where the property is homesteaded and is the property owner's primary place of residence and transient residential rental use in single-family zoning districts where the property is not homesteaded and not the owner's primary place of residence, and;

**Whereas** the Planning Commission's Codes & Ordinances Sub-Committee has further purposed that the definition of STR use in single-family zoning districts of homesteaded property that is the owner's primary place of residence be expanded to include instances where the primary residence is homesteaded and a secondary unit is rented out on a short term basis, or under a legal duplex use, if one duplex half is homesteaded and the other duplex half is rented out on a short term basis, and this expanded definition is accepted for this resolution, and;

**Whereas** the transient residential rental use in single-family zoning districts where the property is not homesteaded and not the owner's primary place of residence becomes definable as a Commercial Short Term Rental (CSTR) for this resolution, and;

**Whereas** the "City of Austin Guide to Land Use Standards", May 2008, shows that the purpose for the single family land use category includes to "preserve the land use pattern and future viability of existing neighborhoods" and to "protect residential neighborhoods from incompatible business or industry and the loss of existing housing", and;

**Whereas** allowing CSTRs use in single-family zoning districts, by definition not a long term use of the property, removes residential housing stock from the City and weakens enrollment in inner-City elementary and middle schools, and;

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**Whereas** it is City policy that the inner City neighborhoods need to accept more residential density, and;

**Whereas** CSTRs threaten the meaning and purpose of Austin's family oriented neighborhoods, and;

**Whereas** owners of single family residential property rely on the Land Development Code as covenant with the City of Austin, trusting our city to insure single family use in single family zoning, therefore;

**Be It Resolved that the Austin Neighborhoods Council** supports the following Resolutions:

**That** the Land Development Code's definition of permissible residential uses in single family zoning districts be expanded to allow properties that are homesteaded as defined above and are the owner's primary residence to be rented on a transient, short term basis, defined above as a residential rental of between one and thirty days, for a maximum total of 60 days per calendar year.

**That** the City Council of Austin, Texas specifically enact an ordinance disallowing short term residential use in single family zoning districts as being a transient use, unless exempted by the property being homesteaded and the owner's primary place of residence. This ordinance, by the definitions and wording above, would emphasize that STRs have always been and continue to be in contradiction with the permissible residential uses allowed in single family zoning districts, and that the current use of a property as a CSTR is not a legal nonconforming use and that this use shall not be grandfathered.

**Presented to ANC Membership: 28 September 2011**

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**Adopted: 30 November 2011**

**Sponsor Contact: Joyce Basciano, ANC VP, [jbasciano@austin.rr.com](mailto:jbasciano@austin.rr.com)**