

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)

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*) located in the following base districts:

- 25 (1) Lake Austin residence (LA);  
26 (2) rural residence (RR);  
27 (3) single-family residence large lot (SF-1);  
28 (4) single-family residence standard lot (SF-2);  
29 (5) family residence (SF-3);  
30 (6) single-family residence small lot (SF-4A);  
31 (7) single-family residence condominium site (SF-4B);  
32 (8) urban family residence (SF-5);  
33 (9) townhouse and condominium residence (SF-6);  
34 (10) multifamily residence limited density (MF-1);  
35 (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);  
(15) multifamily residence highest density (MF-6);  
(16) central business (CBD);  
(17) downtown mixed use (DMU);  
(18) planned unit development (PUD);  
(19) general-retail – mixed use (GR-MU);  
(20) commercial services – mixed use (CS-MU);  
(21) commercial services – vertical mixed use (CS-V); and  
(22) general retail – vertical mixed use (GR-V).

(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 expires on December 31, 2016.

**PART 5.** 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