




NOTICE OF A REGULAR MEETING
OF THE ZONING COMMISSION
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, SEPTEMBER 22, 2021
7:00 P.M.

Notice is hereby given that the Zoning Commission of the City of Sunset Valley, Texas, will hold a regular meeting on Wednesday, the 22nd of September 2021 at 7:00 P.M. in the Council Chambers, City Hall, 3205 Jones Road, Sunset Valley, Texas, at which time the following items will be discussed, to wit:

1. Call to order of the Zoning Commission.
2. Citizen/Public Comments
3. Consider approval of the minutes from the August 25, 2021 regular meeting.
4. Discussion of a proposed Ordinance amending Chapter 2 of the Land Development Code that would regulate short-term rentals as a permitted Special Use within the City.
5. Adjourn

A quorum of the City Council may attend the meeting, however, no official action by the City Council shall be taken.

I certify that the above notice of meeting was posted at City Hall, 3205 Jones Road, Sunset Valley, Texas, on Friday the 17th day of September 2021 at 5:00 P.M.


Matt Lingafelter
City Secretary

The City of Sunset Valley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.



MINUTES OF A REGULAR MEETING
OF THE ZONING COMMISSION
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, AUGUST 25, 2021
7:00 P.M.

This meeting was held virtually at: <https://attendee.gototraining.com/r/6298490104701516034>
Training ID: 535-906-700

Commissioners Present:

Robert Skewis, Chair
Miguel Huerta, Vice Chair
Brant Boozer
John Frick
Robert Reetz

Staff Present:

Sylvia Carrillo, City Administrator
Matt Lingafelter, Asst. to the City Administrator
Carolyn Meredith, Parks & Natural Resources Mgr.

1. Call to order of the Zoning Commission.

Chairman Skewis called the meeting to order at 7:02 P.M.

2. Citizen/Public Comments:

- Melissa Gonzales
- Clayton Stice

3. Consider approval of the minutes from the June 16, 2021 called meeting and July 28, 2021 regular meeting.

John Frick made a motion to approve the minutes from June 16, 2021, seconded by Robert Reetz. Four voted in favor, one abstained, and the motion carried.

Robert Reetz made a motion to approve the minutes from July 28, 2021, seconded by John Frick. All voted in favor and the motion carried.

4. Discussion and possible action on the regulation of short-term rentals within the City of Sunset Valley under Chapter 2 of the Land Development Code.

Matt Lingafelter and Sylvia Carrillo introduced the agenda item. Staff and the Zoning Commission discussed the various regulations of short-term rentals in the cities of Lakeway, Port Aransas and Wimberley.

Chair Skewis preferred the Lakeway regulations. John Frick preferred a mix of Wimberley and Port Aransas. Vice Chair Huerta indicated he preferred the Lakeway regulations as a starting point, arguing that it was easier to cut regulations than add when drafting

regulation. Vice Chair Huerta also discussed time shares and fractional ownership of residential properties.

Robert Reetz was willing to start with the Lakeway regulations, and made some comments regarding the number of people allowed within a rental property. Commissioner Reetz also indicated he felt it was arbitrary to limit the number of short-term rental permits. Brant Boozer also agreed to use the Lakeway regulations as a starting point.

Sharon Drinkwine made a public comment, and suggested the Commission look at the definitions of ST1 and ST2, which are owner-occupied vs. non-owner-occupied units.

The Commission continued to deliberation on short-term rental regulations within the City.

Staff was directed to provide the Commissioners with Word copies of the Lakeway regulations. In two weeks, the Commissioners would provide staff with individual redlined versions, with any comments, of the Lakeway STR regulations. Staff would then synthesize the regulations, and present the Commission with a draft at the next Commission meeting for discussion.

5. Discussion and possible action regarding accessory structure standards found in Chapter 2 of the Land Development Code.

Carolyn Meredith, Parks & Natural Resources Manager, introduced the item, which was referred to the Commission by the Planning & Environmental Committee. The Commission discussed tiny libraries.

There is a recommendation to define a “tiny library” within the Code, so that they can be regulated. Carolyn Meredith indicated that the P&E Committee recommended tiny libraries to be placed out of the right of way.

Staff was directed to draft amendments to the Land Development Code that would define and regulate “tiny libraries” and bring back for discussion at a later meeting.

6. Adjourn

Miguel Huerta made a motion to adjourn, seconded by Robert Reetz. All voted in favor and the meeting adjourned at 8:14 P.M.

MEETING DATE: SEPTEMBER 22, 2021



ZONING COMMISSION AGENDA ITEM #4

STAFF PREPARER/CONTACT INFORMATION: Matt Lingafelter, Asst. to the City Administrator
mlingafelter@sunsetvalley.org

SUBJECT: SPECIAL USE PERMITS – SHORT TERM RENTALS

DESCRIPTION: Discussion of a proposed Ordinance amending Chapter 2 of the Land Development Code that would regulate short-term rentals as a permitted Special Use within the City.

BACKGROUND: The Zoning Commission was directed by the Mayor and City Council to discuss the possible regulation of short-term rentals in the City of Sunset Valley. At the July Zoning Commission meeting, the Commissioners directed staff to bring back regulations from other cities with a variety of stringency to their regulations of short-term rentals (STR).

Staff researched three cities:

- 1) Port Aransas – A gulf coast city with a population of 4,123; economy is based on tourism.
- 2) Wimberly – a village in Hays County; mixed economy, reliant on sales tax driven by tourism in the area.
- 3) Lakeway – a city located on Lake Travis, a suburb in Travis County; mixed economy, not heavily reliant on tourism.

[For more information, please see the Zoning Commission Packet from 8-25-21 \(hyperlinked\)](#)

At the August meeting, there was a consensus among the Commissioners to use the Lakeway regulations as a starting point for possible amendments to Chapter 2 of the LDC. Staff was directed to provide the Commissioners with Word copies of the Lakeway regulations. In two weeks, the Commissioners would provide staff with individual redlined versions, with any comments, of the Lakeway STR regulations. Staff has synthesized the Commissioners comments and markups to produce draft regulation (see backup).

Key regulations and conditions within the proposed language:

- Applicant shall provide a copy of the filed AP-102 Form with the Texas Comptroller (Hotel Occupancy Tax)
- A local, responsible designated contact must be available within 30 minutes notice to be onsite, and provide the City with 24/7 contact information
- Permits issued for a one-year period and renewable for a two-year period

- Maximum occupancy is 2 persons per sleeping room, plus an additional 4 per dwelling; for properties with more than 3,250 sf of conditioned living space, max. occupancy is 2 persons per sleeping room, plus an additional 6
- A placard outside the STR is required displaying permit number, allowed occupancy, and name and contact information of designated local contact
- STR use shall not produce nuisances as defined in Title IX (noise, health and sanitation, etc.) or elsewhere defined in the LDC
- Parking by renters and their guests shall be limited to the rental property and the right-of-way bordering the rental property
- STR Permits only allowed within the single-family residential zoning district
- STR Permits may be suspended (see backup for details)

Clarifications or issues that may need to be addressed:

- Will there be a limit on the number or location of STR Permit issued by the City?

Under Lakeway's criteria, the total number of STR permits issued shall not exceed 25. Lakeway's regulations also state that no new STR permit shall be issued within 1,000 feet of another residential property that has an STR permit.

- Will there be a minimum rental period? Maximum rental period?

Lakeway's regulations state that the minimum rental period shall be two consecutive nights. Lakeway does not have a maximum rental period, but 30 days is suggested here in the proposed language.

- HOA review of applications?

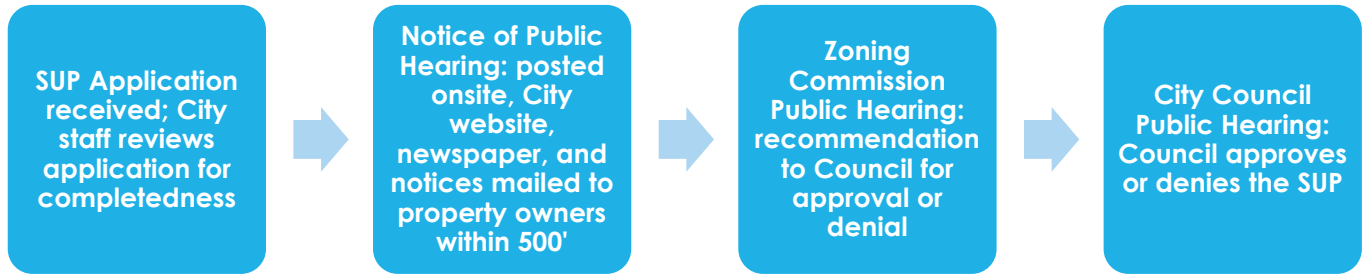
Lakeway's regulations state that an HOA (or POA) will provide acknowledgement of review of an STR application, if applicable. Sunset Valley has one HOA, the Meadows, and it has never been involved in a review of a Special Use Permit application with the City.

- ST1 "owner occupied" vs. ST2 "non-owner occupied" short-term rentals

These are two different categories of short-term rentals as defined in the City of Wimberley's regulations which do not appear in Lakeway's regulations. The Commission could consider varying degrees of regulation for owner occupied versus non-owner-occupied short-term rentals.

SPECIAL USE PERMITS: The proposed regulations would create a specific Special Use within section 2.503 of Chapter 2. This would mean that any legal, permitted short-term rental would be subject to all standard requirements of a Special Use Permit (SUP).

For every STR application received and reviewed by the City, a Public Hearing would be held before the Zoning Commission and City Council, and proper notice provided, including all property owners within 500 feet. Below is a visual overview of the SUP process:



Ultimately, the City Council will approve or deny the Special Use Permit application for a short-term rental. If the Council votes against the recommendation of the Zoning Commission to either approve or deny the SUP, a supermajority vote would be required.

Additionally, if the City receives written protest from 20% of the property owners within 200 feet of the property applying for a short-term rental, approval of the permit requires a favorable vote of a supermajority of the City Council.

[See Land Development Code, Sections 2.300, 2.501, 2.502 and 2.503 \(Chpt. 2 hyperlinked\)](#)

STAFF RECOMMENDATION: Continue to refine the language for amending Chapter 2 of the Land Development Code to create a permitted Special Use for short-term rentals, with input from the public, any guidance from legal, or other considerations.

Once the Commission is ready to move forward with an Ordinance amending Chapter 2, staff recommends that the Commission hold a joint-meeting and Public Hearing with the City Council.

SUPPORTING MATERIALS PROVIDED: YES/ NO

Proposed Amendments to Chapter 2
Lakeway STR Regulations

This proposed language would be added to Section 2.503 Specific Criteria Applicable to Individual Special Uses and Temporary Special Uses

Specific criteria applicable to applications for short-term rental permits. The following shall be included in the initial special use permit application to operate a short-term rental, in addition to the general special use permit application:

- (1) The complete legal description, street address, and location of the short-term rental unit;
- (2) Proof of ownership and the name, street address, telephone number, driver's license, and email of each person or entity with an ownership interest in the short-term rental as well as the local responsible contact for the short-term rental; local responsible contact must be available within thirty (30) minutes notice to be on site;
- (3) A site plan or description showing the size and dimensions of the short-term rental, the gross square footage, location and number of rooms, bedrooms, bathrooms, kitchens, and vehicle parking spaces;
- (4) Proof of a valid and current registration, license, or approval under the hotel occupancy tax program administered by the state and the city and proof of payment of hotel occupancy taxes due as of the date of the submission of the application;
- (5) Proof of property insurance for the short-term rental;
- (6) Any additional information the city ~~manager determines~~administrator determines necessary for the administration of this chapter.

The Zoning Commission and City Council shall hold a public hearing and notify property owners within 500 feet on each application for a Special Use Permit for a Short-term Rental in accordance with the procedures in Section 2.300;

If the City has received a written protest from 20% of the owners of property within two hundred feet (200') of the specific property, approval of the permit requires a favorable vote of a supermajority of the City Council.

Commented [ML1]: All Special Use Permit Applications in SV are subject to notice to property owners within 500'

Sec. 30.05.004.5—Criteria applicable to short-term rental use permits

Short-term rental use must comply with all of the following specific criteria and conditions as well as the general criteria in [section 2.502-section 30.05.003](#).

- (1) The applicant shall provide a copy of the filed Comptroller of Public Accounts' Form AP-102 (hotel occupancy tax questionnaire);
- (2) The applicant shall provide proof of insurance with the use "short-term rental" clearly identified;
- (3) The total number of short-term rental use permits issued by the city shall not exceed **twenty-five (25)**;

~~(A) The limit of twenty-five (25) short-term rental use permits shall not include a short-term rental use permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code.~~

~~(4) No new initial permit shall be issued for residential property located within one thousand (1,000) feet of another residential property that has a current short-term rental use permit;~~

~~(A) A permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code shall be exempted from the 1,000-foot distance requirement.~~

- (5) Provide acknowledgement of review of the application by HOA/POA (if applicable);
- (6) Initial permits shall be issued for a one (1) year period and shall be renewable for a two (2) year period, provided a complete application for renewal is filed with the city no more than ninety (90) days and no less than sixty (60) days prior to the expiration date of the initial permit;
- (7) No permit application shall be accepted for filing, processed, or approved during a period of one (1) year following the denial of an application or revocation of a permit for any residential property;
- (8) No additional permit application for short-term rental use shall be accepted for filing from, processed, or approved for an owner of real property with an existing permit for short-term rental use;
- (9) A permit is **not** transferable ~~and shall be void upon transfer or conveyance of the~~ provided that the new owner reapplied within sixty (60) days of closing on the property;
- (10) All structures housing short-term rental use shall comply with this article and all other applicable regulations of this code, and compliance shall be verified by means of an on-site inspection by city staff;

Short-term rentals shall only be permitted within the Single-family Residential Zoning District;

Maximum occupancy is two (2) persons per sleeping room, plus an additional four (4) per dwelling. For properties with more than 3,250 square feet of conditioned living space, the maximum occupancy shall be two (2) persons per sleeping room plus an additional six (6);

All floors with an enclosed space of any kind must have a minimum of one standard fire extinguisher;

Accessory buildings, including guest houses, cannot be used as a Short-Term Rental;

A placard outside the Short-Term Rental is required displaying the permit number, allowed occupancy, and name of designated local contact with their 24/7 contact information;

- (11) Parking by renters or their guests shall be limited to the right-of-way bordering the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;
- (12) Advertisement of the short-term rental use shall adhere to "truth in advertising" principles and shall clearly state maximum occupancies;
- (13) Advertisement of the short-term rental use shall not be displayed on the premises of the property in any manner that is visible from the exterior of the house;
- (14) Short-term rental use permit holders shall comply with and ensure their tenants have provided written notice and comply with all applicable city ordinances and state laws regulating litter, waste

Commented [ML1]: Clarification needed on what the number of permitted STRs should be in the City

Commented [ML2]: No condominiums or other multi-family residences allowed within SF

Commented [ML3]: Is this necessary? Only HOA in SV is the Meadows, would they review STRs?

Commented [ML4]: See Section 2.501

disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public;

(15) The short-term rental use shall not produce nuisances as defined in [Title IX, General Regulations, of the Sunset Valley Code of Ordinances section 22-02-001](#) or elsewhere in this code including but not limited to noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, pets, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a public or private nuisance;

(16) Minimum rental period shall be two (2) consecutive nights; ~~maximum rental period shall be thirty (30) consecutive nights;~~

(17) Short-term rental use permit holders shall file state hotel occupancy tax reports in a timely manner, shall maintain accurate logs including dates and times of rentals, number of guests, number of automobiles present, and complaints received, and shall forward logs to the city-designated official on a monthly basis ~~or such other basis as the City determines;~~

(18) The city ~~manager or assistant city manager may~~ administrator may suspend any short-term rental permit upon the finding of one or more of the following:

- (A) A violation of any of the applicable terms, conditions, or limitations;
- (B) A violation of any applicable ordinance or regulation;
- (C) Operation or maintenance of the short-term rental property in a manner that is detrimental to the public's health, safety, or so as to constitute a nuisance.

~~The City may initiate such suspension on its own or upon application by any city resident. The City Administrator or their designee shall provide written notice to the Permit Holder of suspension proceeding and provide the Permit Holder opportunity to respond to such suspension proceeding. The City Administrator shall make such determination and provide a written report on why the Permit Holder's permit has been suspended or not suspended, which such suspension shall be effective immediately upon such determination.~~ Determinations made by the ~~City city manager or Administrator assistant city manager~~ may be appealed to the board of adjustment.

Commented [ML5]: Suggestion for City Staff to provide a "Short Term Rental Use Legal Restrictions Notice" that provides a summary of all rules which the homeowner can provide to the renter. Consider preparing a complete notice to the renter that includes the contact information, emergency information, and any other pertinent information or regulations.

Commented [ML6]: Differing opinions on whether there should be a minimum rental period or not



APPLICATION FOR SPECIAL USE PERMIT SHORT TERM RENTAL

(INCLUDE NECESSARY SUPPORTING MATERIAL)

ADDRESS OF PROPERTY:				ACREAGE OF SITE:	
LEGAL DESCRIPTION (SUBDIVISION, SECTION, LOT NUMBER):				CURRENT ZONING:	
PROPERTY OWNER FIRM:	CONTACT NAME:	TELEPHONE:	E-MAIL		
MAILING ADDRESS:		CITY:	STATE	ZIP CODE	
APPLICANT FIRM:	CONTACT NAME:	TELEPHONE:	E-MAIL		
MAILING ADDRESS:		CITY:	STATE	ZIP CODE	

SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:
 I, as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and accurate to the best of knowledge. I have received, read and understand the terms and conditions of this request, and agree to compliance with all applicable codes and ordinances of the City.
 I understand that my contractor or subcontractor(s) identified below will schedule inspections on my behalf permitting city inspectors to enter my property to conduct the necessary inspections as scheduled.
 I authorize my duly authorized agent to coordinate with the City and its representatives to enter the property at reasonable times for the purposes of inspecting and monitoring the project according to the adopted codes of the City. This authorized agent is hereby given authority from me to consent to City inspections on my behalf.

APPLICANT SIGNATURE

PRINTED NAME **DATE**

(FOR CITY USE ONLY)

PERMIT NUMBER:

AMOUNT RECEIVED:

NOTES:

Special Use Permit-Short Term Rental Checklist

- \$250 APPLICATION FEE + ADVERTISING/NEIGHBOR NOTIFICATION COSTS**
- LOCATION MAP**
- COPY OF RECORDED SUBDIVISION PLAT (11"x17")**
- COPY OF TRAVIS CENTRAL APPRAISAL DISTRICT PROPERTY RECORD**
- ADDITIONAL INFORMATION NEEDED:**
 - Aerial of the lot that clearly shows the home.
 - Number of parking spaces.
 - Number of bedrooms.
 - Describe amenities.
 - Provide details on how the rental is advertised, including website and property ID #'s.
 - Provide details on how the rental is managed, including contact information.
- PHOTOGRAPHS:**
 - Clearly showing the front of the home.
 - Clearly showing the parking area.



Building & Development Services
1102 Lohmans Crossing, Lakeway, TX 78734
Phone: (512) 314-7540 Fax: (512) 314-7541
www.lakeway-tx.gov

(ADDITIONAL SPACE AS NEEDED FOR AUTHORIZED AGENTS OF THE OWNER)

ADDRESS OF PROPERTY:

PRINTED NAME OF GENERAL CONTRACTOR, SUBCONTRACTOR, OR OTHER AUTHORIZED AGENTS OF OWNER

PRINTED NAME OF GENERAL CONTRACTOR, SUBCONTRACTOR, OR OTHER AUTHORIZED AGENTS OF OWNER

PRINTED NAME OF GENERAL CONTRACTOR, SUBCONTRACTOR, OR OTHER AUTHORIZED AGENTS OF OWNER

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Sec. 30.05.002 Special use permits

(a) Permit required.

(1) No special use shall be established, operated, or maintained except as authorized by a special use permit issued in accordance with the requirements of this section.

(2) A special use permit may be issued only for the special uses specified in this chapter, and only for the district where it is authorized. A special use permit may be issued by:

(A) The city council, after a recommendation on the proposed permit from the zoning and planning commission, and following a public hearing, for all special use permits except those listed in subsection (B) or (C) below;

(B) The zoning and planning commission, after a public hearing, for those permits for home occupation permits in residential zoning districts, when requested by the code official; or

(C) The code official, for home occupation permits which comply with all provisions of [sections 30.05.003](#), [30.05.004](#), and [30.05.005](#) in addition to renewals subject to the provisions of subsection (f)(2)(A) of this section. The code official may refer any such application to the zoning and planning commission for determination.

(b) Application. An application for a special use permit shall be made in writing in a form prescribed by the city and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed permit. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data. The applicant, or its representative, for a special use permit shall attend all public hearings during which his application will be discussed.

(c) Report by city staff. Whenever a special use permit application is to be considered by the zoning and planning commission or the city council, a designated member of the building & development services department shall visit the sites of proposed special permits and the surrounding area and shall prepare a report of findings to be given to the zoning and planning commission and the city council, as the case may be.

(d) Notice - Public hearings required.

(1) Public hearings shall be held by each body considering and/or approving each original application for a special use permit, except home occupation applications processed for approval by the code official. However, a public hearing may be held before the zoning and planning commission for permit applications or renewals approvable by the code official when requested by the code official or a neighbor of the applicant. The public hearings for permits may be a joint public hearing of the zoning and planning commission and the city council. The applicant must be present during all public hearings regarding his application. If the applicant is not present at each public hearing, the applicant's application is subject to denial.

(2) When required by applicable law, rule or regulation, written notice of each hearing shall be given to the owners of all real property located within two hundred feet (200') in all directions of the property that is the subject of the hearing. Notice shall be given not less than ten (10) days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to owners at their address as shown on the last approved city tax roll, with postage prepaid.

(3) For short-term rental use applications, written notice of such hearing shall also be given to the relevant home owners/property owners association in the same manner as the required written notice to owners of all real property located within two hundred feet (200') in all directions of the subject property.

(4) Such notice shall state the purpose, date, time, and place of the hearing and shall contain a brief description of the proposed permit, including its nature, scope, and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. A telephone number shall be provided where information on the hearing(s) is or will be available at a later date.

(e) Review and recommendation by the zoning and planning commission.

(1) The commission shall review all nonresidential applications for special use permits to determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#) and with the general requirements in [section 30.05.005](#) applicable to the proposed use.

(2) The commission shall not recommend approval of an application unless it finds that the proposed permit as presented or as modified by the commission, complies with each of the general and applicable specific criteria.

(3) A recommendation of an approval may be conditioned on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(4) The commission shall forward its findings and recommendations to the city council, for those permits not approvable by the commission.

(5) After receiving findings and a recommendation from the zoning and planning commission, and following a public hearing, the city council shall review applications for nonresidential applications for special use permits.

(f) Review and action.

(1) For new applications in residentially zoned districts for home occupation permits only:

(A) The code official shall determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#), with each of the special criteria in [section 30.05.004](#), and with each of the general requirements in [section 30.05.005](#) applicable to the proposed permit. The code official may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(B) A special use permit for a home occupation shall not be approved unless it complies with each of the applicable general and specific criteria; otherwise the application shall be denied.

(C) Pursuant to subsection (a)(2)(B) and (C), the code official, at the official's discretion, may forward the application to the zoning and planning commission for consideration and determination.

(2) For renewal applications for home occupation permits only:

(A) If no substantiated complaint(s) have been lodged against the applicant or the applicant's home business after the last permit was issued, the code official may approve home occupation renewal permits for an additional 12-month period.

(B) If any substantiated complaints have been lodged against the renewal applicant or the applicant's home business after the last permit was issued, the application for renewal will be directed to the zoning and planning commission pursuant to subsection (a)(2)(B) and (C) and will be processed as a new application.

(C) Substantiated complaints shall be defined as any written complaint submitted to the building and development services department or code enforcement and determined by city staff to be an ordinance violation, including a violation of this article, or state law violation that is supported or verified by corroborating information, for example the report of an investigating police or code enforcement officer or an audio or video recording. The allegations in the complaint do not have to be the subject of a criminal complaint or result in a criminal conviction for the complaint to be substantiated. The building and development services director or their designee shall notify the permit owner in writing of any substantiated complaint.

(3) For all other applications, except those approvable without city council intervention:

(A) Upon receipt of the commission's recommendation, the city council shall determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#) and with each of the general requirements in [section 30.05.005](#) applicable to the proposed permit and, for short-term rentals, with the specific criteria and conditions in [section 30.05.004.5](#), and shall make separate findings thereon or adopt the findings made by the commission. The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(B) The city council shall not grant a special use permit unless it finds that the proposed special use, as presented or as modified by the council, complies with each of the applicable general and specific criteria; otherwise it shall deny the application.

(g) For renewal application for short-term rental permits only.

(1) If no more than two (2) substantiated complaints have been filed with the city police department

and/or the code enforcement section of the building and development services department against the applicant or the short-term rental property after the last permit was issued, upon a determination of compliance with all applicable criteria, requirements and conditions, the code official may approve short term rental renewal permits for an additional 24-month period.

(2) If more than two (2) substantiated complaints have been filed with the city police department or the code enforcement section of the building and development services department against the applicant or the short-term rental property after the last permit was issued, the application for renewal will be directed to the zoning and planning commission for review, public hearing, determination of compliance with all applicable criteria, requirements and conditions, and recommendation to city council.

Sec. 30.05.003 General criteria applicable to all special uses

(a) A proposed special use permit must comply with all the following criteria:

- (1) The appearance, size, density and operating characteristics for the proposed permit are compatible with the surrounding neighborhood and uses;
- (2) The issuance of the proposed permit will not have an adverse effect on the value of surrounding properties nor impede their proper development;
- (3) The issuance of the proposed permit will not create a nuisance nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;
- (4) The traffic that the issuance of the proposed permit can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood. A traffic impact analysis may be required by the city engineer or code official; and
- (5) The proposed permit complies with all other applicable ordinances and regulations.

(b) Specific criteria applicable to applications for short-term rental permits. The following shall be included in the initial special use permit application to operate a short term rental, in addition to the general special use permit application:

- (1) The complete legal description, street address, and location of the short-term rental unit;
- (2) Proof of ownership and the name, street address, telephone number, driver's license, and email of each person or entity with an ownership interest in the short-term rental as well as the local responsible contact for the short-term rental;
- (3) A site plan showing the size and dimensions of the short-term rental, the gross square footage, location and number of rooms, bedrooms, bathrooms, kitchens, and vehicle parking spaces;
- (4) Proof of a valid and current registration, license, or approval under the hotel occupancy tax program administered by the state and the city and proof of payment of hotel occupancy taxes due as of the date of the submission of the application;
- (5) Proof of property insurance for the short-term rental;
- (6) Any additional information the city manager determines necessary for the administration of this chapter.

Sec. 30.05.004.5 Criteria applicable to short-term rental use permits

Short-term rental use must comply with all of the following specific criteria and conditions as well as the general criteria in [section 30.05.003](#).

- (1) The applicant shall provide a copy of the filed Comptroller of Public Accounts' Form AP-102 (hotel occupancy tax questionnaire);
- (2) The applicant shall provide proof of insurance with the use "short-term rental" clearly identified;
- (3) The total number of short-term rental use permits issued by the city shall not exceed twenty-five (25);
 - (A) The limit of twenty-five (25) short-term rental use permits shall not include a short-term rental use permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code.
- (4) No new initial permit shall be issued for residential property located within one thousand (1,000) feet of another residential property that has a current short-term rental use permit;
 - (A) A permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code shall be exempted from the 1,000 foot distance requirement.
- (5) Provide acknowledgement of review of the application by HOA/POA (if applicable);
- (6) Initial permits shall be issued for a one (1) year period and shall be renewable for a two (2) year period, provided a complete application for renewal is filed with the city no more than ninety (90) days and no less than sixty (60) days prior to the expiration date of the initial permit;
- (7) No permit application shall be accepted for filing, processed, or approved during a period of one (1) year following the denial of an application or revocation of a permit for any residential property;
- (8) No additional permit application for short-term rental use shall be accepted for filing from, processed, or approved for an owner of real property with an existing permit for short-term rental use;
- (9) A permit is not transferable and shall be void upon transfer or conveyance of the property;
- (10) All structures housing short-term rental use shall comply with this article and all other applicable regulations of this code, and compliance shall be verified by means of an on-site inspection by city staff;
- (11) Parking by renters or their guests shall be limited to the right-of-way bordering the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;
- (12) Advertisement of the short-term rental use shall adhere to "truth in advertising" principles and shall clearly state maximum occupancies;
- (13) Advertisement of the short-term rental use shall not be displayed on the premises of the property in any manner that is visible from the exterior of the house;
- (14) Short-term rental use permit holders shall comply with and ensure their tenants comply with all applicable city ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public;
- (15) The short-term rental use shall not produce nuisances as defined in [section 22.02.001](#) or elsewhere in this code including but not limited to noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, pets, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a public or private nuisance;
- (16) Minimum rental period shall be two (2) consecutive nights;
- (17) Short-term rental use permit holders shall file state hotel occupancy tax reports in a timely manner, shall maintain accurate logs including dates and times of rentals, number of guests, number of automobiles present, and complaints received, and shall forward logs to the city-designated official on a monthly basis;
- (18) The city manager or assistant city manager may suspend any short-term rental permit upon the finding of one or more of the following:

- (A) A violation of any of the applicable terms, conditions, or limitations;
- (B) A violation of any applicable ordinance or regulation;
- (C) Operation or maintenance of the short-term rental property in a manner that is detrimental to the public's health, safety, or so as to constitute a nuisance.

Determinations made by the city manager or assistant city manager may be appealed to the board of adjustment.

(Ordinance 2020-03-16-04 adopted 3/16/20)