

Draft Ordinance Prepared 10/29/2019 by Councilmembers LeBrun and Jackson

Short Term Rental (STR) Requirements

§ 156.140 SHORT TERM RENTAL PERMITS REQUIRED

- A. Purpose. The requirements listed below are intended to promote the orderly development and use of property as vacation rentals. Short Term Rentals (STR's) are permitted in some residential zoning districts and as such, the regulations herein are the minimal necessary to mitigate any possible impact of such uses on the surrounding neighborhood while allowing property owners to reasonably use their property. The residential feel and character of an STR used as a vacation rental property shall be maintained and the property will not unnecessarily intrude upon the adjacent neighbors.
- B. An approved conditional use permit (CUP) shall be required for a short-term rental property. City Staff shall review application presentations and issue permits.
- C. The CUP application must include a drawing of the property, indicating locations of bedrooms and parking spaces.
- D. All approved CUPs shall comply with any conditions imposed as part of the CUP application process, this section and any other applicable ordinance, law or regulation.
- E. Factors for staff review of a CUP application shall include but not be limited to consideration of the following:
 - 1) Permitted uses in the applicable zoning district;
 - 2) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate. Occupancy levels will be limited to 2 per bedroom, plus no more than 2 total occupants in excess of the combined bedroom limit.
 - 3) Setbacks and proximity to other dwellings;
 - 4) Occupant access to waterways and other environmentally sensitive areas;
 - 5) Vehicle access and on-site parking and the number of parking spaces available;
 - 6) Compliance with all state, county, and city ordinances, laws, rules, and regulations, including the building code and fire code; and
 - 7) Adequacy of wastewater treatment systems.
- F. In addition to any conditions imposed as part of the approved CUP, the following regulations shall be applicable to all vacation rental lodging facilities and shall be incorporated into the terms of the CUP:
 - 1) An approved conditional use permit (CUP) shall be required.
 - 2) If compliance with the CUP is in question, property shall be subject to inspection at any time by designated city representatives, with proper notice provided if feasible.
 - 3) A fire escape plan, noting 2 possible exits shall be developed and graphically displayed in each guest room. One (1) smoke alarm shall be provided in each guest bedroom. One fire extinguisher is to be visible and accessible to all guests.
 - 4) Open burning is prohibited when a burn ban has been declared by Hays County. Absent a burn ban, small fires in residential fire pits or chimineas are allowed. It is the owner's responsibility to ensure fire pits or chimineas comply with City Ordinances.
 - 5) Archery is not permitted within the short-term rental property. A person commits an offense if he or she knowingly, intentionally or recklessly propels an arrow or any other projectile used in the sport of archery onto the property or onto or over the property of another.
 - 6) Owners of the property are required to notify renters of the restrictions on the use of firearms within the City of Woodcreek, specifically Section 96.05 of this Code of Ordinances which states that, with certain listed exceptions, a person commits an offense if she or she intentionally, knowingly, or recklessly discharges a firearm within the city limits. .
 - 7) No fireworks may be detonated, ignited, or discharged at any time.
 - 8) No advertising signage is allowed on the property exterior. This excludes common signage that designates residence, such as "the Johnson Family" or "The Johnsons".
 - 9) A valid taxpayer number for reporting any Texas tax shall be provided to the city along with a copy of the completed state hotel occupancy tax questionnaire (Form AP-102) no later than thirty (30) days following the approval of the CUP.

- 10) If there is a change in ownership of the property, the city shall be notified of any change within thirty (30) calendar days of such change. A CUP does not transfer with ownership. New owners wishing to continue operating an STR will be required to file a new permit application.
 - 11) If guests have water access, guests may not enter upon any property which is not part of the owner's property for the purpose of entering or exiting the water.
 - 12) On-street parking is prohibited. One (1) parking space is required per room rented subject to modification as part of the CUP approval process. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.
 - 13) The maximum occupancy allowed shall be reviewed and determined in each individual CUP application based on number of rooms, beds, parking, neighborhood input, septic system capacity and any other factor determined to be relevant by the commission or council. In no case is allowed occupancy to exceed 2 per bedroom, plus no more than 2 total occupants in excess of the combined bedroom limit. Owner occupancy is permitted but not required.
 - 14) There shall be a local, responsible contact for each property. The subject property owner shall provide the city and property owners within 200 feet of the subject property, the current name and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owner shall notify the city and property owners within 200 feet of the subject property, with the updated name and contact information.
 - 15) City Quiet Hours shall be observed by guests and enforced by STR owners. Unruly behavior is prohibited. Unruly gathering means a gathering of more than one person which is conducted on a premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one or more of the following conditions or events on public or private property: rioting; trespassing, the unlawful sale, furnishing, possession or consumption of alcoholic beverages; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
- G. Special procedures for planning and zoning commission consideration of CUP application. If a proposed CUP application is denied by the City and protested in accordance with this subsection, it must receive a majority approval vote by the planning and zoning commission, at a meeting where a quorum is present. This will serve as a recommendation by planning and zoning to the City Council who will have the exclusive right to grant a CUP if denied by City staff.

§ 156.141 SHORT TERM RENTAL REGULATIONS; REVOCATION

- A. Rental regulations shall be posted in the main living area of each property and in the rental listing to advertise the property. The rental regulations shall contain all the following rules at a minimum:
- 1) On-street parking is prohibited. Park in designated spaces only, no parking on landscaping, grass or unimproved surfaces. The number of allotted parking spaces must be listed in the advertisement for the STR property.
 - 2) Maximum occupancy number must be posted with a notice that no extra guests are allowed.
 - 3) Rentals must be to adults only and an adult must be present during the stay. In no case shall minors be allowed use of a property without adult supervision.
 - 4) No large parties allowed
 - 4) Quiet hours are defined as: 10:00 p.m. to 7:00 a.m. Sunday evening through Friday morning and 11:00 a.m. to 8:00 a.m. Friday evening through Sunday morning;
 - (a) Any noise of such character, intensity or continued duration which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(b) Any noise of such character, intensity or continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited. Unruly behavior is prohibited. Unruly gathering means a gathering of more than one person which is conducted on a premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one or more of the following conditions or events on public or private property: rioting; trespassing, the unlawful sale, furnishing, possession or consumption of alcoholic beverages; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

- 5) A list of emergency numbers to include at a minimum: Rental manager or owner emergency number, 911 (Sheriff & Fire), Constables' office
- 6) If pets are allowed, a pet policy that includes responsibility for waste removal and disposal.

B. Warning, fines and revocation of permit:

- a) The owner of a property must maintain and use the property in accordance with all applicable ordinances and rules within the City of Woodcreek. As such, warnings, tickets and/or fines concerning the property will be included when consideration of revocation of the CUP is required.
- b) Additionally, when the city identifies specific failures to adhere to the requirements of the CUP, the city may issue warnings or fines. i.e. failure to provide fire extinguishers in a property.
- c) The City, in consultation with the Constables office may identify repeated verified failures to comply with the CUP. If the owner fails to rectify deficiencies within 30 days or has repeated complaints within 60 days, the City may decide to revoke the permit. The owner has 30 days from that date to appeal the revocation to the City Council. In the event of permit revocation, no application fees will be returned.
- d) A property owner may re-apply and be granted a permit during the next calendar year if they can demonstrate improvement in their process which will prevent repeated failures to comply with these rules.