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VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-11

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE'S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AT ARTICLE 30, SECTIONS 30.105 AND 30.133 OF THE VILLAGE'S ZONING REGULATIONS; PROVIDING THE DEFINITIONS OF SHORT TERM RENTAL; DEFINING, REGULATING AND RESTRICTING THE USE OF SHORT TERM RENTAL USAGE IN ZONING CATEGORIES; AND PROVIDING FOR LEGISLATIVE FINDINGS, PURPOSE, PENALTY PROVISIONS, SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

17 **WHEREAS,** the Village Council seeks to provide for the orderly and harmonious development
18 of land and use of property within its corporate limits; and
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20 **WHEREAS,** the Village Council seeks to protect the Village's economic strength and quality
21 of life through a comprehensive regulatory system imposing land use and
22 development regulations through zoning ordinance provisions, which will ensure
23 an ordered and quality development of property; and
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25 **WHEREAS,** in the course of reviewing this Ordinance and its provisions, the Village Council has
26 given careful consideration to the unique qualities of the Village, including its
27 demographics, inhabitants, history, geography, natural resources, existing structures,
28 property values, workforce, commercial base, and public facilities and infrastructure;
29 and,
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31 **WHEREAS,** the Village Council believes that the a definition of "Short Term Rental" should be
32 defined and clarified to ensure that it is fairly applied and enforced; and should be
33 regulated and permitted to ensure the public's health, safety, welfare; and,
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35 **WHEREAS,** the Village Council finds that the unrestricted use, placement, and operation of
36 Short Term Rentals on residential improved lots can cause aesthetic harm,
37 devalue adjacent properties, result in undesirable overcrowding, tend to create
38 additional enforcement issues and costs, and constitute a public nuisance and
39 general health, safety, and welfare issues for both neighboring residents and rental
40 clientele.
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42 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
43 **VILLAGE OF VOLENTE, TEXAS, THAT:**
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45 **Section 1. Legislative Findings.**
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47 The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative
48 Findings of the Village Council, and are hereby incorporated within this Ordinance.
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51 **Section 2. Purpose.**
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53 The provisions of this Ordinance are intended to protect the welfare, convenience and overall
54 enjoyment and quality of life of the citizens of Volente, and to prevent public nuisance.
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56 **Section 3. Amendments to Existing Definitions.**
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58 The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
59 30.105 of the Village’s Zoning Regulations are hereby amended so as to define in their entirety
60 the following definitional terms (*in bold italics*):
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62 ***Short Term Rental*** means the rental of a portion of or an entire residence for less
63 than thirty (30) days. Where permitted in a district, a property owner who desires
64 to rent his or her partial and/or entire residential structure for a period of less than
65 thirty (30) days, whether leased directly or subleased through another party, is
66 engaged in the operation of a short term rental.
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68 ***Bedroom*** is defined as a room that is designated to be used as a sleeping room and
69 for no other primary purpose.
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71 ***Adult*** is defined as a person over the age of sixteen (16) years old.
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73 **Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use**
74 **and location Short Term Rentals.**
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76 The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
77 30.133 of the Village’s Zoning Regulations are hereby amended to add Item (c) 17 and to define,
78 place restrictions, and permitting process and requirements upon Short Term Rentals, which are
79 defined and restricted as follows:
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81 ***Short Term Rental*** the rental of a residence for less than thirty (30) days. Where
82 permitted in a district, a property owner who desires to rent his or her partial and/or
83 entire residential structure for a period of less than thirty (30) days, whether leased
84 directly or subleased through another party, shall comply with the following special
85 criteria and conditions:
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- 87 1. All structures used for Short Term Rentals shall comply with all applicable regulations
88 and ordinances of the Village of Volente;
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- 90 2. All structures used for Short Term Rentals shall comply with LCRA and OSSF septic tank
91 regulations and have the septic tank capacity to adequately dispose of the volumes of
92 wastewater generated from the short term rental of the structure;

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3. The Application for a Short Term Rental Conditional Use Permit shall include the following:

a. A written verification from the owner of the real property verifying the property will be used for Short Term Rentals;

b. A sworn affidavit by the owner of the property to be used for Short Term Rentals that that the applicant has sent written notification by regular first class mail via the United States Postal Service or email to all owners of real property within five hundred (500) feet of the property to be used for Short Term Rentals that the owner has applied for a permit for Short Term Rental use. Written notification shall include:

1. The name of the authorized agent and owner of the unit, and telephone numbers at which those parties may be reached on a twenty-four (24) hour basis;

2. The enforcement telephone number at which members of the public may report violations of the vacation rental program regulations or conditions of approval attached to a specific vacation rental permit;

3. The maximum number of occupants permitted to stay in the rental unit.

c. The maximum number of persons permitted at the Short Term Rental to stay overnight are two persons, over the age of 16, per bedroom with a maximum of three additional overnight guests.

d. The maximum number of persons permitted at the Short Term Rental in addition to the number of occupants for overnight occupancy shall not exceed ten (10) persons or the maximum number of persons permitted at the Short Term Rental under the provisions of the Uniform Fire Code.

e. The permit fee is one hundred and fifty dollars (\$150.00) for the original application with a fifty dollar (\$50.00) fee for each renewal permit application.

f. Once the Village Administrator determines that the application is administratively complete, he/she is authorized to issue the Owner of a Short Term Rental a permit for an initial period of one year. If the Village Administrator determines that the application is not administratively complete and the Applicant disagrees, the Planning and Zoning Commission shall determine whether the application is administratively complete.

g. If the Village Administrator refuses to issue the Owner a permit, the Owner can appeal the Village Administrator's decision to the Village Council.

4. Parking by renters or their guests shall be limited to one-side of the right-of-way directly contiguous to the Short Term Rental (provided the pavement is a minimum of twenty

139 (20) feet from the side of the vehicle to the other side of the roadway), to the garage and
140 to the driveway on the Short Term rental property. The parking shall not prevent or
141 obstruct ingress and egress to the neighboring properties or to emergency and/or fire
142 vehicles;

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- 144 5. There shall be no signage or advertisement of the Short Term Rental Use displayed on
145 the premises of the Short Term Rental property that is visible from the exterior of the
146 house.
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- 148 6. Holders of a Short Term Rental Use permit shall comply with and ensure that their
149 tenants comply with all applicable City Ordinances and state laws regulating litter, waste
150 disposal, noise, nuisance, and other regulations for the protection of the health, safety,
151 and welfare of the public.
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- 153 7. The address of a Short Term Rental, the phone numbers of the Owner, Agent, Fire
154 Department and Village Office shall be prominently displayed on the inside of the front
155 door of the Short Term Rental Unit.
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- 157 8. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way
158 of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal
159 drug or alcohol use, public exposure, disturbance of the peace, disorderly conduct, or any
160 other conduct that may constitute a private or public nuisance. Nuisance is defined as an
161 activity that disturbs neighboring persons of ordinary sensibilities or that unreasonably
162 interferes with the normal use and enjoyment of properties beyond the boundaries of the
163 Short Term Rental property.
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- 165 9. Permits authorizing the use of single family residential properties as Short Term Rentals
166 will be for a term of one year with an annual renewal unless the Owner of the Short Term
167 Rental shall have been convicted of three or more violations of this ordinance by
168 proceedings in the Village's Municipal Court or in the Travis County Courts at Law or
169 District Courts.
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- 171 10. Any current permit will automatically terminate upon the third conviction of a violation
172 of the provisions of this Ordinance by proceedings in either the Village of Volente
173 Municipal Court or in the Travis County Courts at Law or District Courts. The Owner
174 cannot apply for a new permit under this Ordinance for a period of one year following
175 termination of a permit for three violations of the provisions of this Ordinance.
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- 177 11. A permit under this Ordinance is not transferable upon sale of the Short Term Rental
178 Property.
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180 **Section 5. The Addition of Short Term Rentals to various Zoning Categories**

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182 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
183 30.112, 30.113, 30.114, 30.115, 30.119, 30.120, 30.121, 30.122, and 30.123 of the Village's
184 Zoning Regulations are hereby amended to add short term rentals as follows:

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186 ***Section 30.112 Single Family Residential (e) (1) (A)***

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188 (e) Authorizing Short Term Rentals by Permit in this zoning district.

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190 (1) Conditional Uses Permitted by Permit and upon Authorization of Planning and
191 Zoning and the Village Council.

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193 (A) Short Term Rentals

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195 ***Section 30.113 Single Family Residential 1 Ridge top (f) (1) (A)***

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197 (f) Authorizing Short Term Rentals by Permit in this zoning district.

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199 (1) Conditional Uses Permitted by Permit and upon Authorization of the Village Council.

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201 (A) Short Term Rentals

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203 ***Section 30.114 Single Family Residential Cluster (e) (1) (A)***

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205 (g) Authorizing Short Term Rentals by Permit in this zoning district.

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207 (1) Conditional Uses Permitted by Permit and upon Authorization of the Village Council.

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209 (A) Short Term Rentals

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211 ***Section 30.115 Single Family Residential 2 (e) (1) (A)***

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213 (e) Authorizing Short Term Rentals by Permit in this zoning district.

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215 (1) Conditional Uses Permitted by Permit upon Authorization of the Village Council.

216
217 (A) Short Term Rentals

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219 **Section 6. Penalty.**

220 An individual, business, entity, or person who violates this Ordinance or fails to comply with the
221 conditions of a permit required by this Ordinance commits a Class C misdemeanor. A violation of
222 this Ordinance is punishable by a fine of up to \$500.00 per violation. Each day of violation is a
223 separate violation.

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225 **Section 7 Severability.**

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227 If any provision of this Ordinance or the application of any provision to any person or circumstance
228 is held invalid, the invalidity shall not affect other provisions or applications of the
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232 ordinance which can be given effect without the invalid provision or application, and to this end
233 the provisions of this Ordinance are declared to be severable.

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235 **Section 8. Effective Date.**
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237 This Ordinance shall take effect immediately ninety days (90) after the fulfillment of the public
238 posting and newspaper publication requirements of Section 52.012 of the Local Government
239 Code.

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241 **Section 9. Compliance with Public Notice and Meeting Requirements.**
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243 It is hereby officially found and determined that the meeting at which this Ordinance is passed
244 was open to the public as required and that public notice of the time, place, and purpose of said
245 meeting was given as required by the Open Meetings Act.

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247 **PASSED AND APPROVED** this, the 21st day of October, 2014, by a vote of the Volente
248 Village Council of three in favor, to two opposed, and with no abstentions.

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VILLAGE OF VOLENTE



Frederick Graber, Mayor

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260 **ATTEST:**



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265 Julia Vicars, Acting Village Secretary

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