

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.

WHEREAS, the Village Council seeks to provide for the orderly and harmonious development of land and use of property within its corporate limits; and

WHEREAS, the Village Council seeks to protect the Village’s economic strength and quality of life through a comprehensive regulatory system imposing land use and development regulations through zoning ordinance provisions, which will ensure an ordered and quality development of property; and

WHEREAS, the Village Council believes that the a definition of “Short Term Rental” should be defined and clarified to ensure that it is fairly applied and enforced; and

WHEREAS, the Village Council finds that the unrestricted use, placement, and operation of Short Term Rentals on residential improved lots can cause aesthetic harm, devalue adjacent properties, result in undesirable overcrowding, and constitute a public nuisance; and

WHEREAS, the Village Council finds that reasonable restrictions on the use and operation of Short Term Rentals protects and enhances property values, create a pleasing environment for residents and the entire community, preserve the quality of life for the Village’s residents, and are in the best interest of the public’s general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

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**Section 2. Purpose.**

The provisions of this Ordinance are intended to protect the welfare, convenience and overall enjoyment and quality of life of the citizens of Volente, and to prevent public nuisance.

**Section 3. Amendments to Existing Definitions.**

The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.105 of the Village’s Zoning Regulations are hereby amended so as to define in their entirety the following definitional terms (*in bold italics*):

***Short Term Rental*** means the rental of a residence for less than thirty (30) days. Where permitted in a district, a property owner who desires to rent his or her entire residential structure for a period of less than thirty (30) days, whether leased directly or subleased through another party.

**Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use and location Short Term Rentals.**

The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.133 of the Village’s Zoning Regulations are hereby amended to add Item (c) 17 and to define, place restrictions, and permitting process and requirements upon Short Term Rentals, which are defined and restricted as follows:

***Short Term Rental*** the rental of a residence for less than thirty (30) days. Where permitted in a district, a property owner who desires to rent his or her entire residential structure for a period of less than thirty (30) days, whether leased directly or subleased through another party, shall comply with the following special criteria and conditions:

1. All structures used for Short Term Rentals shall comply with all applicable regulations and ordinances of the Village of Volente;
2. The Application for a Short Term Rental License 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 legible copy of the completed and file stamped Texas Questionnaire for Hotel Occupancy tax filed with the appropriate authority;
  - c. A sworn affidavit by the owner of the property to be used for Short Term Rentals that written notification by mail via the United States Postal Service, certified mail, return receipt requested and by first class mail to all owners of real property within 200 feet of the property to be used for Short Term Rentals that the owner has applied for a license

93 hereunder, and if the license is granted, that the property shall be used for Short Term  
94 Rentals, including proof of receipt or rejection of said mailing by said adjacent property  
95 owners. Such notification shall be required for any renewal of said license. The address  
96 to be used for such written notification shall be the address on record with the Travis  
97 County Appraisal District for tax notifications.  
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99 d. The number of bedrooms contained within the single family residence to be used for  
100 Short Term Rentals with the written commitment that the maximum number of  
101 occupants for overnight occupancy of the residence is 4 persons per bedroom.  
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103 e. Proof that General Liability Insurance is currently in effect.  
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105 f. Any additional information on the application form promulgated by the Village, or as  
106 deemed necessary by the Village Administrator, or his designee, to process the  
107 application.  
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109 g. The Village Administrator shall establish the forms and procedures for applying for  
110 the license on-line.  
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112 h. Once the Village Administrator determines that the application is administratively  
113 complete, he/she is authorized to issue the Owner of a Short Term Rental a license for  
114 a period of one year.  
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116 3. Parking by renters or their guests shall be limited to one-side of the right-of-way directly  
117 contiguous to the Short Term Rental, to the garage and to the driveway on the Short Term  
118 rental property, and shall not encroach upon or obstruct ingress and egress to the  
119 neighboring properties;  
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121 4. There shall be no signage or advertisement of the Short Term Rental Use displayed on  
122 the premises of the Short Term Rental property that is visible from the exterior of the  
123 house.  
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125 5. Holders of a Short Term Rental Use license shall comply and ensure that their tenants  
126 comply with all applicable City Ordinances and state laws regulating litter, waste  
127 disposal, noise, nuisance, and other regulations for the protection of the health, safety,  
128 and welfare of the public.  
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130 6. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way  
131 of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal  
132 drug or alcohol use, public urination, public exposure, disturbance of the peace,  
133 disorderly conduct, or any other conduct that may constitute a private or public nuisance.  
134 Nuisance is defined as an activity that unreasonably interferes with the normal use and  
135 enjoyment of properties beyond the boundaries of the Short Term Rental property.  
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137 7. Licenses authorizing the use of single family residential properties as Short Term Rentals  
138 will be for a term of one year. Upon application for a renewal license, the license will

139 automatically be renewed for an additional one year term unless the Owner of the Short  
140 Term Rental shall have been convicted of three or more violations of this ordinance by  
141 proceedings in the Village's Municipal Court.  
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143 8. Any current license will automatically terminate upon the third conviction of a violation  
144 of the provisions of this Ordinance by proceedings in the Village of Volente Municipal  
145 Court. The Owner cannot apply for a new license under this Ordinance for a period of  
146 one year following termination of a license for three violations of the provisions of this  
147 Ordinance.  
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149 9. A license under this Ordinance is not transferable upon sale of the Short Term Rental  
150 Property.  
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152 **Section 5. The Addition of Conditional Permitted Use to Zoning Categories**  
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154 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
155 30.112, 30.113, 30.114, 30.115, 30.119, 30.120, 30.121, 30.122, and 30.123 of the Village's  
156 Zoning Regulations are hereby amended to add short term rentals as follows:  
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158 ***Section 30.112 Single Family Residential (e) (1) (A)***  
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- 160 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
161 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
162 Village Council.  
163 (A) Short Term Rentals  
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165 ***Section 30.113 Single Family Residential 1 Ridge top (f) (1) (A)***  
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- 167 (f) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
168 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
169 Village Council.  
170 (A) Short Term Rentals  
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172 ***Section 30.114 Single Family Residential Cluster (e) (1) (A)***  
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- 174 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
175 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
176 Village Council.  
177 (A) Short Term Rentals  
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179 ***Section 30.115 Single Family Residential 2 (e) (1) (A)***  
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- 181 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
182 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
183 Village Council.  
184 (A) Short Term Rentals  
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186 **Section 6. Penalty.**

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

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193 **Section 7 Severability.**

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

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201 **Section 8. Effective Date.**

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203 This Ordinance shall take effect immediately upon fulfilment of the the public posting and  
204 newspaper publication requirements of Section 52.012 of the Local Government Code .

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207 **Section 9. Compliance with Public Notice and Meeting Requirements.**

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209 It is hereby officially found and determined that the meeting at which this Ordinance is passed  
210 was open to the public as required and that public notice of the time, place, and purpose of said  
211 meeting was given as required by the Open Meetings Act.

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214 **PASSED AND APPROVED** this, the \_\_\_\_ day of September , 2014, by a vote of the  
215 Volente Village Council of \_\_\_\_\_ in favor, to \_\_\_\_\_ opposed, and with\_\_\_\_\_ abstentions.

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219 **VILLAGE OF VOLENTE**

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225 Frederick Graber, Mayor  
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227 **ATTEST:**

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232 Joan Jackson, Village Secretary