

# Village of Volente

## AMENDING ORDINANCE NO. 2015-O-02

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING ORDINANCE NO. 2004-O-32 SO AS TO MAKE CHANGES TO SECTION 30.133 CONDITIONAL USE PERMIT TO ADD TO SECTION 30.133 (c) (17) SHORT TERM RENTAL AND TO AMMEND CERTAIN SUB SECTIONS OF 30.133 CONDITIONAL USE TO ACCOMADATE THE USE OF SHORT TERM RENTAL: PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, PENALTIES, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES;**

**WHEREAS,** the City Council of Volente (“Council”) has actively been studying and evaluating the impact of development; and considering regulations that seek to provide for the orderly and safe development of land and use of property within its Village limits (i.e. incorporated municipal boundary) and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and

**WHEREAS,** the Council seeks to preserve the health, safety and general welfare of the community by enacting comprehensive development, subdivision and zoning regulations that provide for orderly growth, insure that the impact of development has an acceptable impact on the distinctive character of the community and preserve the cultural and aesthetic character of the Village; and

**WHEREAS,** the Council seeks to promote a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village’s commercial, cultural, environmental, historical, residential and scenic areas; and

**WHEREAS,** the Council has found it to be in the best interest of the public safety, health and general welfare of the Village to regulate the use and development of land so to preserve the quality of life for Village residents, prohibit overcrowding, reduce strain on infrastructure, and prevent the loss of historical and ecological resources; and

**WHEREAS,** the Village Council is expressly authorized by the Texas Standard Zoning Enabling Act, Texas Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Planning and Zoning Commission.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL BE ADDED TO REGULATE AND GOVERN THE CONDITIONAL USE PERMIT SECTION FOR THE USE OF SHORT TERM RENTAL FOR THE VILLAGE OF VOLENTE, TEXAS.**

**PART ONE Purpose:**

***Additions to the Section 30.133 Conditional Use Permit to accomplish the following purposes:***

(c). Authorized Conditional Uses:

(2) Amusement park, but not within three hundred feet (300') ***changed to "five hundred feet (500')"*** of any Residential District.

(3) Circus, carnival or zoo grounds, but not within three hundred feet (300') ***changed to "five hundred feet (500')"*** of any Residential District.

(5) Clinic or institution, provided that any institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two feet (2') for each foot one (1) of building height ***and add "or the required zoning set back whichever is greater."***

***To Add (17) Short Term Rentals: 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 partial and/or 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:

- a. All structures used for Short Term Rentals shall comply with all applicable regulations and ordinances of the Village of Volente;
- b. All structures used for Short Term Rentals shall comply with LCRA and OSSF septic tank regulations and have the septic tank capacity to adequately dispose of the volumes of wastewater generated from the short term rental of the structure;
- c. The Application for a Short Term Rental Conditional Use Permit shall include the following:
  1. A written verification from the owner of the real property verifying the property will be used for Short Term Rentals;
  2. 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:

- a. 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;
  - b. 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;
  - c. The maximum number of occupants permitted to stay in the rental unit.
3. 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.
4. 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.
5. 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.
6. 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.
7. If the Village Administrator refuses to issue the Owner a permit, the Owner can appeal the Village Administrator's decision to the Village Council.
- d. 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 (20) feet from the side of the vehicle to the other side of the roadway), to the garage and to the driveway on the Short Term rental property. The parking shall not prevent or obstruct ingress and egress to the neighboring properties or to emergency and/or fire vehicles;
- e. There shall be no signage or advertisement of the Short Term Rental Use

displayed on the premises of the Short Term Rental property that is visible from the exterior of the house.

- f. Holders of a Short Term Rental Use permit shall comply with and ensure that 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.
- g. The address of a Short Term Rental, the phone numbers of the Owner, Agent, Fire Department and Village Office shall be prominently displayed on the inside of the front door of the Short Term Rental Unit.
- h. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a private or public nuisance. Nuisance is defined as an activity that disturbs neighboring persons of ordinary sensibilities or that unreasonably interferes with the normal use and enjoyment of properties beyond the boundaries of the Short Term Rental property.
- i. Permits authorizing the use of single family residential properties as Short Term Rentals will be for a term of one year with an annual renewal unless the Owner of the Short Term Rental shall have been convicted of three or more violations of this ordinance by proceedings in the Village's Municipal Court or in the Travis County Courts at Law or District Courts.
- j. Any current permit will automatically terminate upon the third conviction of a violation of the provisions of this Ordinance by proceedings in either the Village of Volente Municipal Court or in the Travis County Courts at Law or District Courts. The Owner cannot apply for a new permit under this Ordinance for a period of one year following termination of a permit for three violations of the provisions of this Ordinance.
- k. A permit under this *add "Ordinance and/or"* Ordinance 2014-O-11 is not transferable upon sale of the Short Term Rental Property.

#### **Section (d) Procedure:**

Before authorization of any conditional use, public notice shall be given and public hearings shall be held as provide in Chapter 211, Texas Local Government Code; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in subsection (c) (3) or (c) (4) above after a public hearing is held by the council after having received a report and recommendation from *add "Planning and Zoning Commission"*

concerning the effect of the proposed use of the adjacent and neighboring properties and neighborhoods.

**Section (d) Procedure Subsection (2) Application for Conditional Use Permit Part (A) Application Requirements:**

An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the Village. The application shall be accompanied by a concept plan prepared in accordance with the requirements of the Village's site development ordinance *add "Section 33.315"*.

**Section (d) Procedure Subsection (3) Procedures for Conditional Use Permit Part (A) Commission Recommendations:**

Upon receipt of the recommendation from the Village, the *add "Planning and Zoning"* Commission shall conduct a public hearing in order to formulate its recommendations to the council on the conditional use permit application *add "except for Section (c) Item (17) Short Term Rental"*. Following the public hearing, the *add "Planning and Zoning"* Commission shall recommend approval, approval subject to modification, or denial of the proposal to the council. If the appropriateness of the use cannot be assured at the location, the *add "Planning and Zoning Commission"* shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the *add "zoning"* district.

**Section (d) Procedure Subsection (4) Standards Part (A) Factors for Consideration:**

When considering applications for a conditional use permit, the *add "Planning and Zoning"* Commission in making its recommendation and the council in rendering its decision on the application shall, on the basis of the concept plan and other information submitted, evaluate the impact of the conditional use on and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location.

**Section (d) Procedure Subsection (4) Standards Part (B) Conditions:**

In approving the conditional use permit application, the *add "Planning and Zoning"* Commission, *add "and/or the Village Administration"* may recommend and the council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the *add "concept" remove site* plan for final approval. The Village shall verify that *add "concept" remove site* plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The Village shall maintain a record of such approved conditional uses and the *add "concept" remove site* plans and conditions attached thereto.

**PART 2. Conflicting Provisions.**

In the case of any conflict between the other provisions of this Ordinance and any existing ordinance of the Village, the provisions of this Ordinance will control.

**PART 3. Severability.** If any part of this ordinance, or the application of the same to any person, or set of circumstances is for any reason held to be unconstitutional, invalid, or

unenforceable, the validity of the remaining portions of this ordinance shall not be affected thereby, this being the intent of the City Council in adopting this ordinance and all provisions of this ordinance are declared severable for that purpose.

**PART 4. Effective Date:** This Ordinance shall become effective upon approval of the City Council OR if required by State law, after any required posting and publication of this Ordinance.

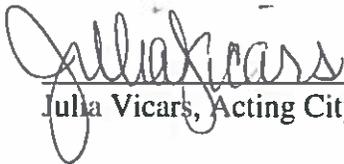
**PART 5. Public Notice and Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 20th day of January 2015, by a vote of 5 ayes, 0 nays, and 0 abstentions.**



\_\_\_\_\_  
Ken Beck, Mayor  
Village of Volente

Attest:



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Julia Vicars, Acting City Secretary