



## VILLAGE OF VOLENTE

### AGENDA

Planning & Zoning Commission Regular Meeting  
6:30 P.M., Tuesday, May 9, 2017  
16100 Wharf Cove, Volente, Texas.

#### **I. ITEMS OPENING THE MEETING**

- A. Call to Order
- B. Call Roll
- C. Approval of April 25, 2017 Meeting Minutes

#### **II. CITIZEN COMMENTS**

#### **III. GENERAL BUSINESS AND ACTION ITEMS**

- A. Discussion and Possible Action on the Zoning Ordinance Cleanup Amendment as Requested by Council.
  - 1. Review of B&B Definition
  - 2. Discussion of Village Oversight of STR's and B&B's
  - 3. Conditional Overlay for Commercial Districts
- B. Discussion and Possible Action on the Comprehensive Plan Update Amendment as Requested by Council regarding Focus Areas and Scope of Work for Land Planning Consultant
  - 1. Status of Expanding Search for Land Planning Consultant
  - 2. Focus Areas and Scope of Work Review
- C. Discussion and Possible Action on Update of "Living in Volente" Brochure.
- D. Discussion of Future Agenda Items.

#### **IV. ADJOURNMENT**

I, Nicole Vicuña, City Secretary, hereby certify that a copy of the above agenda was posted at the Village office in the window and online, places convenient and readily accessible to the general public at all times, and said agenda was posted on or before 6:30 p.m. on the 4<sup>th</sup> day of May, 2017.

---

Nicole Vicuña, City Secretary

*A quorum of the City Council or Board of Adjustment may be in attendance at this meeting; however, no official action by the City Council or Board of Adjustment shall be taken.*



**VILLAGE OF VOLENTE**

**MINUTES**

**Planning & Zoning Commission Regular Meeting  
6:30 P.M., Tuesday, April 25, 2017  
16100 Wharf Cove, Volente, Texas.**

**I. ITEMS OPENING THE MEETING**

A. Call to Order- Meeting was called to order by Chairperson Allison Thrash at 6:32 p.m.

B. Call Roll

Present: Commissioners Barrick, Belote, Carufel, Scudder and Chairperson Thrash

Absent: Commissioner Mitchell

Also in attendance: Alternate Cynthia Mallow, Council member Hopkins and City Secretary

A quorum was present.

C. Approval of March 14, 2017 meeting minutes

**Commissioner Barrick motioned to approve the minutes of March 14, 2017 with proposed changes, seconded by Commissioner Belote. Motion carried.**

**II. CITIZEN COMMENTS** None.

**III. GENERAL BUSINESS AND ACTION ITEMS**

Items C and D were moved up in the agenda.

C. Chris Holtkamp, Holtkamp Planning, gave a brief overview of his comprehensive plan proposal. He will submit sample surveys of questions for residents.

D. The Commission discussed refining the scope of work for the comprehensive plan due to budget concerns. The commissioners agreed to work on a list of what may not be needed as well as a list of five to ten areas of focus each would like to see addressed.

Commissioners requested the City Secretary expand the RFP to Land Planners recommended by TML and Land Planners outside the Austin Area/around the state.

The Commission agreed to individually review the "Living in Volente" brochure and update before their next meeting, and Commissioner Mallow offered to research the City of West Lake Hills brochure.

**Citizen comment:**

Judi Graci, Booth Circle

33 A. Discussion and possible action on Code of Ethics Oath and Non-Conflict of  
34 Interest/Nepotism Oath by Commissioners. (Code of Ordinance Sec. 2.03.001), (Ordinance  
35 2013-O-4 (134), secs. 21.01, 21.03, adopted 12/17/13)

36  
37 Commissioners discussed the Appointment Disclosure Statement and consensus on the  
38 necessity of an Ethics Statement was not reached with all Commissioners.

39 B. Discussion and possible action on election of P&Z Vice-Chair.

40  
41 **Commissioner Scudder motioned to appoint Commissioner Belote as Vice-Chair,**  
42 **seconded by Commissioner Barrick. Motion carried.**

43 C. Presentation by Comprehensive Plan RFP Consultants.  
44 Item addressed above.

45 D. Discussion and possible action on status of RFP for consultant work on the update  
46 amendment to the Comprehensive Plan and update to the "Living in Volente" brochure.  
47 Item addressed above.

48 E. Discussion and possible action on the cleanup amendment to the Zoning Ordinance  
49 as requested by Council.

50 1. Clarifications from City Attorney - Commissioners accepted the City  
51 Attorney's recommendation to let the current language stand.

52 2. Commissioners Belote's and Mitchell's clarification of "Restoration of  
53 Nonconforming Structure" language. - Commissioners accepted language offered  
54 by Commissioners Belote and Mitchell.

55 3. Clarification of Council's intent regarding Manufactured HUD homes on  
56 Chart 5 "Zoning Use Summary Table".

57  
58 Removed Manufactured HUD homes from the Chart 5.

59 4. Marinas - Possible Village oversight of the assembly by Marina(s) of slips on  
60 the shore and waters of the Village.

61  
62 The Commission read the city attorney's email suggesting conditional use or  
63 licensing permits to address the issue, but made no changes.

64  
65 Citizen comment:  
66 Jan Yenawine, FM 2769

67  
68  
69 The Commission agreed that assembly in Marina zoning does not need further  
70 regulation or oversight than what is called for in the ordinance, and any nuisances  
71 created by assembly work is covered under other ordinances.

72  
73 5. Clarification of Definitions and Village Oversight of Short-Term Rentals  
74 (STR's) and Bed and Breakfasts (B&B's)

75  
76 The Commission agreed to each research and work on a better definition of B&B

77 before next month's meeting. Commissioner Belote offered to visit with B&B owner,  
78 Anne Steichen. Commissioners agreed to research how other cities treat STRs and  
79 B&Bs.

- 80 F. Discussion of future agenda items.  
81 1. Comprehensive Plan  
82 2. Bed and Breakfast  
83 3. Conditional Overlay  
84 4. Village email for commissioners  
85 5. Amplified music at special events

86 IV. **ADJOURNMENT**  
87 Meeting adjourned at 9:07 p.m.

88 **Approved this 9<sup>th</sup> day of May, 2017.**

89

Signed:

Attest:

\_\_\_\_\_  
Allison Thrash, Chairperson

\_\_\_\_\_  
Nicole Vicuña, City Secretary

COMMERCE | DEVELOPMENT | NEWS | TOP STORY

# New owners intend to revitalize Volente's water park, restaurant and village center

Renovation of former Shore Club, water park, bungalows to begin



By Leslee Bassman | Posted April 25, 2017 at 4:23 pm

 When Kara and Adam Weedman first arrived in Austin 20 years ago, Adam Weedman said the couple would take drives down Lime Creek Road, wondering what their lives would be like if they were residents of the scenic neighborhood on the lake. However, with a family in the works, he said they decided

the community was just “too far away” for their lifestyle.

Now the Four Points residents say they are intent on showcasing the sleepy town of Volente and revitalizing its heart after purchasing the Shore Club Volente Beach Restaurant and Bar, Volente Beach Water Park and 10 additional acres at the center of town. Along with friends Gala and John Lyne, the Weedmans formed Volente Vision LLC, a new entity that took over the ailing business' operations from former owner Rick Redmond on April 1 as well as the real property segment of the contract scheduled to close June 30. The waterpark will open April 30.



“We called it our motivational drive,” Adam Weedman said about the winding road that runs through the center of town and along the shoreline. “I’ve been interested in this whole area for 20 years.”

He said the region was home to musicians Stevie Ray Vaughn and Rusty Weir decades ago, and the Weedmans hope to restore the area to its former glory.

The group also purchased cottages, or bungalows, in buildings across the street from the park. One of the tenants in the cottages the group purchased from the buildings' owner, Linda Carter, has been renting the same unit for the past 38 years, he said.

Adam Weedman said his group has renamed the Shore Club as Beachside Billy's and The Blue Parrot,

#### **Here's the lowdown on the project:**

- The cottages will be renovated and turned into 10 fully-furnished, short-term rental units, with five available after Memorial Day, including efficiencies, one-bedroom and two-bedroom units, all with kitchens for \$150-\$250 nightly; a four bedroom waterfront home with deck

the Shore Club's bar, as Blu's Bar, giving the campus its two mascots, a goat and a parrot.

He said he envisions the town to harbor a similar vibe to Gruene, a nearby community that features water activities.

"Our goal is to build an entire downtown area, to have it all packaged together with the short-term rental [units], boats, party barges, zip lines nearby," Adam Weedman said. "The area has so much potential."

Volente Mayor Ken Beck agrees.

"The Village [of Volente] is truly excited to have Adam as owner [of the former Shore Club and waterpark]," he said. "He has a really creative view of what the center of town could be."

Beck said the village government had been concerned about the decline of the property and lack of annual maintenance.

"[The Shore Club] is probably our signature commercial property in the village," he said. "That's what people know Volente for."

Beck said the village does not have a formal chamber of commerce, but with the recent influx of commercial businesses—including Shack 512, the restoration of BJs and now the former Shore Club and water park—the new entities may be able to share in a marketing plan for the area to become a travel destination.

will be available for short-term rental

- The Volente Beach Water Park will be renamed Beachside Billy's and renovated with new, bright colors, with a revamped beach, enhanced water pumps, added wait service and expanded menu to allow for more to-go items for boats and party barge riders. It will open April 30.
- The former Blue Parrot bar will be renamed Blu's Bar and renovated
- A courtesy dock is set to be added to the shore grounds to accommodate 10-20 boats
- Full property transition should be complete by Memorial Day

For more information, see [www.volentebeachbungalows.com](http://www.volentebeachbungalows.com), [www.beachsidebillys.com](http://www.beachsidebillys.com), [www.waterparkaustin.com](http://www.waterparkaustin.com) or call 512-258-5110.

#### Tags

Ken Beck

Lake Travis/Westlake

Leander/Cedar Park

Shack 512

The Shore Club

Village Of Volente

Volente

*Last action 4-18-11*

*4-18-pub Hear.*

*left pending w/ House Urban Affairs  
Committee*

By: Parker

H.B. No. 2551

A BILL TO BE ENTITLED  
AN ACT

relating to regulation of short-term rentals by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. REGULATION OF SHORT-TERM RENTALS. (a) In this section:

(1) "Local law" means an ordinance, order, regulation, or similar measure.

(2) "Short-term rental" means a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days.

(b) A municipality or county may not adopt or enforce a local law that expressly or effectively prohibits the use of a property as a short-term rental. Except as provided by this section, a municipality or county may not adopt or enforce a local law that restricts the use of or otherwise regulates a short-term rental based on the short-term rental's classification, use, or occupancy.

(c) A municipality or county may adopt or enforce a local law that specifically regulates property used as a short-term rental only if the county or municipality demonstrates that the local law's primary purpose is to protect the public's health and safety. Local laws authorized by this subsection include regulations:

(1) addressing:

(A) fire and building codes;

(B) health and sanitation;

(C) traffic control; and

(D) solid or hazardous waste and pollution

control; and

(2) requiring the designation of an emergency contact for the property.

(d) A municipality or county may adopt or enforce a local law that limits or prohibits the use of a short-term rental only if the law limits or prohibits the use of a rental for the purpose of:

(1) housing sex offenders;

(2) operating a structured sober living home or similar enterprise;

(3) selling illegal drugs;

(4) selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or

(5) operating as a sexually oriented business.

(e) A municipality or county shall apply a local law regulating land use to a short-term rental in the same manner as another similar property. A local law described by this subsection includes regulations on:

(1) residential use and other zoning matters;

(2) noise;

(3) property maintenance; and

(4) nuisance.

(f) This section may not be construed to affect regulations

of a private entity, including a property owners' association as defined by Section 204.004, Property Code.

SECTION 2. This Act takes effect September 1, 2017.

4-18-17  
received from Senate

By: Hancock, Buckingham  
Hughes

S.B. No. 451

A BILL TO BE ENTITLED  
AN ACT

relating to regulation of short-term rentals and short-term rental marketplaces by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. REGULATION OF SHORT-TERM RENTALS AND SHORT-TERM RENTAL MARKETPLACES. (a) In this section:

(1) "Local law" means an ordinance, order, regulation, or similar measure.

(2) "Short-term rental" means a residential property, including a single-family dwelling or a unit in a condominium, cooperative, mixed-use development, or time-share, that is rented wholly or partly for a fee for a period not longer than 30 consecutive days. The term does not include:

(A) a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;

(B) a bed and breakfast; or

(C) a commercial lodging establishment, including a hotel or motel, that is not taxed as residential property under Title 1, Tax Code.

(3) "Short-term rental marketplace" means a platform through which the owner of or authorized agent of the owner of a residential property, including a single-family dwelling or a residential dwelling unit, offers a short-term rental for rent.

(b) Subsection (a)(2) does not affect the definition of a short-term rental under:

(1) Section 156.001, Tax Code;

(2) an ordinance under Section 351.002, Tax Code; or

(3) an order or resolution under Section 352.002, Tax Code.

(c) Except as provided by this section, a municipality may not adopt or enforce a local law that restricts the use of or otherwise regulates a short-term rental based on the property's classification, use, or homestead status. If otherwise authorized by law, a municipality may adopt or enforce a local law applicable to short-term rentals:

(1) addressing:

(A) fire and building codes;

(B) health and sanitation;

(C) traffic control;

(D) solid or hazardous waste and pollution

control;

(E) requirements under Subchapter B, Chapter

232; and

(F) annual registration of short-term rentals, including the assessment of a reasonable and necessary administrative fee related to processing and administration of the registration, not to exceed \$100 annually;

(2) requiring the designation of an emergency contact for the property; and

(3) prohibiting the use of a rental for the purpose of:

(A) housing sex offenders;  
(B) operating a structured sober living home or similar enterprise;

(C) selling illegal drugs;  
(D) selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or  
(E) operating as a sexually oriented business.

(d) Except as provided by this section, a municipality shall apply a local law regulating land use to a short-term rental in the same manner as another similar property. A local law described by this subsection includes regulations on:

- (1) zoning in accordance with the laws of this state;
- (2) residential use;
- (3) occupancy limitations;
- (4) noise;
- (5) property maintenance; and
- (6) nuisance.

(e) Except as provided by this section, a municipality may not adopt or enforce a local law that:

(1) expressly or effectively prohibits the use of a private property as a short-term rental;

(2) regulates the operation of a short-term rental marketplace;

(3) imposes a tax or fee on a person operating a short-term rental marketplace that is not otherwise authorized by the laws of this state;

(4) requires a person operating a short-term rental marketplace to apply, calculate, collect, or remit a tax imposed under Chapter 156, 351, or 352, Tax Code, except as otherwise required by the laws of this state, regardless of whether the person has previously provided those services; or

(5) imposes a tax on a person described by Subdivision (4) for the provision of services described by that subdivision.

(f) This section does not affect the authority of a municipality or county to adopt and enforce a local law that imposes a hotel occupancy tax on a person using a short-term rental in the same manner as the tax is imposed on a person using other property the use of which is subject to the tax.

(g) If a hotel occupancy tax is authorized by the municipality or county in which a short-term rental is located, a person operating a short-term rental marketplace may apply, calculate, collect, or remit a tax imposed by the state, municipality, or county under Chapter 156, 351, or 352, Tax Code, as applicable.

(h) This section may not be construed to:

(1) affect regulations of a private entity, including a property owners' association as defined by Section 202.001, Property Code;

(2) affect residential tenancies under Chapter 92, Property Code; or

(3) otherwise limit a property owner's rights under the laws of this state.

(i) A short-term rental is subject to applicable federal, state, and local laws regarding rental discrimination. This subsection is not intended to:

(1) impose any additional obligation other than an obligation that exists under applicable federal, state, and local laws; or

(2) create an additional cause of action.

SECTION 2. This Act takes effect September 1, 2017.

## City Secretary

---

**From:** Zindia Thomas <zthomas@tml.org>  
**Sent:** Monday, April 24, 2017 10:49 AM  
**To:** City Secretary  
**Subject:** STR and B&B ordinances  
**Attachments:** Short Term Rental Permit\_201702011529524712.pdf; Short\_Term\_Rental\_of\_Residential\_Property\_Ordinance.pdf; Ord\_2014-006\_(Create\_Ch\_112\_Reg\_VRs\_BB).pdf; 5700.\_\_\_\_BED\_AND\_BREAKFAST\_REGULATIONS\_wichita\_falls.docx; Short Term Rentals.pdf

It was nice talking to you over the phone.

I have attached a paper concerning short term rentals that has some examples of resolutions in it. Also, I have attached various cities ordinances on short term rental and bed and breakfast.

I hope this information is helpful. As always, consult your local legal counsel before making a final decision on this matter.

Sincerely,

Zindia T. Thomas  
Assistant General Counsel  
Texas Municipal League  
1821 Rutherford Lane, Suite 400  
Austin, Texas 78754  
512-231-7400  
[www.tml.org](http://www.tml.org)  
[zthomas@tml.org](mailto:zthomas@tml.org)

***Empowering Texas cities to serve their citizens.***

Please be advised that the information in this e-mail is provided for informational purposes only. Neither this communication, nor any other communication with the Texas Municipal League (TML), creates an attorney-client relationship between the TML legal department or its attorneys and you or your city or any third party. Once received by a city official, this communication may be subject to public release. Every city official and employee should consult with local legal counsel to ensure that any information or documents comply with current law and the particular facts of each situation.



APPLICATION FOR SHORT TERM RENTAL PERMIT

550 LANDA STREET NEW BRAUNFELS TX 78130 E-MAIL: planning@nbtexas.org PHONE: (830) 221-4050

PLANNING

1. Property Owner – All of the owners of the short term rental (STR) with address and phone number – use separate sheet if necessary.

Name: Mailing Address: Telephone: Fax: Mobile: Email:

2. Property Address/Location:

3. Legal Description:

Name of Subdivision: Lot(s): Block(s): Acreage:

4. STR is an allowed use on the property by (select one): Property Zoning: C-4, C-4A, C-4B or SUP (approval date) or Legal Non-Conforming Certification (acceptance date)

5. 24 Hour Contact – Person responsible and authorized to respond to complaints concerning the use of the Short Term Rental.

Name: Mailing Address: Telephone: Fax: Mobile: Email:

6. Property Management/Agent – if applicable.

Name: Mailing Address: Telephone: Fax: Mobile: Email:

7. ATTACHMENTS:

- Sketch or narrative describing the location of the required parking. Proof of Hotel Occupancy Tax compliance. Tenant Indoor Notification Sheet. Sketch of the floorplan of the Short Term Rental. Fee of \$50

As the owner, I hereby certify that the property identified within this application has met and will continue to comply with the standards and other requirements established for Short Term Rentals in Section 5.17 of the New Braunfels Zoning Ordinance.

Date

Signature of Owner(s)

Print Name

For Office Use Only Fee Received By: Amount: Receipt No.: Date Received: STR Decal issued: Date: No.: Cash/Check Number: Permit Number:

**PLEASE READ THE FOLLOWING INFORMATION REGARDING  
SHORT TERM RENTAL PERMITS  
PRIOR TO SUBMITTING AN APPLICATION**

**APPLICATION COMPLETENESS:**

Applications will be reviewed for completeness by Planning Division staff. If the application is incomplete, the Planning Division will notify you within 10 days of receipt of the application. The applicant will have 45 days to submit the required information or the application will expire and a new application process will need to be started.

**FEES:**

The filing fee is \$50.00.

**UTILITY RATES:**

Please know that if the property is within the New Braunfels Utilities (NBU) service area the utility provider will be notified and will reclassify the utility rates on the property to commercial. You may contact the Billing Department with NBU at (830) 629-8413 with any questions.

**LEGAL DESCRIPTION:**

If the property is unplatted (example of platted property: Lot A, Block 4, ABC Subdivision), a survey of the property must accompany the application. A survey can include a plat or metes and bounds description.

**SKETCH OF REQUIRED PARKING:**

A site plan is the best format to create a sketch that identifies the location of the required parking. See example on page 8 of this application.

**SKETCH OF FLOORPLAN:**

See example on page 9 of this application.

**IF ADDITIONAL INFORMATION IS NECESSARY,  
PLEASE CONTACT THE PLANNING DIVISION AT:  
(830) 221-4050**

## SEC. 5.17 SHORT TERM RENTAL OR OCCUPANCY IN ONE AND TWO FAMILY DWELLINGS - CHAPTER 144, ZONING

### 5.17 Short term rental or occupancy.

5.17-1 Purpose: This section is intended to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

#### 5.17-2 Definitions:

**"Adult"** means an individual 17 years of age or older.

**"Bedroom"** means a room designated and used primarily for sleeping and rest on a bed.

**"Floodway"** means the channel for a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Non-Residential District"** means the following zoning districts: R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-O, M-1, M-1A, and M-2A. This includes all subsequently approved Special Districts identified as Non-Residential unless otherwise specified within the Special District.

**"Occupant"** means the person or persons who have rented the Short Term Rental and their guest(s).

**"Operator"** means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a Short Term Rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type of character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

**"Owner"** means the person or entity that holds legal and/or equitable title to the private property.

**"Residential District"** means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-2, R-2A, B-1, B-1A, B-1B, TH, TH-A, ZH, ZH-A and SND-1. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

**"Resort Condominiums"** means a form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned and rented out for use of persons for less than 30 days while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

**"Resort Property"** means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24 hour security and 24 hour front desk personnel. These units comply with all commercial building code standards.

**"Short Term Rental"** means the rental for compensation of one- or two -family dwellings, as defined in the IRC (International Residential Code), for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This is not applicable to hotels, motels, bed and breakfasts, resort properties as defined in this ordinance or resort condominiums.

**"Short Term Rental Decal"** means the decal issued by the City as part of a Short Term Rental permit that identifies the subject property as a Short Term Rental, the Short Term Rental permit number, the owner or rental agent's name and 24-hour emergency contact phone number of either the owner or the rental agent.

**SEC. 5.17 SHORT TERM RENTAL OR OCCUPANCY IN ONE AND TWO FAMILY DWELLINGS - CHAPTER 144, ZONING, *contd.***

**"Sleeping Area"** means a room or other space within a Dwelling designed or used for sleeping, including a Bedroom. Tents and Recreational Vehicles shall not be considered a Sleeping Area.

**5.17-3 Applicability.**

- (a) Short Term Rental within Residential Districts is prohibited.
- (b) Short Term Rental is prohibited in any floodway located within the city limits, regardless of zoning district.
- (c) A Short Term Rental Permit is required prior to the use of a one family or two family dwelling as a Short Term Rental located within a Non-Residential District. Subject to Subsection (d), Standards, of this Section, an Owner shall obtain and maintain a current permit whenever a dwelling is used as a Short Term Rental. Annual inspection is required as specified in Subsection (f), Inspections, of this Chapter. A Special Use Permit is required in all zoning districts except C-4, C-4A and C-4B.
- (d) Within one hundred and eighty (180) days of the effective date of this Ordinance, the Owner or Operator of each existing legally established short term rental shall apply for and pay the permit fee for a Short Term Rental Permit. Within forty-five (45) days of receipt of a completed application, the permit fee and compliance with Subsection (e), Short Term Rental Permit, of this Section, a permit shall be issued to the Owner or Operator that will be good for one (1) year from the date issued and subject to the annual renewal inspection by the Fire Marshal. Ability to approve said permit is predicated on verification that the short term rental is in compliance with Section 2.3(b, c, d), Nonconforming Use.

**5.17-4 Standards.** All Short Term Rentals permitted pursuant to this Chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a Short Term Rental is two (2) adults per Sleeping Area plus an additional four (4) adults per residence.
- (b) **Short Term Rental Decal Display.** As part of a Short Term Rental Permit, the City issued Short Term Rental Decal shall be posted on the front of each Short Term Rental in a location that is accessible and legible to an individual at the entry of the Short Term Rental.
- (c) **Parking.** A minimum of one (1) off-street parking space, not including the garage, per Sleeping Area shall be provided with a minimum of two (2) and a maximum not to exceed the number of Sleeping Areas plus one (1). No required parking shall be permitted within public right-of-way or access easements as defined by City and State regulations regarding parking.
- (d) **Life Safety.**
  - (1) All building and fire related construction shall conform to the City's adopted IRC (International Residential Code) building code.
  - (2) A 2A:10B:C type fire extinguisher (a standard 5 lb. extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor.
  - (3) Every sleeping room shall have at least one operable emergency escape and rescue opening
  - (4) An evacuation plan posted conspicuously in each Sleeping Area.
  - (5) Every bedroom / sleeping area in a Short Term Rental that does not comply with Subsection (d)(4), Life Safety, of this Section shall not be used as a Sleeping Area and where equipped with a door, shall remain locked at all times when the Dwelling is being used as a Short Term Rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short Term Rental. The owner / operator shall notify every Occupant, in writing, that the non-compliant Sleeping Area may not be used for sleeping.
- (e) **Conduct on premises.**
  - (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor

**SEC. 5.17 SHORT TERM RENTAL OR OCCUPANCY IN ONE AND TWO FAMILY DWELLINGS - CHAPTER 144, ZONING, contd.**

to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.

- (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
  - (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
  - (4) No sleeping outdoors.
- (f) *Signage.* Signage shall be in compliance with the City's current Sign Code.
- (g) *Tenant Indoor Notification.* The Operator shall post in a conspicuous location of the Dwelling the following minimum information:
- (1) Maximum number of occupants.
  - (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
  - (3) Quiet hours and noise restrictions.
  - (4) Restrictions of outdoor facilities.
  - (5) 24 hour contact person and phone number.
  - (6) Property cleanliness requirements.
  - (7) Trash pick-up requirements, including location of trash cans.
  - (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
  - (9) Emergency numbers.
  - (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
  - (11) Other useful information about the community.
- (h) *Rental Agreement Notification.* The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

**5 17-5 Short Term Rental Permit.**

- (a) *Application.* Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:
- (1) A list of all Owners of the short term rental including names, address and telephone numbers.
  - (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
  - (3) A sketch of the floor plan.
  - (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
  - (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.
  - (6) A statement that the Owner of the Short Term Rental has met and will continue to comply with the standards and other requirements of this Ordinance.
  - (7) Provide current email address of Owner/Operator, if applicable.
  - (8) If Owner/Operator has a property management or agent, Owner/Operator shall provide property management or agent phone number, mailing address and email address.
- (b) *Completeness of Application.* If the application is incomplete or the full fee has not been paid, the Planning Director shall notify the applicant in writing, within 10 business days of the date of the application, that the application is incomplete and will not be considered by the City until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not complete within 45 days of the date of the application, the application shall expire.

**SEC. 5.17 SHORT TERM RENTAL OR OCCUPANCY IN ONE AND TWO FAMILY DWELLINGS - CHAPTER 144, ZONING, contd.**

- (c) *Annual Renewal.* A Short Term Rental Permit will be renewed annually through an inspection conducted by the Fire Marshal to verify continued compliance with Subsection 17-4, Standards, of this Section.
- (d) *Transferability.* A Short Term Rental Permit is transferable to a new property owner, if the new property owner submits a Short Term Rental Permit application and agrees in writing to comply with the requirements of this Ordinance. A new Owner must apply for a Short Term Rental Permit within ninety (90) days from the closing date of the purchase. The new Owner must provide a copy of the closing statement with the Short Term Rental Permit application form. Failure of the new property owner to apply for permit within ninety (90) days from the closing date will revoke the Short Term Rental Permit. Short Term Rentals existing prior to the effective date of this ordinance that are non-conforming to the zoning for which property is located, but obtained a permit in compliance with Subsection 17-3(d), Applicability, shall become null and void if the new Owner fails to apply for the Short Term Rental Permit within ninety (90) days from the date of the deed of the new Owner's purchase.
- (e) *Appeal.* If an application for a Short Term Rental Permit or renewal is denied, the Owner or Operator may appeal to the Planning and Zoning Commission by written notice delivered within thirty (30) days of denial or revocation.

5.17-6 Inspections. To ensure continued compliance with the requirements of this Section a Short Term Rental shall be inspected in the following methods:

- (a) *Transfer Inspection.* As part of the transfer of a Short Term Rental Permit to a new Owner, in accordance with Subsection (e)(4), Transferability, and the issuance of a new Short Term Rental Permit the City's Fire Marshal shall conduct an inspection to verify compliance with this Ordinance.
- (b) *Fire Extinguishers.* The Owner/Operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current Fire Code.
- (c) *Immediate Inspection.* The City will perform inspections immediately when a violation is suspected.
- (d) *Annual Fire Inspection.* The City's Fire Marshal's Office will perform annual inspections for compliance with this Ordinance.

5.17-7 Enforcement/Penalty.

- (a) *Emergency Contact.* The Owner/Operator of the Short Term Rental shall provide the City with a twenty-four (24) hour contact number. Should a law enforcement officer respond to the Short Term Rental and issue a citation for any violation of City Ordinances, the Owner/Operator shall be called by the officer. The Owner/Operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the Owner/Operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three (3) separate citations be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six (6) month period, the Short Term Rental Permit may be revoked in accordance with the revocation process specified in Subsection (h), Revocation.
- (b) Violations of any Subsection of this Section may revoke the Short Term Rental Permit in accordance with Subsection (h), Revocation.
- (c) Failure to pay Hotel Occupancy Tax timely is considered a violation of this Section and may result in revocation of the Short Term Rental Permit in accordance with Subsection (h), Revocation. Owner shall have 30 days from the date the City or State issue a notice of delinquency to submit delinquent Hotel Occupancy Tax to City and State before revocation of the Short Term Rental Permit begins.
- (d) Failure to successfully complete the renewal process of a Short Term Rental Permit is considered

**SEC. 5.17 SHORT TERM RENTAL OR OCCUPANCY IN ONE AND TWO FAMILY DWELLINGS - CHAPTER 144, ZONING, contd.**

a violation of this Section. Owner shall have 45 days from the date City issues notice of denial to gain compliance of noncompliant items before the revocation of the Short Term Rental Permit begins.

- (e) The provisions of this Subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by City Ordinances or County or State Law.
- (f) *Proof.* Prima facie proof of occupancy of a Dwelling is established in any prosecution for violation of this Section if it is shown that vehicles with registrations to persons having different surnames and addresses were parked overnight at the Dwelling. Establishment of a prima facie level of proof in this Subsection does not preclude a showing of illegal "occupancy" of a Dwelling by a person in any other manner.
- (g) *Offense.* It is an offense for the property owner, any agent of the property owner, or the occupant(s) to directly occupy or indirectly allow, permit, cause, or fail to prohibit an occupancy in violation of this Ordinance 144-5.17. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$500.00 to a maximum fine of \$2,000.00 per violation.
- (h) Each day of violation of said Standards and provisions of this Section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.

5.17-8 Revocation. If any violations stated in Subsection (g), Enforcement/Penalty, of this Section have been committed and not corrected within the time specified the Planning Director shall begin the procedures to revoke the Short Term Rental Permit in accordance with the following:

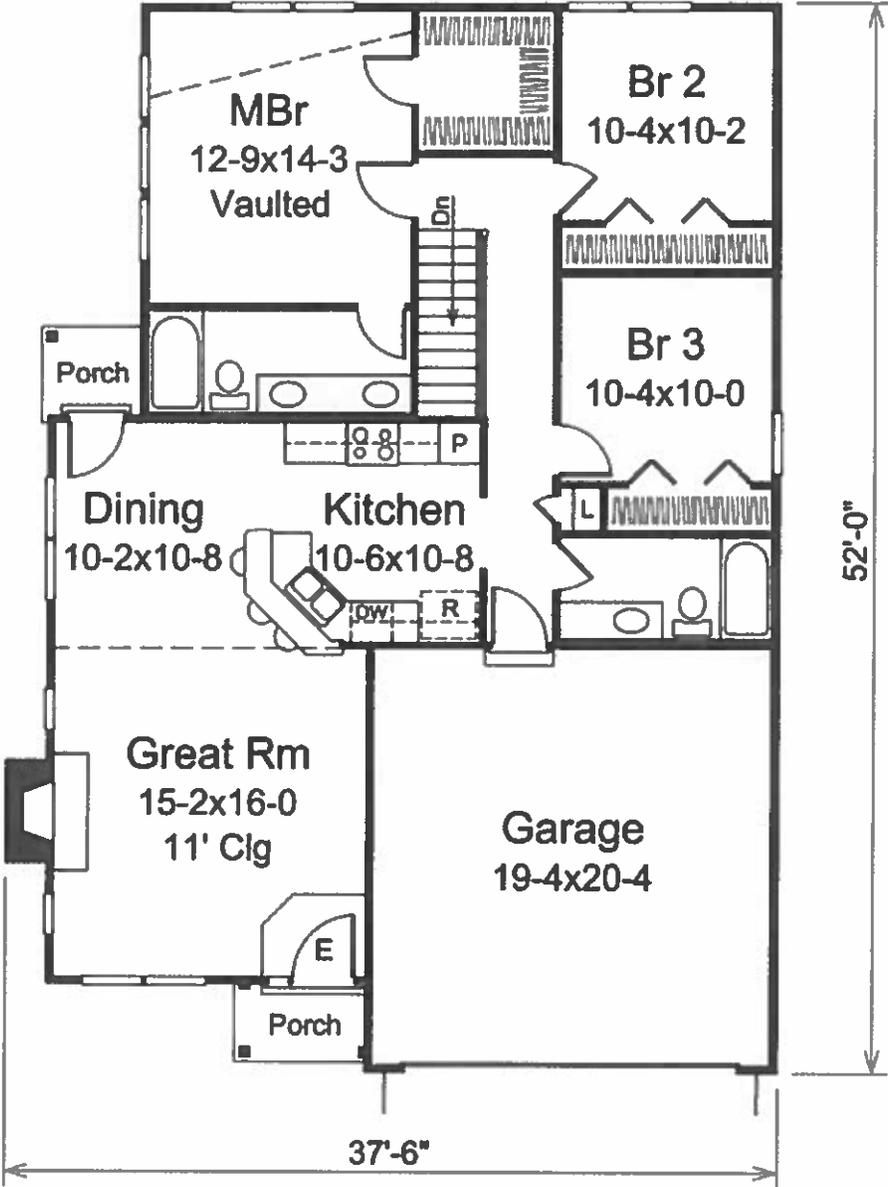
- (a) The City shall give thirty (30) day written notice to the Owner/Operator regarding the public hearing date and recommendation by the Planning Commission, and public hearing and decision by the City Council.
- (b) The City shall provide written notice to property owners within 200 feet of the subject property at least 15 days prior to the hearing.
- (c) If a Short Term Rental Permit is revoked, the Owner/Operator may not reapply for the same property for a period of twelve (12) months.

5.17-9 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.



# Floor Plan Example

A floor plan shows the layout and dimensions of the rooms in a building. Types and thickness of wall partitions and window sizes can also be determined.



Ordinance No. \_\_\_\_\_

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Miscellaneous Offenses, by the addition of Section 1.17, Regulation of Short-term Rental, related to short-term rental of residential property; requiring registration and permitting of short-term rentals; providing for denial, suspension, or revocation of short-term rental permits; providing that a culpable mental state is not required for committing an offense under this Section; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

WHEREAS, the City Council of the City of Arlington finds and declares that short-term rentals affect the character, values, and stability of residential neighborhoods; and

WHEREAS, the City Council finds that registration of short-term rentals will enhance physical characteristics of neighborhoods and facilitate enforcement of local health, safety, and aesthetic regulations; and

WHEREAS, the City Council finds evidence that short-term rentals are not collecting and remitting Hotel Occupancy Tax as required by the State of Texas which gives short-term rentals an undue advantage against hotels and similar establishments regulated under state or local law, and that registration of short-term rentals will facilitate the collection of such tax and level the playing field between short-term rental industry and competing overnight lodging uses; and

WHEREAS, the City of Arlington is a home rule city with the power to enact ordinances to protect the health, safety and well-being of its citizens, tourists, and visitors; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Miscellaneous Offenses, by the addition of Section 1.17, Regulation of Short-term Rental, so that said section shall be and read as follows:

## **Section 1.17 Regulation of Short-term Rental**

- A. **Definitions.** For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meanings given herein.

**Administrator** - The City Manager or his designee.

**City** - The City of Arlington, Texas

**Permit** - A Short-term Rental permit.

**Person** - Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

**Rent** - The use of a residence granted to a person in exchange for consideration.

**Rental** - An agreement granting the use of a residence to a person. Use of a dwelling unit by a record owner or other person or persons without consideration shall not be considered to be a rental under this Section.

**Residence** - A dwelling unit for use or occupancy.

**Short-Term Rental** - A residence offered for rental for a period of not less than one (1) night and not more than thirty (30) days. The following rentals are not included in this definition:

1. A month-to-month tenancy granted to the same renter for the same unit;
2. Hotels, motels, bed and breakfasts; and
3. A rental between parties related to the sale of that residential unit.

- B. **Permit Required.** No person shall sponsor, own, keep, advertise, maintain, rent, or otherwise make available for occupancy or use a short-term rental without first obtaining a Permit from the Administrator as described herein.

- C. **Permit Application and Fee.**

1. To obtain a Permit, the owner of a short-term rental must submit a completed application on a form provided by the Administrator.
2. The Administrator shall prescribe procedures for obtaining Permits. The following is required for a short-term rental and shall be included in the Permit application:
  - a. Complete legal description, street address, and location of the short-term rental unit;

- b. 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;
    - c. 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;
    - d. Proof of a valid and current registration, license, or approval under the Hotel Occupancy Tax program administered by the State of Texas and the City and proof of payment of hotel occupancy taxes due as of the date of the submission of the application;
    - e. Proof of property insurance for the short-term rental;
    - f. Proof that a Motel/Hotel Guest Registration is being maintained in compliance with this Chapter, as amended; and
    - g. Any additional information the Administrator determines necessary for the administration of this Chapter.
  3. Each Permit shall expire one year after issuance unless revoked or suspended earlier and may be renewed by application in accordance with this Section. A Permit is nontransferable and cannot be used at different locations. A Permit does not convey with a sale or transfer of the short-term rental. A Permit is nontransferable between owners. A change of ownership of the short-term rental shall require the new owner or his agent to obtain a new Permit for the residence.
  4. The Administrator shall issue a Permit if the short-term rental complies with the provisions of this Chapter and federal, state, and local laws and regulations.
  5. A fee is hereby authorized and required with each Permit in an amount set by resolution of the City Council in an amount to recover the City's actual cost of reviewing the Permit application and issuing the Permit, including any inspections.
  6. If an application does not include all required information and payment of fees, the application will be considered incomplete.
- D. Short-term Rental Permit Denial, Suspension, or Revocation.
  1. A Permit may be denied, suspended, or revoked for the following reasons:

- a. Providing false or misleading information on a Permit application or omitting required information;
  - b. Information provided with the Permit application is no longer accurate or effective and the Permit holder fails to inform the City with the information;
  - c. Required insurance policy is cancelled or not renewed;
  - d. Two (2) or more convictions, deferred dispositions, or civil adjudications within a twelve (12) month period for any conduct or condition at the short-term rental that constitutes a violation of this Chapter or federal, state, or local law;
  - e. Two (2) or more notices of violation are issued within a twelve (12) month period for any conduct or condition at the short-term rental that constitutes a violation of this Chapter or federal, state, or local law;
  - f. Representing a property as available or otherwise making a residence available for occupancy or rent as a short-term rental where the property does not hold a valid Permit;
  - g. The Permit holder is overdue in payment to the City of taxes, fees, fines, or penalties or fails to provide documentation showing that all hotel occupancy taxes have been paid for the property;
  - h. Activity at the location adversely affects traffic management or public safety; or
  - i. The short-term rental is sold or otherwise transferred.
- E. Procedures for Appeal of Denial, Suspension, or Revocation.

1. Review by Administrator

- a. Any applicant who is denied a Permit, or Person whose Permit is suspended or revoked (an "appellant") may, within ten (10) business days of the service of notice of such determination, file a written appeal from such determination with the Administrator.
- b. The Administrator shall have twenty (20) business days from the date on which the appeal was received in which to serve appellant with a written decision affirming, modifying, or reversing the denial, suspension, or revocation, as applicable.
- c. If the Permit is denied, suspended, or revoked pursuant to (D)(1)(e) of this Section, appellant may within ten (10) business days of the

service of notice of such determination, submit to the Administrator a written request for a hearing to show cause as to why the Permit should not be denied, suspended, or revoked, as applicable. A hearing shall be scheduled within thirty (30) business days of receipt of applicant's request and notice of the hearing shall be given to applicant five (5) business days before the hearing. At the hearing, the appellant and City may present such evidence as may be relevant.

- d. Any notice or decision served to appellant shall be deemed served upon the appellant when it is personally delivered or on the date it is mailed by United States mail, with proper postage prepaid, to the name and address set forth on the application for Permit, whichever occurs first.
2. Any appeal filed pursuant to this Chapter shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for Permit, the written notice of the determination of the City, and any other information material to the determination.
3. Judicial review of any such final decision of the City may be obtained through the filing of an appropriate action in the appropriate district court within thirty (30) calendar days after service on appellant of the decision. The applicant shall bear the burden of proof in court. The substantial evidence standard of review shall apply to such appeal.

#### F. Offenses

1. A Person commits an offense if he or she:
  - a. Submits false documents, or otherwise makes a false statement of a material fact on an application for a Permit submitted under this Section;
  - e. Rents, leases, advertises or holds out for rent any residence for short-term rental without a Permit; or
  - f. Violates any other provision of this Section.
2. In the prosecution of an offense under this Section:
  - a. it is presumed that the applicant for the Permit and persons listed on the Permit with an interest in the short-term rental are responsible for violations under this Section and for compliance with this Section.

b. if a short-term rental is being operated by a business entity, any or all of the following individuals may be prosecuted for an offense under this Section:

(1) a director, officer, partner, member, employee, or other person authorized to act on behalf of the business; and

(2) any agent of the business who has duties of such responsibility that his conduct may reasonably be assumed to represent the policy of the business.

3. Prima facie evidence of short-term rental shall include:

a. An advertisement or holding out the availability of short-term rental;

b. Payment of hotel occupancy taxes;

c. Reservations, booking arrangements or a signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration for any short-term rental; or

d. The use of an agent or other third person to make reservations or booking arrangements.

### **Section 2.01 Penalty**

A. An offense under any provision of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

B. Unless a culpable mental state is explicitly stated in the definition of an offense, there shall be no requirement of a culpable mental state for any offense under this Chapter.

C. Everyday an offense occurs shall be a separate offense.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the \_\_\_\_\_



ORDINANCE NO. 2014-006

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES AND CREATING A NEW CHAPTER 112 (REGULATION OF VACATION RENTALS AND BED AND BREAKFAST LODGINGS); AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, A SAVINGS AND SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens; and

WHEREAS, sections 215.033 and 215.034 of the Texas Local Government Code provide the City with the authority to issue licenses for businesses to be operated within the City; and

WHEREAS, the City's Code of Ordinances provides that the use of property for new bed and breakfast lodgings or vacation rental facilities requires the property owner to obtain a Conditional Use Permit (CUP); and

WHEREAS, the Council finds that persons have knowingly facilitated the use of property for the purposes of a bed and breakfast lodging or vacation rental despite the fact that such properties lacked the required CUP or were not otherwise authorized by the City's Code of Ordinances;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS**

**Section 1. Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. Amendment.**

That Title XI (Business Regulations), is hereby amended to create a new Chapter 112 as follows:

**"CHAPTER 112: REGULATION OF VACATION RENTALS  
AND BED AND BREAKFAST LODGINGS**

**§ 112.01 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**BED AND BREAKFAST LODGING.** A “bed and breakfast lodging” as defined by section 155.005 of the City of Wimberley Code of Ordinances.

**BED AND BREAKFAST BOOKING AGENCY.** A person or entity that provides reservation services, billing services, or other related services on behalf of the owner of a bed and breakfast lodging.

**VACATION RENTAL AGENCY.** A person or entity that provides reservation services, billing services, or other related services on behalf of the owner of a vacation rental.

**VACATION RENTAL.** A “vacation rental” as defined by section 155.005 of the City of Wimberley Code of Ordinances.

#### **§ 112.02 PERMIT REQUIRED**

A person commits an offense if the person owns or operates a bed and breakfast lodging or a vacation rental without a valid permit issued by the City.

#### **§ 112.03 PERMIT APPLICATION PROCEDURES**

A person required by section 112.02 to have a permit shall do the following:

(A) Complete and file a permit application on a form prescribed by the City Administrator;

(B) Submit with the application proof of ownership of the property;

(C) Submit with the application the name and primary contact information of the person or entity who will operate the bed and breakfast lodging or vacation rental. For purposes of this subsection, the contact information must identify a person or person(s) who can respond to communications from the City regarding the property in the event of an emergency;

(D) Provide any additional information requested by the City Administrator.

#### **§ 112.04 ISSUANCE AND DISPLAY OF PERMIT.**

(A) The City Administrator may issue a permit after the applicant pays all applicable fees and satisfies all of the requirements of this Code, including, if applicable, obtaining a Conditional Use Permit (CUP).

(B) A permit shall be valid for one (1) year from the date of its issuance, unless suspended or revoked.

(C) A permit shall not be transferable.

(D) The City Council shall set a permit fee for each registered bed and breakfast lodging or vacation rental.

(E) The permit holder shall cause a copy of the permit to be posted in a conspicuous location on the premises of the bed and breakfast lodging or vacation rental.

**§ 112.05 MARKETING OF UN-PERMITTED PROPERTY FOR USE AS VACATION RENTAL OR BED AND BREAKFAST LODGING**

(A) It shall be unlawful for any person, including, but not limited to, a bed and breakfast booking agency, to facilitate a reservation between the owner of a bed and breakfast lodging and a third party when the bed and breakfast booking agency has actual or constructive knowledge that the bed and breakfast lodging does not comply with the requirements of section 155.064 of this Code (Bed and Breakfast Lodging Requirements), including, but limited to, the requirement that a bed and breakfast lodging obtain an approved CUP.

(B) It shall be unlawful for any person, including, but not limited to, a vacation rental agency, to facilitate a reservation between the owner of a vacation rental and a third party when the vacation rental agency has actual or constructive knowledge that the vacation rental does not comply with the requirements of section 155.065 of this Code (Vacation Rental Requirements), including, but limited to, the requirement that a vacation rental obtain an approved CUP.

(C) It shall be unlawful for any person to list or otherwise market a property for sale as a new vacation rental or new bed and breakfast lodging without disclosing to the buyer that such property may not be used for the purpose of a vacation rental or bed and breakfast lodging without an approved CUP. It shall constitute a defense to prosecution under this subsection (C) that the defendant provided the buyer with a written notice that reads, in bold-faced type: "THIS PROPERTY HAS NOT BEEN APPROVED BY THE CITY OF WIMBERLEY FOR USE AS A BED AND BREAKFAST LODGING OR VACATION RENTAL."

**Section 3.** Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

**Section 4.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**Section 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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, Capt. 551, Loc. Gov't. Code.

FIRST READING PASSED AND APPROVED this 16<sup>th</sup> day of January, 2014, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this 20<sup>th</sup> day of February, 2014, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Flocke

Bob Flocke, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer

City Attorney

Catherine B. Fryer



## 5700. - BED AND BREAKFAST REGULATIONS

### [Sec.] 5705. - Purpose.

The purpose of bed and breakfast regulations is to provide for an alternative type of lodging for visitors, and to provide for the preservation and adaptive reuse of older structures and historic landmarks.

(Ord. No. 31-91, § 2, 4-2-1991)

### [Sec.] 5710. - Definitions.

*Bed and breakfast homestay* means an owner-occupied dwelling unit that is at least 50 years old or is a designated city historic landmark, and contains no more than five guest rooms, where short-term lodging, with or without meals, is provided for compensation.

*Bed and breakfast inn* means a structure that is at least 50 years old or is a designated city historic landmark, and contains no more than ten guest rooms, where short-term lodging, with or without meals, is provided for compensation. Limited social functions such as receptions and private parties, with or without food service, may also be provided. However, this definition shall not permit the operation of a restaurant for customers other than the occupants of the guest rooms and their guests, or the invitees to the reception or private parties. The operator of the inn shall reside on the premises.

(Ord. No. 31-91, § 2, 4-2-1991)

### [Sec.] 5715. - Spacing requirements.

In SF-1 Single-Family Residential (large lot) and SF-2 Single-Family Residential (standard lot) Zones, a bed and breakfast homestay or a bed and breakfast inn shall be limited to one per block face. Block face shall mean properties which front on one side of a street, and lie between two intersecting streets.

(Ord. No. 31-91, § 2, 4-2-1991; Ord. No. 29-2007, § 3, 3-20-2007)

### [Sec.] 5720. - Length of stay and rates.

Length of stay of guest shall not exceed 14 consecutive days. Room rental rates shall be based on daily rental rates only.

(Ord. No. 31-91, § 2, 4-2-1991)

### [Sec.] 5725. - Parking requirements.

Off-street parking shall be provided at the rate of two spaces plus one space per guest room. Tandem or stacked parking will be permitted. Additionally, the following requirements shall apply:

- (i) In SF-1 Single-Family Residential (large lot) and SF-2 Single-Family Residential (standard lot) Zones, the front setback area shall not be used for parking, except on existing driveways.
- (ii) Bed and breakfast inns which provide for limited social functions must provide at least 15 off-street parking spaces. The entire parking requirement, except for handicapped parking spaces,

may be provided offsite, subject to written agreement of the owner of the offsite parking area assuring continued availability of the required parking.

(Ord. No. 31-91, § 2, 4-2-1991)

**[Sec.] 5730. - Signage.**

Signage shall identify, rather than advertise, the establishment. In SF-1 Single-Family Residential (large lot), SF-2 Single-Family Residential (standard lot), and MFR Multifamily Residential Zones, signs shall be limited to one per establishment per street frontage and be limited to:

- a. A ground sign not exceeding two square feet in area and three feet in height; or
- b. A wall sign not exceeding two square feet in area.

In all other zones, signs shall be regulated by section 6700.

(Ord. No. 31-91, § 2, 4-2-1991)

**[Sec.] 5735. - Health requirements.**

Food service and other health requirements shall have to meet all state and city-county Health Department regulations, as amended.

(Ord. No. 31-91, § 2, 4-2-1991)

**[Sec.] 5740. - Fire safety.**

The facility must meet fire safety requirements of the city, as amended.

(Ord. No. 31-91, § 2, 4-2-1991)

**ORIGINAL**

**ORDINANCE NO. 2010-O-116**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING VILLAGE ZONING REGULATIONS BY ADDING DEFINITION OF "CONDITIONAL OVERLAY DISTRICT"; MODIFYING LIST OF ZONING DISTRICTS; REPEALING OVERLAY PROVISIONS OF SECTION 30.124; ADDING NEW SECTION 30.124; ESTABLISHING AN INFILL REDEVELOPMENT DISTRICT; ADDING NEW SECTION 30.124(B) GOVERNING CREATION OF CONDITIONAL OVERLAY DISTRICTS; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES**

**WHEREAS**, the Village of Volente desires to amend its zoning regulations to promote the public health, safety, morals and general welfare of the citizens of the Village of Volente; and

**WHEREAS**, the Village of Volente desires to establish procedures for the creation of Conditional Overlay Districts to impose additional use restrictions, site development requirements, or other restrictions or requirements to supplement those imposed by already established underlying zoning districts in order to address specific circumstances presented by a particular geographic area or site; and

**WHEREAS**, Conditional Overlay Districts will, among other things, help ease transitioning from one zoning district to another; promote compatibility between competing, incompatible, or potentially incompatible uses; protect natural resources; and guide development and address land-use concerns in unique circumstances; and

**WHEREAS**, the Village of Volente has determined that an Infill Redevelopment ("IR") Zoning District should be created to apply restrictions specific to residential platted lots that were less than 43,560 square feet in area at the time the Village of Volente was incorporated;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS THAT THE FOLLOWING AMENDMENTS TO THE VILLAGE'S ZONING REGULATIONS ARE HEREBY ENACTED:**

1. Section 30.105 ("Definitions") is amended to add the following term and definition:

*Conditional Overlay District* means a special zoning district that is placed over a traditional zoning district so as to impose further use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Lands affected by a Conditional

Overlay District are subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District. The specific conditional overlay district will be the underlying zoning district followed by "Conditional Overlay District."

**2. Subsection (a) of Section 30.110 ("Establishment of Zoning Districts") is amended to read in its entirety:**

(a) The Village is hereby divided into twelve (13) zoning districts. The use, height and area regulations as set out herein shall be uniform in each district, except to the extent modified by Conditional Overlay Districts, where applicable. The twelve (13) zoning districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
C-1	Light Commercial
C-2	Medium Commercial
C-3	Heavy Commercial
GOV	Government/Public Institutional
I-1	Light Industrial
I-2	Heavy Industrial
OS	Open Space
R-1	Single Family Residential
R-1R	Single Family Residential Ridgetop
R-1 C	Single Family Cluster
R-2	Multi Family
IR	Infill Redevelopment
PDD	Planned Development District

**3. Section 30.124 ("Overlays") is repealed in its entirety.**

**4. New Section 30.124 is added, which shall read as follows in its entirety:**

**Sec. 30.124 Infill Redevelopment – District "IR":**

This district applies to a platted lot that was less than 43,560 square feet in area when the Village of Volente was incorporated and would otherwise be subject to the permitted uses, conditions, and restrictions and limitations for Single Family Residential 1 (District "R-1") set forth in Section 30.112. Lots zoned IR are subject to the restrictions set forth in Chart 3, as well as the additional IR restrictions in Chart 1.

5. **New Section 30.124(B) is added, which shall read as follows in its entirety:**

**Sec. 30.124(B) Conditional Overlay Districts:**

(a) The Village Council may establish Conditional Overlay Districts that impose additional use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Land within a Conditional Overlay District is subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District as specified in the ordinance establishing the Conditional Overlay District.

(b) The purposes for which a Conditional Overlay District may be established over a base zoning district include, but are not limited to:

- (1) easing transition from one zoning district to another;
- (2) promoting compatibility between competing, incompatible, or potentially incompatible uses;
- (3) protecting natural resources or addressing other environmental or conservational concerns; and
- (4) guiding development and addressing land-use concerns in unique circumstances

(c) A Conditional Overlay District may be established by the Village Council only upon written application by a real property owner, the owner's authorized representative, or upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, after public hearings are held as required by law to amend, supplement, or change this article or the boundaries of the zoning districts specified on the zoning district map pursuant to Section 30.134 ("Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures") and Section 30.136 ("Administrative Procedures for Changes and Amendments to Zoning Regulations and Districts"). In the event a Conditional Overlay District is proposed upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, the Conditional Overlay District may be created only if real property owner agrees to the additional use restrictions, site development requirements, or other restrictions or requirements to be imposed by the Conditional Overlay District.

(d) Prior to formal application for approval of a Conditional Overlay District, a real property owner or the owner's authorized representative shall request and attend a pre-application conference as prescribed in the Village's Site Development Ordinance. A written application by a real property owner or the owner's authorized representative for creation of a Conditional Overlay District, which may be accompanied by a request for change in base zoning district, shall be submitted and considered in conformance with the procedures and terms for changes and

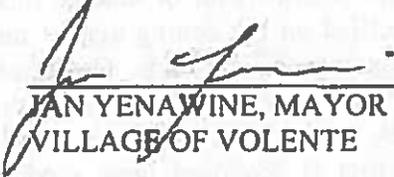
amendments to zoning ordinances and districts established by Sections 30.134 and 30.136 and shall include a proposed Site Plan as prescribed in the Village's Site Development Ordinance along with all proposed use restrictions, site development requirements, and any other proposed restrictions and requirements for the requested Conditional Overlay District. Submittal of a Concept Plan as prescribed in the Village's Site Development Ordinance is recommended prior to formal application for creation of a Conditional Overlay District.

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

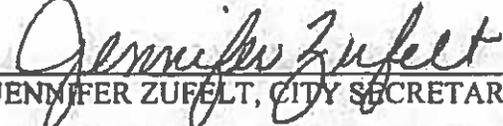
7. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

8. **Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is 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 Meetings Act, *Chapter 551 of the Texas Government Code*.

**PASSED AND APPROVED** on the 20th day of April, 2010, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the Village Council of the Village of Volente, Texas.

  
\_\_\_\_\_  
JAN YENAWINE, MAYOR OF THE  
VILLAGE OF VOLENTE

ATTEST:

  
\_\_\_\_\_  
JENNIFER ZUFELT, CITY SECRETARY

City Secretary

---

**From:** Holtkamp, Christopher R <choitkamp@bxstate.edu>  
**Sent:** Wednesday, April 26, 2017 9:14 PM  
**To:** City Secretary  
**Subject:** Thank you and surveys  
**Attachments:** Bastrop Parks Plan Community Survey.docx; BudaSurveyFinal.pdf; 2015PlanUpdateSurvey.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** P&Z

Nicole,

Thank you for the opportunity to meet with y'all yesterday to discuss the Comp Plan process. Please feel free to contact me with any additional questions you may have or if you need any additional information. Let me know if you would like for me to meet with City Council as well to discuss the process with them.

Also, I've attached a couple surveys I've used in other communities, per the request from the P&Z Commissioners.

Again, thank you for considering me for this project! I look forward to hearing from you soon.

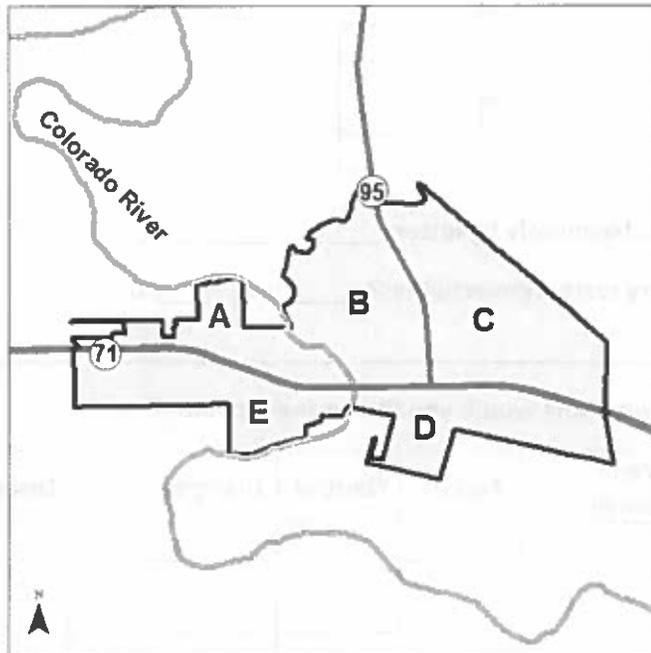
Chris

Chris Holtkamp, AICP  
512-217-0173  
[www.HoltkampPlanning.com](http://www.HoltkampPlanning.com)

**Bastrop Parks Plan Community Survey**

The City of Bastrop is updating its 2008 Parks and Open Space Master Plan. We want to make sure our parks system serves the needs of residents through high quality, accessible facilities and we need your help. Please take a few minutes to complete this survey letting us know your thoughts on the existing parks system and areas where improvements may be needed.

**Question 1: Please select the area of where you live, using the City Limits, Hwy 71, Hwy 95, and the Colorado River as Boundaries for the areas lettered**



**River as Boundaries for the areas:**

A     B     C     D     E     Outside City Limits

**Question 2: How old are you?**

<18     18 – 24     25 – 34     35 – 44     45 – 54     55 – 64  
 65 – 74     75+

**Question 3: Do you have children living at home?**

Yes     No

If Yes, how old are the children? \_\_\_\_\_

**Question 4: How often do you visit City Parks?**

2 or more times per week     1 time per week     2 or 3 times per month  
 1 time or fewer per month     Never

If you answered never, why? \_\_\_\_\_

**Question 5: Which City parks do you regularly visit?**

A. Bob Bryant Park	
B. El Camino Real Pedestrian and Bicycle Trail	
C. Ferry Park	
D. Fireman's Park	
E. Fisherman's Park	
F. Jewell's Park	
H. Kerr Community Park	
I. Mayfest Park	
J. June Hill Pape Riverwalk Trail	
K. Rusty Reynolds Baseball Complex	
L. Bark Park	

Please list which parks you visit most frequently by letter: \_\_\_\_\_

**Question 6: Do you participate in City recreation activities?**  Yes  No

If not, why? \_\_\_\_\_

**Question 8: What recreational programming would you like to see provided?**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
A. Senior Activities					
B. Youth and Adult Baseball and Softball					
C. Youth and Adult Soccer					
D. Youth and Adult Basketball					
E. Outdoor Programming					
F. Outdoor Education Programming					
G. Other					

Other, please specify \_\_\_\_\_

From the list above, please indicate your top 3 by letter: \_\_\_\_\_

**Question 7: Bastrop Parks would benefit from additional:**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
A. Lighting					
B. Picnic Tables					
C. Covered Pavilions					
D. Pedestrian Access					
E. Handicapped Access					
F. Other					

Other, please specify \_\_\_\_\_

Please specify which parks need the above improvements: \_\_\_\_\_

Question 8: What facilities would you like to see in Bastrop Parks?

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
A. Hiking / Biking Trails					
B. Updated / New Restrooms					
C. Updated / New Playground Equipment					
D. Outdoor Swimming					
E. Indoor Swimming					
F. Softball Fields					
G. Baseball Fields					
H. Soccer Fields					
I. Outdoor Basketball					
J. Indoor Basketball					
K. Community Gardens					
L. Sports Complex					
M. Skate Park					
N. River Access / Fishing					
O. Indoor Exercise Room					
P. Weight Room					
Q. Arts and Crafts Room					
R. Meeting Space					
S. Computer / Media Room					
T. Disc Golf					
U. Football Fields					
V: Other					

Other, please specify \_\_\_\_\_

From the list above, please indicate your top 3 by letter: \_\_\_\_ \_\_\_\_ \_\_\_\_

If you would like to be entered into the raffle, please provide your name and phone number. You will only be contacted if you win.

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Thank you for participating in this survey! For another opportunity to provide input, please attend the

## Parks Town Hall Meeting

Thursday, March 12<sup>th</sup>

6:00 PM at City Hall

Buda is developing a Housing Action Plan that will identify gaps in the existing housing market and develop strategies to ensure housing is available across the spectrum of value. This survey is the first step in the public engagement process that will help us identify challenges and opportunities in the Buda housing market as well as community values related to housing. There will also be a series of focus groups and a Housing Workshop that will be open to the public to gather more input from residents.

We appreciate your time in completing this survey. Your input is important to help us develop a Housing Strategy that reflects the values and priorities of Buda residents.

**Question 1: What is your age?**

Under 18    18 – 24    25 – 34    35 – 44    45 – 54    55 – 64    65+

**Question 2: Please select where you live:**

- Apartments in/near Sunfield
- Apartments near Cabelas
- Apartments in/near Old Town and Creekside Villas
- Garlic Creek, Cullen Country
- Elm Grove, Whispering Hollow, Summer Pointe
- Oxbow Trails
- Leisurewoods, Coves of Cimarron
- Creekside Park, Stonewood Commons
- Marlboro Country, Ruby Ranch & nearby neighborhoods
- Old Town, Bella Vita and Watson Hollow
- Sequoyah
- Bradfield Village & Ashford Park
- Bonita Vista, Village Lane and residences & duplexes along W. Goforth
- Meadows at Buda and Stonefield
- Stone Ridge & Meadow Park
- Green Meadows
- Sunfield
- Hillside Terrace

**Question 3: How many years have you lived in or near Buda?**

Less than 2 Years    2 – 5 Years    6 – 10 Years    11 – 20 Years    More than 20 Years

**Question 4: If you are employed, in which City do you work?**

Buda    Buda (work from home/telecommute)    Austin    Kyle  
 San Marcos    Bee Cave    Wimberley    Not Employed  
 Other \_\_\_\_\_

**Question 5: What is your annual household income?**

Less than \$20,000    \$20,001 - \$34,999    \$35,000 - \$49,999    \$50,000 - \$74,999  
 \$75,000 - \$99,999    \$100,000 - \$149,999    \$150,000 - \$200,000    More than \$200,000

Question 6: Do you:

- Own
- Rent

Question 6B: Do you live in a:

- Single Family Home
- Townhome
- Duplex
- Manufactured Home
- Small Apartment/Condo (<5 units in building)
- Large Apartment/Condo (5+ units in building)

Question 7: If you currently rent do you plan to purchase a home?

- In the next 2 years
- 3 – 5 years
- Not sure yet

Question 8: Regardless of whether you rent or own, do you intend to move?

- In the next 1 -3 years
- 3 – 5 years
- > 5 years
- I do not intend to move

Question 8b: If you intend to move, will you stay in Buda?

- Yes
- No

Question 8B: If you answered No, why will you leave Buda? Leave blank if you plan to remain in Buda.

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
Cannot find a suitable home I can afford					
No appropriate housing for my lifestyle					
Employment opportunities					
Family obligations					
Schools					
Other					

If Other, Please Specify \_\_\_\_\_

Question 9: Do you anticipate a need for multigenerational housing for your household in the future, such as a senior family member or family member with a disability?

- Yes
- No

**Question 10: How do you rank your current housing situation?**

Overall Satisfaction with...	Very Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Very Dissatisfied
Current housing situation overall					
Cost of Rent or Mortgage Payment					
Cost for other housing needs – utilities, maintenance, etc.					
Cost of property taxes					
Location – community and neighborhood you live in					
Location – proximity to shopping, schools, parks					
Location – proximity to work					
Space – number of bedrooms and floorplan					
Features – kitchen, garage, fireplace, etc.					
Neighborhood amenities – pool, playground, other					
Infrastructure – roads, sidewalks, etc.					
Services – schools, police, fire, EMS					

**Question 11: What types of housing are needed in the Buda area? Please select all that apply.**

- Single Family Homes                    \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Townhomes                                \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Duplexes                                    \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Small Apartments/Condos (<5 units in building) \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Large Apartments/Condos (5+ units in building) \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Gated Communities                    \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors
- Other: \_\_\_\_\_                        \_\_\_ Purchase    \_\_\_ Rent            \_\_\_ for Seniors

Which of the above are most needed? \_\_\_\_\_

**Question 11B: What price categories for housing are needed in the Buda area? Please select all that apply.**

- \_\_\_ Less than \$100,000 for purchase or \$500 – \$600 per month rent (2 bdr)
- \_\_\_ \$100,000 - \$149,999 for purchase or \$600 - \$750 per month rent (2 bdr)
- \_\_\_ \$150,000 - \$249,000 for purchase or \$750 – \$1,200per month rent (2bdr)
- \_\_\_ Less than \$250,000 for purchase or \$1,200+ per month rent (2 bdr)

Which of the above are most needed? \_\_\_\_\_

**Question 11C: How many bedrooms are needed for housing in the Buda area? Please select all that apply.**

- Studio     Purchase     Rent     for Seniors
- 1 bedroom     Purchase     Rent     for Seniors
- 2 bedroom     Purchase     Rent     for Seniors
- 3 bedroom     Purchase     Rent     for Seniors
- 4+bedroom     Purchase     Rent     for Seniors

Which of the above are most needed? \_\_\_\_\_

**Question 12: Please select your opinion of housing conditions in Buda:**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
1. There are not enough housing options					
2. There are not enough entry level housing options					
3. There are not enough high end housing options					
4. There is inadequate senior housing					
5. There is an issue attracting quality employees because of a lack of housing availability					
6. There is too much housing being built					

**Question 13: What options would you support to help diversify housing options?**

Increase the number of high density zones

Establish a minimum number of units allowed per acre in the medium and high density residential zones to increase the number of units in the area. Increasing the number of units per acre can bring down the cost of each unit.

Allow fill-in development on vacant or underdeveloped lots that may not meet current zoning standards (development on vacant lots in existing neighborhoods and within the City. These lots can sometimes be difficult to build on because the size or configuration do not meet current codes.)

Increase mixed use zones with retail / office and residential uses together (examples below)



\_\_\_ Allow duplexes on large lots in single family neighborhoods (example below)



\_\_\_ Allow Accessory Dwelling Units (examples below)



#### GLOSSARY OF TERMS:

- Accessory Dwelling Units – these are separate small residential units on single family lots, often attached to the home, but sometimes in a small outbuilding. Also known as garage apartments or granny flats.
- Infill development – development on vacant lots in existing neighborhoods and within the City. These lots can sometimes be difficult to build on because the size or configuration do not meet current codes.
- Minimum Density – Typically, zoning sets a maximum number of units per acre and developers are able to build fewer units per acre than the maximum. A minimum density requirement would mean builders would require builders to put at least the minimum number of units per acre. This increased density can bring down per unit costs.
- Mixed Use – different types of development occur on the same property. This may be multi-story development with retail and office on the ground floor, with residential above, or it can be residential buildings mixed on site with retail and office space.

**Question 14: What other housing issues and opportunities exist in Buda?**

---

---

---

**Question 15: What type of housing would you prefer to be living in if it were readily available in Buda?**

---

---

---

**Question 16: When thinking about affordable housing, how do you envision it in Buda? What should it look like? Where should it be? How much of it?**

---

---

---

**Question 17: What other housing types or neighborhoods have you seen that you would like to see in Buda? Please be specific if possible.**

---

---

---

**OPTIONAL (needed in order to claim a prize for completing the survey)**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_ I would like to receive updates on this process

Thank you for completing this survey. Your input is critical to a successful planning process! There will be additional opportunities to participate in the planning process. Be on the lookout for community gatherings to be held in the near future!

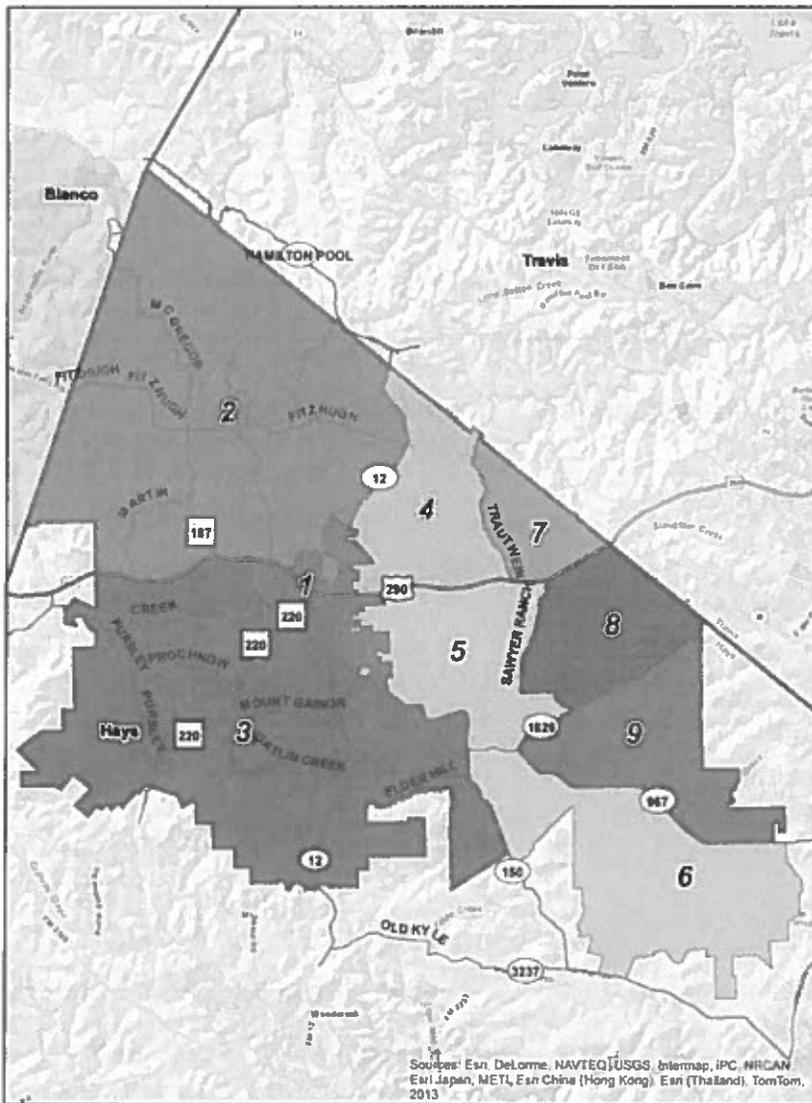
Dripping Springs is updating the Comprehensive Plan. This revision will ensure the Comprehensive Plan continues to serve as a roadmap for decision making. The Plan will allow City leaders to make decisions based on the priorities and concerns of Dripping Springs residents. Your opinion matters, and your time in completing this survey is very much appreciated.

**Question 1: What is your age?**

Under 18    18 – 24    25 – 34    35 – 44    45 – 54    55 – 64    65+

**Question 2: Using the map below, please select where you live:**

1    2    3    4    5    6    7    8    9



**Question 3: How many years have you lived in or near Dripping Springs?**

Less than 2 Years    2 – 5 Years    6 – 10 Years    11 – 20 Years    > 20 Years

**Question 4: How do you stay informed about City activities and events?**

Social Media (Facebook, etc.)  City Website  Conversations with friends and neighbors  
 Local news sources

**Question 5: Why do you live in Dripping Springs?**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
Relatives / Family Heritage					
Location					
Job Opportunities					
Good Place for Families					
Schools					
Good Place to Retire					
Other					

If Other, Please Specify \_\_\_\_\_

**Question 6: If you are employed, in which City do you work?**

Dripping Springs  Austin  Blanco  San Marcos  Bee Cave  
 Wimberley  Kyle  Buda  Other \_\_\_\_\_

**Question 8: Please rank the types of employment that are needed in Dripping Springs?**

Retail (Clothing, sporting goods, etc.)  
 Professional / Office (Insurance, Bank, etc.)  
 Medical Office / Practice  
 Tourism (Hotel, Attractions, etc.)  
 Education / Training  
 Service Providers (Plumbers, Contractors, etc.)  
 Manufacturing / Technology / Distribution  
 Construction  
 Engineering / Architecture / Technical  
 Business Services (Printing, Computer Repair, etc.)  
 Agriculture Production and Services  
 Other

If Other, please specify \_\_\_\_\_

**Question 9: Should there be new residential development in the City Limits?**

Yes  No  Undecided

**Question 10: Should there be new residential development in the ETJ?**

Yes  No  Undecided

**Question 11: What types of housing are needed in the Dripping Springs area? Please select all that apply.**

- Single Family Homes < \$100,000     Single Family Homes (\$100,000 - \$149,999)  
 Single Family Homes (\$150,000 - \$249,999)     Single Family Homes (> \$250,000)  
 Townhomes and Duplexes     Apartments     Senior Housing     Gated Communities  
 Single Family Rentals     Other \_\_\_\_\_

**Question 12: Please Answer the Following:**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
Traffic in Dripping Springs is negatively affecting quality of life					
There should be an alternative for through traffic to pass through or around Dripping Springs					
There should be more housing options (such as patio homes, townhomes, etc.) available in Dripping Springs					
A local police department is needed					
More recreational programs for youth and seniors should be available					
More festivals and events would benefit the community					
Continued tourism growth should be encouraged					
Employment growth in Dripping Springs should be encouraged					
The City, County, and ISD should explore the potential for joint facilities and office space					
The City and Water Corp. should consider direct potable reuse to help secure long term water supply					
Continue to encourage rainwater harvesting in new developments					
Other _____					

If Other, please specify \_\_\_\_\_

**Question 13: What changes would you like to see at the Triangle property at Mercer St. and US 290?**

- No changes     Private redevelopment for retail / commercial use  
 Public Space     Public Parking     Other \_\_\_\_\_

**Question 14: What uses would you like to see for City owned property in the downtown (particularly the Stephenson Building)?**

No changes  Redevelopment into Public space (Visitor Center, Event Center, etc.)  
 Private redevelopment for retail / commercial use  Other \_\_\_\_\_

**Question 15: Where should additional parking be added downtown?**

Stephenson Building property  Triangle  City Hall  Other vacant property on Mercer St.  
 Parking Garage  Other \_\_\_\_\_

**Question 16: Dripping Springs would benefit from:**

	Agree Strongly	Agree	Neutral	Disagree	Disagree Strongly
1. Addressing development and land use patterns along RR 12, US 290, FM 150, and FM 1826					
2. Creation of a scenic corridor along Creek Road					
3. Promoting Tourism					
4. Implementation of the Revised Trails Master Plan					
5. Expanding housing options					
6. Developing a higher education facility					
7. Developing gateway features along major thoroughfares					
8. Drainage, lighting, and sidewalks along Old Fitzhugh Rd.					
9. Continued discussion with the Water Supply Corp. about consolidation with the City					
10. Relocating the Farmers Market					
11. City sponsored family events					
12. Promoting local food, wine, spirits, and agriculture					
13. Providing public restrooms in downtown					
14. Improving city-wide pedestrian facilities					
13. Other _____					

If Yes to # 10, where should the Farmers Market relocate? \_\_\_\_\_

**Please list your three priorities from the list above:**

\_\_\_\_

**Question 17: As Dripping Springs continues to grow, should the City consider transit options?**

Yes  No

**Question 18: If yes, what options should be considered?**

Park and Ride Facilities  Rideshare / Vanpool  Express Bus Service  Other \_\_\_\_\_

**Question 19: What is the biggest challenge facing Dripping Springs?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Question 20: What is the best thing about living and / or working in Dripping Springs?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Question 21: What is your Vision for Dripping Springs?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OPTIONAL**

**Name:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

Thank you for completing this survey. Your input is critical to a successful planning process! There will be additional opportunities to participate in the planning process. Be on the lookout for community gatherings to be held in the near future!

**Land Development search:**

***Teague Nall and Perkins, Inc., Fort Worth, TX***

***(817) 336-5773***

Service: Teague Nall and Perkins, Inc. is a professional civil engineering, surveying, and landscape architecture/planning firm that has been serving municipalities and public entities in the North Texas area since 1976. The firm has offices in Fort Worth, Dallas, Denton, and Sherman. Services include civil engineering, municipal consulting, transportation system infrastructure, drainage, water and wastewater systems, floodplains, structural design, surveying, site/land development, subsurface utility engineering, right of way acquisition, utility coordination, energy services, landscape architecture/planning, construction management, and permitting.

[www.tnpinc.com](http://www.tnpinc.com)

**Urban Planning and Design search:**

***Bojorquez Law Firm, PC, Austin, TX***

***(512) 250-0411***

Service: We Are Texas Municipal Lawyers: Running a city is not easy. As municipal law becomes an increasingly complex field, city officials need the assistance of experienced attorneys. The Bojorquez Law Firm, PLLC, is dedicated to exclusively serving Texas municipalities. The firm was founded in 2002 by Alan J. Bojorquez who proudly served as Assistant General Counsel for the Texas Municipal League. We are committed to bringing a high level of experience and efficiency to small cities that do not have in-house legal departments. We also help assist larger cities that have capable staff attorneys who want specialized assistance on particular projects. Alan is the author of the Texas Municipal Law & Procedure Manual, published by the Texas Municipal Clerks Association. Alan and our team of experienced Municipal Lawyers can come to your city to provide quality, customized training courses on a variety of Municipal Law & Procedure topics. Contact us to make the Bojorquez Law Firm part of your City Hall team.

[www.TexasMunicipalLawyers.com](http://www.TexasMunicipalLawyers.com)

***Burditt Consultants, LLC, Conroe, TX***

***(936) 756-3041***

Service: Burditt Land | Place is an integrated planning and design firm grounded in the disciplines of community planning, landscape architecture, architecture and natural systems – all as they intersect with people, settlement and the natural world.

[www.burditt.com](http://www.burditt.com)

***CivilCorp, LLC, Houston, TX***

***(832) 252-8100***

Service: CivilCorp, LLC, offers engineering and surveying services to a variety of clients - from federal, state and municipal organizations to title companies, attorneys and private individuals. CivilCorp's staff is made up of approximately 70 employees, including 11 licensed Professional Engineers and seven Registered Professional Land Surveyors. Our professional and technical staff has broad and varied cumulative experience in planning, civil engineering, transportation, drainage design, surveying, CADD drafting, and construction administration, engineering and inspection.

[www.civilcorp.us](http://www.civilcorp.us)

***Design Workshop, Austin, TX***

**(512) 499-0222**

Service: Founded in 1969, Design Workshop has been recognized with over 150 prestigious awards for work in community planning, new communities, urban centers, resorts, public parks and residences. The firm's philosophy challenges staff and their clients to equally merge artistic vision, environmental sensitivity, community values and sound economics to create places that stand the test of time. They refer to this approach as DW Legacy Design®. For more information, please visit [www.designworkshop.com](http://www.designworkshop.com)

***Gray Planning Studio, Port Arthur, TX***

**(912) 596-2269**

Service: Gray Planning Studio provides urban planning, placemaking, historic preservation and community development services to communities and community organizations.

[www.grayplanning.com](http://www.grayplanning.com)

***GSR Andrade Architects, Inc., Dallas, TX***

**(214) 824-7040**

Service: GSR Andrade Architects offers architectural and interior design services; master planning; multi-disciplinary team/technical coordination; and LEED consulting. We service clients through five (5) generalized business units – municipal/institutional; healthcare; retail/commercial; multi-family residential; and industrial. [www.gsr-andrade.com](http://www.gsr-andrade.com)

***Kimley-Horn and Associates, Inc., Dallas, TX***

**(972) 770-1300**

Service: Kimley-Horn is one of the nation's premier planning and design consulting firms. Whether your project is national or local and involves public infrastructure or private development, we look out for your best interest, reduce your risk, and deliver great value. Since 1967, Kimley-Horn has delivered outcomes you can depend on – projects that can be successfully developed, permitted, and built on time and within budget.

[www.kimley-horn.com/](http://www.kimley-horn.com/)

***Komatsu Architecture, Fort Worth, TX***

**(817) 710-1340**

Service: Komatsu Architecture is a Fort Worth-based architecture, interior design, planning and programming firm specializing in public commercial projects. Komatsu works across the State of Texas for local governments, designing libraries, public safety facilities, city halls, municipal projects and historic preservation projects. [www.komatsu-inc.com](http://www.komatsu-inc.com)

***KSA, Longview, TX***

**(877) 572-3647**

Service: KSA is an industry leader, providing a broad range of engineering, architecture, planning, surveying, and construction management services. Founded in 1978, the firm has grown to over 150 employees located in multiple offices in the south central U.S. For six consecutive years, KSA has been named to the ENR Top 500 list as one of the 500 largest design firms in America. KSA was named in 2014, 2015, and 2016 as one of the "Best

Companies to Work for in Texas," through a joint project of Texas Monthly, the Texas Association of Business (TAB), Texas Society for Human Resources Management (SHRM), and Best Companies Group, and as a 2015 "Fit Friendly Worksite" by the American Heart Association. KSA also has been recognized by ZweigWhite's Hot Firm program, which recognizes the fastest growing architectural and engineering firms from the U.S. and Canada.

[www.ksaeng.com](http://www.ksaeng.com)

***Mundo and Associates, Inc., Rockwall, TX***

***(214) 773-0966***

Service: Engineering, Economic Development and Planning Consulting for municipalities, counties, and economic development corporations. The Company offers community master and strategic planning; incentive development; incentives deal development; site selection; tax increment financing project plans and zone management; municipal engineering design; park and recreation planning and design, industrial park planning and design; project management services that return value to the taxpayers. Mundo and Associates, Inc. is a certified WBNEC, NCTRCA WBE, Texas HUB and Texas Registered Engineering Firm.

[www.mundoandassociates.com](http://www.mundoandassociates.com)

***Neel-Schaffer, Inc., Arlington, TX***

***(817) 548-0696***

Service: Neel-Schaffer, Inc., is a multi-disciplined engineering and planning firm that has offices in Dallas, Fort Worth, Arlington, and Houston. Core disciplines include traffic/transportation, environmental science, water/wastewater, storm water, civil, aviation, structural and hydraulic engineering. Neel-Schaffer's professional engineers, scientists and geologists are engaged in these disciplines as recognized experts in their fields.

[www.neel-schaffer.com](http://www.neel-schaffer.com)

***PGAL, Houston, TX***

***(713) 622-1444***

Service: Founded in Houston in 1946, PGAL provides architecture, engineering, planning, interior architecture, program management, technology planning, needs assessment, building evaluation, facilities master planning and renovation, restoration and building expansion services for clients nationwide. Its portfolio includes award-winning public projects in Texas and nationwide at municipal, county, state and federal levels, including city halls, courthouses, police/EOC/fire departments, libraries, recreation centers, parks, parking facilities, public works, drainage, roadway, education, administration and aviation. Headquartered in Houston, PGAL also has offices in Atlanta, Alexandria, Austin, Boca Raton, Boston, Dallas, Las Vegas, Los Angeles, and Mexico City, Mexico.

[www.pgal.com](http://www.pgal.com)

***The Scenic City Certification Program, Houston, TX***

***(713) 979-4374***

Service: The Scenic City Certification Program is the first of its kind in the United States to incorporate a comprehensive set of model standards for design and development of public roadways and public spaces into a cohesive assessment program. Cities apply to the program for a rigorous evaluation and scoring of existing municipal standards against the model to earn a prestigious 5-year certification.

[www.sceniccitycertification.org/](http://www.sceniccitycertification.org/)

## City Secretary

---

**From:** Tom Buckle <[tbuckle@sbylaw.com](mailto:tbuckle@sbylaw.com)>  
**Sent:** Friday, May 05, 2017 10:59 AM  
**To:** City Secretary  
**Subject:** RE: funding from local realtors

Safest to most risky:

1. Accept donations to help defray costs;
2. Accept donations and have a thank you listing in the brochure identifying the contributors that have given money;
3. Sell advertising but has to be opened to all realtors and ideally all businesses serving Volente so everyone has the opportunity to advertise.

**From:** City Secretary [<mailto:City.Secretary@volentetexas.gov>]  
**Sent:** Friday, May 05, 2017 10:50 AM  
**To:** Tom Buckle <[tbuckle@sbylaw.com](mailto:tbuckle@sbylaw.com)>  
**Subject:** RE: funding from local realtors

The realtors have not been approached with the idea. The Commission would like to know the restrictions around this type of arrangement before they move forward with the idea.

---

**From:** Tom Buckle [<mailto:tbuckle@sbylaw.com>]  
**Sent:** Friday, May 05, 2017 10:48 AM  
**To:** City Secretary  
**Subject:** RE: funding from local realtors

Yes. Anyone can donate money to the Village. Did the realtors want to buy an ad in the brochure in return for the \$\$ they contribute.

**From:** City Secretary [<mailto:City.Secretary@volentetexas.gov>]  
**Sent:** Friday, May 05, 2017 10:42 AM  
**To:** Tom Buckle <[tbuckle@sbylaw.com](mailto:tbuckle@sbylaw.com)>  
**Subject:** funding from local realtors

Tom, P&Z would like to know if the village can accept funding from local realtors to help with the update of the Living in Volente brochure.

Thank you,  
Nicole

**City of Westlake Hills** 911 Westlake Dr. Westlake Hills, Tx 78746 (512) 327-3628  
They have a brochure, budgeted item; it's only provided when requested. Otherwise, they refer inquiries to website [www.westlakehills.org](http://www.westlakehills.org) Several Realtors (teams) publish great magazines for Westlake area and Eanes ISD, which provide much of the same information as the brochure, but it's not official for City of Westlake Hills.

**Briarcliff** does not have a brochure, they refer to website [www.briarclifftx.com](http://www.briarclifftx.com) Some local realtors include Briarcliff information in their publications.

**Fredericksburg, Texas** [www.fbgtx.org](http://www.fbgtx.org) city does not handle B&B, STR, AirBnB, VRBO, or any other vacation rental management companies. Future residents or owners of such properties are referred to the Fredericksburg Chamber of Commerce [www.fredericksburg-texas.com](http://www.fredericksburg-texas.com) for questions about taxes fees, permits, or application to run a business call CoC. Chamber of Commerce refer tourists to the Convention and Visitor's Bureau [www.visitfredericksburgtx.com](http://www.visitfredericksburgtx.com) But, on the CoC website (top right corner) under Chamber Business Search – Bed & Breakfast Reservation Services they list rentals with best reputation. Absolute Charm Luxury B & B Reservations Services [www.absolutecharm.com](http://www.absolutecharm.com) knows everything, if help needed.

**Savannah, GA - Tybee Island, GA - St. Augustine, FL** do not publish a brochure, they refer to website. Visitors & Convention Bureau has a brochure & magazine for tourists & future residents, so do some large real estate companies.

**Bed & Breakfast (B & B)** serves breakfast, owner or manager must greet visitor. Owner or manager must live on property in same or separate unit. Some cities require B&Bs to be in a home 25+ years old or in historic bldg., especially in a historic district.  
Ex: Grand Anne's on the Lake on Booth Circle

**Short Term Rentals (STR), AirB&B, and Vacation Rental by Owner (VBRO)** vary regarding owner or manager being present on property or allowing a management company to handle everything. Ex: The Cottage at Volente, Lake Travis, walk to Volente Beach; Lake Travis Dome Home;

*Research submitted by Commissioner Mallow*

The City of West Lake Hills  
911 Westlake Drive  
West Lake Hills, Texas 78746



WELCOME TO THE CITY OF  
**WEST LAKE HILLS**



**HOMEOWNER'S GUIDE**



*A Unique, Forested Community  
in the Heart of Texas*



## Other Helpful Information

The following entities provide services to the residents of West Lake Hills, but are not affiliated with, governed or managed by the City of West Lake Hills municipal government:

Travis County Emergency Services District #9 .....(512) 539-3400  
(aka the Westlake Fire Department) ..... **[www.westlakefd.org](http://www.westlakefd.org)**

Travis County Water Control & Improvement District 10 .....(512) 327-2230  
(aka Water District 10)..... **[www.waterdistrict10.org](http://www.waterdistrict10.org)**

Austin Energy .....(512) 494-9400  
**[www.austinenergy.com](http://www.austinenergy.com)**

Texas Gas Service .....(800) 700-2443  
**[www.texasgasservice.com](http://www.texasgasservice.com)**

Eanes Independent School District.....(512) 732-9000  
**[www.eanesisd.net](http://www.eanesisd.net)**

Texas Disposal Service: .....(512) 329-1758  
**[www.texasdisposal.com](http://www.texasdisposal.com)**



## City Contact Information

**City of West Lake Hills**  
911 Westlake Drive  
West Lake Hills, Texas 78746

City Offices: (512) 327-3628  
[www.westlakehills.org](http://www.westlakehills.org)

City Administrator **Robert Wood** ..... [cityadmin@westlakehills.org](mailto:cityadmin@westlakehills.org)

Mayor **Linda Anthony**.....[mayor@westlakehills.org](mailto:mayor@westlakehills.org)

Mayor Pro Tem **Stan Graham** ..... [wlhcc3@westlakehills.org](mailto:wlhcc3@westlakehills.org)

Council Member **Rhonda McCullough**..... [wlhcc1@westlakehills.org](mailto:wlhcc1@westlakehills.org)

Council Member **Jim O'Connor**..... [wlhcc5@westlakehills.org](mailto:wlhcc5@westlakehills.org)

Council Member **Brian Plunkett**..... [wlhcc2@westlakehills.org](mailto:wlhcc2@westlakehills.org)

Council Member **Darin Walker**..... [wlhcc4@westlakehills.org](mailto:wlhcc4@westlakehills.org)

*To contact the mayor and Council members, you may send a single email to [citycouncil@westlakehills.org](mailto:citycouncil@westlakehills.org) and all six of them will receive it.*

*Welcome* to natural surroundings throughout our vibrant community located just minutes from downtown Austin and within the #1 school district in the state, Eanes ISD. This welcome packet is provided to new homeowners by your City government to help answer many of the questions you may have about City services, regulations, and improvements planned for the near future.

Those who came before us worked hard to preserve the natural character of the area. The City of West Lake Hills Master Plan begins with the following words:

*The City of West Lake Hills is a unique and pleasant place in which to live. Its very special quality is derived from its rugged terrain, beautiful views, dense foliage, unspoiled creeks, wildlife, and large areas of relatively low population density. The primary purposes of this master plan are to preserve and protect the area's natural resources and the pleasant quality of life in the city. To this end, the highest priorities in this master plan are given to the protection and preservation of native trees, shrubs, wildflowers and wildlife throughout the city on both public and private land, and to respecting and protecting individuals' privacy in all building projects and use of land.*

City leaders have kept those words in mind as they have adopted ordinances to protect what has made West Lake Hills the great place that it is today. Those same ordinances can be difficult to navigate for people who are new to the city, so this Homeowner's Guide is an attempt to give you an overview of how they impact activities that you might want to undertake.

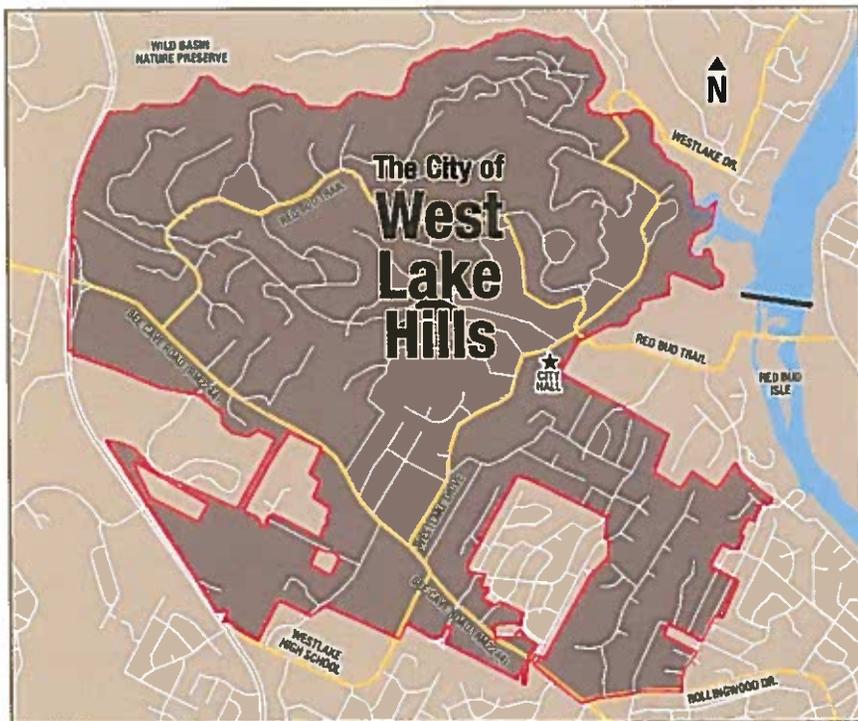
For more information, you can access the City's Code of Ordinances at [www.westlakehills.org](http://www.westlakehills.org) and city staff members are happy to answer any questions that you might have. We wish you many happy memories living in our unique community!

# About the City of West Lake Hills

The City of West Lake Hills was founded in 1953 as a residential community where residents could enjoy the peace and tranquility of the natural surroundings. Just over 3,200 people living in approximately 1,000 residences call the 4-square mile city home. West Lake Hills enjoys one of the lowest municipal tax rates in the State of Texas, with most of the City's annual \$3.5 million of revenue coming from sales tax receipts.

The City's unpaid, volunteer City Council consists of five Council members and a mayor, all elected to serve two-year terms. Numerous other volunteer opportunities exist, including the City's Zoning and Planning Commission and its Wastewater Commission. The City has a paid staff of 31 including 16 police officers.

The City of West Lake Hills is an oddly-shaped municipality as shown below. The geographic term "Westlake" generally refers to a much larger area of Travis County that includes the City of West Lake Hills.



# Upcoming Capital Improvements

## Bee Cave Road Expansion

The Texas Department of Transportation will be adding a center turn lane and sidewalks along Bee Cave Road (RM2244) between Walsh Tarlton and Redbud Trail. Utility relocation has already begun. Construction began in late 2016 and is expected to last 24 to 30 months.

## Citywide Drainage Master Plan Improvement

The City's engineers are working on a citywide plan to address urgent drainage issues.

## Westlake Drive & Redbud Trail Intersection

This intersection has been discussed quite a bit over the past few years. No changes have been approved for the intersection.

## Camp Craft Road & Westlake Drive

Possible improvements to Camp Craft Road and Westlake Drive near Bee Cave Road will be under consideration in the coming months.

## Water System Improvements for Fire Safety

Water District 10, the water provider in West Lake Hills, will be installing new water lines along Bee Cave Road. Pump stations and arterial water lines will also be installed throughout West Lake Hills over the next 5 years to increase the supply of water available in case of fire.

## Redbud Bridge

The City of Austin is in the early planning stage of replacing Redbud Trail bridge over Ladybird Lake (the Colorado River) just below Tom Miller dam. City leaders are monitoring the project closely to ensure that any improvements do not have an adverse effect on West Lake Hills.

## Oak Wilt Prevention Project

The City is partnering with Water District 10 to trench Westwood Drive in an effort to prevent the westward expansion of an oak wilt outbreak in that area. Other oak wilt prevention projects are also under consideration.

## Popular City Services

### Trash and Recycling Pickup

Solid waste services are contracted with Texas Disposal Systems and are provided at no charge to City residences. Trash and recycling are both picked up once per week—either on Monday or Tuesday, depending on the area of town. Visit [www.westlakehills.org/solidwaste](http://www.westlakehills.org/solidwaste) for more info.

### Close Patrol by the West Lake Hills Police Department

If you are going to be out of town for an extended period of time, the West Lake Hills Police Department offers close patrols. If your home is on close patrol, an officer will visit your property one to two times per day. Call the Police Department at (512) 327-1195 or visit [www.westlakehills.org](http://www.westlakehills.org) to request a close patrol.

### Mass Notification System (Citizen Alert)

The City uses a mass notification system that allows City leaders to send messages by phone, email, and text to all residents and businesses within a matter of minutes. It is used to contact residents in the event of an emergency or to pass along other useful information regarding services and events – but you must sign up to receive the messages. Visit [www.westlakehills.org/massnotification](http://www.westlakehills.org/massnotification) for more information and to sign up.

## Other City Regulations

Special Use Permits are required for detached guest houses, home-based businesses, and short-term home rentals. Since many area streets are narrow or have insufficient shoulders, parking along some streets is prohibited. Door-to-door solicitation requires a permit and residences can add their address to a “Do Not Solicit” list provided to all solicitors permitted by the City. Check with City staff or visit [www.westlakehills.org](http://www.westlakehills.org) for more information.



## Tree Trimming and Removal

Trees are an important part of what makes West Lake Hills special. Most work involving trimming and removal of trees requires a permit.

### Tree Trimming does not require a permit, but is regulated

- » Unfortunately, Oak Wilt has spread throughout several areas of our city. To help prevent the spread of this deadly disease, trimming of oak trees is not allowed from February 1st to June 30th.
- » Tree trimming does not require a permit, but all city rules regarding tree trimming must be followed.

### Tree Removal requires a permit

- » Any tree removal, including understory vegetation, requires a permit.
- » In certain cases, trees and other vegetation that are close to a home can be removed to create a Fire Safety Buffer Zone. A permit is required, so contact the City Arborist for more information.
- » Invasive species such as ligustrum, bamboo, and chinaberry trees can be removed. A permit is required and in some cases, replacement vegetation may be required.
- » New Construction. Some tree removal is allowed for new construction. Removal of trees 14 inches and greater in diameter requires City Council approval. Tree replacement is required when removing trees for construction purposes.

Contact: City Arborist Christy Shull, [arborist@westlakehills.org](mailto:arborist@westlakehills.org), (512) 327-3628



## Walls and Fences

A permit is required for all fences. Solid privacy fences are allowed in backyard spaces while front yard and some side yard fences are required to be composed of a see through material and have a vegetative screen.

A permit is also required for all walls over 18 inches, whether for structural or aesthetic purposes. Depending on the size, location and purpose, walls may require certification from a licensed structural engineer.

Contact: City Planner Ashby Grundman, [planner@westlakehills.org](mailto:planner@westlakehills.org), (512) 327-3628



## Home Improvements, Remodels, Additions and Variances

When considering changes or improvements to your home, it's best to contact the city to discuss the relevant regulations, ordinances and permitting requirements before starting any work. Here are just a few of the general guidelines to keep in mind:

- » No permit is required for remodel of interior spaces that does not involve moving or modifying electrical, plumbing, and structural elements within the footprint of your home. (Examples: flooring materials, cabinets, counter tops, appliance replacement, etc.)
- » A permit is required when moving or modifying electrical, plumbing, windows and walls. Roof replacement also requires a permit.
- » New additions require permits. It is important to check requirements for building setbacks, building heights, tree removal, etc. because some work may require variances to be requested and approved.
- » Permits are required for new mailboxes, exterior lighting, driveway repaving or replacement and swimming pools. Pools must be fenced to meet city, state and building code requirements.
- » New construction always requires a building permit. Please contact our city planner for an application and to get more information on the permitting process.
- » Homeowners may apply for a Variance (an exemption) to the City's Code of Ordinances. The process includes several steps, including public notices, public hearings, and adjudication by one or more City boards and/or the City Council.

Contact: City Planner Ashby Grundman, [planner@westlakehills.org](mailto:planner@westlakehills.org) or City Inspector David Brasich, [inspector@westlakehills.org](mailto:inspector@westlakehills.org), (512) 327-3628

## Septic System and Wastewater Services

Some areas of our city offer wastewater service but the majority of homes utilize a septic system. Operating permits for your septic system are renewed every three years upon pump out and inspection. The city can provide a list of companies servicing our area. The company you choose is required to coordinate the pump out and inspection with the city.

Contact: City Sanitarian Christy Shull, [septic@westlakehills.org](mailto:septic@westlakehills.org), (512) 327-3628

