

SHORT-TERM RENTAL SPECIAL USE PERMIT

APPLICATION PACKET

- A. Checklist
- B. Instructions for Applying for Permit
- C. Application
- D. Designated Representative form
- E. Guest Information Sheet
- F. Short-term Rental Ordinance
- G. Short-Term Rental Guest Information (Trash, Noise, Disturbance, Fire, and Parking Ordinances)

PART A

CHECKLIST FOR APPLYING FOR A SHORT-TERM RENTAL SPECIAL USE PERMIT

- Complete Application for short-term rental special use permit
 - Include proof of ownership for homestead
 - Include proof of current septic license or proof of connection to the City's wastewater system (current wastewater bill)
 - Certify that home to be rented is not currently violating any state or local regulation
- Pay applicable fees
- When approved, provide guest's notice to each guest

- Initial permits are valid for one year. Renewal permits are valid for two years.

- If application for special use permit is denied by city administrator, you can appeal to Board of Adjustment

Part B

CITY OF WEST LAKE HILLS

INSTRUCTIONS FOR APPLYING FOR A
SHORT-TERM RENTAL SPECIAL USE PERMIT

Requests for a Short-Term Rental Special Use Permit may be initiated by the owner, hereinafter referred to as “Applicant”. Only a homestead owner may apply for a short-term rental special use permit, but may do so for the homestead or another property owned by the homestead owner. Only one permit will be issued per homestead, regardless of whether the permit is for the homestead or another property owned by the homestead owner.

The fee for a Short-Term Rental Special Use Permit is:

Initial Permit	\$250
Renewal Permit	\$250
Late Fee	\$100

Fee will be paid at time of filing. Obtain Short-Term Rental Special Use Permit application forms at City Hall, 911 Westlake Drive, West Lake Hills or at www.westlakehills.org. Phone: (512) 327-3628 – Fax: (512) 327-1863. Contact city planner, Ashby Grundman, at City Hall with questions or email him at planner@westlakehills.org.

A SHORT-TERM RENTAL SPECIAL USE MUST COMPLY WITH THE FOLLOWING:

1. The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;
2. The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;
3. The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor’s enjoyment of his property or operation of his business;
4. The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems in the area, nor will it disturb the peace and quiet of the neighborhood;
5. The proposed use complies with all other applicable ordinances and regulations;
6. A special use shall be established, operated, and maintained in accordance with plans, terms, conditions and limitations contained in the approved permit;
7. A special use may be granted for a definite period of time not to exceed two (2) years;
8. A special use permit, after notice and review by the city administrator, may be revoked;
9. A Special Use Permit shall lapse if the use has not been commenced within one (1) year of the date of issuance;
10. A Special Use Permit is not transferable to a different owner or a different property; and
11. The Police Department and Code Enforcement staff will be on notice that this property is a short-term rental should this permit be granted.

Part B

INSTRUCTIONS FOR APPLYING FOR A SHORT-TERM RENTAL SPECIAL USE PERMIT

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APPLICANT MUST HAVE THE FOLLOWING INFORMATION AVAILABLE BEFORE AN APPLICATION WILL BE REVIEWED BY THE CITY ADMINISTRATOR:

- Special Use Permit Application (attached);
- Current Septic license or proof of wastewater connection (current wastewater bill);
- Any other relevant information requested by City staff;
- Proof of homestead or homestead application
- Designated representative form (attached); and
- FOUR (4) COLLATED SETS OF ALL OF THE ABOVE TO BE SUBMITTED TO THE CITY OFFICE.

IF A WRITTEN COMPLAINT IS FILED AGAINST THE SHORT-TERM RENTAL DURING ITS OPERATION, THE WRITTEN COMPLAINT WILL BE REVIEWED BY THE BOARD OF ADJUSTMENT FOR A DETERMINATION OF WHETHER THE WRITTEN COMPLAINT CAN BE SUBSTANTIATED. A WRITTEN COMPLAINT MAY BE SUBSTANTIATED BY THE BOARD OF ADJUSTMENT IF IT IS A COMPLAINT REGARDING THE VIOLATION OF STATE LAW, COUNTY ORDER, OR CITY ORDINANCE AND THE COMPLAINT IS SUPPORTED BY OTHER EVIDENCE SUCH AS AN AFFIDAVIT, A POLICE REPORT, OR PHOTOGRAPHIC OR AUDIO EVIDENCE. A PERMIT HOLDER WILL BE INFORMED BY THE CITY IF SUCH A WRITTEN COMPLAINT IS FILED AGAINST THE PERMIT HOLDER. IF A PERMIT HOLDER RECEIVES THREE (3) SUBSTANTIATED COMPLAINTS WITHIN A TWELVE (12) MONTH PERIOD, THE SHORT-TERM RENTAL PERMIT WILL BE REVOKED.

IF APPLICATION IS DENIED OR PERMIT IS REVOKED, THE APPLICANT MAY APPEAL THE DENIAL OR REVOCATION TO THE BOARD OF ADJUSTMENT (BOA) PURSUANT TO SECTION 38.02.008(b) OF THE WEST LAKE HILLS CODE OF ORDINANCES.

- Appeal in writing to the BOA using the form provided by the City.
- File written appeal form with city secretary.
- Include information relevant to short-term rental application, including all information and documents required for initial application.
- Pay appeal fee.

KEY ACTIONS: Key actions are: (1) Review by City administrator; and (2) Appeal to BOA if permit is denied or revoked.

Part C
SHORT-TERM RENTAL SPECIAL USE PERMIT APPLICATION

DATE _____

OWNER NAME _____ PHONE _____

HOMESTEAD:
ADDRESS _____ CITY _____ ZIP _____

RENTAL HOME (IF DIFFERENT):
ADDRESS _____ CITY _____ ZIP _____

E-MAIL ADDRESS: _____

NUMBER OF BEDROOMS TO BE LISTED FOR RENT _____

MAXIMUM RENTAL OCCUPANCY (CALCULATE BY MULTIPLYING NUMBER OF BEDROOMS FOR RENT BY 2) _____

NAME AND CONTACT INFORMATION OF DESIGNATED REPRESENTATIVE WHO IS AVAILABLE IF AN ISSUE ARISES WITH THE USE BUT THE OWNER IS NOT AVAILABLE:

NAME _____ PHONE _____

I CERTIFY THAT THE PROPERTY IS THE HOMESTEAD OF THE APPLICANT, OR IS A SEPARATE PROPERTY OF AN OWNER WHO MAINTAINS THEIR HOMESTEAD IN THE CITY, OR THAT THE APPLICANT HAS APPLIED FOR THE HOMESTEAD EXEMPTION, AND THAT THE PROPERTY THAT IS THE SUBJECT OF THE SHORT-TERM RENTAL SPECIAL USE PERMIT APPLICATION IS COMPLIANT WITH ALL LOCAL ORDINANCES AND STATE LAWS.

SIGNATURE OF OWNER/APPLICANT

FOR CITY USE ONLY

FEES PAID: _____ RECEIVED BY/DATE: _____

SEPTIC LICENSE EXPIRATION DATE: _____ WASTEWATER: GRAVITY GRINDER PUMP

PROOF OF HOMESTEAD: _____ HOMESTEAD VERIFIED: _____ CODE VIOLATIONS: _____

CITY ADMINISTRATOR ACTION: APPROVED: DENIED: EXPIRATION DATE: _____ PERMIT NO. _____

B.O.A. ACTION, IF APPEALED: _____

COMMENTS FOR THE RECORD:

Part D

SHORT-TERM RENTAL DESIGNATED REPRESENTATIVE

KNOW ALL PERSONS BY THIS DOCUMENT that I _____
(owner)

have made, constituted and appointed _____
(name of designated representative)

to be my duly authorized representative in connection with the short-term rental of the property I own at
_____. This representative may be
(address of short-term rental property)

reached at _____.
(representative's phone number and address).

I do by this document constitute the above named representative as my true and lawful representative to act in my name, place and stead, to do and perform any act in connection with such short-term rental which I myself might perform or do if I was personally present.

(Owner Signature)

Print name and address of Owner

Address of Rental Home (if different)

Part E

**CITY OF WEST LAKE HILLS
SHORT TERM RENTAL
GUEST INFORMATION SHEET**

ADDRESS OF RENTAL: _____

NAME AND PHONE NUMBER OF OWNER: _____

NAME AND NUMBER OF REPRESENTATIVE: _____

EMERGENCY NUMBERS:

- 911-Police Emergency
- 512-539-3400—Westlake Fire Department
- 512-317-1195—West Lake Hills Police Department (non-emergency)
- 512-443-1000—Harpers Towing
- 512-317-3628—City of West Lake Hills

THIS PROPERTY IS: (check one)

- On a licensed septic system effective through _____ (add date). In an emergency, guests will be responsible for calling (name & number): _____
- On the City sewer system as a gravity customer and in an emergency, guests will be responsible for calling (name & number): _____
- On the City sewer system as a grinder pump customer and in an emergency, guests will be responsible for calling Crossroads Utility Services at 512-246-1400.

TRASH PICKUP DAY (TO STREET BY 7 A.M.): _____

VIOLATION OF CITY ORDINANCES CAN LEAD TO FINES AND OTHER PENALTIES FOR YOU AND THE SHORT-TERM RENTAL OWNER. ORDINANCES TO BE AWARE OF:

- **NOISE:** West Lake Hills Code of Ordinances Section 12.02.001. *No unreasonable loud, disturbing or unnecessary noise, this includes loud radios, musical instruments, and amplifiers, particularly during the hours of 10pm to 7am.*
- **PARKING:** Sections 16.05.063; 16.05.068. *No parking in areas listed in this ordinance, as well as in front of public or private driveways, in front of a fire hydrant, along fire zones, on sidewalks, along intersection, where a sign prohibits stopping, fire zone or in a way that obstructs the normal flow of traffic. Parking illegally could result in fines and removal of vehicle from roadway. Parking on some streets overnight is also prohibited.*
- **LITTERING AND TRASH:** Sections 18.05.062; 18.05.069. *All trash and debris shall be placed in trash containers. Trash containers shall not be overflowing and shall be secured correctly.*
- **FIREWORKS:** Section 8.02.002. *The sale or use of fireworks inside city limits is prohibited.*
- **BURN BAN:** *Outdoor burning is prohibited in West Lake Hills. Further restrictions apply if an outdoor burn ban is in effect. More information is available at <https://www.traviscountytx.gov/fire-marshal/burn-ban>*

These and all other city, state, and federal laws shall be observed while staying at this home.

Note: Texting, or otherwise handling a mobile device, while driving is prohibited in West Lake Hills and Austin. In West Lake Hills, use of mobile devices is prohibited on any roadway whether stopped or driving, unless being used strictly for navigation purposes.

PART F
SHORT-TERM RENTAL ORDINANCE

CITY OF WEST LAKE HILLS

AMENDMENT No. 334

**SPECIAL USE PERMIT:
SHORT-TERM RENTAL**

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.01 AND CHAPTER 38, ARTICLES 38.03 AND 38.04 OF THE WEST LAKE HILLS CODE OF ORDINANCES; ADOPTING PROVISIONS CREATING A SPECIAL USE PERMIT FOR SHORT-TERM RENTAL USE, ESTABLISHING REQUIREMENTS FOR THE ISSUANCE, MAINTENANCE AND RENEWAL OF SUCH PERMITS, PROVIDING FOR THE REVOCATION OF SAME AND PENALTY NOT TO EXCEED \$2,000 FOR VIOLATIONS TO THIS ORDINANCE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council seeks to promote orderly and safe use of property within the City of West Lake Hills, Texas (“City”); and

WHEREAS, the City Council finds that short-term rentals pose certain adverse externalities on neighbors not generally created by long-term rentals due to the nature of temporary, transient guests; and

WHEREAS, the City Council finds that non-resident owners lack the same level of commitment to neighbors and the community as resident owners; and

WHEREAS, the City Council finds that the community has historically been predominantly single family residences; and

WHEREAS, the City Comprehensive Plan (Master Plan) prioritizes residential uses and values of the City as a “unique and pleasant place to live” and “respecting and protecting individuals’ privacy”; and

WHEREAS, the City and community has not promoted itself as a travel or tourist destination; and

WHEREAS, the City Council believes that regulating short-term rentals will assist in protecting

and preserving the dignity, sanctity, and quiet enjoyment of low-density, single-family residential neighborhoods, which are the City's primary land use category; and

WHEREAS, the City Council desires to give city staff tools to respond promptly to residents' concerns related to short-term rentals; and

WHEREAS, the City Council appointed a short-term rental committee that met twelve (12) times to consider the issue of short term rentals; and

WHEREAS, the City Council created and catalogued a survey regarding short-term rentals to receive community input on the issue and received 311 responses; and

WHEREAS, the Zoning and Planning Commission held discussion and invited public comment on the proposed amendments in a public hearing held on October 19, 2016; and

WHEREAS, the Zoning and Planning Commission found that it is in the best interest of the citizens of West Lake Hills, Texas, to recommend adoption of the proposed amendments; and

WHEREAS, the City Council held discussion and invited public comment on the proposed amendments in multiple meetings and a public hearing held on October 26, 2016; and

WHEREAS, pursuant to Texas Local Government Code Section 211.003 the City has general authority to regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 217.002, the City has general authority define and declare what constitutes a nuisance and authorize the summary abatement of the nuisance in any manner considered expedient; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Lake Hills, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if

expressly set forth herein.

2. AMENDMENT

Chapter 1, Article 1.01 and Chapter 38, Articles 38.03 and 38.04 of the Code of Ordinances, City of West Lake Hills, Texas, is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

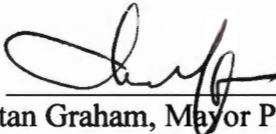
This Ordinance shall be effective ninety (90) days after passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 26th day of October 2016, by a vote of 4 (ayes) to 0 (nays) to 1 (abstentions) of the City Council of West Lake Hills, Texas.

CITY OF WEST LAKE HILLS:

by: 
Stan Graham, Mayor Pro Tem

ATTEST:


Lacie Hale, City Secretary



City of West Lake Hills

CODE OF ORDINANCES

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1.01 CODE OF ORDINANCES

Sec. 1.01.003 Definitions and rules of construction

In the construction of this code and of all ordinances passed by the city council, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the council. Words used in this code and not defined in this section shall have their ordinarily accepted meaning.

Bedroom. Bedroom means an area of a dwelling intended primarily as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, or closet or storage area of a dwelling.

...

Delegation of authority. Whenever a provision of this Code of Ordinances requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Designated representative. The term "designated representative" means an individual duly authorized by a short-term rental property owner to act in their place.

Development. A "development" is any buildings, roads, and other structures, construction, and excavation, dredging, grading, filling and clearing or removing of vegetation.

* * *

Guesthouse. An accessory seasonal dwelling located on the same lot as the principal building and used occasionally for habitation for guests but not for remuneration. Such accessory dwelling shall not be permitted on lots of less than one acre. The guest quarters shall not exceed 800 square feet in size and shall contain only one bedroom.

Homestead. A "homestead" as used in this chapter includes any property for which a Residential Homestead Application has been filed with the Travis County Appraisal District.

...

Shall. The word “shall” is mandatory.

Short-term rental. The term “short-term rental” means renting or leasing a dwelling or a portion of a dwelling owned by a resident of West Lake Hills to a residential guest(s) by the property’s owner(s) for a period of thirty (30) consecutive days or less. Short-term rentals must meet the criteria contained in sections 38.04.033 and 38.04.034 of the city code and cannot include rental of a guesthouse as defined above.

Sidewalk. The word “sidewalk” means the portion of a street that is: ...

CHAPTER 38 ZONING

ARTICLE 38.03 ZONING DISTRICTS

Sec. 38.03.032 R-1 one-family residential district

(a) Purpose. The R-1 district is intended to establish and preserve peaceful, attractive and safe low-density residential neighborhoods of single-family detached dwelling units and to protect the integrity of such areas by prohibiting the intermixture of residential and incompatible nonresidential uses.

(b) Permitted uses. Permitted uses are as follows:

(1) One-family dwelling, limited to no more than one such building per lot occupied by no more than one family.

(2) Accessory structures and uses customarily incidental to the uses permitted under this subsection.

(c) Special uses. Special uses permitted upon authorization of the city council or city administrator are as follows:

(1) Guest or domestic employee quarters.

(2) Home occupation.

(3) Riding stable.

(4) Short-term rental.

Sec. 38.03.033 R-2 two-family residential district

(a) Purpose. The R-2 district is intended to recognize and is limited to preexisting properties and annexed areas where such one-family residential and two-family residential units previously existed. Vacant land is not eligible for this zoning district designation.

(b) Permitted uses. Permitted uses are as follows:

(1) Two-family dwellings, limited to no more than one such building per lot and occupied by no more than a total of two families.

(2) Condominium regimes. The city council shall review the condominium regime.

(3) Accessory structures and uses customarily incidental to the uses permitted under this subsection.

(c) Parking requirements are as follows:

(1) At least two parking spaces are required for each family dwelling unit.

(2) All unenclosed parking spaces shall be at the rear of the structure.

(3) Garage doors shall face either the side or rear yard property lines.

(4) Garages shall not be located beyond the street facing elevation.

(5) Parking shall not be permitted under any portion of the dwelling unit.

(d) Special uses. The following special uses are permitted upon authorization of the city council or city administrator: special uses permitted in the R-1 district upon authorization of the city council including short-term rental.

Note: All duplexes shall go through the same approval process as commercial projects (i.e., BDC, ZAPCO and city council).

(Ordinance 246 adopted 6/13/12)

Sec. 38.03.034 R-3 transitional residential district

(a) Purpose. The R-3 district is intended to provide a transitional zone between nonresidential districts and R-1 one-family residential districts where structures may be clustered to better utilize property topography and to better provide buffering greenbelts between traffic thoroughfares and to the adjacent R-1 one-family residential districts.

(b) Definitions:

Detached single-family dwelling: One (1) home unit for one family, not attached to any other home unit.

Clustered single-family dwelling: One (1) family home unit attached to one (1) or more family home units (e.g., duplex or fourplex).

(c) Permitted uses. Permitted uses are as follows:

(1) Clustered or detached single-family (one) dwellings, provided:

(A) structures are limited to no more than an average of two single-family dwelling units per acre; and

(B) the tract is adjacent to any nonresidential zoning district; and

(C) not less than 15% of the total perimeter measure of the proposed R-3 tract shall share a common boundary line with the nonresidential district; and

(D) centralized municipal wastewater facilities and capacity are available to serve the proposed development.

(2) Apartment dwelling units, limited to a minimum of ten and a maximum of 30 dwelling units to a single structure with disposal of effluent into the City of Austin public central sewage system. This apartment permitted use is intended to recognize, and is limited to, preexisting properties and annexed areas where such use previously existed. Vacant land is not eligible for this permitted use.

(3) Accessory structures and uses customarily incidental to the uses permitted under this subsection.

(d) Special uses. Special uses permitted upon authorization of the city council or city administrator are as follows:

(1) Home occupation.

- (2) Guest or domestic employee quarters.
- (3) Short-term rental.

Sec. 38.03.061 Prohibited Uses

All uses not expressly permitted or authorized by this chapter are prohibited by the city, including, but not by way of limitation, the following:

* * *

(12) Hotel and motels (this prohibition does not apply to properly permitted short-term rentals as defined by Section 38.04.034(o)).

ARTICLE 38.04 SUPPLEMENTARY REGULATIONS

Division 2. Special Uses

Sec. 38.04.031 Criteria for establishment of special use categories; uses allowed in specific districts

- (a) General criteria for establishment of a special use category are as follows:
 - (1) Special and associated expenses for regulatory oversight;
 - (2) Higher probability of chance of nuisance to the surrounding areas;
 - (3) Greater impact on surrounding properties with respect to the following:
 - (A) Parking;
 - (B) Waste products and disposal methods;
 - (C) Noise (peace and quiet of the neighborhood);
 - (D) Light or glare;
 - (E) Smell, fumes, dust and odor;
 - (F) Traffic; and
 - (G) Infectious or contagious diseases;
 - (4) Activities which increase potentially objectionable sensory responses for surrounding areas;
 - (5) Greater adverse impact on appraised valuations of surrounding properties;
 - (6) Higher level of impediment to development of surrounding properties;
 - (7) Increase in traffic congestion and reduction of pedestrian safety to a significant degree;

- (8) Regulatory control for number and type of animals to prevent menace or disturbing of neighbors;
- (9) Regulatory control for selective activities in other than permitted zoning districts;
- (10) Regulatory control for activities that have a potential to harm the environment; and
- (11) Regulatory control for continuance of activity.

(b) Specific special uses authorized by zoning district are as follows:

Special Use	District Allowed
Alcoholic beverages sold in grocery stores for off-premises consumption	B-2, B-3
Alcoholic beverages sold in restaurants for on- or off-premises consumption	B-2, B-3
Assembly and testing of electronic components	O
Bank or savings and loan association	B-2
Charter school or private school	O
Child day care facility	O, GUI, B-1, B-2, B-3
Church	O, B-1, B-2, B-3
Cocktail lounge	B-3
Commercial coach	All (temporary during construction)

Commercial kennel	B-2, B-3
Employee dining facility	O, B-1, B-2, B-3
Guest or domestic employee quarters	R-1, R-2, R-3
Home occupation	R-1, R-2, R-3
Hospital	B-1, B-2, B-3
Laundry and dry cleaning plant	B-3
Massage therapy school	O, B-1
Private horse stable	R-1, R-2
Publishing business	B-2, B-3
Rehabilitation/wellness center	B-1, B-2, B-3
Research, development or clinical laboratory	B-2, B-3
Restaurant with drive-in/drive-through facilities	B-2
Retail liquor store	B-2
Riding stable	R-1, R-2

Short-term rental R-1, R-2, R-3

Wireless telecommunication facilities O, B-1, B-2, B-3, GUI

Sec. 38.04.032 Special use permit

(a) Required. No special use shall be established, operated or maintained except as authorized by a special use permit issued in accordance with the requirements of this section.

(b) Issuance.

(1) Issuance by board of adjustment. A special use permit may be issued only for the special uses specified in this division, and only for the district where it is authorized. Unless for a home-based business or a short-term rental, a special use permit may only be issued by the board of adjustment acting after a public hearing. In considering any application for a special use permit, the board of adjustment shall give due regard to the nature and condition of all adjacent land, uses, and structures. The board of adjustment may disapprove an application for a special use permit, or approve same subject to such requirements and conditions, in addition to the regulations of the district in which the particular use is located, as it may deem necessary for the protection of adjacent properties and the public interest.

(2) Issuance by city administrator. The city administrator may issue special use permits for:

(A) Home-based businesses. The city administrator may issue a special use permit for a home-based business, without public hearings, if: the applicant complies with subsection (c), sections 38.04.033 and 38.04.034(a), provides written notice in accordance with the applicable provisions of subsection (e), and provided the city administrator receives no written protests from owners of all real property located within 300 feet in all directions of the applicant's property on which the home-based business is sought, regardless of whether the neighboring property is within the city limits or ETJ.

(B) Short-term rental. The city administrator may issue a special use permit for a short-term rental, without a public hearing or review by the board of adjustment, if the applicant complies with subsection (c) of this section, section 38.04.033, and section 38.04.034(o).

(c) Application. An application for a special use permit shall be made in writing in a form prescribed by the city administrator and shall be accompanied by such information as may be requested, including a site plan, if required, in order to properly review the proposed use. Such

information may include but is not limited to site and building plans, drawings and elevations, and operational data. All applicants for a special use permit for a nonresidential use in a residential district shall provide the city with a signed letter from a licensed attorney verifying that the proposed use will not be violating deed restrictions. Short-term rental permit applications will not require site plans, building plans, drawings, elevations, operational data, or an attorney letter.

(d) Report by city administrator or city inspector. Either the city administrator or the city inspector shall visit the site of the proposed special use, except a proposed short-term rental, and the surrounding area and shall prepare findings to be delivered to the board of adjustment.

(e) Notice of public hearing before board of adjustment.

(1) The board shall hold a public hearing on each application for a special use permit.

(2) Written notice of such hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the permit, regardless of whether the neighboring property is within the city limits or ETJ. For nonresidential special uses, written notice of the board of adjustment public hearing shall be given to the owners of all real property located within 300 feet in all directions of the property that is the subject of the hearing, regardless of whether the neighboring property is within the city limits or ETJ. Notice shall be given not less than ten days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the owner's address shown on the last approved city tax roll, with postage paid.

(3) Such notice shall state the purpose, date, time and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the city council shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing before the city council will be available at a later date.

(4) The applicant shall be responsible for drafting the notice and serving it after it has been approved by the city administrator for form and content. An affidavit of proof of service shall be filed by the applicant with the city administrator at or prior to the hearing.

(5) Notice in the form of weather resistant signs provided by the city shall be posted by the applicant. The sign shall state the purpose, date, time and place of the hearing before the commission, and shall contain a brief description of the proposed development. Signs placed on the property involved must be within 10 feet of any property line paralleling any established or proposed street, and must be visible from that street. Signs must be posted at least 10 days prior to hearing. All required signs shall remain on the property until final disposition of the matter by the city. The applicant must remove all signs required by this section within 24 hours of final disposition by the city. An affidavit of proof of posting

shall be filed by the applicant with the city at or prior to the hearing, accompanied by legible photographs of the sign as-posted.

(6) Notice of the hearing must be published in the city's official newspaper 15 days prior to the hearing before the board.

(f) Review and recommendation by board of adjustment.

(1) The board shall review the application for a special use permit to determine whether the proposed special use complies with each of the general criteria in section 38.04.033 and with each of the specific criteria in section 38.04.034 applicable to the proposed use, and shall make a separate finding thereon for each criterion.

(2) The board shall not approve an application unless it finds that the proposed special use as presented or as modified by the commission complies with each of the general and applicable specific criteria.

(3) The board shall make a written finding of its decision in accordance with section 38.02.007.

(4) The board may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to ensure compliance with the criteria.

(5) The board shall not grant a special use permit unless it finds that the proposed special use complies with each of the applicable general and specific criteria; otherwise, it shall deny the application.

Sec. 38.04.033 General criteria applicable to all special uses

A proposed special use permit must comply with all the following criteria:

(1) The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

(2) The proposed use will not have an adverse effect on the value of surrounding properties or impede their proper development;

(3) The proposed use will not create a nuisance factor or otherwise interfere with a neighbor's enjoyment of the neighbor's property or operation of the neighbor's business;

(4) The traffic that the proposed use can reasonably be expected to generate on existing streets will not create or add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

(5) The proposed use shall comply with all other applicable ordinances and regulations.

Sec. 38.04.034 Criteria applicable to individual special uses

(a) Home-based business. A proposed home-based business in a single-family or two-family residential district must comply with all the following specific criteria as well as the general criteria in section 38.04.033:

* * *

(12) Nothing herein shall be construed to allow animal breeding, animal hospitals, pet grooming, commercial kennels, commercial stables, veterinary offices, clinics, hospitals, barber shops, beauty parlors, contractor’s yards, junk yards, lodging houses, “bed and breakfast” lodges, short-term rentals, massage parlors/therapy clinics, restaurants, rental outlets, or vehicle repairs shops as home-based businesses.

...

(o) Short-term rental. A proposed short-term rental in a single-family residential district (R-1), two-family residential district (R-2), and transitional residential district (R-3) must comply with all of the following specific criteria as well as the general criteria in section 38.04.033:

1. Initial permits shall be issued for a one (1) year period and shall be renewable for a two (2) year period, provided a complete application for renewal is filed with the city no less than ten (10) days prior to the expiration date of the original permit. Late renewals within thirty (30) days of expiration of prior permit shall result in an additional late fee. A late renewal thirty-one (31) days or more after expiration of prior permit shall require re-application for a new permit which shall be treated as an initial permit. The city shall notify property owners within 300 feet of the permitted property of the issuance of a short-term rental permit and shall keep a list of permitted properties available.
2. Only one permit shall be issued to an applicant per homestead for a resident of West Lake Hills. The permit may only be used for the rental of the homestead or for another property owned by the resident whose homestead is also located in West Lake Hills. A permit shall not be used for rental of a guesthouse.
3. Only the owner of a property may apply and receive a short-term rental permit. Renters and Lessees are not eligible to apply and receive a short-term rental permit.
4. At the time of application for a short-term rental initial or renewal permit, the owner must provide proof of ownership of the homestead, proof of ownership of the home to be rented if different from the homestead, certification that the home to be rented is not the subject of any outstanding city code or state law violations that the owner is aware of, and proof of a current septic license or wastewater connection for the home to be rented.

5. Short-term rental permit holders shall comply with this article and any other applicable regulation of this code, state law, county regulation, and federal law, and such compliance may be verified by city staff.
6. Recreational vehicles and trailers may not be utilized for short-term rental.
7. Permit holders shall comply with, and inform their tenants of, all applicable city ordinances, including but not limited to ordinances and laws that regulate parking, litter, waste disposal, noise, outdoor burning, and nuisances. Short-term rental guests are not authorized to engage in any commercial activity within the short-term rental where a property owner would also be prohibited, limited, or would be required to apply for a state, federal, or local permit.
8. Total adult guest occupancy shall be limited to two times the number of bedrooms to be rented in the permit. Only bedrooms that meet the definition in Section 1.01.003 of this at the time the room was constructed or converted and listed as rentable in the owner's permit application shall be counted in the total number of rentable bedrooms on the property.
9. Minimum rental periods shall be two (2) consecutive nights.
10. In case of an emergency or disruption at the residence, permit holders, or the designated representative listed in their application, shall respond to the emergency or disruption within one hour and if necessary be available to respond in person within a reasonable period of time from the time the owner or representative is made aware of the emergency or disruption. Failure to respond in a timely fashion to an emergency or disruption either by phone or in person shall result in a complaint forwarded to the board of adjustment as described below in subsection 38.04.034(o)(11)(B). Once a permit is issued, the police department, code enforcement department, and other city staff shall be notified of the short-term rental permit and the homestead shall be designated as a short-term rental in the city systems as appropriate.
11. (A) Any resident or employee of the City may submit a written complaint to the city administrator regarding a short-term rental. Each written complaint shall be forwarded by the city administrator to the board of adjustment for review. The city administrator or their designee shall inform the short-term rental permit holder of any written complaint and inform the permit holder of when said complaint shall be reviewed by the board of adjustment.

(B) The board of adjustment, after a public hearing, shall make a final written finding determining whether a submitted complaint is substantiated. If the board of adjustment finds that a short-term rental permit holder has received three (3) substantiated complaints in one twelve (12) month period, the short-term rental permit shall be revoked. A short-term rental permit holder whose permit is revoked for three (3) substantiated complaints must wait twelve (12) months to reapply for a new permit. If a permit is revoked,

the city administrator or their designee shall notify a short-term rental holder that the permit has been revoked and the process for appealing the revocation.

(C) Substantiated complaints shall be defined as any written complaint submitted to the city administrator and determined by the board of adjustment to be an ordinance violation, including a violation of 38.04.034(o), or state law violation that is supported or verified by corroborating information, for example the report of an investigating police officer or an audio or video recording. The allegations in the complaint do not have to be the subject of a criminal complaint or result in a criminal conviction for the complaint to be substantiated.

(D) The city administrator or their designee shall notify the permit owner in writing of any substantiated complaint. The board of adjustment shall direct city staff to take appropriate action related to any findings related to a substantiated complaint.

12. It is a violation of this chapter for an owner to:

- (A) advertise or rent a property that does not have a valid short-term rental permit;
- (B) knowingly allow a property to be advertised or rented, that does not have a valid short-term rental permit;
- (C) rent more bedrooms in a residence than are listed in the permit application; or
- (D) rent a guesthouse.

13. Short-term rental special use permits are not transferable between properties or future owners of property. Each new owner of property must apply for a short-term rental permit to rent property under the short-term rental guidelines. A permit holder shall inform the city within seven (7) days if they move out of the City of West Lake Hills and their permit shall become invalid immediately upon moving out of the City of West Lake Hills.

14. Any short-term rental permit holder whose property becomes ineligible for the permit because of an issue with the homestead designation, the septic license, or other issue related to special use permit criteria including outstanding code violations shall have their permit suspended upon review by the city administrator or their designee. The permit holder shall have thirty (30) days from the date of discovery of noncompliance to bring the property into compliance and have the permit reinstated. If the permit holder does not bring the property into compliance before the end of the thirty (30) days, then the permit is revoked. A permit holder may not rent their property during the period of noncompliance, but may advertise the rental for dates after the property is expected to be in compliance.

15. Any denial or revocation of a short-term rental permit by the city administrator may be appealed to the board of adjustment under Section 38.02.008(b)(5). An appeal under this section must be filed with the board of adjustment within thirty (30) days of the revocation or denial.

16. Any violation of the requirements of this section shall be treated as a violation of this chapter with applicable penalties as described in Section 38.05.064 of this chapter as a

misdemeanor with a fine not to exceed \$2,000.

17. Any short-term rental permit holder who is determined to be running a hotel or bed and breakfast as defined in Article 1.01 of the code of ordinances shall have their permit revoked by the board of adjustment under the process laid out in 38.04.034(a)(o)(11) subsections (B),(C), and (D).

Sec. 38.04.035 General conditions for all special uses

- (a) Adherence to approved plans and limitations. A special use shall be established, operated and maintained in accordance with the plans, terms, conditions and limitations contained in the permit approved by the BOA.
- (b) Duration of permit; renewal. Special use permits shall be granted for a definite period of time, not to exceed two years. Upon the special use permit's expiration, renewals may be granted at the discretion of the city administrator provided no written complaints were received during the use period. If there is a record of complaints or if the city administrator opts not to approve the renewal, the applicant can seek renewal from the BOA. If the BOA declines the renewal, the applicant can reapply for the special use permit. This process entails the applicant receiving approval from (1) the building design committee, and (2) then the BOA. The applicant shall pay new fees.
- (c) Revocation of permit. The BOA, after notice and a public hearing, may revoke any special use permit for one or more of the following reasons:
 - (1) A substantial violation of any of the plans, terms, conditions and limitations applicable to the special use;
 - (2) A substantial violation of any applicable ordinance or regulation;
 - (3) Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; or
 - (4) Discontinuance of the use.
- (d) Lapse of permit. A special use permit shall lapse if the use has not been commenced, or, in the case of construction, if construction has not been commenced, within one year of the date the permit was issued.
- (e) Transfer of permit. A special use permit is not transferable and shall cease upon transfer of the property or business.

Division 3. Enforcement and Penalties

Sec. 38.05.061 Stop-work orders

The city inspector or the city administrator may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this chapter or a final site plan is found. Any person, including a workman on the site, who fails to comply with a stop-work order shall be guilty of a misdemeanor, punishable as provided in section 38.05.064. (1996 Code, sec. 94-211)

Sec. 38.05.062 Revocation of final site plan approval

If the city council finds, after notice and hearing, that a significant violation of the final site plan has occurred, the council may revoke its approval of such site plan. It shall be unlawful for any person to do any work on the site covered by the site plan unless and until a new application for site plan approval has been filed and processed in accordance with the provisions of this chapter and the city council grants approval to a new final site plan which corrects the violations of the original site plan. (1996 Code, sec. 94-212)

Sec. 38.05.063 Injunction and other remedies

Any structure erected or used, or any work done, contrary to any of the provisions of this chapter or to any of the details contained in the final site plan approved by the city council is hereby declared to be unlawful and shall constitute a violation of this chapter. The city council may initiate injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use or work. (1996 Code, sec. 94-213)

Sec. 38.05.064 Penalties

(a) Any person who violates any provision of this chapter or any order made under the authority of this chapter, or who causes or permits any such violation, or who fails to perform any act required under this chapter, or who does any prohibited act or takes any action contrary to the final site plans approved by the city council or fails to take any action required by such site plan, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$2,000.00. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) Any person who violates any provision of this chapter is subject to a civil penalty of not less than \$100.00, or more as permitted by law, for each act of violation and for each day of violation.

(c) The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent or other person who knowingly commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section, and shall likewise be subject to civil penalties as provided in this section.

APPENDIX A

FEE SCHEDULE

ARTICLE A9.00 BUILDING AND DEVELOPMENT FEES

Sec. A9.005 Zoning

- (a) Each variance - adjustment/appeal:
 - (1) Commercial: \$500.00.***
 - (2) Residential: \$250.00.***
- (b) Each change to an approved site plan: \$150.00.
- (c) Oak wilt (per acre): \$100.00.
- (d) Special use requests:
 - (1) Initial issue:
 - (A) Home occupation: \$150.00.
 - (B) Short-term rental: \$250.00.
 - (C) All others: \$500.00.***
 - (2) Renewals by city council: \$300.00.
 - (3) Renewals by city administrator:
 - (A) Residential: \$150.00.***
 - (B) Commercial: \$300.00.***
 - (C) Short-term rental: \$250.00
 - (D) Short-term rental late renewal fee: \$100.00

- (e) Zoning change requests: \$1,000.00.***
- (f) Zoning determination letter requests: \$50.00.
- (g) Appeals to board of adjustment of administrative official: \$250.00.
- (h) Planned development district:
 - (1) Application: \$2,500.00.***
 - (A) Per code deviation: \$150.00.

In addition to the standard fee, professional services fees may be required depending on the nature of the request. (See section A9.006).

*** An additional fee of \$150.00 will be added for notification costs if notification is required to be made by the city for an applicant.

PART G

SHORT-TERM RENTAL GUEST INFORMATION

CITY ORDINANCES

NOISE

Sec. 12.02.001 General prohibitions; definition

- (a) Any unreasonable loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereafter prohibited.
- (b) Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereafter prohibited.
- (c) Definition. The word “person” as used in this article shall be construed to impart the singular and plural as the case demands, and shall include incorporations, companies, societies and associations.

LITTERING

Sec. 18.05.062 Pedestrians and motorists

- (a) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers lawfully provided therefor.
- (b) In the prosecution charging a violation of subsection (a) of this section from a motor vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.
- (c) It shall be the duty of every person distributing handbills, leaflets, flyers or any other advertising and information material to take whatever measures may be necessary to keep such materials from littering public or private property.
- (d) To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized or used establishments shall provide, regularly empty and maintain in good condition adequate containers that meet standards prescribed by the city. This requirement shall be applicable, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, and public institutions.

Sec. 18.05.069 Keeping property clean

(a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

(b) Owners, agents, occupants or lessees whose properties face on city sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter.

(c) It shall be unlawful to sweep or push litter from sidewalks and strips into streets. Sidewalks and strip sweepings must be picked up and put into household or commercial solid waste containers.

(d) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter.

(e) If after due warning, citation or summons, an owner, agent, occupant or lessee fails to remove litter from any private property, the city is authorized to serve written notice to the owner or his appointed agent that if the condition is not corrected within ten days, the property will be cleaned by the city and the owner or his appointed agent billed for the cost thereof. If the bill is not paid within 30 days, execution may be issued by the city against the property for the amount of the cleaning charge, and such execution shall constitute a lien on the property until the claim has been satisfied.

FIREWORKS

Sec. 8.02.002 Sale, discharge prohibited

The sale and discharge of fireworks within the city is declared to be a public nuisance.

Sec. 8.02.003 Commission of offense

A person commits an offense upon knowingly or intentionally manufacturing, selling, offering to sell, possessing for sale, igniting, detonating, or possessing with intent to ignite or detonate any fireworks within the city.

PARKING

Sec. 16.05.063 Prohibited in certain places

(a) An operator may not stop, stand, or park a vehicle:

(1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;

(2) On a sidewalk;

- (3) In an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the council designates a different length by signs or markings;
- (6) Alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
- (7) On a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) On a railroad track;
- (9) Where an official sign prohibits stopping; or
- (10) Within a fire zone where curbs are painted red color background with four-inch high white color letters which read "Fire Zone No Parking." The city council hereby designates as a fire zone these curbs of the traffic lanes which are adjacent to the commercial structures, which are so painted red and marked as described above and located in parking areas at the following locations:

701 Capital of Texas Highway

925 Capital of Texas Highway

1101 Capital of Texas Highway

1201 Capital of Texas Highway

1203 Capital of Texas Highway

3300 Bee Cave Road

3663 Bee Cave Road

3701 Bee Cave Road

3736 Bee Cave Road

3801 Bee Cave Road

3811 Bee Cave Road

3839 Bee Cave Road

3939 Bee Cave Road
4051 Bee Cave Road
4101 Bee Cave Road
4201 Bee Cave Road
5524 Bee Cave Road
4300 Westbank Drive
Village at Westlake
Westway Office Park
Westlake Oaks Exec. Ofc. Park
Valley View Elementary
Forest Trail Elementary
Westbank Market
Westlake Court
The Oaks
The Forum
Cornerstone
Bank One
B.B.S. Building
Westlake Village
Crenshaw School
Eanes Elementary School
The Schoolyard
Westland Office Park

Ben Hur Shrine.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

(1) In front of a public or private driveway;

(2) Within 15 feet of a fire hydrant;

(3) Within 20 feet of a crosswalk at an intersection;

(4) Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(5) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or

(6) Where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

(1) Within 50 feet of the nearest rail of a railroad crossing; or

(2) Where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A private vehicle operated by an elevator constructor responding to an elevator emergency shall be exempt from subsections (a)(1), (a)(5), (a)(6), (a)(9), (b), and (c) of this section.

(f) Subsections (a), (b), and (c) of this section do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device.

(g) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Sec. 16.05.064 Guest parking on public streets

Nothing in this division shall prohibit a person from parking on a public street if such person is an invited guest of a resident where there is not sufficient space on the resident's property for the

guest to park such guest's vehicle. Such parking shall be allowed for a period of time not to exceed eight hours and shall be permitted only if such parking results in at least one lane of the street being unobstructed and open to passing vehicles. Any vehicle parking under this provision of this section shall otherwise comply with other applicable restrictions and limitations on the parking of vehicles contained in this division.

Sec. 16.05.065 Manner of parking

Except as otherwise provided in this division, every vehicle stopped or parked upon a roadway shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within 18 inches of the right hand curb or edge of the roadway.