

ORDINANCE 2022-O-005

SHORT-TERM RENTAL ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CREATING UNDER CHAPTER 5, "BUSINESS REGULATION", A NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION"; ESTABLISHING REQUIREMENTS AND REGULATIONS FOR USE OF PROPERTY AS A SHORT-TERM RENTAL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$300.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Blanco ("City") is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which impact the health, safety and well-being of residents, citizens, and inhabitants; and

WHEREAS, the City Council finds that there are certain owners of residential short-term rental properties within the City who do not provide adequate information on how they may be contacted; and

WHEREAS, the City Council finds that there are owners of residential short-term rental properties who do not reside locally or who reside out-of-state; and

WHEREAS, the City Council finds that there are owners of certain residential short-term rental properties that do not pay the required hotel/motel occupancy tax; and

WHEREAS, the City Council desires to preserve and enhance residential neighborhoods and protect quality of life within the City; and

WHEREAS, in consideration of the foregoing, and other matters before City Council, the City Council of the City has determined that it would be advantageous, beneficial and in the best interest of the citizens of the City to amend certain provisions of the City's Code of Ordinances, Chapter 9, "Planning and Development" and Exhibit A thereto, Unified Development Code (UDC), and Chapter 5, "Business Regulation", to create a new Article 5.04, in the City's Code of Ordinances, entitled "Additional Requirements for Properties Used as Short-Term Rentals"; and amend Chapter 2, "Administration and Personnel", Article 2.08, entitled "Taxation";

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENTS TO THE CITY OF BLANCO CODE OF ORDINANCES, CHAPTER 9, "PLANNING AND DEVELOPMENT", AND EXHIBIT A THERETO (UNIFIED DEVELOPMENT CODE) (UDC) BY AMENDING RELEVANT SECTIONS OF SUCH CODE; CHAPTER 5, "BUSINESS REGULATION", CREATING NEW ARTICLE 5.04, ENTITLED "REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS"; AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL", ARTICLE 2.08, ENTITLED "TAXATION".

The Code of Ordinances of the City, Chapter 9, "Planning and Development", at Exhibit A, UDC, is hereby amended to add or amend certain definitions, amend provisions relating to the process of amending or creating exceptions and conditions to current property uses under the City's Comprehensive Plan and Zoning map; and under Chapter 5, "Business Regulation", create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

A. DEFINITIONS. The following definitions under Section 1.13 Definitions, of the City's UDC are hereby amended, in part or whole, as stated below, or adopted in their entirety as new definitions, and if applicable, thus repeal and replace the current definition stated if such definition is currently stated within the City's UDC:

ACCESSORY STRUCTURE/USES

An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may include a detached garage, storage shed, residential garage, guest house, and other similar structures.

APARTMENT

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. Apartments may be leased, rented, or owned in a condominium style of ownership. Such facilities are not regulated as STRs and prohibited from receiving STR permits.

DUPLEX, RESIDENTIAL

The use of a site for two dwelling units, within a single building, other than a manufactured home. These facilities are not regulated as STRs and prohibited from receiving STR permits unless they are owner-occupied.

220712 FINAL W ADOPTED AMENDMENTS

DWELLING UNIT

Any permanent structure or part thereof designed and used for habitation by one or more individuals.

GUEST

The overnight occupants, who are eighteen (18) years or older, renting temporary transient lodging for a specified period and the daytime visitors of the overnight occupants.

LOCAL CONTACT PERSON

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

MOTEL

A building, or group or cluster of buildings, containing three (3) or more transient guest rooms or separate dwelling units or small structures, where access to individual units is made directly from exterior walkways or courts and which are used, rented, or hired for lodging or sleeping purposes by transient guests. The term motel may also sometimes refer to a tourist court, auto court or motor lodge. These facilities are not regulated as STRs and prohibited from receiving STR permits.

MULTIPLE FAMILY RESIDENTIAL

The use of a site for three or more dwelling units, within one or more buildings, including apartments, triplexes, and fourplexes intended for rental, lease, or condominium ownership. The term multiple family does not include bed and breakfast lodging, manufactured housing, single-family detached or attached residential uses. These facilities are prohibited from obtaining STR permits.

OPERATOR

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

OWNER

The person or entity that holds legal or equitable title to a property.

SHORT-TERM RENTAL (STR)

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, that is not owner-occupied (other than a duplex), which includes but is not limited to a single-family residence, townhouses, owner-occupied duplex, accessory structure, short-term rental dwelling unit, bed and breakfast, and other residential real estate improvements, in which the public may obtain sleeping accommodations for a period less than thirty (30)

220712 FINAL W ADOPTED AMENDMENTS

consecutive days. The term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to duplexes (unless they are owner-occupied), multi-family projects, apartment complexes, hotels, motels, or recreational vehicle parks. This term is a general definition of STRs and is inclusive of the distinct types of STRs.

SHORT-TERM RENTAL, DWELLING UNIT

A short-term rental dwelling unit is defined as a structure, including an individual room within a larger structure, which is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit, unless it is a part of a bed and breakfast.

SHORT-TERM RENTAL, OWNER-OCCUPIED

A short-term rental located on the same property on which the owner resides.

SHORT-TERM RENTAL PERMIT

A permit issued by the City authorizing the use of a dwelling unit as a Short-term Rental.

B. AMENDMENTS TO APPROVAL CRITERIA FOR SPECIAL USE PERMIT. The following provisions amend Chapter 3.5(4) of the City's UDC to create and adopt new provisions of such Chapter, and create and adopt consistent cross-references and amendments in applicable provisions of Chapter 2 & 3, as follows:

1. The following amendment is adopted as a new general criteria for approval of a Special Use Permit, at Chapter 3.5(4)(c) i.5, as follows:

5. Compatibility with existing or permitted uses on abutting sites or within the area of the proposed use, and the relationship between the proposed use and the following:

1. Buffers
2. Driveways
3. Parking Areas

2. Additional Criteria for Short-term Rentals. In addition to the foregoing criteria, the following criteria shall be applied to any application for a Special Use Permit for a short-term rental. Such criteria are adopted here as an amendment to Chapter 3.5(4)(c) iii, as follows:

iii. Additional Criteria for Short-term Rentals.

1. The property affected by the request is within a R1, R2, R3, or R5 zoning district.

220712 FINAL W ADOPTED AMENDMENTS

2. The property affected by the application, if granted, will not substantially impact, affect, or impair the underlying character or usage within the zoned district in which the property is located.

3. The application if granted will have no adverse effect on any property within one thousand (1000) feet of the affected property.

4. The proposed property occupancy relative to the size of the property.

5. The applicants' consent and agreement to operate in accordance with the other requirements for short-term rentals set forth in the City's Code of Ordinances.

6. The application if granted will not result in permitting more than 10% of the dwelling units in a city block, neighborhood or similar geographic area as STRs; provided, owner-occupied properties are not subject to this limitation but shall be used in calculation of the percentage; provided, this provision is a guideline and may be exceeded if the applicant demonstrates that the proposed use substantially protects the character and integrity of the surrounding block, neighborhood or similar geographic area.

C. ADDITIONAL REQUIREMENTS FOR PROPERTIES USED AS SHORT-TERM RENTALS. The following provisions are adopted under the City's Code of Ordinances, Chapter 5, "Business Regulation", to create a new Article 5.04, entitled as "Additional Requirements for Owners of Properties Used as Short-Term Rentals", as follows:

General Requirements: All short-term use facilities shall be subject to the following requirements in addition to those otherwise set forth in the City's Code of Ordinances:

1. **Food Service:**

a. Only overnight guests may receive food service, except in City zones permitting restaurant services.

b. Such food service shall be limited to continental style breakfast or similar food items provided for use and consumption at the convenience of the guests, unless the facility meets the State of Texas and Blanco County Health Division requirements for commercial food service or is a bed and breakfast that otherwise meets such requirements.

2. **Signs:** All signs must comply with the City's sign ordinance. A two (2) square foot nameplate may be attached to the structure.

3. **Code Compliance Generally:** All short-term rental facilities must comply with City code provisions applicable to the zoning then applicable to the area in which the facilities are located, and with all federal, State of Texas, and City of Blanco building codes for existing or new construction.

220712 FINAL W ADOPTED AMENDMENTS

4. **Fire & Safety:** Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code.

5. **External lighting:** All external lighting shall be shielded from adjoining properties and comply with the City's outdoor lighting ordinances.

6. **Historic Overlay District.**

a. Properties located in the Historic Overlay District shall be developed in accordance with the development standards of the base zoning district and all other City regulations and ordinances, subject to the following restriction:

i. Density shall be in accordance with the base zoning district, except that the number of STR structures shall be limited to a maximum of one (1) structure per three thousand (3,000) square feet of land.

ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.

7. **Trash & Solid Waste.** Each STR shall provide adequate garbage and trash container capacity for the permitted occupancy for the STR.

8. **Quiet Hours.** Each STR use shall have signage posted in a prominent location in the rear yard or other common gathering area, providing the occupants and guests with notice of the nighttime hours, as set forth in the City's Noise and Sound Level Regulation ordinance.

9. **Permitting.** It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued by the City.

a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit, unless the STR is a bed and breakfast, in which case one application shall be submitted. Unless the applicable property is subject to vested rights as a pre-existing STR, any such application shall be deemed an application for a Special Use Permit and shall be reviewed and evaluated in accordance with other relevant provisions of the City's UDC. An applicant shall apply for a Short-term Rental permit using a format and method promulgated by the City Administrator or his/her designee.

If an application for a Short-term Rental Permit states a claim of vested rights because it relates to and covers a pre-existing STR operating prior to the adoption of this ordinance, then the applicant shall also submit with the application evidence acceptable to the City of pre-existing operation as a STR. Evidence of collection and remittance of hotel occupancy taxes shall be deemed sufficient evidence of such pre-existing operation. The absence of prior collection of hotel occupancy taxes creates a rebuttable presumption of no pre-existing STR operation, which the applicant may rebut with other substantial and good faith evidence acceptable in the City's sole and reasonable discretion. If the City determines that any application relates to a pre-existing

STR, then a Special Use Permit shall be subject to review only for general compliance as set forth herein, and not under the general requirements for a special use permit under other provisions of the City's UDC.

In any event, the application form shall require, at a minimum, the following information from applicants:

- 1. The name, address, email, and telephone number of the Owner of the Short-Term Rental.**
- 2. The name, address, email, and telephone number of the Operator of the Short-Term Rental.**
- 3. The name, address, email and 24-hour telephone number of the Local Contact Person.**
- 4. The name and address of the Short-Term Rental.**
- 5. The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short-Term Rental.**
- 6. A site plan showing the proposed layout of the property use and any on-site parking available for the Short-Term Rental. The site plan shall also include any proposed spas, hot tubs, pools, fire pits, bars, cabanas, and any other proposed uses or structures.**
- 7. A general description of any food service to be offered to Guests of the Short-Term Rental.**

b. At the time of submission of the application for a permit, the applicant shall submit the permit application fee of \$300, portions of which the City may defer and allocate as nonrefundable or refundable based upon final action on the permit application. Any permit then subsequently issued shall be renewable on an annual basis, upon the anniversary date of its issuance, and a required payment of an annual renewal fee of \$300.

c. Unless the STR is a bed and breakfast, each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. The owner shall display the permit number in an obvious location within the STR.

d. Except as provided herein, STR permits may not be transferred to new owners. Upon sale or other ownership transfer of the STR dwelling unit, the permit shall remain in force for a period of 60 days thereafter, during which time the new owner(s) may file an application for a new permit. Any such application shall be deemed a new permit application under Section 10.a. above, unless at the time the existing permit was granted the STR held and retained vested rights based on operation as a STR prior to the effective date of this ordinance. If no such application is made within the 60-day period stated above, the existing permit shall be void with

no further force and effect whatsoever. Transfers of ownership among or between immediate family members, their heirs or devisees, or business entities under the control of the original owner, their immediate family members, or their heirs or devisees, are not subject to the foregoing transfer conditions, and shall not affect nor void the underlying permit.

Initial transfers of ownership by the initial permit holder of a STR which holds vested rights based on operation as a STR prior to the effective date of this ordinance are not subject to the foregoing transfer conditions; provided, the new owner of any such STR shall provide evidence satisfactory to the City, in the time period allotted under paragraph 10.h. below, of continuous operation of the STR since the date the STR permit was granted. Subsequent transfer(s) of any such STRs shall be subject to the transfer conditions stated herein.

e. Prior to issuance of a STR Permit, the Operator shall allow an on-site inspection by City staff, to ensure compliance with City's ordinances and regulations.

f. Inspections shall also be required when a new STR permit is required as the result of a sale or transfer to another owner, or when additions or modifications are performed to the property which requires a City building permit.

g. Notwithstanding the foregoing, STRs may be inspected by the City or its designee every other year, regardless of the date of the last inspection, or at such other times designated by the City.

h. In the event of any transfer, whether or not permitted under paragraph 10.d. above, a new owner of an STR has thirty (30) days to update the City of changes to ownership, contact information, management company information, and Local Contact Person. [In addition, if applicable, the new owner shall provide evidence of continuous operation required under paragraph 10.d. above.

i. The Owner shall notify the City within ten (10) business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section.

j. Changes or modifications to the property that result in non-compliance with City ordinance or other applicable law shall void the existing STR permit.

k. An application for Short Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365-calendar days before submission of the relevant application.

l. No more than two (2) Short-term Rental Permits shall be issued for any single residential-zoned and platted property lot within the City; provided, if the STR is a bed and breakfast, one such Permit may be issued for the property.

m. Subject to exceptions for extraordinary conditions or events, as determined in the reasonable but sole discretion of the City, any Short-term Rental permit shall terminate and be

220712 FINAL W ADOPTED AMENDMENTS

considered abandoned if there is evidence of no transient lodging rental activity, based in part on the state occupancy tax reports, for a period of nine (9) consecutive months. The burden is on the property owner to prove the property has been in use as a STR during any relevant nine (9) month period.

10. General Operational Requirements.

a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City stating:

1. The unique Short Term Rental Permit number assigned to the Short-Term Rental Unit;
2. Operator name and phone number;
3. Contact person name and number;
4. The location of any on-site and off-site parking spaces available for Guests. The owner must limit guests' vehicles to the number of off-street parking spaces provided. The number of permitted vehicles shall be included on any advertisement of the rental unit;
5. Instructions to Guests concerning disposal of garbage and handling of garbage containers; and
6. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Article.

b. The Operator shall operate a Short-Term Rental in compliance with the following:

1. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located;
2. Maximum occupancy limits prescribed in this ordinance, or by the City Fire Marshal pursuant to the International Fire Code;
3. City of Blanco Hotel Occupancy Tax Ordinance, set forth in the Code of Ordinances;
4. City of Blanco Noise and Sound Level Regulation Ordinance, set forth in the Code of Ordinances;
5. City of Blanco Garbage Collection Ordinance, set forth in the Code of Ordinances; and
6. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per

220712 FINAL W ADOPTED AMENDMENTS

day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of guests of the Short-Term Rental.

a. The Local Contact Person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

b. Failure to respond in the required timeframe shall be a violation of this ordinance.

11. Complaints

a. Complaints related to the operation of a Short-Term Rental, including complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

1. When the City's Code Enforcement Officer is unavailable, all calls shall be directed to the City's Police Department.

2. Any noise complaints, after 10:00 p.m. shall be directed to the City's Police Department.

12. Enforcement.

a. It shall be unlawful for any person or entity to violate any provision of this Ordinance. Proof that a violation occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short-Term Rental committed the violation.

1. Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.

2. Penalties provided for herein are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

3. Any property operating as an STR, without a permit, shall be prohibited from receiving an STR permit for a minimum of one (1) year.

b. Fines & Revocation; Other Enforcement Action

1. Each violation of this ordinance shall be punishable by a fine not to exceed \$300 for each day during which a violation exists.

2. Each violation of this ordinance may be punishable by a suspension or revocation of the STR permit for a period of not more than one year.

220712 FINAL W ADOPTED AMENDMENTS

3. Permits shall be revoked automatically for a period of one year on the third violation in any one calendar year.

4. If an Owner operates a STR without permit, or after revocation of a permit, in violation hereof, the City may take additional enforcement action including a shutoff of utility service to the applicable premises.

c. Notice of Suspension or Revocation. Upon conviction for a violation of this Article, the City may suspend or revoke any Short-Term Rental Permit issued for the same Short-Term Rental where the violation occurred. The City shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

d. Appeal. An Owner may appeal a suspension or revocation under this Section by filing a written appeal with the City Administrator within ten (10) business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Administrator related to the suspension or revocation under this Section. Following the City Administrator's final decision on appeal, the Owner may appeal an adverse decision of the City Administrator by filing a written appeal with the City Council within five (5) business days following the date of the City Administrator's final decision. The decision of the City Council shall be final.

D. AMENDMENT OF CHAPTER 4, SECTION 4.8, RELATING TO ACCESSORY USE. Provisions of the UDC at Chapter 4, Section 4.8, are hereby amended or adopted:

1. Chapter 4, Section 4.8(e) is amended as follows: Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations or permitted Short-Term Rental, Accessory Structure/Uses; and

2. Chapter 4, Section 4.8(f) is adopted as follows: Short-Term Rental, Accessory Structure/Uses shall mean property containing a primary dwelling that also contains a legal guest house that is being used for Short-Term Rental purposes.

E. AMENDMENT OF ARTICLE 2.08 TAXATION; DIVISION 4 HOTEL OCCUPANCY TAX; SECTION 2.08.093 DEFINITIONS. The definition of the term *Hotel* is hereby amended and adopted:

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes but is not limited to a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, short term rental, or bed and breakfast.

SECTION 3. EFFECTIVE DATE; IMPLEMENTATION AND ENFORCEMENT DATE

This ordinance is effective immediately. The City Administrator shall, within 10 days after such effective date, cause the publication of notice of adoption on the City's website, the local

newspaper of general circulation, and by such other and further means necessary to provide notice to the public. No new permit applications shall be accepted for 60 days from the effective date of this ordinance, during which time applications for permits based on claims of pre-existing operation as a STR may be filed under the provisions of Section C.10. above. During this initial 60-day period and thereafter, the City shall create and maintain a GIS map of all permitted STRs to assist with review of future new permit applications. After the initial 60-day period referenced above, applications for new STR permits (in addition to those for pre-existing STRs) may also be filed, accepted, and reviewed by the City.

The City shall not seek enforcement of this ordinance until at least 75 days after the initial publication of notice in the newspaper of general circulation and the City's website.

SECTION 4. SEVERABILITY

If any provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or in part, except the part held or adjudged invalid or unconstitutional.

SECTION 5. REPEALER

Upon adoption, the provisions of this ordinance repeal any inconsistent existing provisions of other City ordinances.

APPROVED AND ADOPTED BY CITY COUNCIL, CITY OF BLANCO, ON THE 10th DAY OF MAY, 2022, AND ADOPTED WITH AMENDMENTS ON 12TH DAY OF JULY, 2022.

CITY OF BLANCO

Rachel Lumpee

Mayor

ATTEST:

Laurie Cassidy
City Secretary

