



**ELGIN PLANNING & ZONING COMMISSION AGENDA  
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS  
404 NORTH MAIN STREET  
September 22, 2025  
6:30 PM**

**I. CALL TO ORDER**

**II. PUBLIC COMMENT**

The "PUBLIC COMMENT" item posted on the agenda is reserved for members of the public who would like to address the Planning and Zoning Commission regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the Planning and Zoning Commission during the meeting shall do so under the "PUBLIC COMMENT" agenda item. Speakers shall be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts, or information for the Commission, to the Secretary prior to commencement of the Commission meeting. **As of May 1, 2022, all such public comments will be done IN PERSON. You may email public comments and they will be distributed to each of the Commission Members but not read out loud.**

Speaker comments are limited to three (3) minutes. No formal action can be taken by the Planning and Zoning Commission on items not posted on the agenda. Items requiring a PUBLIC HEARING will allow a member of the public an opportunity to speak during the Public Hearing and does not require a "PUBLIC COMMENT FORM".

Speakers must address their comments to the Chairperson or Presiding Officer rather than to an individual Commission Member or Staff Member. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from any personal attacks or derogatory comments directed at any Commission Member, Staff Member, other individual, or group.

**III. CONSENT AGENDA**

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the Planning and Zoning Commission and will be enacted with one motion, one second, and one vote. Any member of the Commission may pull any item from the Consent Agenda in order that the Commission discuss and act upon it individually as a part of the Regular Agenda.

**1. August 25, 2025 Meeting Minutes**

**IV. NEW BUSINESS**

1. **Project #202500075: An ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances City of Elgin, Texas, 2013 and making this amendment a part of said zoning map to wit: To rezone land from "I" Industrial District to "R-2" Single-Family and Duplex Dwelling District located on parcels of land known by the Bastrop County Appraisal District as Parcel 8701906 and Parcel 8701923 (ELGIN CITY, BLOCK 21, (ALLEYWAYS THRU LOTS 4-9)) on the southeast corner of E 1st St and MLK Blvd.**
  - A. Staff Presentation
  - B. Applicant Presentation
  - C. Open Public Hearing
  - D. Close Public Hearing
  - E. Discussion
  - F. Recommendation
  
2. **An Ordinance Amending Ch. 20 Floods, Sec. 20-19, Sec. 20-20, Sec. 20-21, Sec. 20-22, Sec. 20-23, Sec. 20-24, Sec. 20-25, Sec. 20-26, Sec. 20-27, Sec. 20-28, Sec. 20-29, Sec. 20-49, Sec. 20-50, Sec. 20-51, Sec. 20-52, Sec. 20-53, Sec. 20-80, Sec. 20-81, Sec. 20-82; Revised Code of Ordinances, City of Elgin, Texas; repealing all other ordinances and parts of ordinances in conflict therewith; and providing for a savings clause.**
  - A. Staff Presentation
  - B. Open Public Hearing
  - C. Close Public Hearing
  - D. Discussion
  - E. Recommendation
  
3. **Consideration of adding an Appendix to the Final Plat Checklist modifying Plat Notes required by the City.**
  - A. Staff Presentation
  - B. Discussion
  - C. Consideration

## **V. WORKSHOP**

1. **Short-Term Rentals**

## **VI. ANNOUNCEMENTS**

1. **290 Expansion Project Community Listening Session**

## **VII. ADJOURNMENT**

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance.

The members of the boards, commissions and/or committees may participate in discussions on the same items listed the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 229-3222. Please provide forty-eight hours' notice when feasible.

I, Beau Perry, City Engineer for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before September 17, 2025, in accordance with Chapter 551 of the Texas Government Code.



Beau Perry, Development Services Director

**MINUTES**  
**CITY OF ELGIN PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**MONDAY, AUGUST 25, 2025**

**I. CALL TO ORDER – ROLL CALL:** The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX.

**COMMISSION PRESENT:** Chair Antonio Prete, Vice-Chair Ronnie Creppon, Danica Morgan, Dorothy McCarther, Taylor Christian, Scott Mackay.

**COMMISSION ABSENT:** Berney Williams (at this time.)

**STAFF PRESENT:** Beau Perry, Director of Development Services; Melissa Lipiec, Planning Technician; William McIlvain, Administrative Assistant; Alyssa Loveday of WGA, Assistant Project Manager

**STAFF ABSENT:** None

**II. PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS:** No members of the public present stood to speak on this item.

**III. CONSENT AGENDA**

1. July 28, 2025 Minutes.

Vice-Chair Ronnie Creppon moved that the Commission approve the consent agenda. Taylor Christian seconded the motion. The motion passed unanimously with a vote of six (6) for and zero (0) against.

**IV. NEW BUSINESS**

1. Project #202500069: An ordinance granting a Specific Use Permit for the operation of a short-term rental on property located on a parcel of land known by the Bastrop County Central Appraisal District as Parcel 13622, located at 907 N. Ave C, (W & O, BLOCK 6, LOT 3 (E 1/2)) City of Elgin, Texas, Bastrop County, said tract being more described in Exhibit “A”; and providing for a savings clause and repealing conflicting ordinances and resolutions.

A. Staff Presentation – Director Beau Perry explained that the City does not have an Ordinance specific to “short-term rental” properties, but does require a Specific Use Permit for short-term rentals such as bed & breakfasts, boardinghouses, or tourist homes. The applicant is requesting such a Specific Use Permit for general use of a short-term rental. Director Perry reminded the Commission that they can impose conditions on the recommendation they give to City Council.

B. Applicant Presentation – The applicants Jason and Lisa Milliken spoke on their life in Elgin and their purchase of the property as an investment property with the intention to renovate it and use its rental for supplemental income.

Berney Williams arrived at this time and took his seat with the Commission.

C. Open Public Hearing – The public hearing was opened at 6:38 P.M.

Kate Queen from 811 N Ave C stood to speak in support of the project and advocating for tourist accommodations in Elgin, but expressed concerns about noise, fire safety, traffic, number of residents, and minimum age of prospective residents.

Anna Marie Simmons from 906 N Main St stood to speak about her history in her neighboring property, and expressed concern about noise levels, blockage of the alleyway between streets, fencing to delineate the properties, and the future construction on the property.

D. Close Public Hearing – The public hearing was closed at 6:43 P.M.

#### **IV. NEW BUSINESS (Cont.)**

- E. Discussion – Chair Antonio Prete clarified that matters such as noise and fire safety would be governed by the appropriate City Ordinances, and while the neighborhood is welcome to discuss on their own about requested conditions of operation of the short-term rental the Commission’s role is to recommend whether it be approved to operate at all. Director Perry called attention to all required emergency protocols the short-term rental would have to abide by.

Vice-Chair Ronnie Creppon discussed which of the listed categories of short-term rental this business would be classified as, but Scott Mackay and Taylor Christian noted that what is being proposed does not match any of those listed and that the Commission can recommend a custom configuration. Taylor Christian remarked that per Ordinance an accessory dwelling unit could never be used alone as a short-term rental, and asked how one would function if accessory to a residence being used for a short-term rental. Director Perry confirmed that the entire property would be the short-term rental, including but not exclusively the accessory dwelling unit.

Chair Antonio Prete proposed applying a time frame to the permit to confirm the proof of concept, suggesting a year. Scott Mackay suggested two years to reduce the burden of reapplying for the applicant, and Taylor Christian suggested 18 months in consideration of the applicant’s remodeling before they begin their business. Chair Antonio Prete asked the applicant how many people they expect to host, and in light of parking requirements the applicant estimated roughly 6-10 at most. The Commission discussed the pros and cons of a longer time frame.

- F. Recommendation – Scott Mackay moved that the Commission recommend approval of the Specific Use Permit for the operation of a Short-Term Rental for a period of two years and with the stipulation that it could host no more than ten guests overnight. Taylor Christian seconded the motion. The motion passed unanimously with a vote of seven (7) for and zero (0) against.

2. Direction to staff regarding administrative changes to plat checklists and plat review guidance to become effective upon approval of City Engineer and/or City Attorney.

The Commission broke for recess at 7:06, returning to this item upon the conclusion of the Workshop.

The Commission resumed at 7:09 to begin the Workshop.

#### **V. WORKSHOP**

The Commission gathered to discuss proposed recommendations for amendments to the Flood chapter of the City Ordinance and amendments to standardized plat notes for City Staff.

On the subject of plat notes Chair Tony Prete recommended:

- Note 32 standardizing assertion that the tract is not within the floodplain.
- Note 34 standardizing labeling of all drainage easements and prohibiting obstructions therein.
- Note 36 reinforcing depiction of building setbacks.
- Note 37 asserting sidewalk compliance with City code.
- Note 40 communicating public utility easement conveyance for both commercial and single-family.
- Note 41 asserting conformance with the approved Preliminary Plat.

On the subject of the Flood chapter Chair Tony Prete shared the 2008 Quick Guide to Floodplain Management in Texas and presented relevant terminology. The Commission discussed the recency of floodplain maps in use. Chair Tony Prete proposed recommending that “to or above one foot” be amended to “above one foot” in Sec. 20-81, and to add “or designee” following “A record of such certification...shall be maintained by the floodplain administrator.”

**IV. NEW BUSINESS (Resumed)**

- 2. The Commission broke from Workshop at 7:46 to make a motion on Item 2.

Scott Mackay motioned to request an updated plat note section from City Staff to be approved at the next Planning and Zoning Commission meeting, and a draft of proposed recommended adjustment to floodplain ordinance. Danica Morgan seconded the motion. The motion passed unanimously with a vote of seven (7) for and zero (0) against.

**VI. ANNOUNCEMENTS**

- 1. Melissa Lipiec remarked on the end of term for several Commission members and that Chair Tony Prete and Dorothy McCarther have both reapplied, and inquired if Vice-Chair Ronnie Creppon is interested in reapplying. Vice-Chair Ronnie Creppon relayed that he would not be reapplying to the Commission following the end of his term. Chair Tony Prete thanked Vice-Chair Ronnie Creppon for his many years of service and experience on the Commission.
- 2. Melissa Lipiec remarked that at this time there are no agenda items beyond the return to the items discussed at this Workshop scheduled for the next meeting on September 22<sup>nd</sup>, but advised that there may be future discussion about the presently illegal operation of Short-Term Rentals across the City. Director Beau Perry proposed setting up a Workshop to discuss proposed recommendations for a Short-Term Rental Ordinance. Scott Mackay asked if next month’s meeting might be skipped, but Chair Tony Prete confirmed that it would be held for consistency regardless.

**V. ADJOURNMENT:** The meeting was adjourned at 7:53 P.M.

\_\_\_\_\_  
Antonio Prete, Chairman

ATTEST: \_\_\_\_\_  
Melissa Lipiec, Secretary

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ the foregoing instrument was passed and approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

# Vicinity Map





# Development Services Department

## STAFF REPORT

### Rezoning from “I” General Industrial District to “R-2” Single-Family and Duplex Dwelling District

Project #202500075

**Date:** September 12, 2025  
**Applicant:** Rogelio Rangel  
**Hearing Date:** Planning and Zoning Commission: September 22, 2025  
City Council: October 14, 2025  
**Location:** Bastrop County Appraisal District Parcel numbers 8701906 and 8701923, (Lots 4, 5, 6, 7, 8, and 9, Block 21, Town of Elgin) on the southeast side of the intersection of Martin Luther King Jr Boulevard and E 1<sup>st</sup> St.

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#### APPLICATION SUMMARY

Recommendation by the Planning and Zoning Commission and consideration of the City Council of a rezoning of approximately 0.88 acres of land (a change to the official zoning map). The proposal is to change the zoning on the lots from I – General Industrial District to R-2 – Single-Family and Duplex Dwelling District. Note: These parcels are also in Zone 2 of the [Downtown Overlay District](#) which allows additional nonresidential uses.

#### DEPARTMENT COMMENTS

The Bastrop Central Appraisal District shows alleys between the parcels owned by Mr. Rangel. The City of Elgin vacated those alleyways via Ordinance No. 2016-09-06-21 (attached) at the request of the then owner. Mr. Rangel is requesting the zoning change so that he can then replat the lots and construct duplexes on each lot. The re-platted lots will conform to the current [R-2 requirements](#) for lot size (minimum 7,500 sf) and width (60 feet). The alleyways will be removed with the replat.

As required, a public hearing notice was published in the September 3, 2025, edition of the Elgin Courier. A sign was placed on the property and a total of eleven letters (attachment #5) were sent to property owners within 200’ of the lot.

#### Attachments

1. Staff added vicinity map with zoning
2. Application
3. Property Survey
4. Ordinance No. 2016-09-06-21 vacating alleys
5. Draft Ordinance
6. Notice sent to 200’ property owners

# NON-PDD REZONING APPLICATION

Date: August 27, 2025

## SITE INFORMATION

Project Address: MLK St. and East 1st St.

Parcel Identification Number (if no address): 8701923 , 8701906

## APPLICANT


Name: Rogelio Rangel

Postal Address: 113 Strata Dr.

Liberty Hill, TX 78642

E-Mail Address: \_\_\_\_\_; Phone Number: (512) 426-8225

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

	<u>Rogelio Rangel</u>	<u>8/28/25</u>
Signature	Printed Name	Date

### Project Description:

REZONE: Alleyways thur Lots 4-9 and Lots 4,5,6,7,8,9, Elgin City, Block 21

Rezone from existing INDUSTRIAL Zoning to R-2 Zoning - Duplex

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August 27, 2025

City of Elgin, Planning and Development Services  
802 N Avenue C  
Elgin, Texas 78621

**RE: Authorization Letter for Designation of Agent / To Re-zone**  
Lots 4,5,6,7,8, 9 Block 21 , and Alleyways thur lots 4-9, Elgin City, Block 21

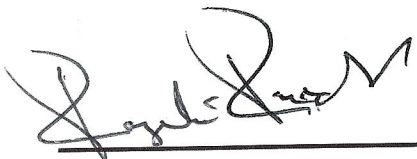
Dear Case Reviewer:

I Rogelio Rangel owner(s) of the referenced project; do hereby authorize Ignacio (Nash) Gonzales, Jr. with LENWORTH Consulting LLC as my agent to represent our interest with the City of Elgin, TX Development Services with this zoning case.

Mr. Gonzales, our agent is authorized to file any application(s) or documents required for this Zoning Change Request for property located E 1<sup>st</sup> St and MLK Blvd. Elgin , TX 78621, Bastrop County, BCAD ID # . 8701923 & 8701906

Should you have any questions or concerns, you can reach me at (512) 426-8225.

Thank you for your assistance in this matter.

  
\_\_\_\_\_  
Date 8/28/25

# **LENWORTH CONSULTING LLC**

*P.O. Box 3098, Cedar Park, Texas 78630 (512) 658-8896 [lenworthconsul@gmail.com](mailto:lenworthconsul@gmail.com)*

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August 26, 2025

Planning and Development Services  
City of Elgin, Tx, Bastrop County  
802 N. Ave. C  
Elgin, TX 78621

**RE: Summary Letter / Deeds: 201613069, 202105526**  
Re-zoning properties from **INDUSTRIAL** to **R-2 Duplex Dwelling**

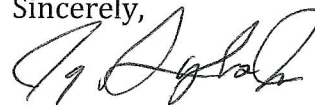
Dear Case Reviewer:

The property owner off these lots is requesting a zoning change to subdivide the existing legal lots for a new development for duplexes. See enclosed survey map for location of site ( LOTS 4,5,6,7,8,9, BLOCK 21, TOWN OF ELGIN, BASTOP COUNTY, TEXAS AND ELGIN CITY, including ALLEYWAYS SITUATED through Lots 4-9, Block 21, Town of Elgin) for a total of 1.04ac.

The site is located in a residence area and can meet City of Elgin requirements for the proposed development in that area.  
Should you have any questions or concerns, I can be reached at (512) 658-8896 or by email: [lenworthconsul@gmail.com](mailto:lenworthconsul@gmail.com).

Thank you,

Sincerely,



Ignacio (Nash) Gonzales, Jr.  
Manager  
LENWORTH Consulting LLC





**ORDINANCE NO. 2016-09-06-21**

**AN ORDINANCE VACATING, ABANDONING, AND CLOSING TWO 20-FOOT ALLEYS WITHIN THE CITY OF ELGIN, TEXAS, PURSUANT TO SECTION 311.007, TEXAS TRANSPORTATION CODE, V.A.T.S., PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**WHEREAS**, Section 311.007, Transportation Code, V.A.T.S., allows a home-rule municipality to vacate, abandon, or close a street or an alley; and

**WHEREAS**, the City of Elgin desires to vacate, abandon, and close a north-and-south 20-foot public alleyway situated between Lots 7-8, Block 21, Town of Elgin and Lots 8-9, Block 21, Town of Elgin, a subdivision in Bastrop County, Texas, as described in Exhibit "A"; and

**WHEREAS**, the City of Elgin desires to vacate, abandon, and close a west-and-east 20-foot public alleyway situated between Lots 1-5, Block 21, Town of Elgin and Lots 6 and 9, Block 21, Town of Elgin, a subdivision in Bastrop County, Texas, as described in Exhibit "A"; Now Therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:**

**I.**

That the north-and-south 20-foot public alleyway situated between Lots 7-8, Block 21, Town of Elgin and Lots 8-9, Block 21, Town of Elgin, a subdivision in Bastrop County, Texas, as depicted in Exhibit "A", be hereby vacated, abandoned and closed, insofar as the right, title, or easement of the public is concerned; and

That the west-and-east 20-foot public alleyway situated between Lots 1-5, Block 21, Town of Elgin and Lots 6 and 9, Block 21, Town of Elgin, a subdivision in Bastrop

County, Texas, as depicted in Exhibit "A", be hereby vacated, abandoned and closed, insofar as the right, title, or easement of the public is concerned; and

**II.**

That the abandonment provided herein shall extend only to the public right, title, or easement in and to the tracts of land described in Paragraph I of this ordinance for the purpose of using same as an alley, and shall be construed only to pertain to that interest the governing body of the City of Elgin may legally and lawfully abandon. Nothing in this ordinance shall be construed to abandon or otherwise affect the interest of the City of Elgin or the public in easements within the subject area related to public utilities, if any. The City of Elgin retains an easement for any existing public utilities, if any, located within the alleyway.

**III.**

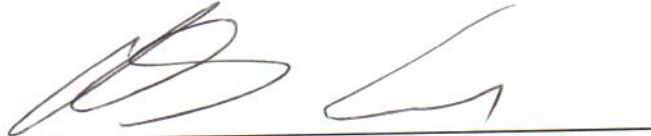
**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**B.** The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

**C.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

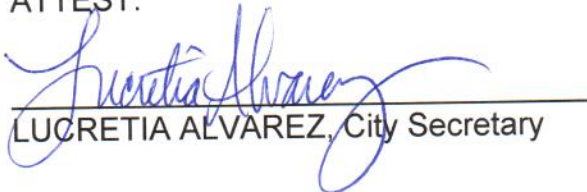
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 6th day of September, 2016.



CHRIS CANNON, Mayor  
City of Elgin, Texas

ATTEST:



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LUCRETIA ALVAREZ, City Secretary



After recording please return to:  
City of Elgin  
Gary N. Cooke, Planning & Dev.  
P O Box 591  
Elgin, TX 78621

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Rose Pietsch*

September 20, 2016 11:50:45 AM  
KRISTAB FEE: \$42.00  
ROSE PIETSCH, County Clerk  
Bastrop, Texas  
**201612394**

ORD

**ORDINANCE NO. 2025-10-14-**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID ZONING MAP TO WIT: TO REZONE LAND FROM "I" GENERAL INDUSTRIAL DISTRICT TO "R-2" SINGLE-FAMILY AND DUPLEX DWELLING DISTRICT LOCATED ON PARCELS OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 8701906 AND PARCEL 8701923 (ELGIN CITY, BLOCK 21, (ALLEYWAYS THRU LOTS 4-9)) ON THE SOUTHEAST CORNER OF E 1ST ST AND MLK BLVD. BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**WHEREAS**, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from "I" General Industrial District to "R-2" Single-Family and Duplex Dwelling District; and

**WHEREAS**, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested change on September 22, 2025, following lawful publication of the notice of said public hearing; and

**WHEREAS**, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is R-2 Single-Family and Duplex Dwelling District; and

**WHEREAS**, on the 14<sup>th</sup> day of October 2025, after proper notification, the City Council held a public hearing on the requested zoning, and

**WHEREAS**, the City Council determines that the zoning provided for herein promotes the health, safety, morals, and protects and preserves the general welfare of the community, and

**WHEREAS**, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:**

**I.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this Ordinance implements the vision, goals and policies of the City of Elgin's Comprehensive Plan and further finds that

enactment of this Ordinance is not inconsistent with or in conflict with any other policies or provisions of the Comprehensive Plan and the City’s Code of Ordinances.

**II.**

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from “I” General Industrial District to “R-2” Single-Family and Duplex Dwelling District.

**III.**

**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

**B.** The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

**C.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**READ, PASSED, and ADOPTED** on first reading this the 14th day of October 2025.

\_\_\_\_\_  
THERESA Y. MCSHAN, Mayor  
City of Elgin, Texas

**ATTEST:**

\_\_\_\_\_  
PEYTON STANDIFER, City Secretary



September 8, 2025

## NOTICE OF A REZONING REQUEST

You are being notified because your property is located within two hundred (200) feet of this request. The attached map shows this lot making the request (red solid shape) and your lot within the notice area (blue circle). This notice is to inform you of public hearings to be held by Planning & Zoning Commission and the City Council as denoted below:

Project #202500075: An ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances City of Elgin, Texas, 2013 and making this amendment a part of said zoning map to wit: To rezone land from "I" Industrial District to "R-2" Single-Family and Duplex Dwelling District located on parcels of land known by the Bastrop County Appraisal District as Parcel 8701906 and Parcel 8701923 (ELGIN CITY, BLOCK 21, (ALLEYWAYS THRU LOTS 4-9)) on the southeast corner of E 1st St and MLK Blvd, said tract being more described in Exhibit "A"; and providing for a savings clause and repealing conflicting ordinances and resolutions.

Notice is given of public hearings to be held:

- By the Planning & Zoning Commission on **Monday, September 22, 2025**, beginning at 6:30 P.M. Central Standard Time (CST) for a recommendation.
- By the City Council on **Tuesday, October 14, 2025**, beginning at 6:30 P.M. Central Standard Time (CST) for consideration.

These meetings will be held at Elgin Public Library Annex (Civic Center) at 404 N. Main St. Elgin, TX, 78621, U.S.A. The public is welcome to attend and may give a public comment on this item. Any person may be represented by another person, neighbor, or attorney.

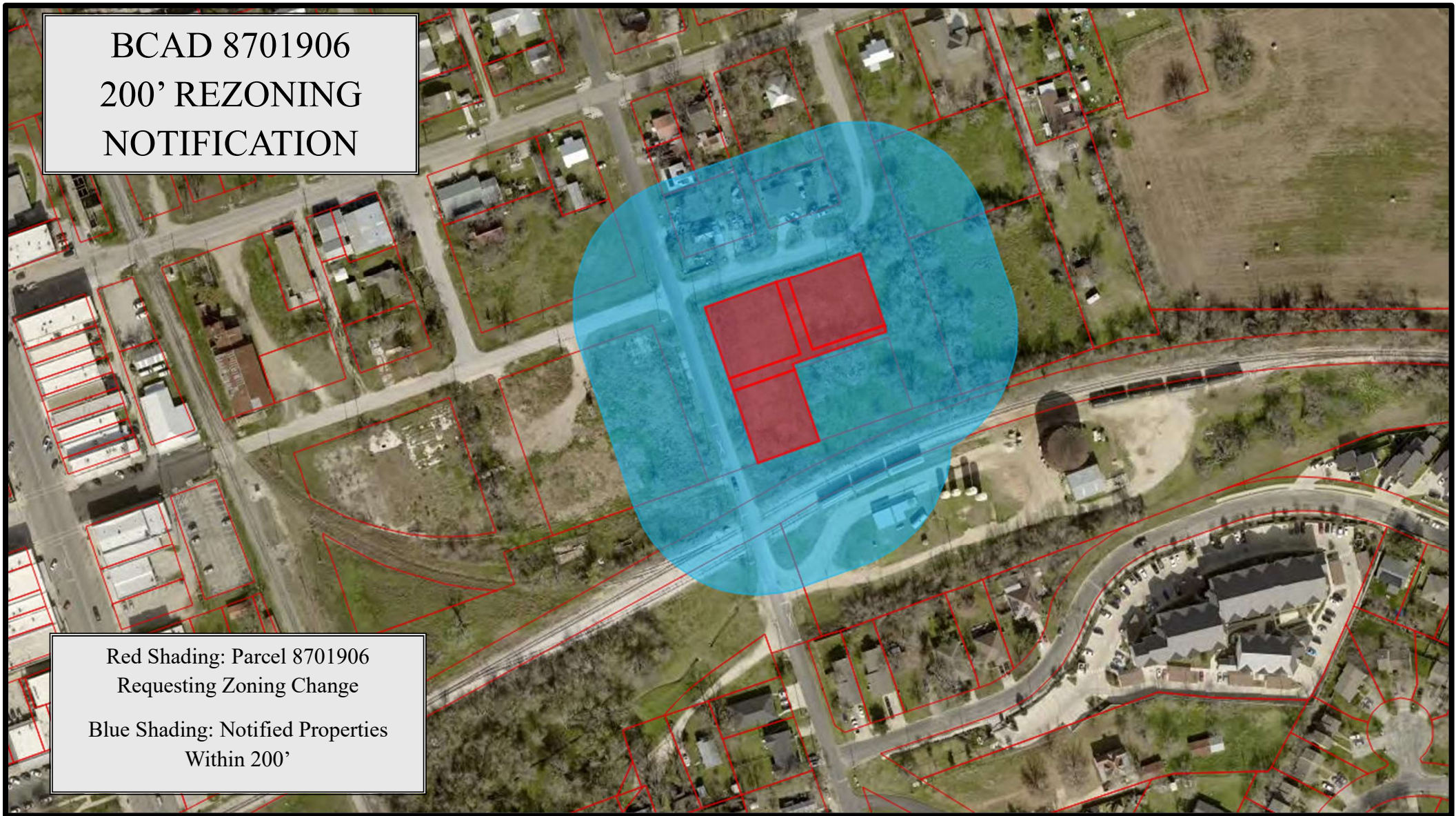
Any interested person may also express written comments by emailing the Development Services Department at [planninganddevelopment@elgintexas.gov](mailto:planninganddevelopment@elgintexas.gov) or by postal mail at the following:

City of Elgin  
Development Services Department  
P.O. Box 591  
Elgin, TX 78621 U.S.A.

Requests for any additional information may be directed to [planninganddevelopment@elgintexas.gov](mailto:planninganddevelopment@elgintexas.gov) or to (512) 281-0119 or may be requested from the Development Services Department, Fleming Community Center, 802 N. Avenue C, Elgin, TX 78621 U.S.A. from 8:30 A.M – 4:00 P.M. Central Standard Time, Monday – Friday.

BCAD 8701906  
200' REZONING  
NOTIFICATION

Red Shading: Parcel 8701906  
Requesting Zoning Change  
Blue Shading: Notified Properties  
Within 200'





# Development Services Department

## STAFF REPORT

### Chapter 20 Floods Code Changes

**Date:** September 11, 2025  
**Meeting Date:** Planning and Zoning Commission – September 22, 2025  
**Council Meeting:** October 14, 2025

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#### REQUEST SUMMARY

As requested at the July 28, 2025 Planning and Zoning Commission meeting and discussed in the Workshop last month, staff has reviewed Chapter 20 – Floods and has identified some changes. The changes include: minor grammatical corrections, defining the word Community, adding notification not certain state agencies under Duties and responsibilities of Floodplain Administrator, adding an 11<sup>th</sup> element to permit denial based on historical high-water rescues, repetitive losses, or other factors affecting public or life safety, updating Division 3. Provisions for Flood Hazard Reduction, Sec. 20-80, General Standards. The most significant change being Sec. 20-81. Specific Standards requiring the lowest floor elevation be raised to one (1) foot above the base flood elevation for residential and nonresidential new construction or substantial improvement. Lastly, items f and g were added to Sec. 20-82. Standards for Subdivision Proposals regarding adequate access to subdivisions transversed by an area of special flood hazard and requiring access to existing dedicated streets not subject to flood depths over one foot for all subdivisions that do not involve the platting of streets.

The specific sections being amended are: Sec. 20-19, Sec. 20-20, Sec. 20-21, Sec. 20-22, Sec. 20-23, Sec. 20-24, Sec. 20-25, Sec. 20-26, Sec. 20-27, Sec. 20-28, Sec. 20-29, Sec. 20-49, Sec. 20-50, Sec. 20-51, Sec. 20-52, Sec. 20-53, Sec. 20-80, Sec. 20-81, and Sec. 20-82.

The recommended code changes are expected to be presented to the Elgin City Council at the October 14<sup>th</sup> meeting.

#### ATTACHMENTS

1. Proposed changes to Chapter 20 - Floods

## Chapter 20 FLOODS

### ARTICLE I. IN GENERAL

Secs. 20-1—20-18. Reserved.

### ARTICLE II. FLOOD DAMAGE PREVENTION<sup>1</sup>

#### DIVISION 1. GENERALLY

##### Sec. 20-19. Statutory **A**uthorization.

(a) The **L**egislature of the **S**tate of **T**exas has in **t**he **i**t **F**lood Control and Insurance **A**ct, **T**exas **V**.**T**.**C**.**A.**, Water Code § 16.311 et seq., delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the **C**ity **C**ouncil does ordain the regulations set forth in this article.

(Code 1990, ch. 3, § 8(A); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

##### Sec. 20-20. Findings of **F**act.

- (a) The **s**pecial flood hazard areas of the **C**ity are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of **s**pecial flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1990, ch. 3, § 8(B); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

##### Sec. 20-21. Statement of **P**urpose.

(a) It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. **It is also the purpose of this ordinance to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with by-provisions designed to:**

- (1) Protect human life **and property exposed to the hazards of flooding and health;**

**Commented [AL1]:** TWC Section 16.311 references the “Short Title” of the Flood Control and Insurance Act, but TWC Section 16.315 specifically references the delegated responsibility of local governments to adopt regulations designed to minimize flood losses. Recommend updating to TWC Section 16.315.

<sup>1</sup>State law reference(s)—Flood Control and Insurance, V.T.C.A., Water Code § 16.311 et seq.

- (2) Minimize expenditure of future public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard area~~floodplains~~;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone~~flood~~ prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure the potential buyers are notified if that property is in a flood-area~~special flood hazard area~~.

(Code 1990, ch. 3, § 8(C); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

### Sec. 20-22. Methods of Reducing Flood Losses.

(a) In order to accomplish reduction of flood losses~~its purposes~~, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protection barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1990, ch. 3, § 8(D); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

### Sec. 20-23. Definitions.

Unless specifically defined as follows, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application:

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provisions of this article or a request for a variance.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the flood insurance rate map (FIRM) zone A, usually is refined into zone, A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Commented [AL2]: Definition taken from NFIP. Including because sections of this chapter reference "community".

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*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Elevated building* means a nonbasement building:

- (1) Built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (post and piers) or shear walls parallel to the floor of the water; and
- (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE or V, the term "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

*Existing construction* means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as existing structures.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the flood, mudslide (i.e. mudflow) related erosion areas having special hazards have been designated as Zone A, M and/or E.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain or floodprone area* means any land area susceptible to being inundated by water from any source (see *Flood or flooding*).

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that, such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home.*

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- (1) The term "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 days.
  - (2) The term "manufactured home," for insurance purposes, does not include park trailers, travel trailers and other similar vehicles.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*New construction*, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community.

*Start of construction*, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. The term "permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial improvement.*

- (1) The term "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds **fifty (50)** percent of the market value of the structure either:
  - a. Before the improvement or repair is started; or
  - b. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

- (2) The term "substantial improvement" does not, however, include either:
  - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to safe living conditions; or
  - b. Any alteration of a structure listed on the National Register of Historic Places or state inventory of historic places.

*Variance* means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefor, permits construction or development in a manner otherwise prohibited by this article. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

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*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in [section 60.3\(b\)\(5\), \(c\)\(4\), \(c\)\(10\), \(d\)\(3\), \(e\)\(2\), \(e\)\(4\) or \(e\)\(5\) of the National Flood Insurance Program regulations 44 CFR Section 60.3 \(Floodplain management criteria for flood-prone areas\)](#) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 1990, ch. 3, § 8(E); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-24. Lands to ~~W~~hich ~~these~~ ~~P~~rovisions ~~A~~pply.**

These provisions shall apply to all areas of special flood hazard within the jurisdiction of the ~~C~~ity ~~and where applicable in its area of extraterritorial jurisdiction~~.

(Code 1990, ch. 3, § 8(F)(1); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-25. Basis for ~~E~~stablishing the ~~A~~reas of ~~S~~pecial ~~F~~lood ~~H~~azard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency on its flood hazard boundary map (FHBM), Community No. 480023A, dated June 21, 1974, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Code 1990, ch. 3, § 8(F)(2); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-26. Compliance.**

No structure or land ~~in an area of special flood hazard~~ shall hereafter be located, altered or have its use changed, ~~or otherwise be developed~~, without full compliance with the terms of this article and other applicable regulations.

(Code 1990, ch. 3, § 8(F)(4); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-27. Abrogation and ~~G~~reater ~~R~~estrictions.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 1990, ch. 3, § 8(F)(5); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-28. Interpretation.**

(a) In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Code 1990, ch. 3, § 8(F)(6); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

**Sec. 20-29. Warning and Disclaimer or Liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the **community-City** or any official or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

(Code 1990, ch. 3, § 8(F)(7); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

**Sec. 20-30. Penalty.**

- (a) Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.
- (b) In the event that any section, paragraph, subdivision, clause or other part of this article or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by any court, it shall not impair or invalidate this article as a whole or any part or provision hereof other than the part declared invalid or unconstitutional and the city council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

(Code 1990, ch. 3, § 8(I); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

**Secs. 20-31—20-48. Reserved.**

*DIVISION 2. ADMINISTRATION*

**Sec. 20-49. Designation of the Floodplain Administrator.**

The building official or his or her designee is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR, National Flood Insurance Program regulations, pertaining to floodplain management.

(Code 1990, ch. 3, § 8(G)(1); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

**Sec. 20-50. Duties and Responsibilities of the Floodplain Administrator.**

(a) Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether proposed building site will be reasonably safe from flooding.

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- (3) Review, approve or deny all applications for development permits required by adoption of the ordinance from which this article is derived.
  - (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act amendments of 1972, (33 USC 1344) from which prior approval is required.
  - (5) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
  - (6) Notify ~~(as applicable)~~, in riverine situations, adjacent communities, [the Texas Water Development Board \(TWDB\)](#) and the [Texas Commission on Environmental Quality \(TCEQ\)](#) ~~and the state coordinating agency which is the state water commission~~, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (7) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - (8) When base flood elevation data has not been provided in accordance with section 20-25, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article.

(Code 1990, ch. 3, § 8(G)(2); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-51. Establishment of ~~F~~floodplain ~~D~~development ~~P~~permit.**

A floodplain development permit shall be required to ensure conformance with the provisions of this article. The fee for the granting of said permit is available in the ~~C~~city ~~S~~secretary's ~~O~~office.

(Code 1990, ch. 3, § 8(F)(3); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-52. Permit ~~P~~procedures.**

- (a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the locations, dimensions and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) Has certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 20-81(2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
  - (5) Maintain a record of all such information in accordance with section 20-50(1).
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

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- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (10) The relationship of the proposed use to the comprehensive plan for that area.

(11) The floodplain administrator may deny a permit based on historical high-water rescues, repetitive losses, or other factors affecting public or life safety.

(Code 1990, ch. 3, § 8(G)(3); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

### **Sec. 20-53. Variance Procedures.**

- (a) The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 20-52(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted in this article and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of section 20-21.

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- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Prerequisites for granting variances.
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  - (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (j) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria outlined in subsections (a) through (i) of this section are met; and
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Code 1990, ch. 3, § 8(G)(4); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

**Secs. 20-54—20-79. Reserved.**

*DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION*

**Sec. 20-80. General standards.**

In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy [\(see the FEMA and/or U.S. Corps of Engineers Flood Proofing Regulations\);](#)
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage [\(see the FEMA and/or U.S. Corps of Engineers Flood Proofing Regulations\);](#)
- (3) All new construction or substantial improvements shall be constructed with materials [and utility equipment](#) resistant to flood damage [\(see the FEMA and/or U.S. Corps of Engineers Flood Proofing Regulations\);](#)

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- (4) All new construction ~~and or~~ substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or ~~floodproofed located so as to prevent water from entering or accumulating within the components during conditions of flooding; to a minimum of one (1) foot above the regulatory floodplain elevation.~~
  - (5) All new and ~~replacement improved portions of~~ water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system ~~and discharges from the systems into floodwaters;~~
  - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters; and
  - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. ~~Waste disposal systems shall be located one (1) foot above the regulatory floodplain surface elevation.~~

(Code 1990, ch. 3, § 8(H)(1); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

#### **Sec. 20-81. Specific Standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in sections 20-25, 20-50(8), and 20-82(d), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated ~~to or above one (1)~~ foot above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the floodplain administrator that these standards as proposed in section 20-52(b)(9), are satisfied.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated ~~to or above one (1)~~ foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and method of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Manufactured homes.* Require that all manufactured homes to be placed within zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. All manufactured homes shall be in compliance with subsection (1) of this section.

(Code 1990, ch. 3, § 8(H)(2); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)

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**Sec. 20-82. Standards for Subdivision Proposals.**

- (a) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with sections 20-20 through 20-22.
- (b) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet development permit requirements of sections 20-51, 20-52 and this division.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 20-25 or 20-50(8).
- (d) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (f) All subdivision proposals including manufactured home parks and subdivisions traversed by an area of special flood hazard where the “buildable” portion of the subdivision is severed by the floodplain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (ultimate development 100-year) without overtopping the structure. Upstream property must not be affected by backwater, and velocities of the structure must be controlled to prevent scour, erosion or structural damage. Proposed subdivisions that involve the platting of streets shall have at least one (1) access to an unflooded portion of existing dedicated street or roadway unless otherwise approved by the City Engineer.
- (g) All subdivision proposals including manufactured home parks and subdivisions that do not involve the platting of streets shall have access to an existing dedicated street that is not subject to flood depths of over one (1) foot.

(Code 1990, ch. 3, § 8(H)(3); Ord. of 9-1-1987; Ord. No. 92-16, § III, 11-3-1992; Ord. No. 2002-02-05-07, 2-5-2002)



# Development Services Department

## STAFF REPORT

### Appendix to Final Plat Notes

**Date:** September 15, 2025  
**Hearing Date:** Planning and Zoning Commission: September 22, 2025  
**Location:** Inside City Limits

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#### **REQUEST SUMMARY**

This issue was brought up at the July 28, 2025 Planning and Zoning Commission meeting that the plat notes provided by applicants submitting Final Plats for Commission review are not standardized and often fail to include information that becomes a required revision by Commission following review.

At the August 25, 2025 Planning and Zoning Commission meeting a workshop was held discussing what specific plat notes are ubiquitous enough to require inclusion on every single plat submitted to the City, and how to present that requirement as an update to the City's Final Plat Application Packet Checklist.

This item is to review the proposed addition to the checklist.

#### **Attachments**

1. Existing Final Plat Checklist
2. Proposed Appendix of required Final Plat Notes to add after Final Plat Checklist



CITY OF ELGIN

FINAL PLAT CHECKLIST FOR COMPLETENESS REVIEW

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

NOTE: THE FINAL PLAT WILL NOT BE CONSIDERED COMPLETE OR FILED UNLESS THE FOLLOWING COMPLETENESS REVIEW REQUIREMENTS ARE MET. **IF AN ITEM IS MISSING FROM THE APPLICATION, THE FINAL PLAT WILL BE REJECTED IN THE COMPLETENESS REVIEW.** THE CHECKLIST MUST BE COMPLETELY FILLED OUT WITH A Y (YES), N (NO) OR N/A (NOT APPLICABLE) IN EACH BLANK. THIS CHECKLIST MUST BE INCLUDED WITH THE INITIAL SUBMITTAL.

\_\_\_\_\_ Completeness review date.

\_\_\_\_\_ Submittal date \_\_\_\_\_ (per submittal calendar formal submittal after everything is provided per Completeness review).

\_\_\_\_\_ Planning and Zoning Meeting date (Note: Items will not be placed on the agenda unless approval has been obtained by the City Engineer & City Development Services Director). \_\_\_\_\_

**1. APPLICATION REQUIREMENTS**

\_\_\_\_\_ One (1) electronic version of all items on checklist emailed to the City at [planninganddevelopment@elgintexas.gov](mailto:planninganddevelopment@elgintexas.gov) Information to be forwarded onto by City to third-parties after receiving it.

\_\_\_\_\_ Updated Traffic Impact Analysis in accordance with Section 36-53, City Code. This shall be in generally consistent with the initial traffic impact analysis approved with the concept plan and preliminary plat.

\_\_\_\_\_ Copy of the pre-application meeting application with signed City staff signatures indicating the meeting has been conducted or documentation from the City the pre-application meeting is not needed for this project. (Should be within a two-week window of submitting application for completeness review or City may request another pre-application meeting during the completeness review comments). A pre-application meeting is only required when a plat will generate public improvements.

\_\_\_\_\_ Copy of the application with all information completely filled out and all applicable signatures.

\_\_\_\_\_ Copy of the Deed showing ownership. Proof of signatory authority for corporations is required.

**ELGIN FINAL PLAT CHECKLIST**

- \_\_\_\_\_ Copy of owner’s authorization for agent giving the applicant permission to file on behalf of the owner or the signatory authority if it is a corporation. This must be submitted on letterhead.
- \_\_\_\_\_ Narratives indicating all design professionals with postal address and contact information (phone & e-mail) associated with the application, not including the applicant.
- \_\_\_\_\_ Voluntary annexation application of this final plat if under an annexation development agreement, if applicable.
- \_\_\_\_\_ Submit a recent Title Commitment (dated within one year). If the Title Commitment is older than one (1) year, submit a property report or a Nothing Further Certificate.
- \_\_\_\_\_ Letter from the applicable agencies certifying water and wastewater capacity exists for the plat.

**2. INFORMATION SHOWN ON THE FINAL PLAT**

- \_\_\_\_\_ A title including the name of the subdivision with the words “Final Plat” which must be included somewhere in the title.
- \_\_\_\_\_ The name, address and contact information of the owner. If owner is a partnership, corporation, or other entity other than an individual, the name of the responsible individual such as President or Vice President must be given.
- \_\_\_\_\_ The name, address and contact information of the registered professional engineer or registered professional land surveyor responsible for the preparation of the plat.
- \_\_\_\_\_ Scale: 1” = 100'. Prior written consent from the Development Services Director will be required for use of a smaller scale.
- \_\_\_\_\_ Vicinity map
- \_\_\_\_\_ Date submitted.
- \_\_\_\_\_ Dated revision block (each revision shall bear a new date).
- \_\_\_\_\_ North arrow: North to be at the top of the sheet if possible.
- \_\_\_\_\_ A tie to an original corner of the original survey of which said land is a part.
- \_\_\_\_\_ Legend defining line-types and symbols shown.
- \_\_\_\_\_ Point of beginning.
- \_\_\_\_\_ Total acreage of right-of-way within the subdivision.
- \_\_\_\_\_ Total acreage and total number of lots and blocks within the subdivision.
- \_\_\_\_\_ A note specifying the tracts location in regard to the 100-year floodplain.

**ELGIN FINAL PLAT CHECKLIST**

\_\_\_\_\_ A statement that the final plat conforms to the approved preliminary plat.

\_\_\_\_\_ A complete legal description by metes and bounds of the land being subdivided.

\_\_\_\_\_ Designation of any sites for special uses including churches, sewage disposal plants, water plants, business, industry, or other special land uses. If proposed use is unknown, designate as unrestricted. Where a proposed site in the area taken in by a proposed addition or subdivision is planned for a school, park or public building such site shall be reserved on the plat for the proposed facility.

\_\_\_\_\_ If developing residential lots, a table which shows the amount of required total parkland for the entire subdivision in acreage and the provided parkland within this plat. Including a note which indicates that future parkland will be incorporated into future final plats if it is to be commenced in more than one (1) phase.

\_\_\_\_\_ Statement outlining the estimated average, single family lot size and the estimated range of lot sizes by grouping of less than 6,000 square feet, 6,000-7,500 square feet, 7,500-9,000 square feet, greater than 9,000 square feet.

\_\_\_\_\_ The certification statement and seal of the registered professional engineer or registered professional land surveyor who surveyed, mapped and monumented the land shall be placed on the face of the plat as follows:

*The State of Texas  
Know All Men by These Presents  
County of Bastrop or Travis County*

*That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Elgin, Texas.*

\_\_\_\_\_  
*Signature and Seal  
of Registered Professional Engineer or  
Registered Professional Land Surveyor*

\_\_\_\_\_ A certificate of ownership and dedication to the public of all streets, easements, alleys, parks, playgrounds, or other dedicated public uses, signed and acknowledged before a notary public by the owners and any holders of liens against the land and shall be placed on the face of the plat.

\_\_\_\_\_ An accurate on-the-ground boundary survey of the property with bearings and distances and showing the lines of all adjacent land, dedicated right of ways, easements and alleys with their names and width. (Streets, alleys, and lot lines in adjacent subdivisions shall be shown dashed.) All necessary data to reproduce the plat on the ground must be shown on the plat.

\_\_\_\_\_ On the first page the following language: This Final Plat was approved by the City of Elgin Planning & Zoning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Also, provide separate individual signatory blocks for the Chair and Secretary of the Planning & Zoning Commission.

**ELGIN FINAL PLAT CHECKLIST**

\_\_\_\_\_ If located within Travis County and outside the City limits, individual signatory blocks for the applicable County approval authorities with the date of approval.

\_\_\_\_\_ The plat shall show all existing features within the area being subdivided, such as existing watercourses, railroads, street right of ways, alleys and easements to be retained and other physical features deemed pertinent to the subdivision.

Streets, alleys, easements and right of ways that are to be dedicated shall be shown with the following engineering data:

\_\_\_\_\_ For Streets and Right of Ways: Complete curve data (delta, length of curve, radius, point of curvature, point of reverse curvature, point of tangency) shown on the centerline of each side of the street; length and bearing of all tangents; dimensions from all angle points of curve to an adjacent side lot line shall be provided. The number of feet of roadway shall also be shown on the plat.

\_\_\_\_\_ For Watercourses and Easements: Distances to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line to be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of stream.

\_\_\_\_\_ Lot and block lines and numbers of all proposed lots and blocks with complete dimensions for front, rear and side lot lines.

\_\_\_\_\_ Building set back lines shall be shown on all lots.

\_\_\_\_\_ Be aware a set of subdivision construction plans and specifications prepared and sealed by a registered engineer shall be provided for the installation of water, sewer, paving and drainage, and said plans and specifications must be approved by the City Engineer prior to the beginning of any construction of the subdivision. This is a separate application process with the City.

\_\_\_\_\_ Limits of the 25-year and 100-year floodplain. For waterways draining sixty-four (64) acres or more.

\_\_\_\_\_ Environmental buffer zones, easements and dedications.

\_\_\_\_\_ Minimum finished floor slab elevations, at a minimum of one (1) foot above the 100-year floodplain level, for all lots adjacent to or affected by the floodplain.

\_\_\_\_\_ A certificate of a registered professional engineer shall be placed on the face of the plat as follows:

*State of Texas  
County of Bastrop/Travis*

*I, \_\_\_\_\_, do hereby certify that the information contained on this plat comply with the subdivision ordinances and the stormwater drainage policy adopted by the City of Elgin, Texas.*

\_\_\_\_\_  
*Signature and Seal  
of Registered Professional Engineer*

**ELGIN FINAL PLAT CHECKLIST**

**3. ACCOMPANYING REQUIREMENTS**

\_\_\_\_\_ Ownership and Lien Certificate dated no earlier than thirty (30) days prior to the submission of the plat.

\_\_\_\_\_ Letter of credit / performance bond (if applicable).

\_\_\_\_\_ Dedication instruments deeding parkland to the City for any required parkland in the subdivision unless paying in-lieu fee.

**4. FEES**

\_\_\_\_\_ All associated flat fees or fees for the number of lots and acreage of right-of-way in accordance with the fee schedule have been paid to the City. WGA to confirm with the City before completeness review. Third-party review fees will occur later in the process.

\_\_\_\_\_ LUE fees and reimbursement fees.

**DISCLAIMER**

**THIS CHECKLIST IS USED BY THE ELGIN CITY ENGINEER (WGA) FOR THE REVIEW OF PROPOSED DEVELOPMENTS IN THE CITY OF ELGIN. THIS DOCUMENT DOES NOT GOVERN OVER OR SUPERSEDE ANY REQUIREMENTS OF THE CITY'S SUBDIVISION ORDINANCE OR CONSTRUCTION STANDARDS. ALL REQUIREMENTS IN THE ORDINANCE AND STANDARDS MUST BE MET BY THE DEVELOPER AND THE DEVELOPER'S ENGINEER.**

**SUBDIVISION REQUIREMENTS CAN BE FOUND AT:**

[https://library.municode.com/tx/elgin/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH36SU\\_ARTIINGE](https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeId=PTIICOOR_CH36SU_ARTIINGE)

**THE LATEST PARKLAND STANDARDS CAN BE FOUND AT:**

[https://library.municode.com/tx/elgin/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH36SU\\_ARTIIIGEREST\\_DIV13PAST](https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeId=PTIICOOR_CH36SU_ARTIIIGEREST_DIV13PAST)

**THE COMPLETE CONSTRUCTION STANDARDS CAN BE FOUND AT:**

<https://www.elgintexas.gov/DocumentCenter/View/11372/Elgin-Construction-Standards---January-2025-pdf?bidId=>

Appendix to Final Plat Checklist  
Final Plat Notes (*must be shown on Plat*)

1. One of the following notes shall be listed on the plat, as applicable:
  - a) “No portion of this tract is encroached by a special flood hazard area inundated by the 1% annual chance floodplain as identified by the U.S. Federal Emergency Management Agency boundary map (Flood Insurance Rate Map) community panel number \_\_\_\_\_, effective date \_\_\_\_\_, for \_\_\_\_\_ County, Texas.”

**OR**

  - b) “A portion of this tract is encroached by a special flood hazard area inundated by the 1% annual chance floodplain as identified by the U.S. Federal Emergency Management Agency boundary map (Flood Insurance Rate Map) community panel number \_\_\_\_\_, effective date \_\_\_\_\_, for \_\_\_\_\_ County, Texas.”
2. One of the following notes shall be listed on the plat, as applicable:
  - a) “The property is located within the City of Elgin city limits, [BASTROP/TRAVIS] County, Texas.”

**OR**

  - b) “The property is located within the City of Elgin Extraterritorial Jurisdiction, [BASTROP/TRAVIS] County, Texas.”
3. Plat note stating: “This Final Plat conforms to the approved Preliminary Plat.”
4. Plat note stating: “Building setbacks shall be in accordance with Chapter 46, Article IV, Zoning District Regulations, City of Elgin Code of Ordinances.”
5. Plat note stating: “Sidewalks shall be constructed in accordance with Chapter 36, Article III, Division 4, Sidewalks, City of Elgin Code of Ordinances.”
6. Plat note stating the water and sewer provider(s) on the plat (i.e., City of Elgin, Aqua Water Supply Corporation, Municipal Utility District, etc.).
7. All drainage easements and any required off-site extensions shall be marked as “drainage and storm sewer easements”. If a drainage and storm sewer easement is present or proposed, the following note shall be added to the plat:

“No structures or land use including, but not limited to, buildings, fences or landscaping that negatively impacts stormwater flows shall be allowed in areas designated as ponds, drainage and storm sewer easements, or detention/retention areas.”

8. If a drainage and storm sewer easement is proposed within private property, include a plat note stating: “Property owners shall provide access to drainage and storm sewer easements and shall not prohibit access by governmental authorities.”
9. If applicable, a plat note indicating the ownership and maintenance of any non-residential lots (e.g., open space, drainage, landscape, etc.). For example, “Open space lots shall be owned and maintained by the Homeowners Association.”
10. If applicable, a plat note stating: “A ten-foot (10’) Public Utility Easement shall be provided adjacent to all public street frontages shown hereon.”



# Development Services Department

## STAFF REPORT

### Workshop

### Short-term Rentals

**Date:** September 10, 2025  
**Workshop Date:** Planning and Zoning Commission – September 22, 2025  
**Council Meeting:** TBD  
**Location:** Inside City Limits

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#### REQUEST SUMMARY

This issue was brought up at the August 25, 2025, Planning and Zoning Commission meeting with the application of a Specific Use Permit (SUP) for a Short-term Rental (STR). It was noted that the City does not have an ordinance specific to STRs and the only mechanism in place to permit one is via SUP. The Elgin City Council is seeking recommendations from the Planning and Zoning Commission on an ordinance regulating STRs. The Texas Municipal League published a Legal Q & A on July 19, 2024 regarding short-term rentals, that document is attachment #1.

The questions that should be considered are: Does the Commission believe that an ordinance is warranted at this time? What Chapter of our Code of Ordinance should be amended to include Short-Term Rentals? Chapter 8 regulates businesses, so it makes sense to potentially create Article XII in that Chapter. The Cities of Bastrop and Georgetown both have ordinances in their business chapters that regulate STRs. The City of Smithville added a definition of Short-term Rental (STR) to their Health and Sanitation chapter and added a section in Part 4 of their Zoning Chapter which lines out Standards for Particular Uses. The [City of Lakeway](#) requires Specific Use Permits for their STRs and limit the total number of STR permits to 25 and they prohibit proximity to another STR permit by 1,000 feet, as well as limit parking by renters or their guests.

Our proposed ordinance should:

1. State a purpose for the ordinance
2. Define Short-term rentals and various terms associated with STRs
3. Include general regulations which state that unpermitted STRs are prohibited and require registration/a permit
4. Include a list of registration/permit application requirements, set a registration/permit fee, statement that STRs are subject to Hotel Occupancy Tax (HOT) and require granting the City access to books and records (similar to [Sec. 38-77](#)), state that STR registration/permit is nontransferable, state that use of an Accessory Dwelling Units (ADUs) as a short-term rental is prohibited (see [Sec. 46-540](#)).
5. Include administrative procedures for registration/permit issuance, denial, and appeals.
6. Include reasons to revoke a registration/permit.
7. Include notice requirements to neighbors.
8. Include a section for compliance enforcement and penalty provisions.

The recommendations from the workshop tonight will be provided to the City Attorney who will then create the proposed ordinance. Adoption of the ordinance will require two public hearings; the first conducted by the Planning and Zoning Commission (potentially at the October meeting) and the second conducted by the City Council (potentially at the November Meeting) with the adoption following the second public hearing.

**ATTACHMENTS**

1. Texas Municipal League Legal Q & A regarding short-term rentals
2. City of Bastrop Ordinance No. 2025-07 passed February 25- 2025
3. City of Georgetown Ordinance No. 2024-57 passed September 24, 2024
4. City of Smithville Ordinance No. 2024-663 passed September 9, 2024
5. City of Lakeway Chapter 30.05

## Legal Q&A

By **Sarah Tompkins**, TML Legal Counsel, and **Caroline Bush**, TML Legal Intern

### **Q What is a short-term rental?**

**A** The term “short-term rental” is not defined in state statute, but the term has evolved to broadly refer to private homes, condos, or apartments leased for short periods of time as an alternative to traditional hotel or motel lodging. Short-term rentals (STRs) are often offered for rent by the owner through a web-based platform such as VRBO, Airbnb, HomeAway, or Vacasa, among many others. Some cities choose to define the term or a similar term in their ordinance regulating STRs.

### **Q Is there a definitive state law governing cities’ authority to regulate STRs?**

**A** No. There is no state statute that either preempts or expressly authorizes a city to regulate STRs. Additionally, the Texas Supreme Court has so far declined to weigh in conclusively. *See City of Grapevine v. Muns*, 671 S.W.3d 675 (Tex. 2023) (Young and Blacklock, JJ., concurring) (concurring in the Texas Supreme Court’s denial of review but indicating that the Texas Supreme Court will soon weigh in on cities’ regulatory authority over STRs).

There are several cases at the state appellate level that provide some guidance. *See e.g., City of Grapevine v. Muns*, 651 S.W.3d 317 (Tex. App.—Fort Worth 2021, pet. denied); *Zataari v. City of Austin*, 615 S.W.3d 172 (Tex. App.—Austin 2019, pet. denied); *Hignell-Stark v. City of New Orleans*, 46 F.4th 317 (5th Cir. 2022); *Draper v. City of Arlington*, 629 S.W.3d 777 (Tex. App.—Fort Worth 2021, pet. denied). But strictly speaking, each of the appellate cases governs only the cities within that appellate court’s jurisdiction. As such, a city relying on the reasoning of courts in other jurisdictions when adopting ordinances regulating STRs should consult with legal counsel.

### **Q What authority do cities often cite when imposing regulations on STRs?**

**A** Cities have relied on the general statutory authority to adopt ordinances that are both (1) for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality. Tex. Loc. Gov’t Code § 51.001.

Additionally, a home-rule city has broad general authority to adopt ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants. *Id.* § 54.004. A home-rule city’s authority to regulate STRs is probably somewhat broader than that of a general-law city, but in either case the city council should make the findings necessary to show that a regulation is statutorily authorized. *See also Grapevine*, 651 S.W.3d 317 (holding that local regulations of STRs are not preempted by state law).

Additionally, both home-rule and general law cities have the authority to regulate STRs pursuant to the city’s zoning power under Chapter 211 of the Texas Local Government Code. *See* Tex. Loc. Gov’t. Code § 211.004. Most STR regulations are adopted under the city’s general zoning authority.

**Q Can a city require a permit or license to operate an STR?**

A Yes, both home-rule and general law cities can require a permit or license and may adopt reasonable rules regulating the issuance of a permit or license. See, e.g., *Hignell-Stark*, 46 F.4th 317. It is important to note that a city may not charge more for the permit than a reasonable amount designed to offset the cost to the city of regulating STRs.

**Q Can a city ban STRs completely?**

A Probably not. Although no court has struck down a total ban on STRs in the city limits, the judicial reasoning striking down other STR ordinances indicates that total bans are probably also impermissible. See, e.g., *Zataari*, 615 S.W.3d 172 (holding that a retroactive city ordinance provision banning STRs that are not owner-occupied is an unconstitutional infringement on a settled property right); *Hignell-Stark*, 46 F.4th 317 (holding that an ordinance limiting STR licenses to residents of the city unconstitutionally discriminated against interstate commerce); and *Grapevine*, 651 S.W.3d 317 (holding that a property owner has a fundamental and vested right to lease his property).

**Q Can a city impose new regulations on existing STRs?**

A It depends. A city's zoning regulation can often be applied retroactively as long as it doesn't interfere with a vested property right. Tex. Loc. Gov't Code § 211.019. However, a regulation that prohibits the use of a property as an STR retroactively might be unconstitutional because leasing one's property has been found to be a fundamental and vested right. See *Grapevine*, 651 S.W.3d 317 and *Zataari*, 615 S.W.3d 172.

A city should be careful adopting regulations that affect existing STRs. Senate Bill 929, which was passed during the 2023 Regular Legislative Session, affects how a city must treat nonconforming uses in its zoning regulations. State law now provides that if a city changes a zoning regulation and causes an existing use of property to become a nonconforming use, under most circumstances the city would have to either allow the nonconforming use or compensate the owner for the diminution in the value of the property resulting from the zoning change. Tex. Loc. Gov't § 211.019.

**Q Can the city ban STRs that are not owner-occupied?**

A No. Recently, the Fifth Circuit Court of Appeals struck down a City of New Orleans ordinance that allowed a person to obtain a license to operate an STR only if the property was the person's residence, reasoning that the ordinance discriminated against interstate commerce. *Hignell-Stark*, 46 F.4th 317. Because this case was decided in the Fifth Circuit on a matter of constitutional law, it is controlling in all cities in Texas.

**Q Can a city ban parties or other events at STRs based on how many attendees are present?**

A Maybe. There is conflicting case law. The Third Court of Appeals in Austin struck down an ordinance banning certain outdoor assemblies, holding that the tenants have a constitutional right

to peaceful assembly and that the city had not identified a sufficiently compelling government interest that would justify restricting that right. *Zataari*, 615 S.W.3d 172.

However, the Second Court of Appeals in Fort Worth upheld similar restrictions on outdoor assemblies, citing the city's extensive evidentiary support for its compelling government interest in the restrictions. *Draper*, 629 S.W.3d 777.

Because of the constitutional considerations, it is challenging for a city to regulate STRs based on the number of persons present at the STR. However, restrictions on loud parties or large events can probably be achieved through other means, such as noise ordinances or street parking ordinances. In other words, a city's most conservative approach is to adopt restrictions that apply uniformly to STR properties and to other properties in the area.

**Q Can a city restrict the number of guests staying at STRs based on whether the guests are related?**

**A** Probably not. In *Zataari*, the City of Austin adopted an ordinance prohibiting more than six unrelated adults or ten related adults from staying in an STR together. *Zataari*, 615 S.W.3d 172 at 199. The Third Court of Appeals determined that these restrictions “plainly restrict the right to assemble” and therefore were unconstitutional.

**Q Can a city's regulation of STRs give rise to a regulatory takings claim against the city by a property owner?**

**A** Possibly. One appellate court held that it was possible the city's STR restrictions could amount to a regulatory taking, and therefore remanded the case to a lower court for more proceedings. *Grapevine*, 651 S.W.3d 317 at 341. Subsequently, the Texas Supreme Court denied review of the appellate case.; *Grapevine*, 671 S.W.3d 675. What this means is that whether a proposed regulation could be found to unreasonably interfere with a property owner's investment-backed expectation of their ability to generate income from an STR so as to amount as a regulatory taking is unclear. Cities should consult with local legal counsel on this issue.

**Q Is a deed restriction or an HOA regulation banning or restricting STRs enforceable?**

**A** Yes, a court has upheld deed restrictions banning STRs. See *Chu v. Windermere Lakes Homeowners Ass'n, Inc.*, 652 S.W.3d 899 (Tex. App.—Houston [14th Dist.] 2022 pet. filed). In fact, even a subsequent amendment to an existing HOA's bylaws banning STRs may be enforceable if the HOA bylaws clearly state that they may be amended and the correct procedures are followed. See *Cauthorn v. Pirates Property Owners Ass'n*, 2023 WL 553566 (Tex. App.—Houston [1st Dist.] Aug. 29, 2023, pet. filed).

**Q Does the city receive hotel occupancy tax revenue from an STR?**

**A** Yes. Even though, as noted above, STRs are not hotels, they are still subject to the hotel occupancy tax, but only if the person renting the STR does not have the right to use or possess the premises for 30 or more consecutive days. Tex. Tax Code § 156.101. That means that there would have to be an agreement in place that entitled the person to at least 30 consecutive days' occupancy.

This exception would not apply in a situation where a person rents the property for one or more days but fewer than 30 days in a series of separate but consecutive transactions, even if in aggregate it adds up to 30 consecutive days.

**CITY OF BASTROP, TX  
ORDINANCE NO. 2025-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ESTABLISHING AND ADOPTING A SHORT-TERM RENTAL REGISTRATION PROCESS; AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 4, BY ENACTING ARTICLE 4.13, SECTIONS 4.13.001 – 4.13.012 TITLED “SHORT TERM RENTALS”; AS ATTACHED IN EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, PROPER NOTICE AND MEETINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Council directed staff to develop short-term rental regulations in response to a significant increase in short-term rentals citywide; and

**WHEREAS**, the upward trend in the number short-term rentals in residential neighborhoods is expected to continue due to destination events like the Mardi Gras Festival and the Lighted Christmas Parade, along with regional growth pressures from commercial entities forecasting higher demand for transient visitors; and

**WHEREAS**, based on lessons learned from other cities where short-term rentals are more numerous, the introduction of regulations is an important step in preparing the Bastrop community for future growth in the short-term rental industry; and

**WHEREAS**, the Council supports the use of property for rental use in the short-term and acknowledges the business goals of short-term rental owners and the economic value of the short-term rental industry; and

**WHEREAS**, Council seeks to minimize potential adverse impacts to Bastrop residents from short-term rentals, namely public safety risks, illegal parking, traffic, trash; and

**WHEREAS**, short-term occupants and operators must be aware of local rules to enhance compliance and public safety; and

**WHEREAS**, the establishment of a short-term rental registration requirement will help protect the health and safety of the City’s residents as well as occupants of a short-term rental; and

**WHEREAS**, requiring the registration of all short-term rental properties will help ensure the appropriate hotel occupancy taxes are paid.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:**

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Adoption of Short-term Rental Registration.** The City Council hereby approves and adopts the Short-term Rental Registration consistent with this ordinance, as attached in Exhibit A.

**Section 3. Amendment.** Chapter 4 of the City of Bastrop Code of Ordinances is hereby amended by adding Article 4.13, Sections 4.13.001 – 4.13.012 entitled “Short Term Rentals” to read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

**Section 4. Repealer.** All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5. Severability.** If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 6. 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.

**Section 7. Effective Date.** This ordinance shall take effect 60-days after the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

**Section 8. Proper Notice and 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.


**PASSED & APPROVED** on *First Reading* by the City Council of the City of Bastrop, on this, the 11<sup>th</sup> day of February, 2025.

**PASSED & APPROVED** on *Second Reading* by the City Council of the City of Bastrop, on this, the 25<sup>th</sup> day of February, 2025.

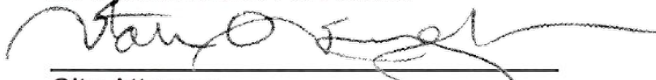
CITY OF BASTROP, TEXAS

  
\_\_\_\_\_  
John Kirkland, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
City Secretary - *PS*  
*Victoria Psencik, Assistant City Secretary*

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



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## Chapter 4 BUSINESS REGULATIONS

### ARTICLE 4.13 SHORT TERM RENTALS

#### Sec. 4.13.001 Purpose.

This Chapter is intended to regulate short-term rentals within the municipal city limits of the City of Bastrop. This Chapter allows the rental of residential properties to short-term visitors, while preserving the quality of life and character of Bastrop neighborhoods. This Chapter ensures that owners and operators are following City, State, and Federal Law. This Chapter also ensures that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns.

#### Sec. 4.13.002. Definitions.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by International Residential Code as adopted by the City of Bastrop.

*City Manager* means the City's City Manager or the City Manager's designee.

*Director* means the City's Development Services Director or designee.

*Local contact person* means the person designated by the owner or operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:

- (1) Responding promptly to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
- (2) Taking remedial action to resolve such complaints.

The owner or operator may be listed as the local contact person.

*Occupant* means any individual person living in, sleeping in, or possessing a building or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

*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 with authority to act in that capacity, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity

**EXHIBIT A**

38            *Owner* means a person or entity who owns the real property and a structure where a  
39 short-term rental is located.

40            *Premises* means property, a lot, plot, or parcel of land, including any structures or  
41 portions of structures thereon.  
42

43            *Short-term rental* (also known as transient rentals, vacation rentals, short-term vacation  
44 rentals, or resort dwelling units) means any residential structure, including a single-family home,  
45 an accessory dwelling structure, or a unit in an apartment or condominium building, or any portion  
46 thereof, used for lodging accommodations to occupants for a period of less than thirty (30)  
47 consecutive days. The definition of short-term rental does not include a hotel, motel, bed and  
48 breakfast, executive suite, or other non-residential use. Properties rented for longer than 30 days  
49 that are still advertised as available on a nightly basis fall into this category.

50            **Sec. 4.13.003. Short-term rental registration required.**

- 51
- 52            1) It shall be unlawful for any person to own or operate a short-term rental within the city  
53 without a valid short-term rental registration issued pursuant to this Chapter.
  - 54            2) For properties with more than one short-term rental, a separate application shall be  
55 filed with the City of Bastrop for each individual structure operating as a short-term  
56 rental on the property.
  - 57            3) Short-term rentals in operation at the time of the effective date of this Ordinance shall  
58 have (60) sixty days to obtain or file an application for a short-term rental registration.

59

60            **Sec. 4.13.004 Registration Application.**

- 61            1) *Application Requirement.* An owner of a short-term rental shall submit to the city an  
62 application for registration to the City.
- 63            2) *Application Contents.* Applications shall contain the following information:
- 64            a. The physical address of the short-term rental and property ID designated by the  
65 Appraisal District;
  - 66            b. The owner's name, address, email address, and telephone number;
  - 67            c. If the owner is not an individual, then the name, address, and email address of a  
68 natural person who has the legal authority to act for the owner;
  - 69            d. The operator's name, address, email address, and telephone number and written  
70 verification from the owner that the operator is authorized to operate the premises  
71 as a short-term rental;
  - 72            e. If the operator is not a natural person, then the name, address, and email address  
73 of a natural person who has the legal authority to act for the operator;
  - 74            f. The name and website link to all internet platforms that owner or operator  
75 advertises or takes reservations for the short-term rental at any time during a 12-  
76 month period from the date of application;

EXHIBIT A

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- g. The name, address, email address, and twenty-four (24) hour telephone number of a local contact person;
  - h. A statement that the owner or operator of the short-term rental is in compliance with and will maintain compliance with the requirements of this Chapter, and with all applicable state and local laws, including applicable Fire and Building Code requirements regarding occupancy, smoke and carbon monoxide detectors, and fire extinguishers, and that the owner or operator shall be liable for any violations of applicable state and local laws;
  - i. Verification that the owner or operator has no delinquent hotel occupancy taxes due for the current year on the residential premises in accordance with City Code of Ordinances Chapter 11;
  - j. The number of bedrooms in the short-term rental, the proposed number of occupants, and the number of off-street parking spaces available on the property where the short-term rental is located;
  - k. Any other information deemed necessary for review of the application by the Director.
- 3) *Application fee.* The short-term rental non-refundable registration application fee is twenty-five dollars (\$25.00), as referenced in Appendix A - Fee Schedule, and must be paid when the application is submitted.
- 4) *Registration Issuance.* The Director shall issue a short-term rental registration to the owner or operator if the Director determines:
- a. All fees required under this Chapter and taxes, including hotel occupancy taxes required for the current year under Chapter 11 of the Code of Ordinances of the City of Bastrop have been paid to the City;
  - b. The applicant has submitted a complete application and has complied with all requirements for issuance of a short-term rental registration; and
  - c. The applicant did not make a false statement in the application for the short-term rental registration.
- 5) *Registration Denial.*
- a. The Director may deny the short-term rental registration application if:
    - i. The applicant provided false or misleading information on the application;
    - ii. The owner is overdue in payment to the city of taxes, fees, fines or penalties or fails to provide documentation when requested showing all occupancy taxes for the current year have been paid for the property;
    - iii. The applicant has failed to provide the required information in Section 4.13.004(2) of this Chapter;
    - iv. The applicant or property has pending complaints or violations of this Chapter or any other provision of the Code of Ordinances or regulations of the City of Bastrop; or

## EXHIBIT A

118  
119 v. The applicant or the property is the subject of repeated substantiated  
120 violations of the City Code or state law during a 24-month period prior to  
121 applying for a short-term rental registration or renewal of a registration  
122 provided that the denial will be based on:

- 123  
124 1. the frequency of any repeated violations;  
125  
126 2. whether a violation was committed intentionally or knowingly; and  
127  
128 3. any other information that demonstrates the degree to which the  
owner or occupant has endangered public health, safety, or welfare.

129 b. The applicant shall have the right to appeal the denial pursuant to Section  
130 4.13.011.

### 131 132 **Sec. 4.13.005 Change of Information.**

133 Any change of information provided in a short-term rental application form must be reported  
134 to the City within ten (10) days and be continuously updated as changes occur.

### 135 **Sec. 4.13.006 Transferability.**

136 A short-term rental registration is not transferable and shall not be assigned nor transferred  
137 to another person or entity. Any attempt to transfer a registration or attempt to use another  
138 person's registration shall be grounds for revocation of a registration.

### 139 **Sec. 4.13.007 Expiration of registration; renewals.**

140 A short-term rental registration expires upon the earlier of the following occurrences:

- 141  
142 i. One (1) year after the date of issuance; or  
143  
144 ii. When the ownership of the short-term rental changes.

- 145 1) An owner shall file an application to renew a short-term rental registration at least thirty  
146 (30) days prior to the expiration of the current registration.  
147 2) The property owner or entity shall submit a new application and pay a new registration fee  
148 each year for the renewal of the short-term rental registration with the City of Bastrop.  
149 3) The Director may require such certifications deemed necessary and proper to ensure  
150 continuing compliance with this article.  
151 4) If the renewal application satisfies the conditions of this Chapter and all other applicable  
152 ordinances, the application for renewal of a short-term rental registration shall be  
153 approved by the director or designee.  
154 5) A nonrefundable renewal application fee of twenty-five dollars (\$25.00), as referenced in  
155 Appendix A - Fee Schedule, shall accompany any renewal application.

### 156 **Sec. 4.13.008 Additional requirements.**

- 157 1) For the purposes of ensuring the safety and wellbeing of guests staying in short-term  
158 rentals, the City shall give the owner or operator of a short-term rental the opportunity to  
159 display a registration sticker outside the entrance to a short-term rental.

## EXHIBIT A

- 160  
161 2) The owner or operator of the short-term rental must provide the following information to  
162 all occupants:
- 163 i. The contact information for the local contact person, which must also be  
164 posted in the short-term rental in a prominent location.
  - 165 ii. City contact information, website, and emergency numbers.
  - 166 iii. A parking plan identifying the location of on-site parking spaces to be  
167 used in conjunction with the short-term rental.
  - 168 iv. A floor plan of the short-term rental identifying bedrooms, other living  
169 spaces, and emergency evacuation routes.
  - 170 v. Summary of applicable local regulations and restrictions related to  
171 parking, noise ordinance, water conservation, and emergency  
172 management protocol.

### 173 **Sec. 4.13.009 Hotel Occupancy Taxes.**

174 It is a condition of the initial and continued validity of a short-term rental registration that the owner  
175 or operator has paid and remains current on the payment of all hotel occupancy taxes for the  
176 current year owed to the City under the Texas Tax Code. Failure to timely pay the hotel  
177 occupancy taxes is considered a violation of this Chapter and may result in the revocation of a  
178 short-term rental registration.

### 179 **Sec. 4.13.010 Revocation of Registration.**

- 180
- 181 a) The Director may revoke a registration for any of the following reasons:
    - 182 i. Failure to comply with any provision of the city ordinances or any state or  
183 federal law applicable to the operation of the short-term rental or the  
184 property on which it is located.
    - 185 ii. Providing false or misleading information on a short-term rental  
186 application.
    - 187 iii. Failure to notify a change of information required pursuant to Sec  
188 4.13.005.
    - 189 iv. Failure to pay any hotel occupancy tax required under Chapter 11, Article  
190 11.04 of the Code of Ordinances.
    - 191 v. Failure to pay a fee required pursuant to this Chapter at the time payment  
192 was due.
  - 193 b) Prior to denying or revoking a registration, the director shall deliver written notice of the  
194 possible revocation, the basis of the revocation, and a statement that the owner or  
195 operator has ten (10) days after delivery to remedy the violation to prevent revocation of  
196 the registration.
  - 197 c) Upon revocation of a registration, the director shall send written notice of revocation, the  
198 basis of the revocation, and a statement informing the owner or operator of the right to  
199 appeal a revocation pursuant to Section 4.13.011

EXHIBIT A

- 200  
201 d) Once during a registration period, the director may reinstate a revoked short-term rental  
202 registration if the basis of the revocation is remedied, and the owner or occupant has  
203 paid a twenty-five dollar (\$25) reinstatement fee, as referenced in Appendix A - Fee  
204 Schedule.

205 **Sec. 4.13.011 Appeals.**

- 206 a) If the Director denies the issuance or renewal of a short-term registration or revokes a  
207 short-term-rental registration, the action is final unless the owner or operator files a written  
208 appeal to the City Manager within ten (10) calendar days of delivery of the notice of  
209 revocation.  
210 b) If a written request for an appeal is filed with the City Manager within the ten-day period,  
211 the City Manager shall hear the appeal within thirty (30) days from the city's receipt of the  
212 appeal unless otherwise agreed by the city and the appellant.  
213 c) Failure to file an appeal in accordance with this section is a waiver of appeal, and the  
214 Director's decision shall be final.  
215 d) At the appeal hearing, the City Manager may only affirm or reverse a denial or revocation  
216 if the appellant proves that the Director erred in denying or revoking the short-term rental  
217 registration as of the date of the revocation or denial. The City Manager may consider the  
218 appellant's subsequent remedial measures or payments in determining whether to affirm  
219 or reverse the director's decision.  
220 e) If the City Manager denies the appeal for the issuance or renewal of a short-term rental  
221 registration or revocation of a short-term rental registration, the action is final unless the  
222 owner or operator files a written appeal to the City Council, which shall be submitted to  
223 the City Secretary's Office within ten (10) calendar days of delivery of the notice of the  
224 denial of the appeal.  
225 f) If a written request for an appeal to City Council is filed with the City Secretary's Office  
226 within the ten-day period, the City Council shall hear the appeal within thirty (30) days from  
227 the city's receipt of the appeal unless otherwise agreed by the city and the appellant.  
228 g) Failure to file an appeal in accordance with this section is a waiver of appeal and the City  
229 Manager's decision shall be final.  
230 h) At the appeal hearing, the City Council may only affirm or reverse a denial or revocation if  
231 the appellant proves that the Director and City Manager erred in denying or revoking the  
232 short-term rental registration as of the date of the revocation or denial. The City Council  
233 may consider the appellant's subsequent remedial measures or payments in determining  
234 whether to affirm or reverse the Director and City Manager's decision. The decision of the  
235 City Council is final and no rehearing or appeal may be granted.

236 **Sec. 4.13.012 Compliance and enforcement—Penalty provisions.**

- 237 a) Any person or entity who violates this chapter or fails to comply with any of the  
238 requirements thereof shall be subject to the general penalty provisions provided for in  
239 Section 1.01.009 of the City's Code of Ordinances.  
240 b) Penalties provided for in this article are in addition to any other criminal or civil remedies  
241 that the city may pursue under federal, state, or local law.

Ordinance No. 2024- 57

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS ADDING CHAPTER 6.70 ENTITLED “SHORT TERM RENTALS” TO CHAPTER 6, “BUSINESS LICENSES AND REGULATIONS” OF THE CODE OF ORDINANCES; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in April 2021, Council directed staff to research regulation and potential policies for the short-term rental industry in Georgetown as well as regional best practices; and

**WHEREAS**, in November 2022, Council directed staff to develop short-term rental regulations in response to industry data showing a significant increase in short-term rentals citywide; and

**WHEREAS**, the upward trend in the number short-term rentals in residential neighborhoods is expected to continue due to destination events like the Red Poppy Festival and Two Step Inn forecasting higher demand from seasonal visitors; and

**WHEREAS**, based on lessons learned from other cities where short-term rentals are more numerous, the introduction of regulations is an important step in preparing the Georgetown community for future growth in the short-term rental industry; and

**WHEREAS**, the Council supports the use of property for rental use in the short-term and acknowledges the business goals of short-term rental owners and the economic value of the short-term rental industry; and

**WHEREAS**, Council seeks to minimize potential adverse impacts to Georgetown residents from short-term rentals, namely public safety risks, illegal parking, traffic, trash, increased density, and affordable housing shortages; and

**WHEREAS**, short-term occupants and operators must be aware of local rules to enhance compliance and public safety; and

**WHEREAS**, the establishment of a short-term rental permit requirement will help protect the health and safety of the City’s residents as well as occupants of a short-term rental; and

**WHEREAS**, requiring the registration of all short-term rental properties will help ensure the appropriate hotel occupancy taxes are paid.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS THAT:**

**Section 1.** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

**Section 2.** Chapter 6.70 of the Code of Ordinances is hereby added as shown in Exhibit A.

**Section 3.** The application fee for registration for a short-term rental permit shall be waived applications submitted within sixty (60) days of the effective date of this Ordinance.

**Section 4.** All ordinances or resolutions that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances or resolutions of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5.** If any provision of this ordinance, or application thereof, to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 6.** The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective and be in full force and effect November 1, 2024 in accordance with the provisions of the City Charter of the City of Georgetown.

**PASSED AND APPROVED on First Reading on the** 15<sup>th</sup> **of** September, 2024.

**PASSED AND APPROVED on Second Reading on the** 24<sup>th</sup> **of** September, 2024.

**CITY OF GEORGETOWN, TEXAS**

\_\_\_\_\_  
Josh Schroeder, Mayor

**ATTEST:**

Robyn Densmore  
Robyn Densmore, City Secretary

**APPROVED AS TO FORM:**

Skye Masson  
Skye Masson, City Attorney

## EXHIBIT A

### CHAPTER 6.70. - SHORT-TERM RENTALS

#### Sec. 6.70.010. Purpose.

This Chapter is intended to regulate short-term rentals within the municipal city limits of the City of Georgetown. This Chapter allows the rental of residential properties to short-term visitors, while preserving the quality of life and character of Georgetown neighborhoods. This Chapter ensures that owners and operators are following City, state, and federal law. This Chapter also ensures 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.

#### Sec. 6.70.020. Definitions.

*Bedroom* means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by Chapter 15.03 of the Code of Ordinances.

*City Manager* means the City's City Manager or the City Manager's designee.

*Director* means the City's Downtown & Tourism Director or designee.

*Local contact person* means the person designated by the owner or operator who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:

- (1) Responding promptly to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
- (2) Taking remedial action to resolve such complaints.

The owner or operator may be listed as the local contact person.

*Occupant* means any individual person living in, sleeping in, or possessing a building or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

*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 with authority to act in that capacity, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any capacity.

*Owner* means a person who owns the real property where a short-term rental is located.

*Premises* means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

*Short-term rental* means any residential structure, including a single-family home, an accessory structure, or a unit in an apartment or condominium building, or any portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The

definition of short-term rental does not include a hotel, motel, bed and breakfast, executive suite, or other non-residential use as defined in the Unified Development Code. Properties rented for longer than 30 days that are still advertised as available on a nightly basis fall into this category.

**Sec. 6.70.030. Short-term rental permit required.**

- (a) It shall be unlawful for any person to own or operate a short-term rental within the city without a valid short-term rental permit issued pursuant to this Chapter.
- (b) Only one short-term rental permit shall be approved for an address. An owner or operator who desires to operate more than one short-term rental unit per address shall apply for a special exception.
- (c) Short-term rentals in operation at the time of the effective date of this Ordinance shall have sixty-days to obtain a short-term rental permit.

**Sec. 6.70.040. Permit application.**

- (a) *Application Requirement.* An owner of a short-term rental shall submit to the city an application for a permit to the City.
- (b) *Application Contents.* Applications shall be in writing on the form prescribed by the Director, and contain the following information:
  - 1. The physical address of the short-term rental;
  - 2. The number of bedrooms in the short-term rental and the number of off-street parking spaces available on the property where the short-term rental is located;
  - 3. The owner's name, address, email address, and telephone number;
  - 4. If the owner is not an individual, then the name, address, and email address of a natural person who has the legal authority to act for the owner;
  - 5. The operator's name, address, email address, and telephone number and written verification from the owner that the operator is authorized to operate the premises as a short-term rental;
  - 6. If the operator is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the operator;
  - 7. The name and website link to all internet platforms that host advertisement or take reservations for the short-term rental at any time during a 12-month period from the date of application;
  - 8. The name, address, email address, and twenty-four (24) hour telephone number of a local contact person;
  - 9. A statement that the owner or operator of the short-term rental is in compliance with and will maintain compliance with the requirements of this Chapter, and with all applicable state and local laws, including applicable Fire and Building Code requirements regarding occupancy, smoke and carbon monoxide detectors, and fire extinguishers, and that the owner or operator shall be liable for any violations of applicable state and local laws;

10. Verification that the owner or operator has no delinquent hotel occupancy taxes due on the residential premises in accordance with City Code Chapter 4.20;
  11. Any other information deemed necessary for review of the application by the Director.
- (c) *Application fee.* The short-term rental non-refundable permit application fee is one-hundred dollars (\$100.00) and must be paid when the application is submitted.
- (d) *Permit Issuance.* The Director shall issue a short-term rental permit to the owner or operator if the Director determines:
1. All fees required under this Chapter and taxes, including hotel occupancy taxes required under Chapter 4.20 of the Code of Ordinances of the City of Georgetown have been paid to the City;
  2. The applicant has submitted a complete application and has complied with all requirements for issuance of a short-term rental permit; and
  3. The applicant has not made a false statement as to a material matter in the application for the short-term rental permit.
- (e) *Permit Denial.*
1. The Director may deny the short-term rental permit application if:
    - i. The applicant provided false or misleading information on the application form;
    - ii. The owner is overdue in payment to the city of taxes, fees, fines or penalties or fails to provide documentation when requested showing all occupancy taxes have been paid for the property;
    - iii. The applicant has failed to provide the required information in Subsection (b);
    - iv. The applicant or property has pending complaints for violations of this Chapter or any other provision of the Code of Ordinances or the Unified Development Code; or
    - v. The applicant or the property is the subject of repeated substantiated violations of City Code or state law during a 24-month period prior to applying for a short-term rental permit or renewal of a permit provided that the denial will be based on:
      1. the frequency of any repeated violations;
      2. whether a violation was committed intentionally or knowingly; and
      3. any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.
  2. The Director shall deliver written notice to the applicant that short-term rental permit application has been denied and the basis for the denial.
  3. The applicant shall have the right to appeal the denial pursuant to Section 6.70.120.

**Sec. 6.70.050. Change of information.**

Any change of information provided in a short-term rental application form must be reported to the City within ten (10) days and be continuously updated as changes occur.

**Sec. 6.70.060. Transferability.**

A short-term rental permit is not transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a permit or attempt to use another person's permit may be grounds for revocation of a permit.

**Sec. 6.70.070. Expiration of permit; renewals.**

- (a) A short-term rental permit expires upon the earlier of the following occurrences:
  - 1. One (1) year after the date of issuance; or
  - 2. When the ownership of the short-term rental changes.
- (b) An owner shall file an application to renew a short-term rental permit in the form provided by the City at least thirty (30) days prior to the expiration of the current permit.
- (c) Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete.
- (d) The director may require such certifications deemed necessary and proper to ensure continuing compliance with this article.
- (e) If the renewal application satisfies the conditions of this Chapter and all other applicable ordinances, application for renewal of a short-term rental permit shall be approved by the director or designee.
- (b) A nonrefundable permit renewal application fee of fifty dollars (\$50.00) shall accompany any renewal application.

**Sec. 6.70.080. Notice to Neighbors.**

- (a) No later than ten (10) days after the issuance of a permit under this Chapter, the owner or operator shall provide by mail or email, or otherwise distribute by hand, a written notice to neighbors within two hundred (200) feet of the short-term rental property address advising that a short-term rental permit has been issued for the property.
- (b) The notice shall include: the permit number, the identity of the owner and the operator of the short-term rental, the name and contact information for the local contact person, and a city website address where the information is also posted.
- (c) The neighbors shall be informed by the owner or operator whenever there is a change in contact information.

**Sec. 6.70.090. Additional requirements.**

- (a) The short-term rental permit including the City’s permit number must be conspicuously displayed inside the entrance to a short-term rental and must be included in all marketing for the rental unit including online advertisements and marketing.
- (b) The occupancy limit must be posted at the entrance of the short-term rental.
- (c) Each short-term rental owner or operator shall provide in the short-term rental working smoke and carbon monoxide detectors, with alarms, in accordance with adopted codes, and at least one (1) working type A fire extinguisher that has been inspected within the last calendar year. The premises shall otherwise comply with applicable Code of Ordinance requirements, including but not limited to all building and fire codes. Each bedroom must have a working window for exit in the event of a fire.
- (d) The owner or operator of the short-term rental must provide the following information to all occupants:
  - (1) The contact information for the local contact person, which must also be posted in the short-term rental in a prominent location.
  - (2) City contact information, website, and emergency numbers.
  - (3) A parking plan identifying the location of parking spaces to be used in conjunction with the short-term rental.
  - (4) A floor plan of the short-term rental identifying bedrooms, other living spaces, and emergency evacuation routes.
  - (5) Summary of applicable local regulations and restrictions related to parking, noise ordinance, water conservation and emergency management protocol.

**Sec. 6.70.100. Hotel Occupancy Taxes.**

It is a condition of the initial and continued validity of a short-term rental permit that the owner or operator has paid and remains current on the payment of all hotel occupancy taxes owed to the City under the Texas Tax Code. Failure to timely pay the hotel occupancy taxes is considered a violation of this Chapter and may result in revocation of a short-term rental permit.

**Sec. 6.70.110. Revocation of permit.**

- (a) The Director may revoke a permit for any of the following reasons:
  - (1) Failure to comply with any provision of the city ordinances or any state or federal law applicable to the operation of the short-term rental or the property on which it is located.
  - (2) Providing false or misleading information on a short-term rental application form.
  - (3) Failure to notify a change of information required pursuant to Sec 6.70.070.
  - (4) Failure to pay any hotel occupancy tax required under Chapter 4.20 of the Code of Ordinances.
  - (5) Failure to pay a fee required pursuant to this Chapter at the time payment was due.

- (b) Prior to denying or revoking a permit, the director shall deliver written notice of the possible revocation, the basis of the revocation, and a statement that the owner or operator has ten (10) days after delivery to comply with the notice to prevent revocation.
- (c) Upon revocation of a permit, the director shall send written notice of revocation, the basis of the revocation, and a statement informing the owner or operator of the right to appeal a revocation pursuant to Section 6.70.120
- (d) Once during a registration period, the director may reinstate a revoked short-term rental permit if the basis of the revocation is remedied, and the owner or occupant has paid a fifty dollar (\$50) reinstatement fee.

**Sec. 6.70.120. Appeals.**

- (a) If the director denies the issuance or renewal of a short-term permit or revokes a short-term-rental permit, the action is final unless the owner or operator files a written appeal to the City Manager within ten (10) calendar days of delivery of the notice of revocation.
- (b) If a written request for an appeal is filed with the City Manager within the ten-day period, the City Manager shall hear the appeal within thirty (30) days from the city's receipt of the appeal unless otherwise agreed by the city and the appellant.
- (c) Failure to file an appeal in accordance with this section is a waiver of appeal and the director's decision shall be final.
- (d) At the appeal hearing, the City Manager may only affirm or reverse a denial or revocation if the appellant proves that the director erred in denying or revoking the short-term rental permit as of the date of the revocation or denial. The City Manager may not consider the appellant's subsequent remedial measures or payments in determining whether to affirm or reverse the director's decision. The decision of the City Manager is final as to administrative remedies, and no rehearing or appeal may be granted.

**Sec. 6.70.130. Compliance and enforcement—Penalty provisions.**

- (a) Any person who violates a provision of this chapter or fails to comply with any of the requirements thereof, shall be subject to *penalties* as prescribed by law. Any person violating any provision of this chapter is subject to punishment as provided in Section 1.08.010 and entitled *General Penalty* of the Georgetown Code of Ordinances.
- (b) Penalties provided for in this article are in addition to any other criminal or civil remedies that the city may pursue under federal, state, or local law.

**ORDINANCE NO. 2024-663**

**AN ORDINANCE OF THE CITY OF SMITHVILLE, TEXAS AMENDING THE ZONING ORDINANCE, CHAPTER 14A, SECTIONS 6.1 AND 6.2, AND ADDING SECTION 4.7, CITY OF SMITHVILLE CODE OF ORDINANCES, TO ADD REGULATIONS PERTAINING TO SHORT-TERM RENTALS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Smithville, Texas, and the City Council of the City of Smithville, Texas, in compliance with State law with reference to the zoning ordinance and zoning map of the City of Smithville, Texas, have given requisite notices by publication and otherwise;

**WHEREAS**, after holding a due hearing, and having received the final report of the Planning and Zoning Commission, the City Council of the City of Smithville has determined that amending the Zoning Ordinance of the City of Smithville, Texas as set forth herein will further the health, welfare, and safety of the public; and

**WHEREAS**, the City Council finds and determines 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 Texas Open Meetings Act, Chapter 551, Texas Government Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SMITHVILLE, TEXAS, THAT:**

- 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. Enactment.** Exhibit A, Chapter 14, Sections 6.1 and 6.2, Code of Ordinances, City of Smithville, Texas is amended as set fourth below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

§ 6.1 DEFINITIONS.

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6.1.102 *Self-Service Laundry or Dry-Cleaning Establishment*: Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry-cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

6.1.103 *Service Maintenance Facility*: Facilities and structures relating to the provision and maintenance of various services to local residents by a public, semi-public, or private entity. Services may include, but shall not be limited to, animal control, solid waste disposal, and utilities such as water, wastewater, natural gas, electricity, telephone, and cable communications.

6.1.1035 *Short-term rental (STR)*: The rental for compensation of dwellings or accessory dwelling units, or any part thereof, for the purpose of overnight lodging for a period of not less than one night and not more than twenty-nine (29) consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence; provided that the term does not include hotel, motel, boarding house, bed and breakfast, or country inn uses.

6.1.104 *Stable, Private*: A stable with a capacity for not more than two (2) horses or mules.

6.1.105 *Stable, Public*: A stable, other than a private stable, with a capacity for more than two (2) horses or mules

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§ 6.2 MASTER TABLE OF USES.

Particular Use by Category	SF <sub>1</sub>	SF <sub>2</sub>	TH	MR	MF	MH	MH S	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	CB D	RV P	I	P	CF	PD D	PD- Z
<b>Residential</b>																	
Duplex/2-family dwelling		X	X	X	X	X		X	X	X	X		X				
Manufactured home			X			X	X										
<u>Short-term rental</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>										
<b>Professional Services</b>																	

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Chapter 14A, Section 4.7 is added, reading as follows:

**§ 4.7 Short-Term Rentals.**

**4.7.1 General Provisions.**

- A. Title. This section of the Code of Ordinances, City of Smithville, Texas is designated and may be referred to as the “Short-Term Rental Ordinance.”

- B. Purpose. The purpose of this section is to safeguard the life, health, safety and welfare of the general public and to ensure all short-term rental properties are properly permitted and pay the required hotel occupancy tax.
- C. Applicability. The provisions of this section apply to all existing and future properties zoned for residential use, both primary and accessory structures, and any portions thereof where allowed.

**4.7.2 Definitions.** In this section, the following terms have that meaning ascribed to them below:

Advertise - The act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental using any medium including but not limited to, newspaper, magazine, brochure, website, mobile application, or social media applications or websites.

Bedroom - The living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Hosting Platform - A person or entity that participates in the short-term rental business by providing services through which an owner may offer a short-term rental to an occupant, including but not limited to providing an online platform that allows an owner to advertise the premises through a website and by which the hosting platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the owner or to the hosting platform.

Occupant - Any individual person, other than an owner, occupying a short-term rental, or any portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

Owner - Any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

Premises - means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-term rental (STR) – means the rental for compensation of a dwelling or portion thereof for the purpose of overnight lodging for a period of not less than one night and not more than twenty-nine (29) consecutive days other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence; provided that the term does not include hotel, motel, boarding house, bed and breakfast, or country inn uses.

### 4.7.3 General Regulations.

#### A. Unpermitted Short-term Rentals Prohibited.

It shall be unlawful for any owner to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as a short-term rental unless such owner has a valid, active short-term rental permit issued under this section.

It shall be an affirmative defense to a violation of this section that the occupant is a party to the sale of the premises and was occupying the premises pursuant to a written post-closing occupancy agreement.

#### B. Requirements for Hosting Platforms.

1. All hosting platforms shall provide the following information to any owner listing a short-term rental located within the City of Smithville through the hosting platform's service prior to the owner listing the premises:

THE CITY OF SMITHVILLE, TEXAS SHORT-TERM RENTAL ORDINANCE PROHIBITS THE SHORT-TERM RENTAL OF RESIDENTIAL PREMISES WITHIN THE CITY OF SMITHVILLE WITHOUT AN ACTIVE SHORT-TERM RENTAL PERMIT.

2. Notwithstanding any other provision of this section, nothing shall relieve any owner, person, occupant, or hosting platform of the obligations imposed by the applicable provisions of state law and the Code of Ordinances of the City of Smithville, Texas, including but not limited to, those obligations related to hotel occupancy taxes imposed by Article 11.04. For the purposes of hotel occupancy taxes under Article 11.04, and for no other purpose, a short-term rental is a hotel. Further, nothing in this section shall be construed to limit any remedies available under the applicable provisions of state law and the Code of Ordinances of the City of Smithville, Texas.

- #### C. Short-term Rental Permit Required. An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. The city manager may place reasonable conditions on a short-term rental permit to ensure compliance with the provisions of this Section.

- #### D. Expiration of Permit; Renewals. A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment

of the renewal fee. The city manager may place reasonable conditions on a short-term rental renewal permit to ensure compliance with the provisions of this section.

E. Permit Application Requirements.

1. Except as provided in this section, every application for a short-term rental permit must include the following information with such detail and in a form approved by the city manager:
  - a. The name, address, contact information and authenticated signature for the owner of the premises;
  - b. The name, address and contact information of the operator, agent if any, and designated local responsible party as required by this section;
  - c. The city registration number for payment of hotel occupancy taxes;
  - d. Proof of payment of all current and any past-due hotel occupancy taxes.
2. An application for a short-term renewal permit may be filed beginning thirty (30) days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The city manager may require such certifications deemed necessary and proper to ensure continuing compliance with this Section.
3. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection E of this Section.
4. If a complete application for a short-term renewal permit is submitted less than thirty (30) days prior to expiration of the current permit, the city manager in his or her sole discretion may grant a one-time extension of the current permit not to exceed ten (10) days.
5. Applications are not complete until all documentation required under this section is submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.

- F. Designation of Local Responsible Party Required. An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. The owner or local responsible party must be available to be reached in person or by phone at all times. If called, the owner or local responsible party must respond within a reasonable time. A local responsible party is deemed to be authorized to make decisions regarding the premises and its occupants. The City of Smithville may rely on the authority and actions of the local responsible party as being the authority and actions of the owner and the owner releases the City of Smithville from any and all liability arising from the actions of the local responsible party.
- G. Permit Fees. A fee established by resolution of the city council will be charged to reimburse the city for all costs associated with the administration of this section.
- H. Hotel Occupancy Taxes; Occupancy History Requests. It shall be unlawful for an owner of a premises used for a short-term rental to fail to pay hotel occupancy taxes or comply with any other related requirement under State law and Article 11.04 of the Code of Ordinances, City of Smithville, Texas. The city may make such rules and regulations as are reasonable and necessary to effectively collect hotel occupancy taxes. Upon request and reasonable notice from the city, the owner of a premises used as a short-term rental shall grant the city access to books and records necessary for the city to determine the correctness of any report and the amount of taxes due. It shall be unlawful for a person to fail to provide the requested access within 30 days.
- I. Short-term Rental Permit Nontransferable. A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a permit or attempt to use another person's permit may be grounds for revocation of said permit. If any premises that is the subject of a short-term rental permit is conveyed from one owner to another, the premises may not be used for a short-term rental until a new permit is obtained.
- J. Minimum Stay Requirement. It shall be unlawful for an owner to rent or lease a short-term rental for a period of less than 24 hours.
- K. Permit Display Required. A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental and shall contain the following:
1. The name, address, and contact information for the owner of the premises;

2. The name, address and contact information for the operator, agent if any, and designated local responsible party as required by this section;
  3. The city registration number for payment of hotel occupancy taxes; and
  4. The contact information for the City.
- L. Use of Unauthorized Permit Number Prohibited. It shall be unlawful for an owner or person to use, advertise or promote, or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.
- M. Guest Houses Prohibited. Use of a guest house for a short-term rental is prohibited.

#### 4.7.4 Administrative Procedures.

A. Permit Revocation.

1. *Grounds.* Any permit issued hereunder may be revoked if the permit holder has:
  - a. received more than two citations for violations of this section or any other provision of this Code of Ordinances within the preceding 12-month time period; or
  - b. failed or refused to comply with an express condition of the permit and remains in non-compliance ten (10) days after being notified in writing of such non-compliance; or
  - c. knowingly made a false statement in the application; or
  - d. otherwise become disqualified for the issuance of a permit under the terms of this section.
2. *Notice.* Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. If the registration holder is not an individual, then service can be made to either the agent of the owner or the local responsible party. Such service on either individual shall constitute as proper notice as required under this Section. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

3. *Appeal hearing.* The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the city secretary of their appeal from the order revoking said permit. The City Council shall schedule the appeal hearing as soon as practicable after receipt of the appeal. The City Council shall determine whether the revocation or denial of the permit was in error. The City Council shall issue a written order affirming or reversing the revocation or denial of the permit. Such determination by the City Council shall be final on the date the order is signed.
4. *One-Year Waiting Period.* If an owner's short-term rental permit is revoked, no second or additional permit shall be issued for a short-term rental on the premises for one year of the date such permit was revoked.

#### 4.7.5 Enforcement.

##### A. Discontinuance.

1. The owner of a short-term rental use that was not registered with the City of Smithville for hotel occupancy tax prior to the effective date of this section, and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this section, shall discontinue the short-term rental use within 30 days of receipt of a notice from the City.
2. The owner of a short-term rental use that was registered with the City of Smithville for hotel occupancy tax prior to the effective date of this section, and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Section, shall discontinue the short-term rental use no later than 30 days from receipt of a notice from the City.
3. If the permit for a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

##### B. Penalties.

1. A person who violates any provision of this section by performing an act prohibited or by failing to perform an act required, or causes another to do so, is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.

2. The City may collect a civil penalty for each violation of the terms of this section as authorized by Chapter 54, Texas Local Government Code. In a suit against the owner or the owner's representative with control over the premises, the municipality may recover a civil penalty of \$1,000 a day if it proves that:
  - a. the defendant was actually notified of the provisions of the ordinance; and
  - b. after the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance.
3. The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by other city ordinances, county, or state law.

3. **Repealer.** The provisions of this Ordinance are cumulative of all provisions of the City of Smithville Code of Ordinances; provided, however, all ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency leaving the remainder of such other ordinance, resolution, or parts thereof intact, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.

4. **Severability.** It is the intention of the City Council of the City of Smithville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional or invalid by final judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections..

5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

**DULY PASSED AND APPROVED**, on the 9<sup>th</sup> day of September, 2024, at a regular meeting of the City Council of the City of Smithville, Texas, which was held in compliance with the Texas Open Meetings Act, Chapter 551, Texas Government Code, at which meeting a quorum was present and voting.

**APPROVED:**

Sharon Foerster

Sharon Foerster, Mayor

**ATTEST:**

Jennifer Lynch

Jennifer Lynch, City Secretary

## ARTICLE 30.05 SPECIAL USE PERMITS

### Sec. 30.05.001 Generally

A special use permit shall be obtained for certain uses which may be harmonious under special conditions and in specific locations within a zoning district, but may not be allowed under the general conditions of the zoning district as stated in this chapter. (Ordinance 2005-07-18-1, sec. 1 (rev. 5), adopted 7/18/05)

### Sec. 30.05.002 Special use permits

(a) Permit required.

(1) 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.

(2) A special use permit may be issued only for the special uses specified in this chapter, and only for the district where it is authorized. A special use permit may be issued by:

(A) The city council after a public hearing and a recommendation on the proposed permit from the zoning and planning commission for all special use permits except those listed in subsection (B) or (C) below; and

(B) The zoning and planning commission, after a public hearing, for those permits for home occupation permits in residential zoning districts, when requested by the code official; and

(C) The code official may approve applications for home occupation permits which comply with all provisions of [sections 30.05.003](#), [30.05.004](#), and [30.05.005](#) in addition to renewals subject to the provisions of subsection (f)(2) of this section. The code official may refer any application to the zoning and planning commission for determination.

(b) Application. An application for a special use permit shall be made in writing in a form prescribed by the city and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed permit. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data. The applicant, or its representative, for a special use permit shall attend all public hearings during which his application will be discussed.

(c) Report by city staff. A designated member of the planning, development and code enforcement [building services] department shall visit all nonresidential sites of proposed special permits and the surrounding area and shall prepare a report of findings to be given to the zoning and planning commission and the city council.

(d) Notice - Public hearings required.

(1) Public hearings shall be held by the appropriate approving body on each original application for a special use permit except home occupation applications approved by the code official. A public hearing may be held for permit applications or renewals when requested by the code official or a neighbor of the applicant. The public hearings for permits may be a joint public hearing of the zoning and planning commission and the city council. The applicant must be present during all public hearings regarding his application.

(Ordinance 2005-07-18-1, sec. 1 (rev. 5), adopted 7/18/05)

(2) When required, written notice of such hearing shall be given to the owners of all real property located within two hundred feet (200') in all directions of the property that is the subject of the hearing. Notice shall be given not less than ten (10) 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 his address shown on the last approved city tax roll, with postage prepaid.

(3) For short-term rental use applications, written notice of such hearing shall be given to the relevant home owners/property owners association in the same manner as the required written notice to owners of all real property located within two hundred feet (200') in all directions of the subject property.

(4) Such notice shall state the purpose, date, time, and place of the hearing and shall contain a brief description of the proposed permit, 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. A telephone number shall be provided where information on the hearing(s) is or will be available at a later date.

(Ordinance 2015-12-21-02, ex. B, adopted 12/21/15)

(e) Review and recommendation by the zoning and planning commission.

(1) The commission shall review all nonresidential applications for special use permits to determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#) and with the general requirements in [section 30.05.005](#) applicable to the proposed use.

(2) The commission shall not recommend approval of an application unless it finds that the proposed permit as presented or as modified by the commission, complies with each of the general and applicable specific criteria.

(3) A recommendation of an approval may be conditioned on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(4) The commission shall forward its findings and recommendations to the city council, for those permits not approvable by the commission.

(5) The city council shall review applications for special use permits at a public hearing after receiving findings and a recommendation from the zoning and planning commission.

(f) Review and action.

(1) For new applications in residentially zoned districts for home occupation permits only:

(A) The code official shall determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#), with each of the special criteria in [section 30.05.004](#), and with each of the general requirements in [section 30.05.005](#) applicable to the proposed permit. The code official may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(B) A special use permit for a home occupation shall not be approved unless it complies with each of the applicable general and specific criteria; otherwise the application shall be denied.

(C) The code official, at his/her discretion, may forward the application to the zoning and planning commission for consideration.

(2) For renewal applications for home occupation permits only:

(A) If no complaints have been lodged against the applicant or his home business during the preceding 12 months, the code official may approve home occupation renewal permits for an additional 12-month period.

(B) If any complaints have been lodged against the applicant or his home business during the preceding 12 months, the application for renewal will be directed to the zoning and planning commission.

(3) For all other applications:

(A) Upon receipt of the commission's recommendation, the city council shall determine whether the proposed permit complies with each of the general criteria in [section 30.05.003](#) and with each of the general requirements in [section](#)

[30.05.005](#) applicable to the proposed permit and shall make separate findings thereon or adopt the findings made by the commission. The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria.

(B) The city council shall not grant a special use permit unless it finds that the proposed special use, as presented or as modified by the council, complies with each of the applicable general and specific criteria; otherwise it shall deny the application.

#### **Sec. 30.05.004.5 Criteria applicable to short-term rental use permits**

Short-term rental use must comply with all of the following specific criteria and conditions as well as the general criteria in [section 30.05.003](#).

- (1) The applicant shall provide a copy of the filed Comptroller of Public Accounts' Form AP-102 (hotel occupancy tax questionnaire);
- (2) The applicant shall provide proof of insurance with the use "short-term rental" clearly identified;
- (3) The total number of short-term rental use permits issued by the city shall not exceed twenty-five (25);
  - (A) The limit of twenty-five (25) short-term rental use permits shall not include a short-term rental use permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code.
- (4) No new initial permit shall be issued for residential property located within one thousand (1,000) feet of another residential property that has a current short-term rental use permit;
  - (A) A permit for residential property governed by a condominium association in accordance with title 7 "condominiums" of the Texas Property Code shall be exempted from the 1,000 foot distance requirement.
- (5) No permit shall be issued for residential property subject to deed restrictions or rules promulgated by a home or property owners' association prohibiting short-term rental use.
- (6) 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 more than ninety (90) days and no less than sixty (60) days prior to the expiration date of the initial permit;

- (7) No permit application shall be accepted for filing, processed, or approved during a period of one (1) year following the denial of an application or revocation of a permit for any residential property;
- (8) No additional permit application for short-term rental use shall be accepted for filing from, processed, or approved for an owner of real property with an existing permit for short-term rental use;
- (9) A permit is not transferable and shall be void upon transfer or conveyance of the property;
- (10) All structures housing short-term rental use shall comply with this article and all other applicable regulations of this code, and compliance shall be verified by means of an on-site inspection by city staff;
- (11) Parking by renters or their guests shall be limited to the right-of-way bordering the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;
- (12) Advertisement of the short-term rental use shall adhere to “truth in advertising” principles and shall clearly state maximum occupancies;
- (13) Advertisement of the short-term rental use shall not be displayed on the premises of the property in any manner that is visible from the exterior of the house;
- (14) Short-term rental use permit holders shall comply with and ensure their tenants comply with all applicable city ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public;
- (15) The short-term rental use shall not produce nuisances as defined in [section 22.02.001](#) or elsewhere in this code including but not limited to noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, pets, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a public or private nuisance;
- (16) Rental occupancy shall be limited to two (2) adults per bedroom; for the purpose of this section an adult is a person who is 18 years of age or older.
- (17) Minimum rental period shall be two (2) consecutive nights;
- (18) Short-term rental use permit holders shall file state hotel occupancy tax reports in a timely manner, shall maintain accurate logs including dates and times of rentals, number of guests, number of automobiles present, and complaints received, and shall forward logs to the city-designated official on a monthly basis;

(19) The city manager or deputy city manager may suspend or revoke any permit for one or more of the following reasons:

(A) A substantial violation of any of the applicable terms, conditions, or limitations;

(B) A substantial violation of any applicable ordinance or regulation;

(C) Operation or maintenance of the short-term rental property in a manner that is detrimental to the public's health, safety, or so as to constitute a nuisance;

(D) Discontinuance of the use.

Determinations made by the city manager or deputy city manager may be appealed to the board of adjustment.

(Ordinance 2017-01-17-02, ex. A, adopted 1/17/17)



# JOIN US ACOMPÁÑENOS



» We want to hear from you:

## COMMUNITY LISTENING SESSIONS

The Mobility Authority is considering improvements to US 290 between SH 130 and SH 95 South. Join us at an upcoming Community Listening Session to share your input on the future of US 290.

*Content for all sessions will be the same.*



» Queremos escuchar sus comentarios:

## SESIONES DE ESCUCHA COMUNITARIA

La Autoridad de Movilidad está considerando mejoras a la carretera US 290 entre SH 130 y SH 95 Sur. Acompáñenos en una próxima sesión de escucha comunitaria para compartir sus comentarios sobre el futuro de la carretera US 290.

*Contenido será el mismo en ambas.*

### MANOR

**9/23/2025**  
**5:30 – 7 p.m.**  
Manor Elementary  
Early Learning Center  
12904 Gregg Manor Rd.

### ELGIN

**9/25/2025**  
**5:30 – 7 p.m.**  
Austin Community  
College: Elgin Campus,  
Bldg. 1000, 1501 US 290



### ONLINE

Scan the code to participate virtually from **9/9/2025 to 10/10/2025.**

### EN LÍNEA

Escanee el código para participar virtualmente del **9/9/2025 al 10/10/2025.**



## YOUR FEEDBACK CAN DRIVE CHANGE.

## SU OPINIÓN PUEDE HACER CAMBIO.

The Mobility Authority is committed to providing access and accommodations to participate in these events. For special needs, contact the project team at (512) 225-7788 or [290extensionproject@ctrma.org](mailto:290extensionproject@ctrma.org) at least 7 days before the meeting.

La Autoridad de Movilidad está comprometida a brindar acceso y adaptaciones para participar en estos eventos. Para solicitar asistencia especial, comuníquese con el equipo del proyecto al (512) 225-7788 o [290extensionproject@ctrma.org](mailto:290extensionproject@ctrma.org) al menos 7 días antes de la reunión.

» Have a question or comment?  
¿Tiene pregunta o comentario?

» Follow us for updates.  
Manténgase al tanto.

[290ExtensionProject@ctrma.org](mailto:290ExtensionProject@ctrma.org)

(512) 225-7788

[290ExtensionProject.com](http://290ExtensionProject.com)

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