

CITY OF UNIVERSITY PARK, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 5.2.8 F “LODGING” BY ADDING SUBSECTION 3 TO DEFINE “SHORT TERM RENTALS”; AMENDING TABLE 5-1 TO ADD “SHORT TERM RENTAL” AS A PROHIBITED USE IN THE SF-1, SF-2, SF-3, AND SF-4 ZONING DISTRICTS, SF-A ZONING DISTRICTS, DUPLEX 1 AND DUPLEX 2 ZONING DISTRICTS, PLANNED DEVELOPMENT DISTRICTS THAT AUTHORIZE SINGLE-FAMILY OR TWO FAMILY RESIDENTIAL USES; ADDING LICENSED SHORT TERM RENTAL AS A PERMITTED USE IN THE O-1, O-2, GR, RC, SC, C, MF-1, MF-2 AND MF-3, AND THE UC-1 AND UC-2 ZONING DISTRICTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the City Council desires to develop a process to safeguard the safety and welfare of occupants of short-term rentals while also protecting the welfare and property interests of the permanent residents of the City;

WHEREAS the City of University Park is a home-rule municipality authorized to adopt and enforce ordinances necessary to protect health, life, and property to preserve good government and the security of its inhabitants; and

WHEREAS the City has adopted a comprehensive Zoning Ordinance to regulate the location and use of buildings and land in full accordance with Chapter 211 of the Local Government Code; and

WHEREAS Section 92.001 of the Texas Property Code defines "dwelling" as one or more rooms rented for use as a *permanent* residence under a single lease"; and

WHEREAS Section 156.101 of the Tax Code establishes that a "permanent resident" is one who has the right to use or possess a room in a hotel for at least thirty (30) consecutive days; and

WHEREAS Section 156.051 of the Texas Tax Code imposes a tax applicable to short-term rentals as a commercially taxable use of property; and

WHEREAS short-term rentals are not now and have never been listed as a permitted use within any Zoning District within the City; and

WHEREAS short-term rentals in the City, with their attendant traffic, parking, noise, litter, and the influx of non-residents into residential areas are incompatible with the intent of residential districts in the City and the desires and expectations of the City's residents, and are contrary to the long-standing character of the community; and

WHEREAS short-term rentals are destructive to the residential character of neighborhoods, by replacing long-term, permanent residents with a revolving door of transients; and

WHEREAS short-term rentals have a detrimental impact on the local housing market by diminishing market supply and inflating the overall costs of housing; and

WHEREAS in the absence of being listed as a permitted use in a Zoning District, short-term rentals are prohibited under the City's Zoning Ordinance in that zoning district; and

WHEREAS short-term rentals in residential areas of the City pose a risk of increased public nuisances, disruption of neighborhoods, and additional enforcement related issues; and

WHEREAS the calls for service attributable to short-term rentals in residential areas of the City include noise, parking, trash, and disturbance complaints; and

WHEREAS the increase in calls for service attributable to short-term rentals in residential areas of the City results in an additional burden on the Police Department; and

WHEREAS the City Council deems passage of this ordinance as necessary to protect the health, safety, and welfare of the public; and

WHEREAS the City Council wishes to amend the Zoning Ordinance and the Code of Ordinances regarding short-term rentals; and

WHEREAS the City has received complaints about short-term rentals in the past from citizens who have contacted code enforcement, police, and city councilmembers about short-term rentals in their neighborhoods; and

WHEREAS out-of-town guests staying at short-term rentals are often unfamiliar with City ordinance regulations governing noise, trash collection, occupancy restrictions, and parking, as those regulations vary by jurisdiction, and lack of familiarity with the City's ordinances can contribute to guests violating City ordinances; and

WHEREAS short-term rentals can oftentimes become party houses resulting in an increase in activity of people, traffic, and noise that are disruptive to the neighborhood especially where the rental capacity of such short-term rentals is expanded beyond traditional residential uses; and

WHEREAS the City desires to implement those rules and regulations that protect health, life, and property and that preserve good government, order, and security of the City and its inhabitants; and

WHEREAS all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including the Open Meetings Act and Chapter 211 of the Local Government Code; and

WHEREAS the Planning and Zoning Commission and City Council of the City of University Park, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes to the Comprehensive Zoning Ordinance and Map, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of University Park is of the opinion and finds that the Comprehensive Zoning Ordinance and the Code of Ordinances of the City of University Park should be amended,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, THAT:

SECTION 1. The City Council finds the premises of this ordinance to be true and correct, and they are incorporated herein by reference.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of University Park, Texas, is hereby amended by amending Section 5.2.8 F “Lodging” in part to add subsection 3 “Short Term Rental” to read as follows:

“Article 5 USES

....

5.2.8 Commercial Use Category

....

“F. Lodging. Uses that provide temporary lodging for less than 30 days, including short term rentals, where rents are charged by the day or by the week. A Lodging use sometimes provides food or entertainment, primarily for registered guests. Examples of specific lodging use types include:

1.

2.
3. **Short Term Rental.** The rental or offer for rental of a dwelling, or any portion of a dwelling, for a period of less than 30 days.

This use is prohibited in the SF 1-4, SF-A, and D 1-2 zoning districts, and in Planned Development Districts which permit single family or two family dwelling uses as allowed in any of such zoning districts. See Table 5-1. For licensing requirements in permitted districts, see Chapter ____ of the Code of Ordinances.

Rental shall mean the renting, bartering, trading, letting or otherwise allowing the use of a dwelling for compensation. This shall not restrict, limit, or interfere with any dwelling owner from participating in a leaseback upon the sale of the dwelling.

Leaseback shall mean an arrangement where the seller of a dwelling leases the dwelling back from the purchaser. In a leaseback arrangement, the specifics of the arrangement are agreed to by the parties prior to or at the time of the sale.”

SECTION 3. That the Comprehensive Zoning Ordinance of the City of University Park, Texas, is hereby amended by amending Table 5-1 in part as follows:

“Table 5-1

SF 1-4 SF A D 1, 2 MF 1-3 O 1, 2 GR RC SC C P UC-1 UC-2 UC-3 UC-4

....

Lodging:

Hotel or motel

Boarding or rooming house....

Short Term Rental (Licensed; see Chapter ____, Code of Ordinances)

- - - * * * * * * - * * - -

....”

SECTION 4. That the Comprehensive Zoning Ordinance of the City of University Park, Texas, is hereby amended by amending **Section 11.22 Terms Beginning with “S”** in part to add in alphabetical order “Short Term Rental” to read as follows:

“Short Term Rental: means the rental or offer for rental of a dwelling, or any portion of a dwelling, for a period of less than 30 days.

The definition of Short Term Rental:

- (1) does not include occupancy of a room in a hotel or motel; and
- (2) for purposes of the imposition of a hotel occupancy tax under the Texas Tax Code, Chapters 351 and 352 or other law, the term “*hotel*” includes a short term rental. See Tax Code, Chapter 156, § 156.001 (Definitions).”

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. All ordinances of the City in conflict with the provisions of this ordinance are hereby repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 7. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction in Municipal Court shall be subject to a fine not to exceed two thousand (\$2,000.00) for each offense, and each day such use shall continue shall be deemed to create a new and separate offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage and publication of the caption as the law and Charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF UNIVERSITY PARK, TEXAS, ON THE ____ DAY OF _____ 2025.**

APPROVED:

TOMMY STEWART, MAYOR

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY

CHRISTINE GREEN, CITY SECRETARY

CITY OF UNIVERSITY PARK, TEXAS

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