



ORDINANCE NO. 2017-753(O)

AN ORDINANCE AMENDING CHAPTER 113 OF THE CODE OF ORDINANCES OF THE CITY OF WINDCREST, TEXAS BY REGULATING RESIDENTIAL SHORT TERM RENTAL UNITS IN THE CITY OF WINDCREST

WHEREAS, the City of Windcrest is primarily a city of fine residential neighborhoods wherein families reside in peace and safety, children attend neighborhood schools, residents vote based upon their residential location, residents receive their mail there and their identification documents indicate that they are part of the neighborhood there; and

WHEREAS, the Zoning Code authorizes single-family dwellings in the “R-1 One-Family Dwelling District”; and

WHEREAS, Single-Family Dwelling is defined as a building having accommodations for and occupied exclusively by one family; and

WHEREAS, the Zoning Code does not authorize the public to obtain sleeping accommodations in exchange for compensation for short periods of time in the R-1 One-Family Dwelling District so that any such use is not authorized in said zoning district; and

WHEREAS, the City of Windcrest desires to establish guidelines to protect the citizens and public from certain types of residential rental practices in the R-1 One-Family Dwelling District and the R-2 Duplex and Apartment District; and

WHEREAS, these regulations are established for the purposes of promoting safety and the general welfare; and

WHEREAS, the Planning and Zoning Commission, after a public meeting was held by it on August 6, 2015, recommended that Chapter 113 of the City Code of the City of Windcrest be amended by the City Council of the City of Windcrest; and

WHEREAS, the City Council at a public meeting held by it on August 17, 2015 received said recommendation from the Planning and Zoning Commission and, after considering said recommendation and hearing the proponents and opponents to said recommendation, is of the opinion that such regulations be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that, Chapter 113, Zoning, Division 1, Section 113-5, Definitions, of the Code of Ordinances of the City of Windcrest, Texas is hereby amended by adopting a new definition as follows:

“Residential short-term rental unit means a residential dwelling or accessory building,

including a single-family dwelling unit, duplex, apartment, residential condominium unit or other residential real estate improvement, in which the public may obtain sleeping accommodations in exchange for compensation for a period of less than ninety (90) consecutive days on a temporary or transient basis. Any use described in this definition shall be considered a commercial use of real property."

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that, Chapter 113, Zoning, Division 2, of the Code of Ordinances of the City of Windcrest, Texas is hereby amended by adopting the following subsection:

"Sec. 113-117. Residential short-term rental units prohibited.

The use of any real property in the R-1 One-Family Dwelling District for a residential short-term rental unit is prohibited."

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that, Chapter 113, Zoning, Division 3, of the Code of Ordinances of the City of Windcrest, Texas is hereby amended by adopting the following subsection:

"Sec. 113-126. Residential short-term rental units prohibited.

The use of any real property in the R-2 Duplex and Apartment District for a residential short-term rental unit is prohibited."

That, in the event any provision of this Ordinance is held to be invalid, it is the intention of the City Council that the remaining parts of this ordinance shall be of full force and effect.

That, this Ordinance shall become effective five (5) days after its publication.


PASSED AND APPROVED, on the 17th day of April, 2017 at a regular meeting of the City Council of the City of Windcrest, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.


Alan Baxter, Mayor

ATTEST:


Kelly Rodriguez, City Secretary

APPROVED:


Michael S. Brennan, City Attorney

