

ORDINANCE NO. _____

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING CHAPTER VII.2, ALLOWED USES BY DISTRICT, OF VOLUME II OF THE LEWISVILLE CITY CODE, KNOWN AS THE UNIFIED DEVELOPMENT CODE, BY ADDING SECTION VII.2.1.5, INTERIM PROHIBITION ON SHORT-TERM RENTAL OF DWELLING UNITS; PROVIDING A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, on September 11, 2023, the City Council held a workshop on the current status of short-term rentals (STR) in the City of Lewisville (City) in which City staff presented STR data and received public input; and

WHEREAS, City staff presented data showing an over 80% increase in STRs in Lewisville since 2020; and

WHEREAS, on October 16, 2023, the City Council held a public input meeting and reviewed the results of a public survey concerning potential STR regulations; and

WHEREAS, on November 27, 2023, the City Council held a public input meeting to discuss a proposed interim prohibition on STRs, an ordinance adding a permitting program for STRs within the City, and a limited parking zone ordinance; and

WHEREAS, the City has had over 72 speakers attend these public meetings and received approximately 330 responses to the City's public survey to express concerns about the increase in health, safety, and nuisance issues related to STRs in the City; and

WHEREAS, the rise of digital platforms such as Airbnb and Vrbo has led to an increase in resident property concern about transient and vacation rental uses that infringe on the property rights of neighbors in the City; and

WHEREAS, some STR properties are used for gatherings disruptive to neighborhoods;
and

WHEREAS, more commonly, the public has complained about STRs in Lewisville having unreasonable noise, excessive trash, disorderly conduct, criminal activity and parking; and

WHEREAS, residents have indicated that some STR occupants are less concerned than long-term residents with the impact of conduct at STR premises on neighbors, due to the temporary nature of their occupancy and lack of community with the neighborhood; and

WHEREAS, the residents have a right to peace and quiet enjoyment of their properties;
and

WHEREAS, the City of Lewisville's 2025 Vision Plan Update (2025 Vision Plan) includes diverse and thriving neighborhoods as one of its "Big Moves," focusing on the continued reinvestment in existing neighborhoods to retain lifelong residents while attracting new families and residents; and

WHEREAS, residents have expressed that STRs negatively affect the retention of lifelong residents because of the temporary nature of occupants of STRs; and

WHEREAS, retaining lifelong residents while attracting new families and residents encourages social connectedness which improves residents' mental health and aids in the prevention of crime in neighborhoods; and

WHEREAS, the City Council wishes to advance the objectives of the 2025 Vision Plan by championing established residential neighborhoods through regulations that support neighborhood identity and ensuring health and safety, which contributes to the overall character and livability of the neighborhoods in the City; and

WHEREAS, when investigating complaints, the City does not have adequate contact information for owners of STRs, which would be beneficial in timely responding to complaints and in the event of life, health or safety emergencies, to ensure that the STRs are paying all required taxes to the City, including hotel occupancy taxes, and to provide contact information for owners and agents of STRs to aid in responding to complaints and emergencies; and

WHEREAS, out-of-town guests staying at STRs 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, it is incumbent on property owners to fully apprise STR guests of applicable City regulations to ensure that the STRs do not negatively impact residential neighborhoods because of the transient nature of the guests staying at STRs; and

WHEREAS, the City Council has determined that a fair and balanced regulatory framework that permits STRs in single-family residential dwellings but ensures that the STRs do not become a nuisance to the residential neighborhoods will allow the City and STR owners to address these problems; and

WHEREAS, the City Council has determined the institution of an interim prohibition on STRs will allow City staff to respond to residents' concerns, address issues with property owners and managers of STRs, enact a fair and balanced regulatory framework to regulate STRs, and collect additional data to ensure that the regulatory framework put in place is effective in addressing the above-listed concerns without the additional proliferation of STRs in the City; and

WHEREAS, the Lewisville City Council has determined that for the health, welfare, and safety of its citizens, certain amendments to the Lewisville City Code are necessary.

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

SECTION 1. FINDINGS. The findings contained in the recitals to this ordinance are determined to be true and correct and are adopted as part of this ordinance.

SECTION 2. AMENDMENT. Lewisville City Code Chapter VII.2, Allowed Uses by District, of the Unified Development Code, is hereby amended by adding the following new section VII.2.1.5:

Section VII.2.1.5 - Interim Prohibition on Short-Term Rental of Dwelling Units

A. The purpose of this interim provision is to prohibit the establishment of new short-term rental units, as defined herein, while the city conducts continued public outreach, collects data, analyzes information to determine permanent recommendations, due to community concerns about health and safety, and considers the effectiveness of newly-adopted short-term rental unit regulations.

B. For purposes of this section only, a short-term rental unit means any dwelling unit or portion thereof offered to the transient public for compensation for a period of less than thirty (30) consecutive days. The term shall not include a hotel, motel, or inn or bed and breakfast as those terms are defined in the Unified Development Code.

C. Subject to Article V, Nonconformities, of Volume 2 of the city code, short-term rental units are prohibited in dwelling units. For purposes of this section only, nonconforming uses include those with investment-backed expectations, as of January 8, 2024.

D. This section VII.2.1.5 expires one year after the effective date of the adoption of this section.

SECTION 3. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of

the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 5. PENALTY. Any person, firm or corporation who violates any provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the municipal court, shall be subject to a fine of not more than \$2,000.00 for each offense, and every day such offense is continued shall constitute a separate offense.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 7. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 19TH DAY OF FEBRUARY, 2024.

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY