

**One-Reading ordinance amending the Unified Development Code to allow short term rentals in single family residential districts except for single family residential districts within the Padre/Mustang Island Area Development Plan; and amending Chapter 5 of the Corpus Christi Code to increase the permitting fee for short-term rentals, establish fee for special exceptions and appeals, and establishing additional regulations for short-term rentals including density regulations for non-owner occupied short-term rentals within single family residential districts; and providing for penalty**

**WHEREAS**, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the amendment of the City's Unified Development Code ("UDC");

**WHEREAS**, a public hearing was held during a meeting of the Planning Commission when said Commission recommended approval of the proposed UDC amendments, and with proper notice to the public, an additional public hearing was conducted during a meeting of the City Council, during which all interested persons were allowed to appear and be heard;

**WHEREAS**, amendments are to promote public safety and enhance quality of life;

**WHEREAS**, non-owner occupied short-term rentals jeopardize the essential character of single-family residential districts;

**WHEREAS**, the demand for short-term rental within the Padre/Mustang Island Area Development Plan is much greater than other areas of the City and such demand jeopardizes the essential character of single-family residential districts within the Padre/Mustang Island Area Development Plan;

**WHEREAS**, the City Council finds that all of the fees established in this ordinance do not exceed an amount reasonably necessary to directly cover the cost of operating this regulatory program; and

**WHEREAS**, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, convenience and the general welfare of the City and its citizens.

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

**SECTION 1.** The recitals contained in the preamble of this Ordinance are determined to true and correct and are hereby adopted as a part of this Ordinance.

**SECTION 2.** UDC Article 5 "Use Regulations", Section 5.2.24. "Rentals (Single Family)" is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

**5.2.24. Rentals (Single Family)**

Single-family units in a single-family district cannot be rented for less than a one-month period, ~~unless approved by the Planning Commission and City Council as a bed and breakfast home.~~ within the Padre/Mustang Island Area Development Plan.

**SECTION 3.** Chapter 5 “Business Regulations”, Article II “SHORT-TERM RENTALS” of the Corpus Christi Code is hereby repealed and replaced to read as follows:

**Sec. 5-36. Purpose.**

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short-term rental properties and to protect the integrity of the neighborhoods in which short-term rental properties operate.

**Sec. 5-37. Definitions.**

As used in this article, the following words and phrases shall have the definitions ascribed to them by this section:

*Agent* means a person designated by the short-term rental operator in lieu of themselves as the twenty-four-hour emergency contact for a lawfully operating short-term rental.

*Block Face* means the properties abutting one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and/or railroad right-of-way, unsubdivided land, watercourse, or city boundary.

*Occupant* means the person(s) who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its operator, and the guest(s) of such person(s).

*Operator* means any person who operates a short-term rental, as defined in this article. For purposes of this article, a lessee of a unit, when expressly permitted in writing by the owner, may serve as the operator of a short-term rental.

*Owner* means the person or entity that holds legal and/or equitable title to the private property.

*Short-term rental* means a property that rents out all or a portion of a residential dwelling unit for a period of less than thirty (30) days and not less than twelve (12) hours. This includes type 1 and type 2 short-term rentals.

*Short-term rental permit* means the permit issued by the city that identifies the subject property as a lawful short-term rental, the short-term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and twenty-four-hour emergency contact phone for at least one (1) of the preceding.

*Sleeping area* means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.

*Type 1 Short-term rental (owner-occupied)* means a residential dwelling unit, a portion thereof, which is either occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. Accessory dwelling units will be considered occupied by the owner where the primary residential dwelling is occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence on the same property, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

*Type 2 Short-term rental (non-owner occupied)* means a residential dwelling unit, or a portion thereof, which is either not occupied by the owner or operator, or the owner or operator does not occupy another dwelling unit, or portion thereof, on the same property, as reflected in title records.

**Sec. 5-38. Permit required.**

(a) No short-term rental shall operate within the City of Corpus Christi without a current valid short-term rental permit.

(b) All individual units having cooking, sleeping, and bathing facilities, within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short-term rental.

**Sec. 5-39. Short-term rental permit.**

(a) Application. Application for a short-term rental permit shall be made either in writing or electronically. Application for a short-term rental permit shall be accompanied by a one-time application fee and shall include the following information, at a minimum:

(1) A list of all owners, operators, and agents (if applicable) of the short-term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.

(2) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).

(3) The name, address and twenty-four-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short-term rental.

(4) A sworn, self-certification that the owner of the short-term rental has met and will continue to comply with the standards and other requirements of this article including, but not limited to: maintenance of insurance coverage of the unit

or portions thereof in accordance with this article and obtaining annual independent inspections of required fire extinguishers in compliance with the city's current fire code.

(b) Completeness of application. Applications shall not be considered complete until all documentation required under this article has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.

(c) Acknowledgement by applicant. In connection with submission of the application, each applicant shall acknowledge that any permit granted under this article does not supersede any property-specific restrictions against short-term rentals that may exist under law, agreement, lease, covenant or deed restriction.

(d) The application fee for a permit to operate a short-term rental is \$50 in calendar year 2022. The application fee for a permit to operate a short-term rental after calendar year 2022 is \$250.

#### **Sec. 5-40. Expiration and renewal of permit.**

(a) Unless revoked earlier pursuant to this article, a permit to operate a short-term rental will be valid for one (1) year ending December 31.

(b) A permit for Type 2 short-term rental expires due to inactivity when a permit holder fails to report and pay Hotel Occupancy Tax for more than 6 months for the short-term rental.

(c) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under section 5-39 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in section 5-39.

(d) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

(e) The fee for the renewal of a permit to operate a short-term rental is \$250.

#### **Sec. 5-41. Non-transferability.**

A permit to operate a short-term rental is not transferable to another owner, operator, unit or location.

**Sec. 5-42. General standards.**

All short-term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) Occupancy. The maximum number of persons allowed to reside in a short-term rental shall be defined by the City of Corpus Christi Property Maintenance Code. The owner/operator shall not allow an occupancy of a residential structure that exceed the maximum occupancy level for that structure.
- (b) Insurance. The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.
- (c) Life safety.
  - 1. Short-term rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances.
  - 2. A 2A:10B:C-type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within seventy-five (75) feet of all portions of the short-term rental on each floor.
  - 3. Smoke and carbon monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.
  - 4. Every sleeping area shall have at least one (1) operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances.
  - 5. An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.
  - 6. Every bedroom/sleeping area in a short-term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the City of Corpus Christi Property Maintenance Code for the short-term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.
- (d) Conduct on premises.
  - 1. Short-term rental operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.

2. Excessive noise or other disturbance outside the short-term rental is prohibited per chapter 31 of the Code of Ordinances. This includes, but is not limited to, decks, docks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.

3. No overnight sleeping outdoors or outdoor sleeping spaces for rent.

(e) Advertisement. All advertisements, including online or proprietary (website, app, or other technology) will include legible short-term rental permit number within the description or body of the advertisement for public reference.

(f) Tenant indoor notification. The operator shall post in a conspicuous location of the dwelling the following minimum information:

1. Maximum number of occupants.

2. Location of off-street parking, other available parking and prohibition of parking on unimproved surfaces.

3. Quiet hours and noise restrictions as defined per chapter 31 of the Code of Ordinances.

4. Restrictions of outdoor facilities.

5. Twenty-four-hour contact person and phone number.

6. Property cleanliness requirements.

7. Trash pick-up requirements, including location of trash cans.

8. Flooding hazards and hurricane evacuation routes.

9. Emergency numbers.

10. Notice that failure to conform to the occupancy and parking requirements is a violation of the city Code and occupant or visitor can be cited.

11. Short-term rental permit, and/or any other required permits, if applicable.

(g) Emergency contact. The owner/operator of the short-term rental shall provide the city with a twenty-four-hour contact number for the operator or a designated agent per section 5-39 and shall provide timely updates to city of any changes thereto. Complaints regarding short-term vacation rentals shall be directed to the City complaint helpline.

The registered local contact shall be available by phone 24 hours a day to answer calls from the complaint helpline, as well as complaints from any other sources. Upon receipt of a notification or attempted notification regarding a complaint, the registered local contact shall contact the occupant of the short-term vacation rental and resolve the issue giving rise to the complaint. The registered local contact shall have one (1) hour from the time of notification or attempted notification of a complaint to resolve the

problem giving rise to the complaint. Failure to resolve the problem within one (1) hour shall constitute a violation of this code unless the registered local contact can demonstrate that they contacted the occupant of the short-term vacation rental within one (1) hour and attempted to resolve the problem but were unable to do so. In that event, the registered local contact shall visit the short-term vacation rental property to address the problem and resolve the complaint within one (1) hour thereafter.

The registered local contact shall provide a detailed report of all complaints received and their resolution or attempted resolution to the Development Services Department within 48 hours of notification or attempted notification of a complaint. If the registered local contact disputes the complaint, the report shall include any photographs, videos, audio recordings, and/or other documentation refuting the existence of the problem underlying the complaint. Failure to provide updated information to the city regarding designated agent or responsible party shall be a violation of this section. Failure to resolve any complaint or to report complaints to the Development Services Department as required in this Subsection shall be a violation of this Section. Violations of this Subsection shall be considered separate and independent from any violation of any other provision of this Section.

(h) Compliance with laws. Owners, operators, and occupants are required to comply with city, state, and federal laws.

#### **Sec. 5-43. Density Limitations for Type 2 Short-Term Rentals (Non-owner occupied) in Residential Areas.**

(a) In order to preserve the essential character of single-family residential districts, Type 2 short-term rentals (non-owner occupied) shall be limited to no more than 15% of the total number of residential units on a block face in single-family residential districts.

(b) Type 2 short-term rentals (non-owner occupied) may be permitted to exceed the density limitations upon the granting of a Special Exception by the Planning Commission.

(c) Before granting a Special Exception under this section, the Planning Commission will hold a public hearing to receive input from the public on the requested Special Exception. Written notice of the public hearing before the Planning Commission on the requested special exception must be sent to the owners of real property within 200 feet of the property on which the Special Exception is requested. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. The applicant for the Special Exception is responsible a Special Exception application fee of \$650 to cover the costs associated with processing the application and mailing the written notice to surrounding property owners. The application fees must be paid before an application is accepted for review.

(d) Considerations for granting a Special Exception:

- (1) current short-term rental density in the single-family residential district;
- (2) potential effect to the character of the single-family residential district;
- (3) the Special Exception will not materially endanger the public health or safety;
- (4) the Special Exception does not create a public nuisance; and
- (5) the neighboring property will not be substantially injured.

#### **Sec. 5-44. Inspections.**

To ensure continued compliance with the requirements of this section a short-term rental may be inspected upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

#### **Sec. 5-45. Enforcement/penalty.**

- (a) A person who violates a provision of this division, or who fails to perform an act required of the person by this division, commits an offense. A person commits a separate offense for each and every violation, and for each day during which a violation is committed, permitted or continued
- (b) The culpable mental state required by Texas Penal Code § 6.02, is specifically negated and dispensed with and a violation under this division is a strict liability offense.
- (c) The provisions of this article are in addition to and not in lieu of any criminal prosecution or penalties as provided by other city ordinances, county, or state law.
- (d) An offense under this division is punishable by a fine of not more than five hundred dollars (\$500).
- (e) Violation of any section of this division shall constitute an offense resulting in permit revocation in accordance with section 5-47, Revocation procedures.

#### **Sec. 5-46. Other restrictions on use of premises.**

This article does not create any right to operate a short-term rental in violation of any city ordinance, state or federal law, lease, license, deed restriction, covenant, easement, or other legal encumbrance.

#### **Sec. 5-47. Revocation procedures.**

After notice and hearing, the director of development services is authorized to suspend or revoke a short-term rental permit issued under the provisions of this chapter if the permit was issued in error, or was issued on the basis of incorrect information supplied, or where said director has determined that three or more violations of an ordinance related to the operation of a short-term rental on the subject property occurred within any 6-month period. In addition, if any violations have been committed and not corrected within the time specified, the director shall begin the procedures to revoke the short-term rental permit in accordance with the following:

- (1) The director shall give written notice to the owner/operator regarding the revocation.
- (2) If a short-term rental permit is revoked, the owner/operator may not reapply for the same property for a period of twelve (12) months.

#### **Sec. 5-48. Appeals to Planning Commission.**

- (a) If the director of development services denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the owner/operator files a written appeal within ten (10) business days to the director of development services or designee.
- (b) Appeals will be reviewed by the Planning Commission, when so appealed to and after a hearing, may vary the application of any provision of this article to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation of the article should be modified or reversed.
- (c) Before granting an Appeal under this section, the Planning Commission will hold a public hearing to receive input from the public on the requested Appeal. Written notice of the public hearing before the Planning Commission on the requested Appeal must be sent to the owners of real property within 200 feet of the property on which the Appeal requested. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. The applicant for the Appeal is responsible an appellate fee of \$650 to cover the costs associated with processing the application and mailing the written notice to surrounding property owners. The appellate fees must be paid before an appeal is accepted for review.

#### **Sec. 5-49 Appeals to City Council**

- (a) If the Planning Commission upholds the director of development services denial, suspension, or revocation of a permit or suspends or revokes a permit issued under this article, the action is final unless the owner/operator files a written appeal within ten (10) business days to the City Secretary.

(b) If the Planning Commission denies a special exception, the action is final unless the owner/operator files a written appeal within ten (10) business days to the City Secretary.

(c) Before granting an Appeal under this section, the City Council will hold a public hearing to receive input from the public on the requested Appeal. Written notice of the public hearing before the City Council on the requested Appeal must be sent to the owners of real property within 200 feet of the property on which the Appeal requested. The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. The applicant for the Appeal is responsible an appellate fee of \$650 to cover the costs associated with processing the application and mailing the written notice to surrounding property owners. The appellate fees must be paid before an appeal is accepted for review.

(d) The City Council, on appeal, may vary the application of any provision of this article to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation of the article should be modified or reversed.

**Secs. 5-50—5-59. Reserved.**

**SECTION 4.** If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose.

**SECTION 5.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

**SECTION 6.** To the extent this amendment to the UDC represents a deviation from the City's Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

**SECTION 7.** Penalties are as provided in Section 1-6 of the Corpus Christi Code. A violation of this SECTION 2 of this ordinance constitutes an offense punishable as provided in Article 1, Section 1.10.1 of the UDC, Article 10 of the UDC, and/or Section 1-6 of the Corpus Christi Code of Ordinances.

**SECTION 8.** This Ordinance shall become effective July 11<sup>th</sup>, 2022.

**SECTION 9.** Upon the written request of the Mayor or majority of the members of the Council, copy attached, the City Council: (1) finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs; and (2) suspends the City Charter rule that requires consideration of and voting upon ordinances at two regular meetings so that this ordinance is passed and takes effect upon first reading as an emergency measure on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**CITY OF CORPUS CHRISTI**

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Paulette Guajardo  
Mayor

\_\_\_\_\_ day of \_\_\_\_\_, 2022

Corpus Christi, Texas

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TO THE MEMBERS OF THE CITY COUNCIL  
Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings: I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced or at the present meeting of the City Council.

Respectfully,

Respectfully,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Paulette Guajardo  
Mayor

Council Members

The above ordinance was passed by the following vote:

Paulette Guajardo \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_  
Michael Hunter \_\_\_\_\_  
Billy Lerma \_\_\_\_\_

John Martinez \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Mike Pusley \_\_\_\_\_  
Greg Smith \_\_\_\_\_