

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-28**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY AMENDING THE LAND USE TABLE AS FOUND WITHIN SAID CODE BY CHANGING WHICH ZONING DISTRICTS A SHORT-TERM RENTAL UNIT IS AUTHORIZED AS A PERMITTED USE; AND REMOVING ANY CONDITIONAL USE PURSUANT TO A REQUIRED CONDITIONAL USE PERMIT; A PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on August 27, 2019, City Council adopted Ordinance No. 2019-17, which adopted the City's Zoning Code, which included a Land Use Table and Zoning Map, collectively referred to herein as the "Zoning Code"; and

WHEREAS, Ordinance No. 2019-17 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

WHEREAS, City Council has determined that the Zoning Code, and in particular such code's Land Use Table, needs updating to further address "short-term rental units", as that term is defined within the Zoning Code; and

WHEREAS, on August 4, 2022, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony as to changes as to which Zoning Districts a short-term rental unit is allowed to operate, either as a permitted or condition use; and

WHEREAS, pursuant Section 60-73 of the Zoning Code, and in accordance with Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on September 13, 2022, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in amendments to the Zoning Code as provided herein; and

WHEREAS, on September 13, 2022, City Council held a public hearing on various zoning amendments pursuant to the published notice and has considered the

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EFFECTIVE 10/09/2022

application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Table 1, Land Use Table, which was adopted as part of the Zoning Code, is amended to revise the zoning districts where a “short-term rental unit” is authorized as a permitted use and removing any conditional use pursuant to a required conditional use permit, as indicated on the attachment found at **Exhibit A**.

SECTION TWO. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

SECTION THREE. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION FOUR. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION FIVE. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the 13 day of SEPTEMBER, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 27 of SEPTEMBER, A.D., 2022.

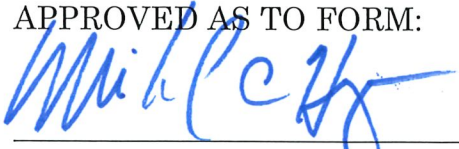


Judy Eychner, Mayor

ATTEST:


Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

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Table 1, Land Use Table

Table 1, Land Use Table																				
LAND USES	Residential Districts							Nonresidential Districts					Special Districts					Notes (Adopted by Ord 2022-28, September 27, 2022)		
	R-E P	R-1 P	R-1A P	R-2 P ₁	R-3 P	R-M P ₁	R-T P	C-1 P	C-2 P	C-3 P	IM P	DAC C	MU C	PI P	AD P	AG P				
Accessory Building or Structure	P	P	P	P ₁	P	P	P	P	P	P	P	C	C	P	P	P	1 Not permitted for patio homes or townhomes			
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																				
Agricultural Services											P					P	P			
Agriculture, General	P																			
Aircraft maintenance																P	P			
Aircraft sales																				
Airport																P	P			
Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P		P	P							
Amateur Radio Antenna								See Ordinance 2005-11												
Ambulance Service, Private										P	P	P					P			
Ambulatory Surgical Center																				
Amenity Center	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂						P ₂	P ₂				2 For single-family and multifamily residential uses			
Amusement Center, Indoor												P	P	P						
Amusement Center, Outdoor												C	P	C	P					
Antenna								See Wireless Telecommunications Facilities, Ordinance 2003-35												
Antique Store								P	P	P		P	P							
Apartment (See Dwelling, Multifamily)																				
Appliance Repair/Sale, Used Appliances																				
Appliance Store								P	P	P		P	P							
Art Studio/Gallery								P	P	P		P	P				P			
Artisan's/Craftsman's Workshop								P	P	P		P	P							
Assisted Living Facility					P _{2A}		C _{2A}	C _{2A}	O _{2A}	P _{2A}		P _{2A}	P _{2A}				2A. City's health & Safety standards, if any, apply. Must have license required by Code Section 30-6(4)			
Automated Teller Machine (ATM)								P	P	P		P	P			P				
Automobile Dealership, New Auto Sales										P							3 Subject to requirements of Article IX 60-60(4)			
Automobile Dealership, Used Auto Sales								C	P											
Automobile Parts Store								P ₃	P ₃								3 Subject to requirements of Article IX 60-60(4)			
Automobile Rental or Leasing								P	P											
Automobile Service and Repair, Major										P ₃							3 Subject to requirements of Article IX 60-60(4)			
Automobile Service and Repair, Minor										P ₃										
Automobile Towing/Wrecker Service								P ₃	P ₃								3 Subject to requirements of Article IX 60-60(4)			
Automotive Body Shop								C	P											
Aviation facilities										C						P				
Aviation Service and Repair																P				
Bail Bonding Agency																	4 Drive-thru subject to requirements of Article IX 60-60(6)			
Bank or Financial Institution								P ₄	P ₄	P ₄		P ₄	P ₄		P ₄					
Bar or Cocktail Lounge										P		P	P		P	C				
Barber or Beauty Shop							P	P	P	P		P	P		P					
Bed and Breakfast								P	P	P		P	P		P		5 Must meet the requirements of Chapter 30, Code of Ordinances. Structure must meet the standards, i.e. lot size, structure height, lot coverage, set backs, etc., for the zoning district within which it is located.			
Bicycle and Bicycle Accessory Sales and Repair								P	P	P		P	P		P					
Boarding Home Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅							
Boat (Marine) Dealership																				
Book Store								P	P	P		P	P							
Brewpub										P		P	P			C				
Building Contractor, General										C										
Building Contractor, Maintenance and Repair										P		P	P							
Building Contractor, Temporary Field Office	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	P ₆	6 Subject to requirements of Article IX 60-60(14)			
Building Contractor, Trade Specialist										C	P									
Building Contractor's Storage Yard										C	P									
Cabinetmaking Shop										C	P									
Car Title Loan Business																				
Car Wash, Full-Service or Self-Service										P ₇										
Caretaker's Residence	P	P	P	P	P	P	P	P	C	P	P	C	C	P	C	P	7 Subject to requirements of Article IX 60-60(5)			
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P				
Check Cashing Business																				
Church, Temple, Mosque, or Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization							P	P	P	P	P	P	P	P	P	P				
Clothing and Apparel Store								P	P	P	P	P	P	P	P	P				
College or University, Private										P	P	P	P	P	P	P				

2 For single-family and multifamily residential uses

2a City's health & safety standards, if any, apply. Must have license required by Code Section 30-6(4)

3 Subject to requirements of Article IX 60-60(4)

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4 Drive-thru subject to requirements of Article IX 60-60(6)

5 Must meet the requirements of Chapter 30, Code of Ordinances. Structure must meet the standards, i.e. lot size, structure height, lot coverage, setbacks, etc., for the zoning district within which it is located.

6 Subject to requirements of Article IX 60-60(14)

7 Subject to requirements of Article IX 60-60(6)

LAND USES	Residential Districts							Nonresidential Districts				Special Districts					Notes (Adopted by Ord 2022-28, September 27, 2022)	
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG		
Recreational Skills Classes							C	P	P	P	P	P	P					
Recreational Vehicle Dealership											P							
Recreational Vehicle or Trailer Park						C				C			C					
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Repair Shop, Household Items								P	P	P	P	P	P					
Repair Shop, Personal Items								P	P	P	P	P	P					
Research and Development Lab											P							
Residential Care Service	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅				5 Subject to Article 1, Chapter 30, and Article IX 60-60(7)
Restaurant, Food and Beverage Shop								P	P	P	P	P	P	P	P			
Restaurant, General, With Drive-Thru or Drive-In Service								P ₄	P ₄	P ₄	P ₄	P ₄	P ₄	P ₄	P ₄			4 Drive-thru subject to requirements of Article IX 60-60(6)
Restaurant, General, Without Drive-Thru Service								P	P	P		P	P					
Salvage, Reclamation, Recycling of Materials											C							
Sand, Gravel, or Stone Extraction																		
Sand, Gravel, or Stone Storage and Sales											C							C
School, Private, Elementary	C	C	C	C	C	C	C	C	C	C				P				
School, Private, Intermediate and Secondary	C	C	C	C	C	C	C	C	C	C				P				
School, Public, Elementary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Public, Intermediate and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Second-hand/Used Goods Store With Outside Storage											P							
Second-hand/Used Goods Store, No Outside Storage								P	P	P	P	P	P	P	P			
Security Service									P	P	P	P	P	P				
Security Systems Installation and Monitoring Company									P	P	P	P	P	P				
Sexually Oriented Business																		
See Chapter 30, Kernville Code of Ordinances																		
Shipping Containers											P ₁₅			P ₁₅	P ₁₅			15 Shipping Containers subject to requirements of Article IX 60-60(17)
Short-term Rental Unit							P											
Showroom, in Conjunction with Warehousing and Distribution											P							
Showroom, without Warehousing and Distribution								P	P	P	P	P	P	P	P			
Smoke Shop								C	P	P	P	P	P	P				
Solar Energy Facility								C	C	C	P			P				C
Special Care Facility							C	C	C	C	P	P	P	P	P			
Sporting Goods Store								P	P	P								
Stables, Commercial																		P
Stables, Private	P																	P
Stationery Store																		
Tailor, Seamstress, or Needlework Shop								P	P	P		P	P					
Tattoo or Permanent Cosmetics Shop, Body Piercing								P	P	P		C	C					
Taxidermy Shop								C	C	P	P							
Townhome (See Dwelling, Townhome)																		
Toy, Gift, Hobby, and Novelty Shop								P	P	P		P	P		P			
Transportation Terminal, Bus/Aviation											C	C			P			
Triplex (See Dwelling, Multifamily)																		
Truck Stop and Fueling Station																		
Utility, Local	P	P	P	P	P	P	P	P	P	P	C ₃							9 Subject to requirements of Article IX 60-60(1)
Utility, Private or Franchise	C	C	C	C	C	C	C	C	C	C	C			P	P	P	P	
Utility, Public	P	P	P	P	P	P	P	P	P	P	P			C	C	C	C	
Veterinary Service, Large Animal, Indoor or Outdoor Pens														P	P	P	P	
Veterinary Services, Small Animal, Indoor Pens																		P
Warehousing and Distribution																		P
Welding Shop																		P
Wholesaling																		P
Wind Energy System, Small																		
Winery																		
Wireless Telecommunications Facilities																		
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																		
See Ordinance 2003-35																		
P = Permitted, C = Conditional Use, blank = prohibited																		

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