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

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

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EFFECTIVE 10/09/2022

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Table 1, Land Use Table

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	
Accessory Building or Structure	P	P	P	P[1]	P	P[1]	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															P	
Aircraft maintenance															P		
Aircraft sales															P		
Airport															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						
Ambulatory Surgical Center								P	P	P	P			P			
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	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								P	P	P	P						
Appliance Store								P	P	P		P	P				
Art Studio/Gallery								P	P	P		P	P				
Artisan's/Craftsman's Workshop							P	P	P	P	P	P			P		
Assisted Living Facility					P[2A]		C[2A]	C[2A]	C[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		P		
Automobile Dealership, New Auto Sales										P	P						
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	P						
Automobile Service and Repair, Major										P[3]	P[3]						[3] Subject to requirements of Article IX 60-60(4)
Automobile Service and Repair, Minor									P[3]	P[3]	P[3]						[3] Subject to requirements of Article IX 60-60(4)
Automobile Towing/Wrecker Service										C	P						
Automotive Body Shop										C	P						
Aviation facilities															P		
Aviation Service and Repair															P		
Bail Bonding Agency									P	P							
Bank or Financial Institution								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)
Bar or Cocktail Lounge									P	P		P	P		C		
Barber or Beauty Shop							P	P	P	P		P	P				
Bed and Breakfast								P	P	P		P	P				
Bicycle and Bicycle Accessory Sales and Repair								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]				[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.
Boat (Marine) Dealership										P	P						
Book Store								P	P	P		P	P				
Brewpub									P	P		P	P		C		
Building Contractor, General									C	P	P						
Building Contractor, Maintenance and Repair									C	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]		[6] Subject to requirements of Article IX 60-60(14)
Building Contractor, Trade Specialist									C	P	P						
Building Contractor's Storage Yard											P						
Cabinetmaking Shop									C	P	P						
Car Title Loan Business										C	P						
Car Wash, Full-Service or Self-Service									P[7]	P[7]							[7] Subject to requirements of Article IX 60-60(5)
Caretaker's Residence	P	P	P	P	P	P	P		C	P	P	C	C	P	C	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C			P	P	P	
Check Cashing Business										C	P						
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			
Clothing and Apparel Store								P	P	P		P	P				
College or University, Private								P	P	P	P	P	P	P			

EXHIBIT A

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	
College or University, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Garden	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	8 Subject to requirements of Article IX 60-60(8)
Community Home	P8A	P8A	P8A	P8A	P8A	P8A	P8A										8A (1) Must be at least one-half mile from another Community Home measured in a direct line from the property line of each Community Home. (2) Motor vehicles that exceed the number of bedrooms may not be kept on the property or in the right-of-way of any street adjacent to the property.
Concrete/Asphalt Batch Plant, Permanent											C					C	
Condominium (See Dwelling, Multifamily)																	
Continuing Care Facility								C	C	P		P	P				
Convenience Store with Fuel Sales									P9	P9	P9	C9	C9		P9		9 Subject to requirements of Article IX 60-60(1)
Convenience Store without Fuel Sales								P	P	P	P	P	P		P		
Country Club	C	C	C													C	
Custom Manufacturing (See Manufacturing, Custom)																	
Dance Hall/Event Center										P		P	P				
Day Care Services, Adult							C10	P10	P10	P10		P10	P10	P10			10 Subject to requirements of Article IX 60-60(3)
Day Care Services, Children							C10	P10	P10	P10		P10	P10	P10			10 Subject to requirements of Article IX 60-60(3)
Department or General Merchandise Store								P	P	P		P	P				
Detention Facility														C			
Dinner Theatre									P	P		P	P		P		
Distillery										P	P	P	P				
Distribution Center (See Warehousing and Distribution)																	
Dormitory, sorority or fraternity house					P	P	P	P10A	P10A	P10A		P10A	P10A	P10A			10A allowed within these district by right only when located within one-half mile from an higher educational institution
Driving Instruction School									P	P							
Drug Store								P	P	P		P	P		P		
Duplex (See Dwelling, Duplex)																	
Dwelling, Duplex				P		P	P										
Dwelling, Live/Work							P	P	P	P	P	P	P		P		
Dwelling, Multifamily					P	P	C			P		P	P				
Dwelling, Patio Home (Zero Lot Line Home)				P		P											
Dwelling, Single-Family Detached	P	P	P	P		P	P										
Dwelling, Single-Family Detached with Accessory Dwelling Unit	C	C	P	P11		P11	P										11 Accessory Dwelling Unit in R-2, R-M only on lots of at least 5,000 square feet
Dwelling, Small-Lot Single-Family Detached				P		P											
Dwelling, Townhome				P		P						P	P				
Electronic Sales/Service								P	P	P		P	P		P		
Equipment Rental, Heavy, No Outdoor Storage										P	P						
Equipment Rental, Heavy, With Outdoor Storage											P						
Equipment Rental, Light, No Outdoor Storage									P	P	P						
Equipment Rental, Light, With Outdoor Storage										P	P						
Fabric Store								P	P	P		P	P				
Fabrication Processes											P				P		
Fair/Rodeo Grounds or Exhibition Hall or Arena										C	C					C	
Farm Supply Store, Retail										P	P					C	
Farmers' Market									P	P		P	P			P	
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale											P					P	
Fine Arts Classes								P	P	P		P	P				
Fitness Center								P	P	P		P	P				
Flea Market, Indoor										P	P	P	P				
Flea Market, Outdoor/Open Air Market										C	C						
Florist								P	P	P		P	P				
Food Processing (craft)								P	P	P	P	P	P				
Food Processing (manufacturing)											P						
Food Truck Park									C	C	C	C	C		C		
Fuel Sales, Bulk											P9						9 Subject to requirements of Article IX 60-60(1)
Fuel (Gasoline/Propane) Sales, Retail									P9	P9		C9	C9				9 Subject to requirements of Article IX 60-60(1)
Funeral Services								P	P	P		P	P				
Furniture, Home Furnishings, and Home Decorating and Decor Store								P	P	P		P	P				
Furniture Repair and Sale, Used									P	P	P	C	C				
Garden Center/Nursery With Outside Storage									P	P	P	P	P				
Garden Center/Nursery, Without Outside Storage									P	P	P	P	P				
Golf Course	C	C	C													C	
Grocery Store								P	P	P		P	P				
Guest House	P	P	P	P1		P1	P										1 Not permitted for patio homes or townhomes

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	
Guidance Services				P		C	C	C	P		P	P					
Gunsmith and Locksmith Shop								P	P	P		P	P				
Halfway House	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5		P5	P5				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.
Hardware Store								P	P	P		P	P				
Home Improvement Center										P							
Home Occupation	P12	P12	P12	P12	P12	P12	P12					P12	P12			P12	12 Subject to requirements of Article IX 60-60(9)
Homeless Shelter														P			
Hospital										P				P			
Hotel (See also, Motel)										P		P	P		P		
Independent Living Facility for Seniors					P		C	C	C	P		P	P				
Jewelry Store								P	P	P		P	P				
Job and Vocational Training Center								P	P	P	P	P	P		P		
Junkyard	See Chapter 58, Kerrville Code of Ordinances																
Kennel, Up to 11 Animals, Indoor Pens									P	P	P						
Kennel, 12 or More Animals, Indoor or Outdoor Pens										P	P					P	
Landscape Nursery, Commercial/Wholesale											P					P	
Laundromat								P	P	P		P	P				
Laundry/Dry Cleaning Drop-Off/Pick-Up Station								P4	P4	P4		P4	P4				4 Drive-thru subject to requirements of Article IX 60-60(6)
Laundry/Dry Cleaning Plant									C	P	P						
Limousine/Taxi Service										P	P						
Livestock Sales, Wholesale																C	
Luggage and Leather Goods Store								P	P	P		P	P				
Lumber Yard										P	P						
Machine Shop											P				P		
Mailing Service									P	P	P	P	P		P		
Manufactured Home or Manufactured Housing						P13											13 Subject to requirements of Article IX 60-60(10)
Manufactured Housing Sales										C13	P13						13 Subject to requirements of Article IX 60-60(10)
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)																	
Manufacturing, Assembly											P				P		
Manufacturing, General											P				C		
Microbrewery									P	P		P	P				
Mining and Mineral Extraction																C	
Mini-Storage									P14	P14	P14						14 Subject to requirements of Article IX 60-60(2)
Minor Emergency/Urgent Care/Outpatient Medical Clinic								P	P	P		P	P				
Modular Home	P	P	P	P		P	P									P	
Motel										P		P	P		P		
Motor Freight/Trucking Company											C						
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership										P	P						
Movie Theater										P		P	P				
Museum							P	P	P	P		P	P	P	P		
Musical Instrument Sales and Repair								P	P	P		P	P				
Newspaper										P	P	P	P				
Nursing Home					p		C	C	C	P		P	P				
Office, General (Business or Professional)							P	P	P	P	P	P	P		P		
Office, Medical							P	P	P	P	P	P	P	P			
Office Furniture, Equipment, and Supply Store									P	P		P	P				
Outdoor Storage of Equipment and Materials as a Primary Use											P						
Parking Lot or Structure, Accessory					P			P	P	P	P	P	P	P	P		
Parking Lot, Stand-Alone								C	C	P	P	P	P	P	P		
Parking Structure										P		P	P	P	P		
Pawnshop With Outside Storage										P							
Pawnshop, No Outside Storage									P	P		P	P				
Payday Loan Business										C	P						
Pet and Pet Supply Sales							P	P	P	P		P	P				
Pet Grooming							P	P	P	P		P	P				
Photography Studio							P	P	P	P		P	P				
Photography/Camera Supply Store								P	P	P		P	P				
Portable Building Sales											P						
Print Shop								P	P	P	P	P	P				
Public or Institutional Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Quadruplex (See Dwelling, Multifamily)																	
Radio or Television Station or Broadcasting Studio with Tower										P	P						
Radio or Television Station or Broadcasting Studio without Tower								P	P	P	P	P	P				

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				
Recreational Vehicle Dealership										P	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	
Repair Shop, Household Items								P	P	P	P	P	P				
Repair Shop, Personal Items								P	P	P		P	P				
Research and Development Lab										P	P				C		
Residential Care Service	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5		P5	P5				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		
Restaurant, General, With Drive-Thru or Drive-In Service									P4	P4		P4	P4		P4		4 Drive-thru subject to requirements of Article IX 60-60(6)
Restaurant, General, Without Drive-Thru Service								P	P	P		P	P		P		
Salvage, Reclamation, Recycling of Materials											C						
Sand, Gravel, or Stone Extraction																C	
Sand, Gravel, or Stone Storage and Sales											C					C	
School, Private, Elementary	C	C	C	C	C	C	C		C	C				P			
School, Private, Intermediate and Secondary	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	
School, Public, Intermediate and Secondary	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				
Security Service									P	P	P	P	P		P		
Security Systems Installation and Monitoring Company									P	P	P	P	P				
Sexually Oriented Business	See Chapter 30, Kerrville Code of Ordinances																
Shipping Containers											P15			P15	P15		15 Shipping Containers subject to requirements of Article IX 60-60(17)
Short-term Rental Unit	_	_	P	_	P	_	P					P	P			_	
Showroom, in Conjunction with Warehousing and Distribution											P				P		
Showroom, without Warehousing and Distribution								P	P	P	P	P	P		P		
Smoke Shop								C	P	P		P	P		P		
Solar Energy Facility								C	C	C	P			P		C	
Special Care Facility					P		C	C	C	P		P	P				
Sporting Goods Store								P	P	P		P	P		P		
Stables, Commercial																P	
Stables, Private	P															P	
Stationery Store								P	P	P		P	P				
Tailor, Seamstress, or Needlework Shop								P	P	P		P	P				
Tattoo or Permanent Cosmetics Shop, Body Piercing									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	C			P		
Triplex (See Dwelling, Multifamily)																	
Truck Stop and Fueling Station										C9	C9						9 Subject to requirements of Article IX 60-60(1)
Utility, Local	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, Private or Franchise	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Service, Large Animal, Indoor or Outdoor Pens																P	
Veterinary Services, Small Animal, Indoor Pens								P	P	P		P	P			P	
Warehousing and Distribution										C	P				P		
Welding Shop											P				P		
Wholesaling										C	P				P		
Wind Energy System, Small	See Chapter 26, Kerrville Code of Ordinances																
Winery									P	P	P	P	P			C	
Wireless Telecommunications Facilities	See Ordinance 2003-35																
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																	
	P = Permitted, C = Conditional Use, blank = prohibited																