

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 03-2021**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF APPROXIMATELY 0.37 ACRES, COMPRISING ALL OF LOTS 1 AND 2, BLOCK 3 OF THE HILL CREST ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE AND MORE COMMONLY KNOWN AS 900 TIVY STREET; SAID PROPERTY IS LOCATED WITHIN AN R-1A SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY DWELLING UNIT ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property known as 900 Tivy Street and graphically depicted on the location map at **Exhibit A** (the "Property"), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit ("CUP") to authorize a short-term rental unit on the Property, which is located within an R-1A Single-Family Residential with Accessory Dwelling Unit Zoning District; and

WHEREAS, the City Planning and Zoning Commission (the "Commission"), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) ("Zoning Code"), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter on the Property;

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within an R-1 Single-Family Residential with Accessory Dwelling Unit Zoning District, to be developed and used for a Short-Term Rental Unit ("STRU") as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: approximately 0.37 acres of land, out

of the B.F. Cage Survey No. 116, Abstract No. 106, within the City of Kerrville, Kerr County; comprising all of Lots 1 and 2 in Block 3 of the Hill Crest Addition, a subdivision of Kerr County and being more specifically described and depicted on the site plan and location map found at **Exhibit A**.

General Description: 900 Tivy Street.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. **Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with its STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. **Parking:** The Property must include at a minimum, one off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this

Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the 12 day of January, A.D., 2021.



Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

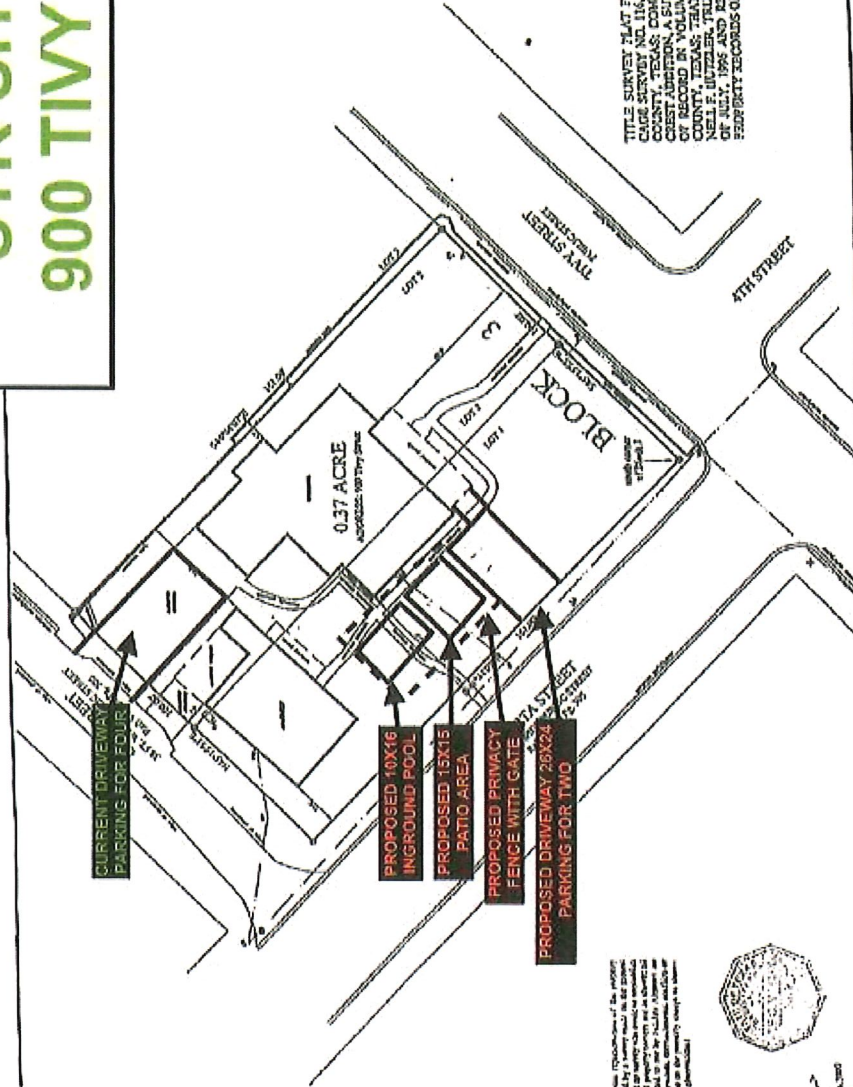
ATTEST:



Shelley McElhannon, City Secretary

EXHIBIT A

STR SITE PLAN 900 TIVY STREET



SCALE: 1" = 20'

LEGEND

- EXISTING DRIVEWAY
- PROPOSED DRIVEWAY
- EXISTING LOT
- PROPOSED LOT
- EXISTING FENCE
- PROPOSED FENCE
- EXISTING POOL
- PROPOSED POOL
- EXISTING PATIO
- PROPOSED PATIO
- EXISTING FENCE WITH GATE
- PROPOSED FENCE WITH GATE

NOTE: ALL SET BACKS SHOWN ARE MINIMUMS AND MAY BE INCREASED AT THE OWNER'S DISCRETION.

TITLE SURVEY PLAT FOR 0.37 ACRE OF LAND, MORE OR LESS, OUT OF BLOCK 3, TIVY STREET, IN THE CITY OF KERSVILLE, KERR COUNTY, TEXAS, DESCRIBED IN ALL OF LOTS 1 AND 2 IN BLOCK 3 OF HELL CREEK SUBDIVISION OF KERR COUNTY ACCORDING TO THE PLAT RECORDED IN VOLUME 19 AT PAGE 106 OF THE DEED RECORDS OF KERR COUNTY, TEXAS; THAT SAME LAND CONVEYED FROM NELL F. HUTTNER TO NELL F. UTZLER, TRUSTEES BY A WARRANTY DEED DATED AND RECORDED OF JULY, 1996 AND RECORDED IN VOLUME 88 AT PAGE 448 OF THE DEED RECORDS OF KERR COUNTY, TEXAS.

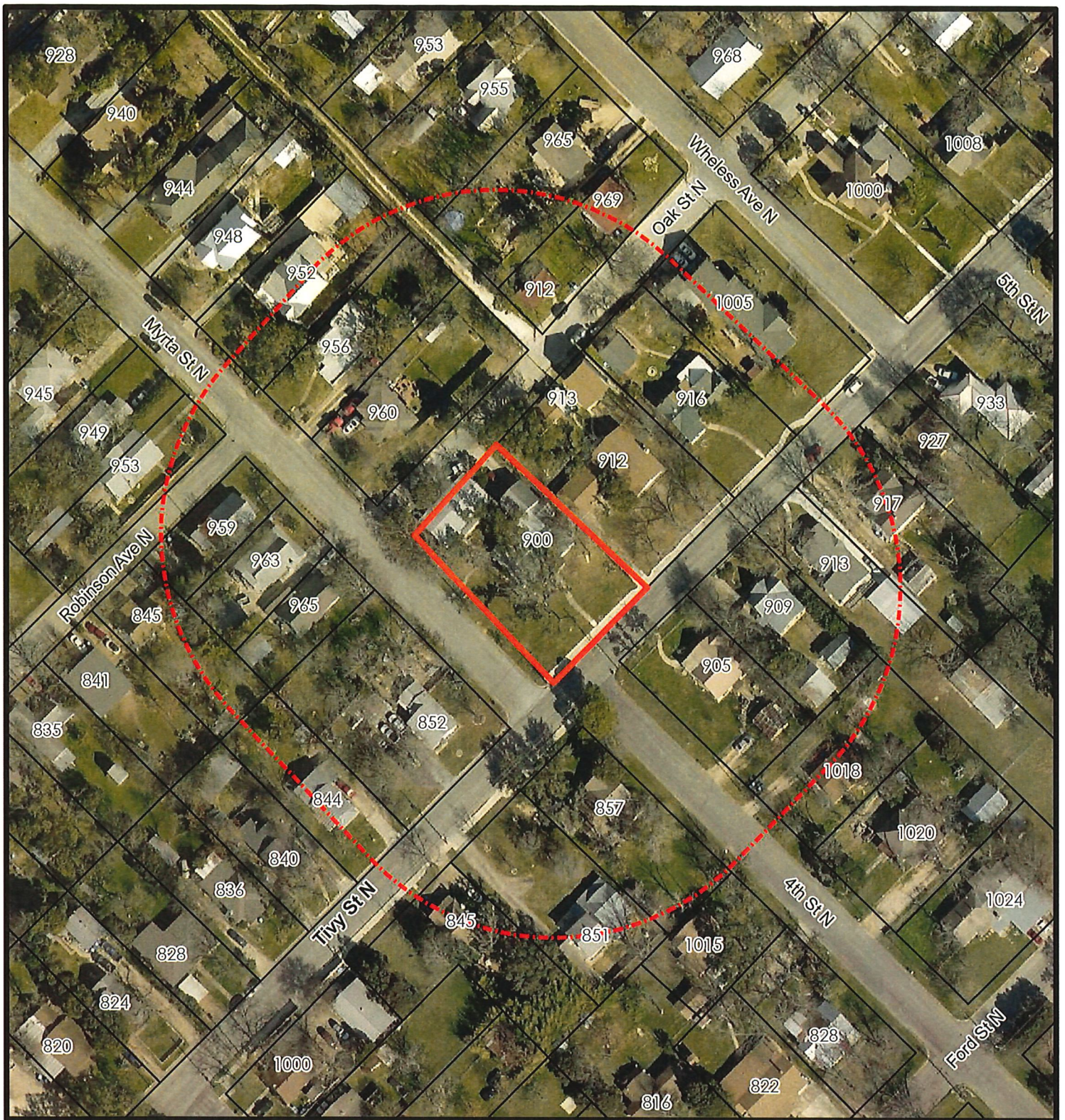
JULY 2019

VOELKEL
LAND SURVEYING, PLLC
101 EAST 10TH STREET, SUITE 100
KERSVILLE, TEXAS 78643

I hereby certify that this plan is an accurate representation of the property shown and described herein as submitted by a person named in the plat. I am a duly licensed and sworn land surveyor in the State of Texas and I am not aware of any facts or circumstances which would make this plan inaccurate or misleading. I am not responsible for any errors or omissions in this plan which may be caused by the client's failure to provide accurate information or by the client's failure to verify the accuracy of the information provided. I am not responsible for any errors or omissions in this plan which may be caused by the client's failure to verify the accuracy of the information provided. I am not responsible for any errors or omissions in this plan which may be caused by the client's failure to verify the accuracy of the information provided.



Surveyor's Seal
Name: [Signature]
Date: [Signature]
Title: [Signature]
Firm: [Signature]



Location Map

Case # 2020-071

Location:
900 Tivy St N

Legend

200' Notification Area
Subject Properties



0 37.5 75 150
Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

EXHIBIT B



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 03-2021

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise**, vibration, dust, dirt smoke, fumes, gas, odor, **traffic**, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!