CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 53-2021

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING LOT 8, BLOCK C, CAGE ADDITION AND MORE COMMONLY KNOWN AS 820 ROBINSON AVENUE; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY DWELLING UNIT ZONING DISTRICT (R-1A); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 820 Robinson Avenue and graphically depicted on the location map and site plan found 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 a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); 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 property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, has recommended that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on December 14, 2021, 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 a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A), 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:** comprising Lot 8, Block C, Cage Addition, a subdivision of Kerr County and the city of Kerrville, and being depicted on the location map and site

plan found at **Exhibit A**.

General Description: 820 Robinson, Kerrville, TX 78028.

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 the 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 may 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 (1) off-street parking space per bedroom, plus an additional space for the manager, if living off-site.

E.   **Maximum Occupancy**: The Property, which includes multiple buildings, is subject to a maximum occupancy of twenty-eight (28) guests, which may be lower per rules set by the owner or operator.

F.   **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 14 **day of** DECEMBER **A.D., 2021.**

_____
Bill Blackburn, Mayor

APPROVED AS TO FORM:
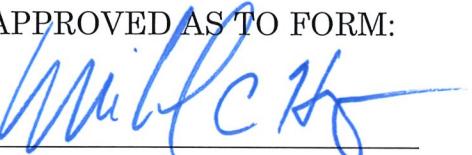
_____
Michael C. Hayes, City Attorney

ATTEST:

_____
Shelley McElhannon, City Secretary

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\CUP\Short Term Rental Unit\Short Term Rental Unit_820 Robinson___   1.docx

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EXHIBIT A
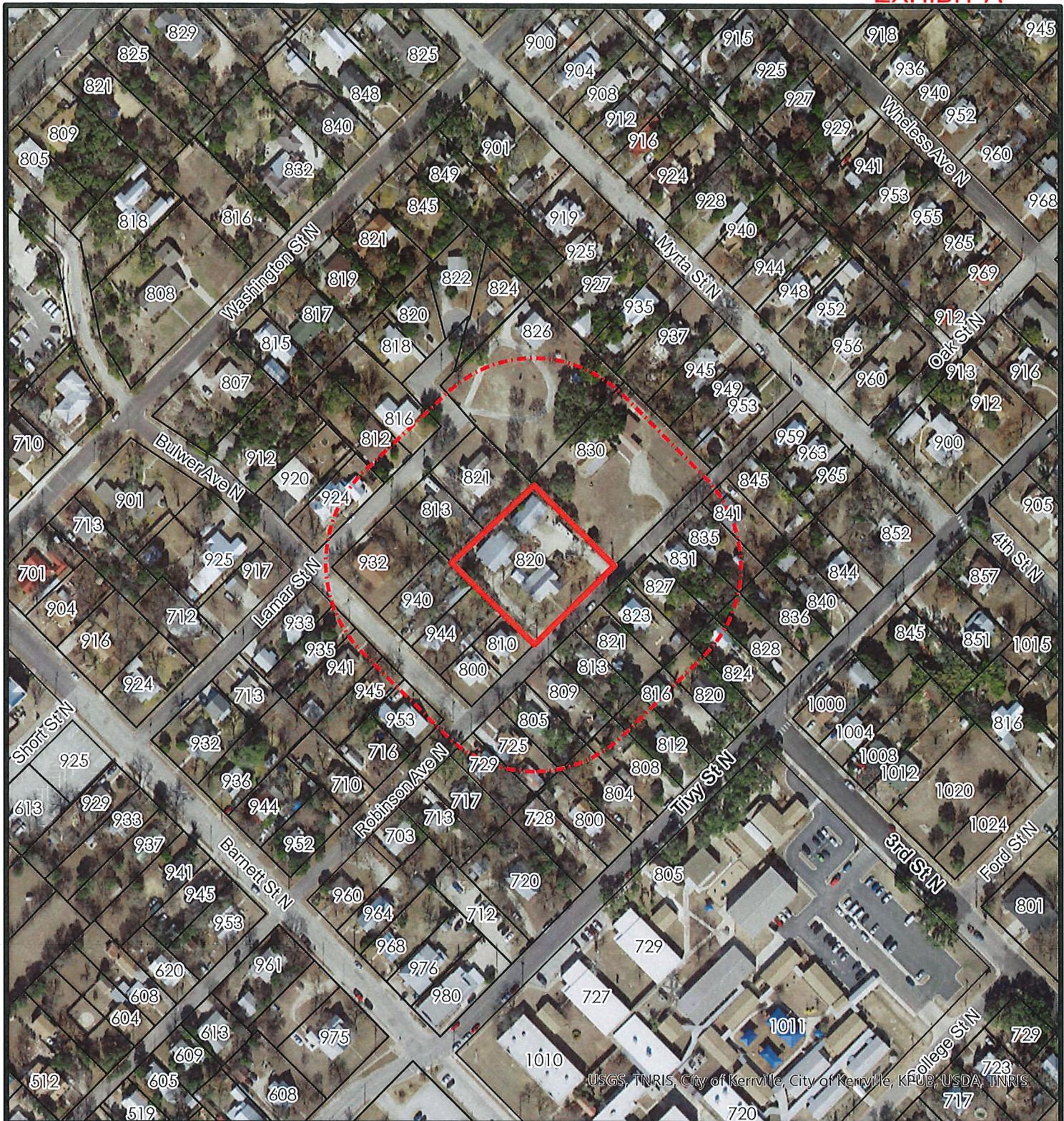
Location Map

Case # PZ-2021-22

Location:
820 Robinson Avenue

Legend

200' Notification Area –·–·–·
Subject Properties ▬▬▬

N
W E
S

CITY OF KERRVILLE 1889 TEXAS

0   75   150   300
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.

820 Robinson Property Map-Hybrid

Duplex (2 2/1s)

Parking - 8 spots

Guest House (3/2)

820

Parking - 4 spots

Main House (3/2)

Robinson Ave N

Robinson Ave N

823

821

810

813

800

9/3/2021, 1:03:50 PM

1:564
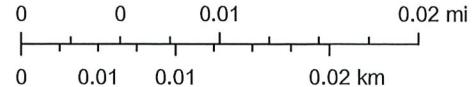
| 0 | 0 | 0.01 | 0.02 mi |

| 0 | 0.01 | 0.01 | 0.02 km |

Tax Parcel

Kerrville Site Address Point

City Limit

SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number ___53-2021___

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. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

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!