

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 48-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF LOT 3B, BLOCK 45, WESTLAND
ADDITION; AND MORE COMMONLY KNOWN AS 410 CIRCLE;
SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY
RESIDENTIAL ZONING DISTRICT (R-1); AND MAKING SAID
PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS**

WHEREAS, the owner of the property known as 410 Circle and 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 Zoning District (R-1); 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 August 9, 2022, 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 Zoning District (R-1), 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: consisting of Lot 3B, Block 45, Westland Addition, and depicted on the location map and site plan found at **Exhibit A**.

Address: 410 Circle, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **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.
- D. **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.
- E. **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.
- F. **Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- G. **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

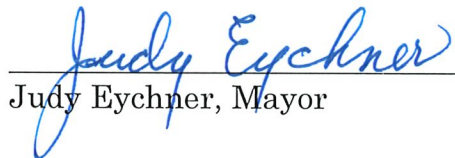
to termination in accordance with the Zoning Code.

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.

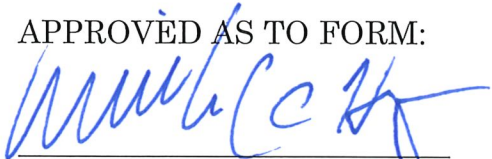
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the 09 day of August, A.D., 2022.

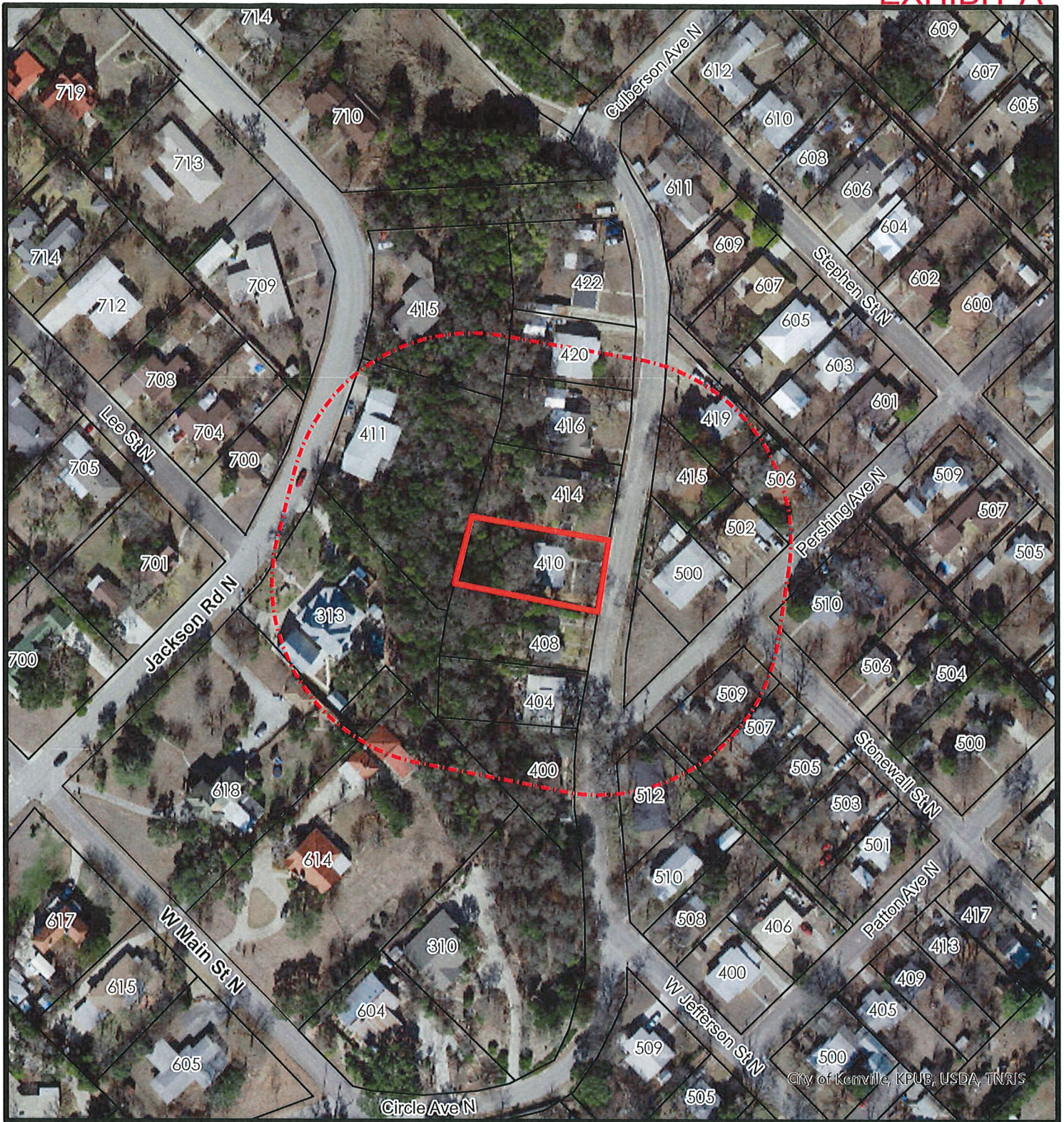

Judy Eychner, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-027

Location:
410 Circle Ave

Legend

200' Notification Area ---
Subject Properties ---

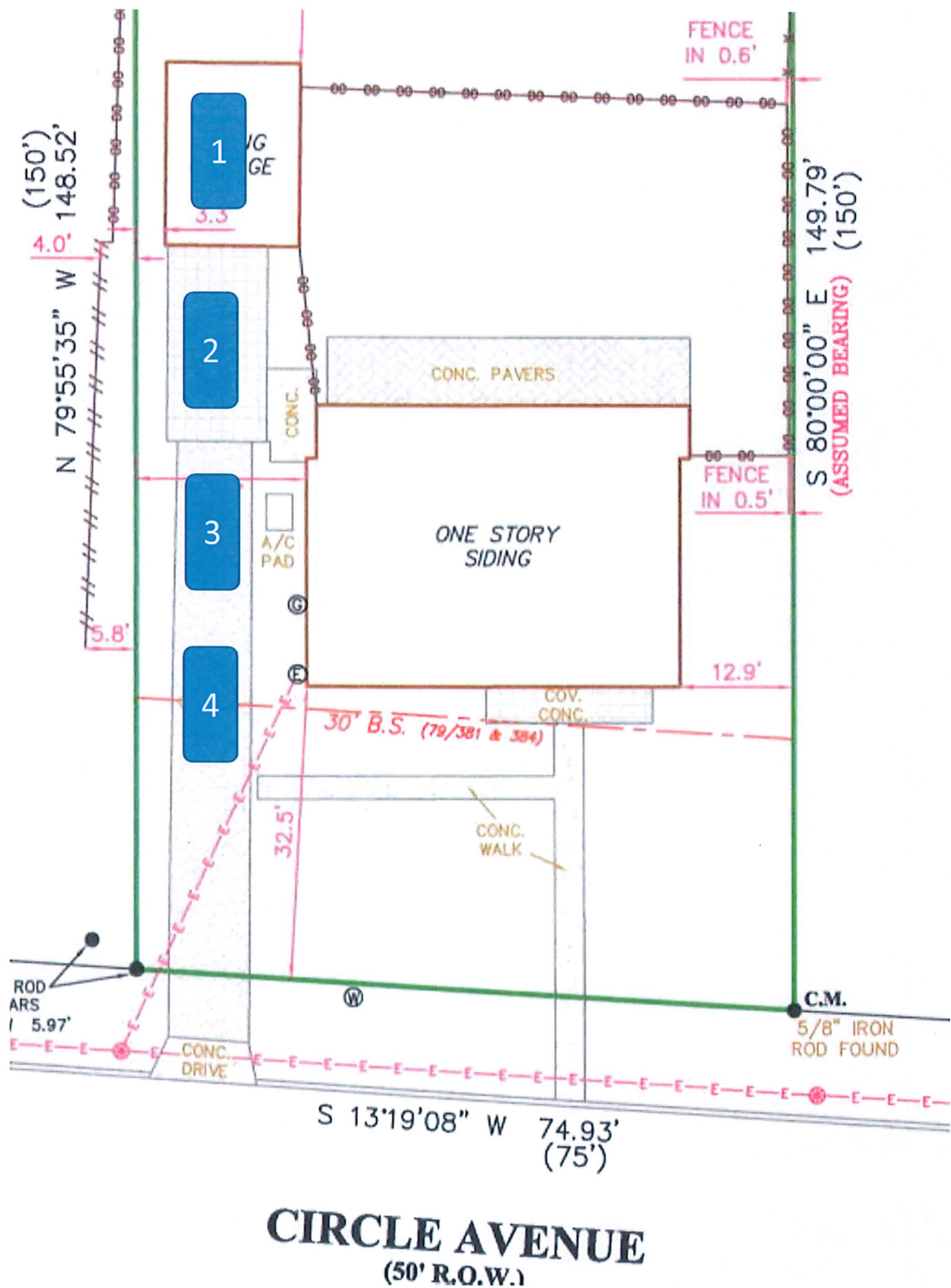


0 50 100 200

Scale In Feet

EXHIBIT A

410 Circle Ave, 3 bdrm Short-Term Rental with 4 parking spaces





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 48-2022

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.

Name: _____

Contact Number: _____

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!

To: [Planning Division](#)
Cc: [Steve Melander](#)
Subject: Case PZ-2022-27 - Planning and Zoning Commission
Date: Saturday, July 2, 2022 10:24:57 AM
Attachments: [Planning and Zoning Commission Case PZ-2022-27 page 2.pdf](#)
[Planning and Zoning Commission Case PZ-2022-27.pdf](#)

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mary N. Olden
404 Circle Ave
Kerrville, TX 78028

The PDF files are signatures from residents who oppose the resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 3B, Block 45, Westland; and more commonly known as 410 Circle Ave, Kerrville, TX 78028.

Sent from [Mail](#) for Windows 10

Petition to Oppose Conditional Use Permit on Lot 3B, Block
45, Westland; and more commonly known as 410 Circle
Ave, Kerrville, TX 78028-Case PZ-2022-27

400 Circle Ave [Signature] John West

404 Circle Ave [Signature] Mary N. Olden

Circle Ave

414 Circle Ave Antonia Rios E. Antonio Elizondo

416 Circle Ave Ken Harding Ken Harding

Circle Ave

415 Circle Ave Robert Chidester Robert Chidester

419 Circle Ave Peggy Carrasco Peggy Carrasco

Pershing

Pershing

Pershing

510 Stonewall Chris Berner Audrey Ben-David

509 Stonewall Grant Baehre Grant Baehre

512 Circle Ave Janet Carter Janet Carter

at 618
618 W Main [Signature] Cameron/Amanda Miller

Jackson Rd

Jackson Rd

415 Jackson Rd

W Main

J Pope

Jennifer Pope