

VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-11

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE’S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AT ARTICLE 30, SECTIONS 30.105 AND 30.133 OF THE VILLAGE’S ZONING REGULATIONS; PROVIDING THE DEFINITIONS OF SHORT TERM RENTAL; DEFINING, REGULATING AND RESTRICTING THE USE OF SHORT TERM RENTAL USAGE IN ZONING CATEGORIES; AND PROVIDING FOR LEGISLATIVE FINDINGS, PURPOSE, SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village Council seeks to provide for the orderly and harmonious development of land and use of property within its corporate limits; and

WHEREAS, the Village Council seeks to protect the Village’s economic strength and quality of life through a comprehensive regulatory system imposing land use and development regulations through zoning ordinance provisions, which will ensure an ordered and quality development of property; and

WHEREAS, the Village Council believes that the a definition of “Short Term Rental” should be defined and clarified to ensure that it is fairly applied and enforced; and

WHEREAS, the Village Council finds that the unrestricted use and placement, and operation of Short Term Rentals on residential improved lots can cause aesthetic harm, devalue adjacent properties, result in undesirable overcrowding, and constitute a public nuisance; and

WHEREAS, the Village Council finds that reasonable restrictions on the use and operation of Short Term Rentals, protects and enhances property values, create a pleasing environment for residents and the entire community, preserve the quality of life for the Village’s residents, and are in the best interest of the public’s general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

47 **Section 2. Purpose.**

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49 The provisions of this Ordinance are intended to protect the welfare, convenience and overall  
50 enjoyment and quality of life of the citizens of Volente.

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52 **Section 3. Amendments to Existing Definitions.**

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54 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
55 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety  
56 the following definitional terms (*in bold italics*):

57  
58 ***Short Term Rental*** means the rental of a residence for less than thirty (30) days.  
59 Where permitted in a district, a property owner who desires to rent his/her  
60 residential structure for a period of less than thirty (30) days, whether leased  
61 directly or subleased through another party.

62  
63 **Section 4. Amendment to Section 30.133 Conditional Use Permit Restricting the Use**  
64 **and location Short Term Rentals.**

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66 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
67 30.133 of the Village's Zoning Regulations are hereby amended to add Item (c) 17 and to define,  
68 place restrictions, and permitting process and requirements upon Short Term Rentals, which are  
69 defined and restricted as follows:

70  
71 ***Short Term Rental*** the rental of a residence for less than thirty (30) days. Where  
72 permitted in a district, a property owner who desires to rent his/her residential  
73 structure for a period of less than thirty (30) days, whether leased directly or  
74 subleased through another party, shall comply with the following special criteria  
75 and conditions:

- 76  
77 (a) **No more than fifteen (15) people can be at the residence at any given time.**  
78 (b) **Overnight occupancy of the residential structure must be limited to a**  
79 **maximum of ten (10) persons.**  
80 (c) **The owner of the residence must maintain a current register of all guests.**  
81 (d) **All bedrooms shall be located within the principal residential structure.**  
82 (e) **No noise before nine (9) a.m. or after ten (10) p.m. which can be heard at the**  
83 **residence closest to the residence being rented under a short-term rental**  
84 **agreement.**  
85 (f) **No live music before one (1) p.m. or after ten (10) p.m.**  
86 (g) **No outside music before one (1) p.m. or after ten (10) p.m.**  
87 (h) **No outside activities after ten (10) p.m.**  
88 (i) **No parking of vehicles by occupants or guests outside of the property lines of**  
89 **the premises that has been issued the conditional use permit.**  
90 (j) **No signs are permitted on the property other than the street number for the**  
91 **residence.**  
92 (k) **Neither the interior nor the exterior of the residence shall be structurally**  
93 **altered so as to change the existing residential character of the building.**

- 94 (l) Conditional use permits must be renewed every six months.
- 95 (m) If no complaints have been lodged against the property or the property
- 96 owner during the preceding six (6) months, the city staff may approve a
- 97 renewal conditional use permit for an additional six (6) month period.
- 98 (n) If any complaints have been lodged against the property or the property
- 99 owner during the preceding six (6) months, the application for renewal will
- 100 be referred to the Planning and Zoning Commission for processing as a new
- 101 application for a conditional use permit.

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 103 **Section 5. The Addition of Conditional Permitted Use to Zoning Categories**

104  
 105 The Village of Volente’s Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
 106 30.112, 30.113, 30.114, 30.115, 30.119, 30.120, 30.121, 30.122, and 30.123 of the Village’s  
 107 Zoning Regulations are hereby amended to add short term rentals as follows:

108  
 109 *Section 30.112 Single Family Residential (e) (1) (A)*

- 110
- 111 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.
- 112 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the
- 113 Village Council.
- 114 (A) Short Term Rentals

115  
 116 *Section 30.113 Single Family Residential 1 Ridge top (f) (1) (A)*

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- 118 (f) Authorizing Short Term Rentals as a Conditional Use in this zoning district.
- 119 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the
- 120 Village Council.
- 121 (A) Short Term Rentals

122  
 123 *Section 30.114 Single Family Residential Cluster (e) (1) (A)*

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- 125 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.
- 126 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the
- 127 Village Council.
- 128 (A) Short Term Rentals

129  
 130 *Section 30.115 Single Family Residential 2 (e) (1) (A)*

- 131
- 132 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.
- 133 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the
- 134 Village Council.
- 135 (A) Short Term Rentals

136  
 137 *Section 30.119 Light Commercial (d) (1) (A)*

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- 139 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.
- 140 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the

141 Village Council.  
142 (A) Short Term Rentals

143  
144 ***Section 30.120 Medium Commercial (f) (1) (A)***  
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146 (f) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
147 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
148 Village Council.  
149 (A) Short Term Rentals

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151 ***Section 30.121 Heavy Commercial (d) (1) (A)***  
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153 (d) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
154 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
155 Village Council.  
156 (A) Short Term Rentals

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158 ***Section 30.122 Light Industrial (e) (1) (A)***  
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160 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
161 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
162 Village Council.  
163 (A) Short Term Rentals

164  
165 ***Section 30.123 Heavy Industrial (e) (1) (A)***  
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167 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
168 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
169 Village Council.  
170 (A) Short Term Rentals

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173 **Section 6 Severability.**

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175 If any provision of this Ordinance or the application of any provision to any person or  
176 circumstance is held invalid, the invalidity shall not affect other provisions or applications of the  
177 ordinance which can be given effect without the invalid provision or application, and to this end  
178 the provisions of this Ordinance are declared to be severable.

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181 **Section 7. Effective Date.**

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183 This Ordinance shall take effect immediately from and after its passage, in conformance with  
184 law.

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188 **Section 8. Compliance with Public Notice and Meeting Requirements.**  
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190 It is hereby officially found and determined that the meeting at which this Ordinance is passed  
191 was open to the public as required and that public notice of the time, place, and purpose of said  
192 meeting was given as required by the Open Meetings Act.  
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194  
195 **PASSED AND APPROVED** this, the \_\_\_\_ day of August, 2014, by a vote of the Volente  
196 Village Council of \_\_\_\_\_ in favor, to \_\_\_\_\_ opposed, and with \_\_\_\_\_ abstentions.  
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199

**VILLAGE OF VOLENTE**

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\_\_\_\_\_  
Frederick Graber, Mayor

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208 **ATTEST:**

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\_\_\_\_\_  
Joan Jackson, Village Secretary

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