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**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.**

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**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.

**Section 2. Purpose.**

47  
48 The provisions of this Ordinance are intended to protect the welfare, convenience and overall  
49 enjoyment and quality of life of the citizens of Volente, and to prevent public nuisance.  
50

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

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

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

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

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

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

76 (a) No residence or portion may be rented for a period of less than [seven or  
77 (7)] days.

78 (b) Only the principal residential structure or one accessory dwelling on the  
79 property may be rented at any given time. A principal residential structure  
80 and an accessory dwelling may not be rented at the same time.

81 ~~(c)~~ (c) No more than fifteen (15) people can be at the residence at any given time.

82 ~~(b)~~ (d) Overnight occupancy of the residential structure must be limited to a  
83 maximum of ~~twoten~~ (210) persons per bedroom, plus a maximum of two (2)  
84 additional overnight guests.

85 (e) The owner of the residence and subletting party, if there is one, must maintain  
86 a-current register of all current and past guests.

87 (f) The owner of the residence and subletting party, if there is one, must maintain  
88 and provide to all lessees a current copy of this Ordinance and all related rules  
89 and regulations of the Village and the owner and subletting party, if there is  
90 one.

91 ~~(e)~~ (g)

92 ~~(d)~~ (h) All bedrooms shall be located **entirely** within the principal residential  
93 structure or within a separate accessory dwelling. Bedrooms in the principal

- residential structure and in an accessory dwelling may not be subject to a rental at the same time.
- (e)(i) ~~From Sunday through Thursday, No noise before nine (9) a.m. or after ten (10) p.m. no noise~~ which can be heard at the residence closest to the residence being rented under a short-term rental agreement is permitted after 8:00 p.m.] and before 9:00 a.m. On Fridays, and Saturdays, no noise which can be heard at the residence closest to the residence being rented under a short-term rental agreement is permitted after [10:00 p.m.] and before 9:00 a.m.
- (f)(i) ~~No live music is permitted at the residence being rented before one (1) 1:00 p.m. or after [8:00]ten (10) p.m. on Sundays through Thursdays. No live music is permitted at the residence being rented before one 1:00 p.m. or after [10:00] p.m. on Fridays and Saturdays.~~
- (g)(k) ~~No outside music is permitted at the residence being rented before one 1:00 p.m. or after [8:00] p.m. on Sundays through Thursdays. No outside music are permitted at the residence being rented before one (1) 1:00 p.m. or after ten [10:00](10) p.m. on Fridays and Saturdays.~~
- (h)(l) ~~No disruptive outside activities are permitted at the residence being rented after ten [10:00] p.m. on Fridays and Saturdays. No outside activities are permitted at the residence being rented after ten (10) [8:00 p.m.] on Fridays and Saturdays.~~
- (i)(m) ~~No parking of vehicles by occupants or guests outside of the property lines of the premises that has been issued the conditional use permit. A parking plan that allows ingress and egress for emergency vehicles.~~
- (j)(n) ~~No signs are permitted on the property other than the street number for the residence.~~
- (o) ~~Neither the interior nor the exterior of the residence or any accessory dwelling shall be structurally altered so as to change the existing residential character of the building.~~
- (k)(p) ~~The owner of the residence must provide the city current proof of insurance, with a minimum of \$500,000 in coverage for property damage and a minimum of \$1,000,000 in coverage for general liability. Proof of current coverage must be provided in order to receive a conditional use permit and as a condition of any renewal of such conditional use permit.~~
- (t)(q) ~~Conditional use permits must be renewed every six months.~~
- (m)(r) ~~If no complaints have been lodged against the property or the property owner during the preceding six (6) months, the city staff may approve a renewal conditional use permit for an additional six (6) month period.~~
- (n)(s) ~~If any complaints have been lodged against the property or the property owner during the preceding six (6) months, the application for renewal will be referred to the Planning and Zoning Commission for processing as a new application for a conditional use permit.~~

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

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

- 142                    **Section 30.112 Single Family Residential (e) (1) (A)**  
143  
144 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
145                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
146                    Village Council.  
147                    (A) Short Term Rentals  
148  
149                    **Section 30.113 Single Family Residential 1 Ridge top (f) (1) (A)**  
150  
151 (f) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
152                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
153                    Village Council.  
154                    (A) Short Term Rentals  
155  
156                    **Section 30.114 Single Family Residential Cluster (e) (1) (A)**  
157  
158 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
159                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
160                    Village Council.  
161                    (A) Short Term Rentals  
162  
163                    **Section 30.115 Single Family Residential 2 (e) (1) (A)**  
164  
165 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
166                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
167                    Village Council.  
168                    (A) Short Term Rentals  
169  
170                    **Section 30.119 Light Commercial (d) (1) (A)**  
171  
172 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
173                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
174                    Village Council.  
175                    (A) Short Term Rentals  
176  
177                    **Section 30.120 Medium Commercial (f) (1) (A)**  
178  
179 (f) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
180                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
181                    Village Council.  
182                    (A) Short Term Rentals  
183  
184                    **Section 30.121 Heavy Commercial (d) (1) (A)**  
185  
186 (d) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
187                    (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the

188 Village Council.  
189 (A) Short Term Rentals  
190  
191 **Section 30.122 Light Industrial (e) (1) (A)**  
192  
193 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
194 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
195 Village Council.  
196 (A) Short Term Rentals  
197  
198 **Section 30.123 Heavy Industrial (e) (1) (A)**  
199  
200 (e) Authorizing Short Term Rentals as a Conditional Use in this zoning district.  
201 (1) Conditional Uses Permitted upon Authorization of Planning and Zoning and the  
202 Village Council.  
203 (A) Short Term Rentals

204 **Section 6. Penalty.**

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207 **An individual, business, entity, or person who violates this Ordinance or fails to comply with**  
208 **the conditions of a permit required by this Ordinance commits a Class C misdemeanor. A**  
209 **violation of this Ordinance is punishable by a fine of up to \$500.00 per violation.**

210  
211 **Section 76 Severability.**

212 If any provision of this Ordinance or the application of any provision to any person or circumstance  
213 is held invalid, the invalidity shall not affect other provisions or applications of the ordinance  
214 which can be given effect without the invalid provision or application, and to this end the  
215 provisions of this Ordinance are declared to be severable.  
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219 **Section 87. Effective Date.**

220 This Ordinance shall take effect immediately from and after its passage, in conformance with law.  
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225 **Section 98. Compliance with Public Notice and Meeting Requirements.**

226 It is hereby officially found and determined that the meeting at which this Ordinance is passed was  
227 open to the public as required and that public notice of the time, place, and purpose of said meeting  
228 was given as required by the Open Meetings Act.  
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231  
232 **PASSED AND APPROVED** this, the \_\_\_\_ day of August, 2014, by a vote of the Volente  
233 Village Council of \_\_\_\_\_ in favor, to \_\_\_\_\_ opposed, and with \_\_\_\_\_ abstentions.

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**VILLAGE OF VOLENTE**

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Frederick Graber, Mayor

**ATTEST:**

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Joan Jackson, Village Secretary