

## ORDINANCE 2024-02

### AN ORDINANCE OF THE CITY OF UVALDE AMENDING CHAPTER 17 ZONING OF THE UVALDE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Uvalde regulates land use to promote public health and safety, and

WHEREAS, having a uniform code is necessary for performing this task,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amend 17.20.018 and 17.20.020 by:**

Replacing "Special Use Permit" with "Conditional Use Permit"

Replacing "guest room" with "sleeping room"

Replacing "bed and breakfast facility" with "short term rentals"

Replacing "R-1" with "Single family residential zones"

Adding "A permit issued under this article may not be transferred and does not convey with the property upon sale. A permit may be revoked if the permit hold is found to be in violation of the conditions of this permit."

**Section 3. Amend "Short Term Rentals" section A to read:**

1. Parking. One off-street parking space per sleeping room.
2. Number of sleeping rooms. The maximum number of sleeping rooms shall be eight.
3. Length of stay. The maximum length of stay is 29 days.
4. Signs shall conform to Home Occupation signage.
5. The property owner must register with the City and pay Hotel Occupancy taxes.

**Section 4. Amend "Short Term Rentals" section B to read:**

1. Meals may be prepared in kitchen facilities by guests. Facilities that provide meals must follow Texas Department of Health and Human Services regulations related to Retail Food Establishments.

2. The owner of the facility shall provide clean linens and towels, provide adequate heating, air conditioning ventilation and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain the structure(s) in suitable state of repair; and properly clean the premises and facilities after each guest has departed.

3. Inspections by the city code enforcement department will be made annually and upon demand as required by complaint. The inspections must be successfully passed. The inspection fee will be \$75.00.

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**Section 3. Penalty Clause.** Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

**Section 4. Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting special use permits which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

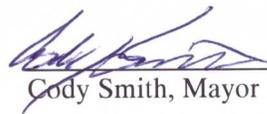
**Section 5. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 12<sup>th</sup> day of March, 2024.

The City of Uvalde, Texas

  
Cody Smith, Mayor

ATTEST:  
  
Sorayda A. Sanchez, City Secretary