

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING OF APPROXIMATELY 0.22 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY NO. 1, ABSTRACT NO. 1, MILLTOWN LOTS, ADDRESSED AT 569 WRIGHT AVENUE FROM “M-2” HEAVY INDUSTRIAL DISTRICT TO “C-O” COMMERCIAL OFFICE DISTRICT; AND GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-O” COMMERCIAL OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the “C-O” Commercial Office District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown lots, addressed at 569 Wright Avenue from “M-2” heavy Industrial District to “C-O” Commercial Office district; and

WHEREAS, in keeping with the spirit and objectives of a Type 2 Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rental use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 569 Wright Avenue, to allow short term rental of a single-family dwelling in the “C-O” Commercial Office District; **now, therefore;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by changing the following described tract of land from “M-2” Light Industrial District to “C-O” Commercial Office District and designating said property with a “Type 2 Special Use Permit” for the short-term rental use with conditions herein described:

Being 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown lots, addressed at 569 Wright Avenue, as depicted in Exhibit “A” attached, to allow short term rental in the “C-O” Commercial Office District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. Paved off-street parking for a minimum of four vehicles to be provided in accordance with City standards.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy is limited to a maximum of 10 guests.
5. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will also be met.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 23rd day of May, 2022.

PASSED AND APPROVED: Second reading this 13th day of June, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

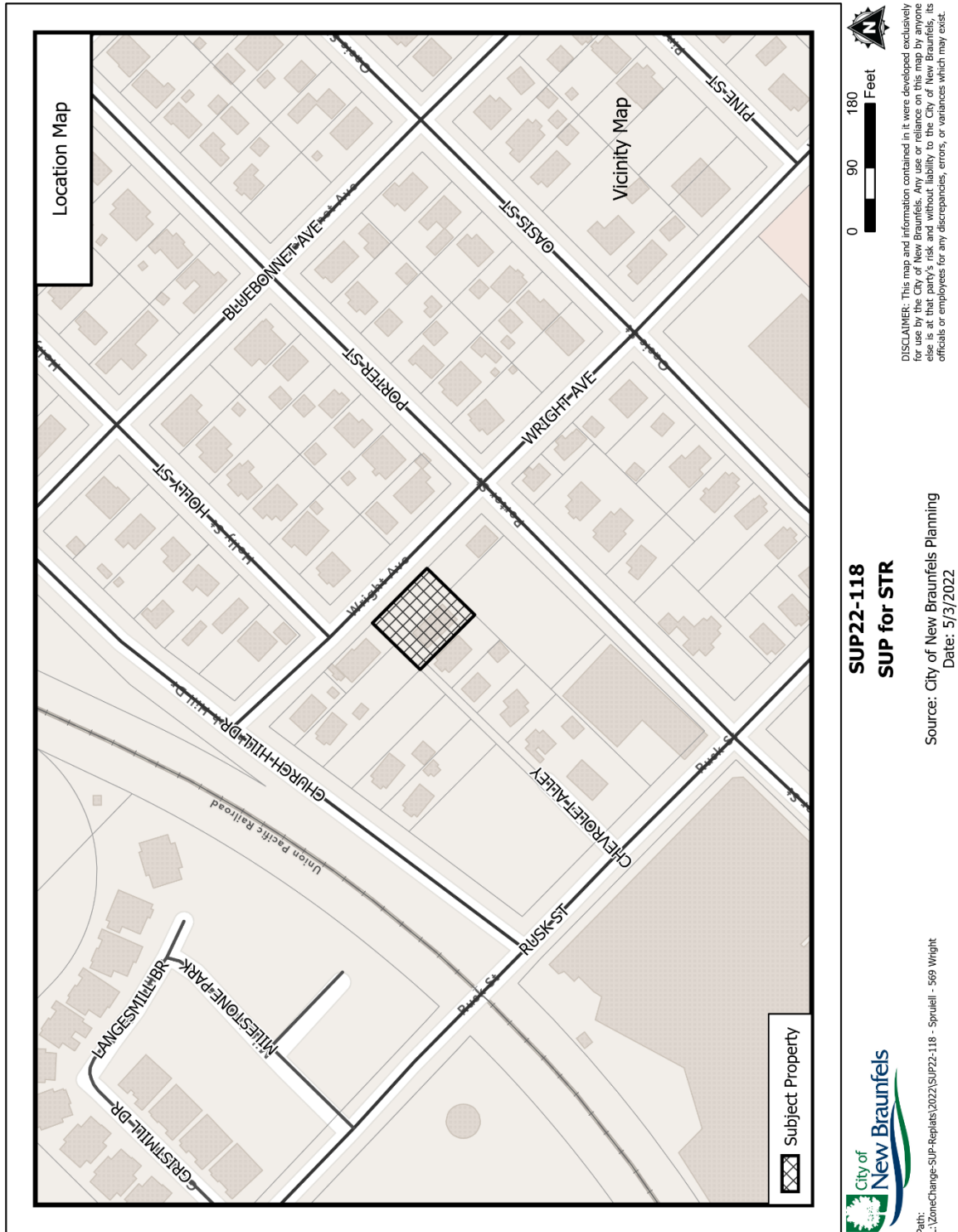
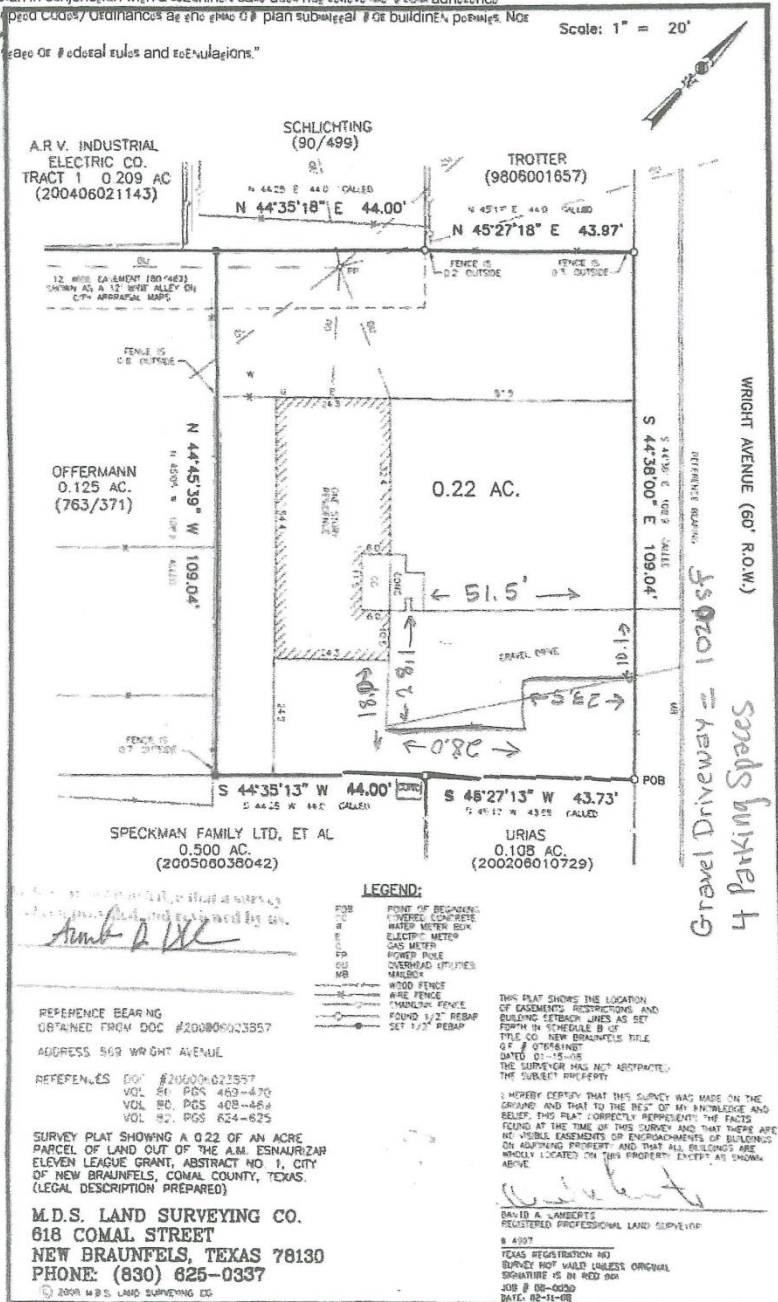


EXHIBIT "B"

"I, Ashley Spruill, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances or the plan submitted for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations."

Scale: 1" = 20'

The following statement must be included on the site plan: "Ashley Spruill, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances at the time of plan submitted for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations."



Site Plan