

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW AN EXISTING RESIDENCE TO OPERATE AS A BED AND BREAKFAST IN THE “R-2” SINGLE AND TWO-FAMILY DISTRICT ON LOT 6R, CITY BLOCK 5007, ADDRESSED AT 522 CROSS RIVER STREET; 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 a 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 a bed and breakfast; 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 Type 2 Special Use Permit at 522 Cross River Street, to allow an existing residence to operate as a bed and breakfast facility in the “R-2” Single and Two-family 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 adding the following tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being Lot 6R City Block 5007, addressed at 522 Cross River Street, as depicted in Exhibit "A" attached, to allow a bed and breakfast in the "R-2" Single and Two-family District.

SECTION 2

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

1. Only the rear residential unit, identified as 522 on Exhibit "A", may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four (4) off-street parking spaces must be provided for the B&B facility. The parking area may remain crushed granite; however, a concrete apron, meeting the City's standard design, must be provided.
3. The residential character and appearance of the buildings, 522 and 534, must be maintained.
4. All supplemental standards for bed and breakfast facilities contained in Exhibit "B" (Section 144-5.6 of the Zoning Ordinance) must be observed, including the requirement for owner occupancy of the property.
5. The property will remain in compliance with the approved site plan illustrated on Exhibit "C". Any significant changes to the site plan will require a revision to the SUP.
6. Occupancy of the bed and breakfast is limited to ten (10) occupants.

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 28th day of September, 2020.

PASSED AND APPROVED: Second reading this 12th day of October, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



SUP20-141
Bed & Breakfast
522 Cross River Street

EXHIBIT “B”

Bed and Breakfast Inn or Facility(s). A dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in rooms or unattached units (e.g., cabins) for transient guests for compensation.

5.6. *Bed and breakfast facilities.*

5.6-1 Bed and breakfast facilities are subject to the following requirements:

5.6-2 *Parking.* One off-street parking space per guest room, and one off-street parking space for the owner/proprietor are required.

5.6-3 *Number of guest rooms.* The maximum number of guest rooms shall be eight.

5.6-4 *Length of stay.* The maximum length of stay for each guest shall be limited to 14 consecutive days within any thirty day time period.

5.6-5 *Management.* The facility shall be owner occupied in the residential zoning districts and may be manager occupied in other zoning districts.

5.6-6 *Signs.* Signs shall conform to Chapter 106.

5.6-7 *Health factors:*

- (a) Only overnight guests may be served meals. The meals shall be confined to a continental-type breakfast, consisting of pastries (prepared outside the establishment), milk, cereal, fruit, fruit juice, and coffee, unless the facility meets all State of Texas and City Health Department requirements for commercial food service. Cooking in a guest room is prohibited.
- (b) The owner of the facility shall provide clean linens and towels on a daily basis, 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 during the guests stay and after each guest has departed.
- (c) Each owner of the facility must acquire a permit for the facility from the City Health Department prior to issuance of a Certificate of Occupancy.
- (d) Inspections by the City Health Department will be made on a regular basis and upon demand as required by a complaint. The inspections must be successfully passed.
- (e) Building and fire protection considerations:
 - (1) Owner of Bed and Breakfast facility must obtain a Certificate of Occupancy (C.O.) from the City Building Official after a Special Use Permit is issued, if a Special Use Permit (SUP) is required. The facility must successfully pass the C.O. inspection.
 - (2) The structure(s) must conform to all City and State Building Codes for existing or new construction as the situation dictates.
 - (3) The City Fire Marshal or his representative shall inspect all Bed and Breakfast facilities before a C.O. is issued. The facility must successfully pass the inspection. Regular inspections shall be made on an annual basis.
 - (4) Each Bed and Breakfast facility must comply with the appropriate section on “Lodging and Rooming Houses” contained in NFPA 101 Life Safety Code.
 - (5) Each facility must have at least one battery operated or regular hard wired smoke detector in all guest rooms, stairwells and/or corridors on each floor of the structure.
 - (6) An approved fire extinguisher shall be provided in close proximity to the guest units on each floor.
- (f) *Other activities.* Other activities such as weddings, parties, and other functions are not permitted unless approved by the Planning Director.

EXHIBIT "C" Site Plan

