

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS WITH AN ACCESSORY UTILITY SHED IN THE “C-2” CENTRAL BUSINESS DISTRICT, ON LOT 32R, NEW CITY BLOCK 2016, ADDRESSED AT 468. 476 AND 486 N. MARKET AVENUE; 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 also 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 compatibility 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 rentals and Council previously approved a Type 2 Special Use Permit for short term rental per Ordinance 2017-19 on the property; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 32R New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the “C-2” Central Business 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 described tract of land as a "Special Use Permit" for the uses and conditions herein described:

“Being Lot 32R, New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, as delineated in the attached Exhibit ‘A’, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the “C-2” Central

Business District.”

SECTION 2

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

1. Exhibit ‘B’ shall be considered the adopted site plan. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls (Section 5.3-2) must be met.
3. All supplemental standards for short term rentals in Section 5.17 will be observed, including obtaining the administrative Short Term Rental Permit prior to operation.
4. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
5. *Occupancy*. The maximum number of persons allowed to reside in the Short Term Rentals is two (2) adults per Sleeping Area: **Maximum of 26 adults**.
6. *Parking*. Provide Thirteen (13) paved off-street parking spaces.
7. No building additions may be constructed, other than those shown on the approved site plan, and no changes may be made to the approved site plan unless the Special Use Permit is amended through the rezoning process.
8. A building permit will be obtained and completed for the accessory utility shed.

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 of same.

PASSED AND APPROVED: First Reading this the 28th day of May, 2019.

PASSED AND APPROVED: Second Reading this the 10th day of June, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



N.T.S

N.T.S.

BOLLARD DETAIL
NOT TO SCALE

THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE INCURRED DUE TO EXISTING UTILITIES, PRESERVE ANY AND ALL EXISTING UNDERGROUND UTILITIES, STRUCTURES OR FACILITIES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES 24 - HOURS PRIOR TO COMMENCING CONSTRUCTION.