

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT ON 0.049 ACRES OUT OF LOT 9, BLOCK 3, BUENA VISTA ADDITION, ADDRESSED AT 291 SCHOOL AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for 0.049 acres out of Lot 9, Block 3, Buena Vista Addition, currently addressed at 291 School Avenue, to allow the short-term rental of single-family dwelling in the “C-3” Commercial 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:

0.049 acres out of Lot 9, Block 3, Buena Vista Addition, currently addressed at 291 School Avenue, as delineated in Exhibit ‘A’.

## **SECTION 2**

**THAT** the Special Use Permit be subject to the following additional restrictions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan (Exhibit 'B', attached). Any significant changes to the site plan will require a revision to the SUP.
3. Occupancy is limited to a maximum of 6 guests
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes
5. All standards of the Zoning Ordinance will 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 27th day of September, 2021.

**PASSED AND APPROVED:** Second reading this 11th day of October, 2021.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

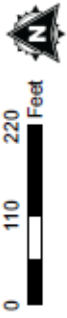
**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

**EXHIBIT 'A'**



**SUP21-0267**  
**Special use permit for Short Term Rental**



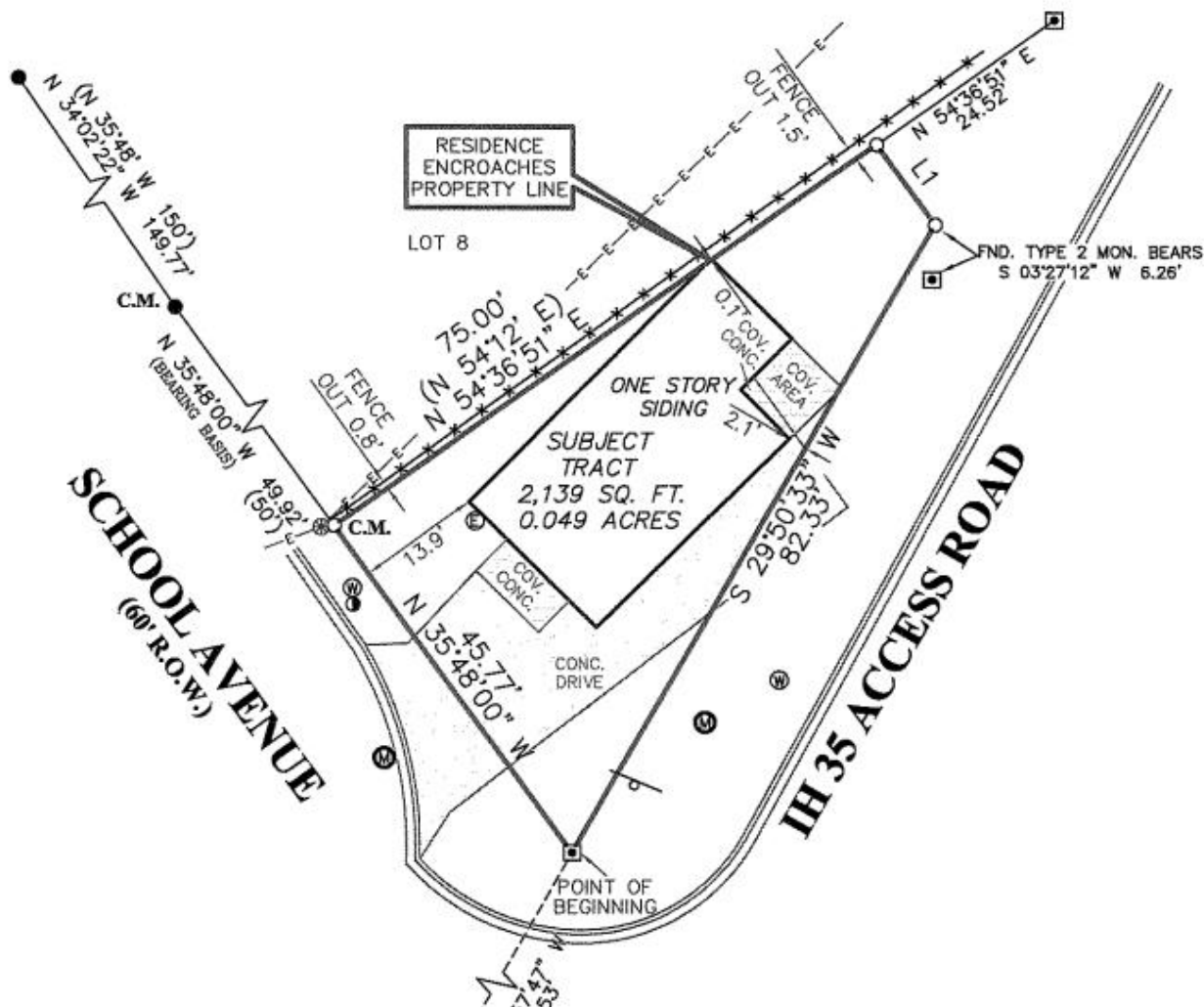
# EXHIBIT 'B'

LINE	BEARING	DISTANCE
L1	S 35°48'00" E	11.28'

## SITE PLAN



SCALE: 1"=20'



We John F. [Signature] and Yanping Yao [Signature] owners of 291 School Avenue, acknowledge that this site plan submitted for the purposes of rezoning the 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 submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations.