

## Legislation Details (With Text)

<b>File #:</b>	24-796	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	6/5/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	6/24/2024	<b>Final action:</b>	6/24/2024

**Title:** Public hearing and first reading of an ordinance to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photo, 4. Notification Map, List & Responses, 5. PC Draft Minutes, 6. Draft Ordinance

Date	Ver.	Action By	Action	Result
6/24/2024	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, Assistant Director of Planning and Development Services.

**SUBJECT:**

Public hearing and first reading of an ordinance to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED: 5**

**BACKGROUND INFORMATION:**

Case No: SUP24-157

Applicant/Owner: Savannah Zipp  
463 Yarro St.  
New Braunfels, TX 78130  
(281) 923-1809 | czventures1@gmail.com

Staff Contact: Mary Lovell, Senior Planner  
(830) 221-4051 | mlovell@newbraunfels.gov

The subject property is approximately 0.12 acres located on the northeast side of North Market Avenue, approximately 165 feet northwest from the intersection of North Market Avenue and East Zink Street, approximately 215 feet from the Union Pacific Railroad tracks and approximately 500 feet from the Comal River. The property is also near several restaurants and recreational tubing businesses.

The residence will be a 2,380-square-foot two-story house with four bedrooms and three bathrooms. This

Special Use Permit (SUP) application is proposed to allow the short-term rental (STR) of the permitted home once it is constructed. The permits for this residence have received approval from Planning and Development Services and the final build will be required to pass final inspections to obtain a certificate of occupancy.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 4 bedrooms and 3 bathrooms is 10 occupants, and the minimum off-street parking is 4 spaces. The applicant is providing 5 off-site parking spaces, exceeding the minimum parking space requirement.

*Surrounding Zoning and Land Use:*

North	C-2	Residential
South	C-2	Residential
East	C-2	Residential
West	C-2	Residential, Commercial

**ISSUE:**

The proposed rezoning to apply the Special Use Permit is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

**Future Land Use Plan:** The subject property is located within the New Braunfels Subarea, near an Existing Tourist Center and a Proposed Outdoor Recreation Center.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. Also, the project must comply with all other City Code standards.

There are currently 27 active short-term rental properties within one-half mile of the subject property.

**STRATEGIC PLAN REFERENCE:**

- Economic Mobility Enhanced Connectivity Community Identity  
Organizational Excellence Community Well-Being N/A

**FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

**RECOMMENDATION:**

Staff recommends approval subject to the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.

**The Planning Commission held a public hearing on June 4, 2024, and unanimously recommended approval (8-0-0).**

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 12 properties within 200 feet of the request. As of the agenda

posting date, the city has received responses representing 10% in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-8 (C-2) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)