

## Legislation Text

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**File #:** 22-803, **Version:** 1

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**PRESENTER:**

Christopher J. Looney, AICP; Planning & Development Services Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the “C-3” Commercial District addressed at 229 W. Merriweather Street.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District - 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-169

Applicant/Owner: Evelyn Joyce Orr  
9320 Muskberry Cove  
Austin, TX 78717  
(512) 517-2402 | ejo3226@hotmail.com

Staff Contact: Laure Middleton  
(830) 221-4054 | LMiddleton@nbtexas.org

**The City Council held a public hearing on June 27, 2022 and unanimously approved with conditions the first reading of the ordinance for the applicant’s requested rezoning (7-0-0).**

The subject property is located between Business 35/Elliott Knox to the north, IH 35 to the south, and two blocks west of Seguin Avenue. The house is approximately 756 square feet with two bedrooms and one bathroom built in 1935. With one bathroom and two bedrooms, the maximum occupancy would be 5 guests. A minimum of two off-street paved parking spaces are required. The driveway is large enough to accommodate at least four spaces.

*Surrounding Zoning and Land Use:*

North - Across Merriweather St., C-3 / Mobile home park

South - C-3 / Single family residence

East - C-3 / Single family residence

West - C-3 / Single family residence

**ISSUE:**

The proposed SUP meets all Zoning Ordinance requirements for a short-term rental, and 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: The property is situated within the New Braunfels Sub-Area, between two transitional mixed-use corridors, in close proximity to Market Centers, and a short drive or bicycle ride to Tourist Centers in central New Braunfels.

There are currently 7 active STRs within one-half mile of the subject property (see attachment). Short term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. Paved off-street parking for at least two 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 5 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.

The Planning Commission held a public hearing on June 7, 2022, and unanimously recommended approval with staff's recommended conditions (9-0-0).

*Mailed notification as required by state statute:*

Public hearing notices were sent to 18 owners of property within 200 feet of the request. To date, the city has received two responses, in favor, from properties numbered 2 and 6 on the Notification map.

Resource Links:

- Chapter 144, Sec. 3.3-9 (C-3) 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?)