

## Legislation Text

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**File #:** 22-804, **Version:** 1

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**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant 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-1” Local Business District addressed at 188 S. Union Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-171

**Applicant:** Denise Orr & Ashley Evans  
1211 River Acres  
New Braunfels, TX 78130  
(830) 730-8776 | twoamigastx@gmail.com

**Owner:** Lawrence Herring  
715 Reiley Road  
Seguin, TX 78155  
(830) 608-0000 | professor000000@gmail.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 at the northwest corner of South Union Avenue and West South Street, less than one block north of the Prince Solms Park.

The subject property is improved with a residence built in 1925 that has most recently been utilized as office space, and a detached garage. The 1,498 square foot home has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, the maximum occupancy of a STR with two bedrooms and two bathrooms is 6 occupants, and the minimum off-street parking is 2 spaces. The property has adequate paved parking to meet the minimum requirement.

*Zoning and Land Use:*

North - C-1 / Single family residence

South - Across South St., C-1 / Restaurant

East - Across Union Ave., C-1 / Single family residence

West - C-1 / Commercial tubing business

**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, in close proximity to existing Outdoor Recreation, Tourist, and Civic Centers, and within a short drive or bicycle ride to existing Market Centers and Downtown New Braunfels.

In addition to being close to Downtown, the subject site lies within a tourist-oriented area. There are 16 approved short term rental SUPs within one-half mile of the subject property, 11 are currently active. There are an additional 12 STR properties also located within this one-half mile area (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. If the SUP is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required.

**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 a minimum of 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 6 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 12 owners of property within 200 feet of the request. To date, the city has received two responses, in favor, from properties numbered 4 and 12 on the Notification map.

Resource Links:

- Chapter 144, Sec. 3.4-17 (C-1) 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?_ga=2.182111211.1610111111.1610111111-1610111111.1610111111)

- 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?)