

ORDINANCE NO. 2017- 19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW THE SHORT TERM RENTAL OF TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS IN THE "C-2" CENTRAL BUSINESS DISTRICT, DESCRIBED AS BEING A 0.717 ACRE TRACT OF LAND, AND BEING KNOWN AS PARTS OF LOTS 32, 33, 34 AND 35, NEW CITY BLOCK 2016, ADDRESSED AT 468, 476 & 486 N. MARKET 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 1 Special Use Permit for 468, 476 & 486 N. Market Avenue to allow short term rental of two single family dwellings and up to eight cabins 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** Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of

Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being parts of Lots 32, 33, 34 and 35, New City Block 2016, addressed at 468, 476 & 468 N. Market Avenue, as delineated on the attached Exhibit 'A' and described in the attached Exhibit 'B' to allow short term rental of two single family dwellings and up to eight cabins in the "C-2" Central Business District."

## SECTION 2

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

1. The property will be replatted, combining the two tracts of land into one platted lot prior to the issuance of a certificate of occupancy.
2. Exhibit 'C' 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.
3. Residential buffer trees are not required to be planted along the property boundary only where the access driveway is adjacent to the property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls will comply with Section 5.3-2.
4. 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.
5. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
6. *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.**
7. *Parking.* Provide Thirteen (13) paved off-street parking spaces.
8. 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.

## 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 23<sup>rd</sup> day of January, 2017.

**PASSED AND APPROVED:** Second Reading this the 13<sup>th</sup> day of February, 2017.

  
**CITY OF NEW BRAUNFELS**  
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**BARRON CASTEEL, Mayor**

**ATTEST:**  
  
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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**  
  
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**VALERIA M. ACEVEDO, City Attorney**









METES AND BOUNDS DESCRIPTION  
FOR A  
0.717 ACRE TRACT OF LAND

Being a 0.717 acre tract of land, and being known as parts of Lots 32, 33, 34, and 35, New City Block 2016, City of New Braunfels, Comal County, Texas, and being the same tract called 0.718 acres of land described in Doc# 200106012045, Official Public Records, Comal County, Texas, said 0.717 acre tract of land being more particularly described as follows:

Beginning at a ½" iron pin stamped "4069" found at the intersection of the Northeast line of Market Street, with the Southeast line of Meusebach Street, for the West corner of the above referenced Lot 32, for the West corner of the above referenced 0.718 acre tract of land, for the West corner and Point of Beginning of this tract;

Thence along the Southeast line of Meusebach Street, N 38°41'54" E a distance of 24.58 feet to a ½" iron pin stamped "4069" found at it's intersection with the Southerly line of the M. K. & T. Railroad Spur, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Northerly line of said 0.718 acre tract of land, the Southerly line of said M. K. & T. Railroad Spur, the following calls:

N 52°06'42" E a distance of 20.74 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 56°06'21" E a distance of 47.77 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 59°37'33" E a distance of 47.58 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 65°41'18" E a distance of 49.12 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 71°40'34" E a distance of 47.93 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 73°57'38" E a distance of 48.98 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 75°12'06" E a distance of 131.72 feet to a ½" iron pin stamped " HMT PROP. COR." set in the Southeasterly line of said Lot 35, the Northwesterly line of said lot 41, for the Northeasterly corner of said 0.718 acre tract of land, for the Northeasterly corner of this tract;

Thence along the Southeasterly line of of said Lots 34 and 35, the Northwesterly line of Lots 40 and 41, New City Block 2016, the following calls:

S 38°16'04" W a distance of 112.34 feet to a 3/8" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°23'19" W a distance of 57.25 feet to a ½" iron pin stamped "4069" found at the common corner of said Lots 33, 34, 39, and 40, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Southwest line of said Lot 34, the Northeast line of said Lot 33, N 52°12'15" W a distance of 61.10 feet to a ½" iron pin found for an interior corner of said 0.718 acre tract of land, for an interior corner of this tract;

Thence along the common line of this tract and said 0.718 acre tract, across said Lots 32 and 33, the following calls:

S 38°59'00" W a distance of 62.50 feet to a ½" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°27'24" W a distance of 130.36 feet to a ½" iron pin found (bent) in the Northeasterly line of Market Street, for the most Southerly corner of said 0.718 acre tract of land, for the most Southerly corner of this tract;

Thence along the Northeast line of Market Street, the Southwest line of said 0.718 acre tract of land, N 51°50'00" W a distance of 131.41 feet to the Point of Beginning and containing 0.717 acres of land.

Bearings are rotated to a bearing of N 51°50'00" W between monumentation found along the Northeast line of Market Street, reference 0.718 acre tract of land, described in Doc# 200106012045, Official Public Records, Comal County, Texas.

Surveyed this the 29th day of August, 2011.

Reference survey of said 0.717 acre tract of land prepared this same date.

  
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Thor Thornhill  
Registered Professional Land Surveyor No. 6177





