

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.153 ACRES, BEING CITY BLOCK 1001, SOUTH 70 FEET OF LOT 124 (B), CURRENTLY ADDRESSED AT 147 SOUTH ACADEMY AVENUE, FROM C-2 HD (GENERAL BUSINESS DISTRICT WITH HISTORIC DISTRICT OVERLAY) TO C-2 HD SUP (GENERAL BUSINESS DISTRICT WITH HISTORIC DISTRICT OVERLAY AND A SPECIAL USE PERMIT FOR SHORT-TERM RENTAL OF A RESIDENCE); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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 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 the health, safety, and general welfare of the public by providing compatible 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 rental use; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 147 South Academy Ave, to allow short-term rental of a residence in the C-2 HD (General Business District with Historic District Overlay); **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 tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being City Block 1001, South 70 feet of Lot 124 (B), being as delineated in Exhibit "A" and depicted in Exhibit "B" attached.

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 "C" and floor plan Exhibit "D". Any significant changes to the site plan will require a revision to the SUP.

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 November 2023.

PASSED AND APPROVED: Second reading this 11th day of December 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

DESCRIPTION OF A 0.1368 ACRE TRACT OF LAND STUATED IN THE J. VERAMENDI SURVEY, A-2 NCB 1001, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS

BEING a 0.1368 of one acre tract of land situated in the J. Veramendi Survey, Abstract No. 2, City of New Braunfels, Comal County, Texas, and being a portion of Lot 124, New City Block 1001, said 0.1368 acre tract of land described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found at the intersection of the Northeast right-of-way line of S. Academy Avenue with the Northwest right-of-way line of Cross Street, and being the occupied South corner of Lot 277, New City Block 1001, and the South corner of a called 0.285 acre tract of land described in an instrument to Edward and Charlotte Cavanaugh Family Trust recorded in Document No. 201806001171 of the Official Public Records of Comal County, Texas (O.P.R.C.C.), from which 3/8-inch iron rod found for the occupied Northeast corner of Lot 276 bears North 37° 54' 38" East, a distance of 191.57 feet;

THENCE, North 52° 45' 20" West, along and with the Northeast right-of-way line of said S. Academy Avenue, at distance of 199.81 feet passing a 3/8-inch iron rod found for the occupied Southwest corner of a called 0.307 acre tract described in an instrument to Charles H. Allard and wife Dee Ann Hallard recorded in Volume 520, Page 162, O.P.R.C.C., and continuing a total distance of 269.81 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set for the most Southerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, North 52° 45' 20" West, a distance of 62.00 feet to a 5/8-inch iron rod with cap stamped "Summit Geomatics, Inc." set for the Westerly corner of the herein described tract;

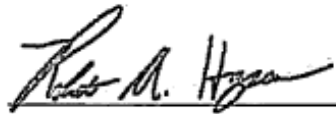
THENCE, North 37° 54' 38" East, a distance of 96.13 feet to the most Northerly corner of the herein described tract, from which a nail found in concrete base of an old post found for the occupied West corner of Lot 123 and the occupied North corner of Lot 124 bears North 52° 45' 20" West, a distance of 59.84 feet;

THENCE, South 52° 45' 20" East, along and with the North line of said Lot 124, a distance of 62.00 feet to a calculated point for the most Easterly corner of the herein described tract;

THENCE, South 37° 54' 38" West, a distance of 96.13 feet to the **POINT OF BEGINNING** of the herein described tract and containing 0.1368 acre of land.

Bearing orientation is based upon the Texas Coordinate System, South Central Zone 4204, North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.00. Measurements are in U.S. Survey Feet.

A survey plat of even date has been prepared in conjunction with this metes and bounds description.



Robert A. Harper, RPLS No. 6582
Summit Geomatics, Inc.
3138 Samar Dr.
San Antonio, Texas 78217
TBPELS Firm No. 10194657



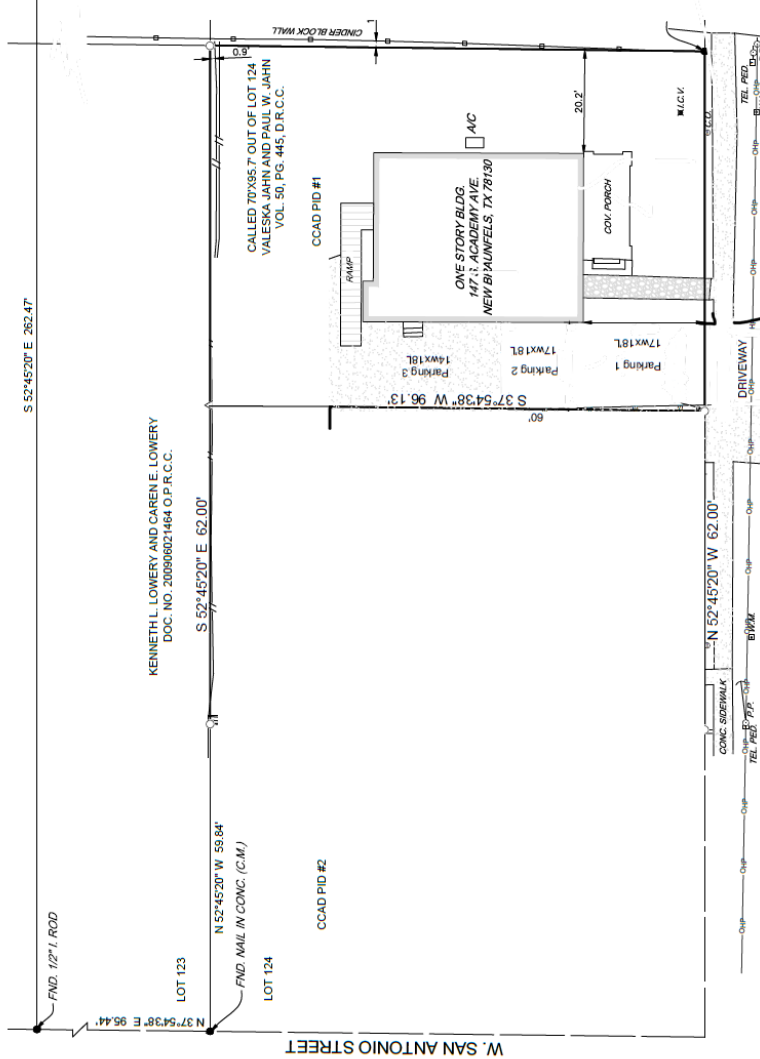
EXHIBIT "B"



147 S Academy Ave

Site Plan

- 3 off-street parking spaces available
- we also fall within the downtown street parking map



S. ACADEMY AVENUE

Text

"I, Sarah McDaniel, the property owner, acknowledge that this site plan submitted for the purposes of rezoning this 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"



| SCALE | JOB NO. | DATE | SHEET |
|--------|---------|----------|--------|
| 1"=20' | 21.0085 | 07/09/21 | 1 OF 1 |

EXHIBIT "D"

