

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS WITH AN ACCESSORY UTILITY SHED IN THE "C-2" CENTRAL BUSINESS DISTRICT, ON LOT 32R, NEW CITY BLOCK 2016, ADDRESSED AT 468. 476 AND 486 N. MARKET AVENUE; 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 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 Council previously approved a Type 2 Special Use Permit for short term rental per Ordinance 2017-19 on the property; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 32R New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed 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 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 described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot 32R, New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, as delineated in the attached Exhibit 'A', to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the "C-2" Central

Business District.”

SECTION 2

THAT the Special Use Permit be subject to the following additional conditions:

1. Exhibit ‘B’ 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.
2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls (Section 5.3-2) must be met.
3. 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.
4. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
5. *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**.
6. *Parking*. Provide Thirteen (13) paved off-street parking spaces.
7. 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.
8. A building permit will be obtained and completed for the accessory utility shed.

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 28th day of May, 2019.

PASSED AND APPROVED: Second Reading this the 10th day of June, 2019.

CITY OF NEW BRAUNFELS

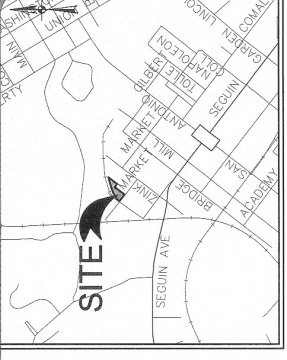
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

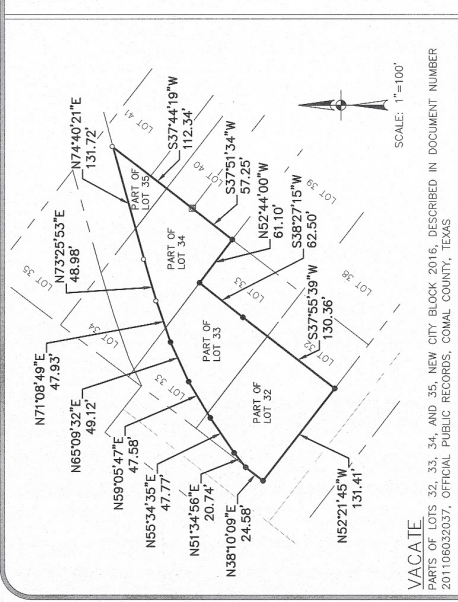


LOCATION MAP
NOT TO SCALE

SCALE: 1"=40'

LEGEND:
 ● = FND 1/2" IRON PIN
 ○ = SET 1/2" IRON PIN W/
 PLASTIC CAP STAMPED "HMT"
 U.E. = UTILITY EASEMENT
 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS,
 COMAL COUNTY, TEXAS
 D.R.C.C.T. = COMAL COUNTY, TEXAS

REPLAT OF LOTS 32, 33, 34, & 35, NEW CITY BLOCK 2016, ESTABLISHING
LOT 32R, NEW CITY BLOCK 2016
 BEING A 0.717 ACRE TRACT OF LAND, AND BEING KNOWN AS PARTS OF LOTS 32,
 33, 34, AND 35, NEW CITY BLOCK 2016, DESCRIBED IN DOCUMENT NUMBER
 201106032037, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS



SCALE: 1"=100'

VACATE
 PARTS OF LOTS 32, 33, 34, AND 35, NEW CITY BLOCK 2016, DESCRIBED IN DOCUMENT NUMBER
 201106032037, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

- PLAT NOTES: WITHIN THE SUBDIVISION WILL BE PROVIDED WATER, SEWER AND ELECTRIC SERVICE
 1. BY NEW BRAUNFELS UTILITIES, TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL
 BE PROVIDED BY AT&T COMMUNICATIONS AND/OR THE WARRIOR.
2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE
 SYSTEM. ALL DISTANCES ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE
 DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
3. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SHOWN BOUNDARY OF THE
 TRACT. MONUMENTS WERE SET BY THE SURVEYOR AND PLACED IN THE GROUND. THE
 PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND
 STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
4. THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
6. THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
7. NO PORTION OF THIS SUBDIVISION IS BELIEVED TO BE WITHIN THE SPECIFIED FLOOD HAZARD AREA
 NUMBER 480100-035F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL
 EMERGENCY MANAGEMENT AGENCY.
8. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN
 OR OTHER THE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE,
 OR OTHER THE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE,
 SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW
 BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT
 EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE
 EASEMENTS.
9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER
 PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
10. OWNER SHALL BE RESPONSIBLE FOR THE STANDARDS AND SPECIFICATIONS FOR LOT 32R BY THE
 CITY OF NEW BRAUNFELS.
11. ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A
 FASHION SO AS TO DRAIN STORMWATER AWAY FROM THE STRUCTURE, PROPERTIES
 OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW
 STREET SHALL HAVE A PROPERLY SIZED GROSS SWALE PREVENTING RUNOFF FROM ENTERING
 THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
12. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND
 ANY NEW DWELLING UNITS AND CONSTRUCTION OF THE OWNER OF THE LOTS) SHALL CONTACT
 THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

- NEW BRAUNFELS UTILITIES NOTES:
1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY
 OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR
 OTHER USES, SHALL BE SUBJECT TO THE STANDARDS AND SPECIFICATIONS FOR LOT 32R BY THE
 CITY OF NEW BRAUNFELS. THE EASEMENT MUST NOT ENHANCE OR INTERFERE WITH THE RIGHTS
 GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS,
 BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN
 WRITING, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART
 OF IT.
2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE
 LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF
 DWELLING AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND
 METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EXPLORER MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S
 EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U/E) WITH DRAINAGE EASEMENTS (D/E) OR
 MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U/E) WITHOUT WRITTEN APPROVAL
 FROM NEW BRAUNFELS UTILITIES.
6. NBUI IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING,
 FENCES, POOLS, ETC.) CAUSED BY UTILITY EASEMENTS. SUCH DAMAGES SHALL BE THE RESPONSIBILITY
 OF THE PROPERTY OWNER. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY TYPE OF
 IMPROVEMENTS PLACED IN UTILITY EASEMENTS. ANY IMPROVEMENTS PLACED IN ANY TYPE OF
 UTILITY EASEMENT MUST BE REMOVED IMMEDIATELY UPON RECEIVING WRITTEN NOTICE OF
 ENCROACHMENT PROCESS. NBUI DEVELOPMENT SERVICES FACILITATES THE EASEMENT
 ENCROACHMENT APPLICATION PROCESS.

410 N. SECURIN AVE.
 NEW BRAUNFELS,
 TEXAS 78130
 WWW.HMTNB.COM
 PH: (830)625-8555
 TBPE FIRM F-10961
 TBPLS FIRM 10153600

KNOW ALL MEN BY THESE PRESENTS:
 I, THE UNDERSIGNED, MARK F. CONLAN, A REGISTERED PROFESSIONAL
 LAND SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING
 INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS,
 OF COMAL COUNTY ON THE 24 DAY
 OF March 2017 AT
 2:01 P.M.



MARK F. CONLAN
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342
 410 N. SECURIN AVE., NEW BRAUNFELS, TEXAS 78130

APPROVED THIS 7th DAY OF February 2017
 BY THE PLANNING COMMISSION OF THE CITY OF NEW
 BRAUNFELS, TEXAS

CHAIRMAN: Cory Head
 APPROVED FOR ACCEPTANCE: [Signature]
 DATE: 3-23-17
 PLANNING DIRECTOR: [Signature]
 DATE: 3/15/17
 CITY ENGINEER: [Signature]
 DATE: 2/23/17
 NEW BRAUNFELS UTILITIES

STATE OF TEXAS
 COUNTY OF COMAL

Robbie Koepf
 DO HEREBY CERTIFY THAT THE FOREGOING
 INSTRUMENT WAS FILED FOR
 RECORD IN THE MAP AND PLAT RECORDS,
 OF COMAL COUNTY ON THE 24 DAY
 OF March 2017 AT
 2:01 P.M.

WITNESS MY HAND AND OFFICIAL SEAL, THIS 24 DAY
 OF March 2017

COUNTY CLERK, COMAL COUNTY, TEXAS
 Deputy: Jimmy Kowalski



STATE OF TEXAS
 COUNTY OF COMAL

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND
 DESIGNATED HEREIN AS LOT 32R, NEW CITY BLOCK 2016, A SUBDIVISION
 TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE
 NAME IS SUBMITTED HEREON FOR THE PUBLIC STREETS PARKS, DRAINS,
 EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES
 AND DEDICATION THEREIN, EXPRESSLY:

TRAVIS FERONICA BATEY
 5645 HILLWAY AVE W
 NEW BRAUNFELS, TEXAS 78130

STATE OF TEXAS
 COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
 15th DAY OF February 2017.
 BY: Travis Batey
 NOTARY PUBLIC, STATE OF TEXAS
 MY COMMISSION EXPIRES: 4/7/19



EXHIBIT 'A'

