

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT BEING LOT 15, NEW CITY BLOCK 1072, HIGHWAY ADDITION SUBDIVISION, ADDRESSED AT 220 PERRYMAN STREET; 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 for 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 220 Perryman Street, to allow short term rental of a single-family dwelling in the “C-3” Commercial 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 tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being Lot 15, New City Block 1072, Highway Addition Subdivision, addressed at 220 Perryman Street, as depicted in Exhibit “A” attached, to allow short term rental in the “C-3” Commercial District.

SECTION 2

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

1. The residential character of the property must be maintained.

2. 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. (Exhibit "B")
3. A paved driveway with three paved parking spaces must be available for use prior to the issuance of a Short-Term Rental Permit.
4. Occupancy is limited to a maximum of 5 guests. (Exhibit "C")

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 26th day of September, 2022.

PASSED AND APPROVED: Second reading this 10th day of October, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of New Braunfels. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of New Braunfels, its officials or employees for any discrepancies, errors, or variances which may exist.

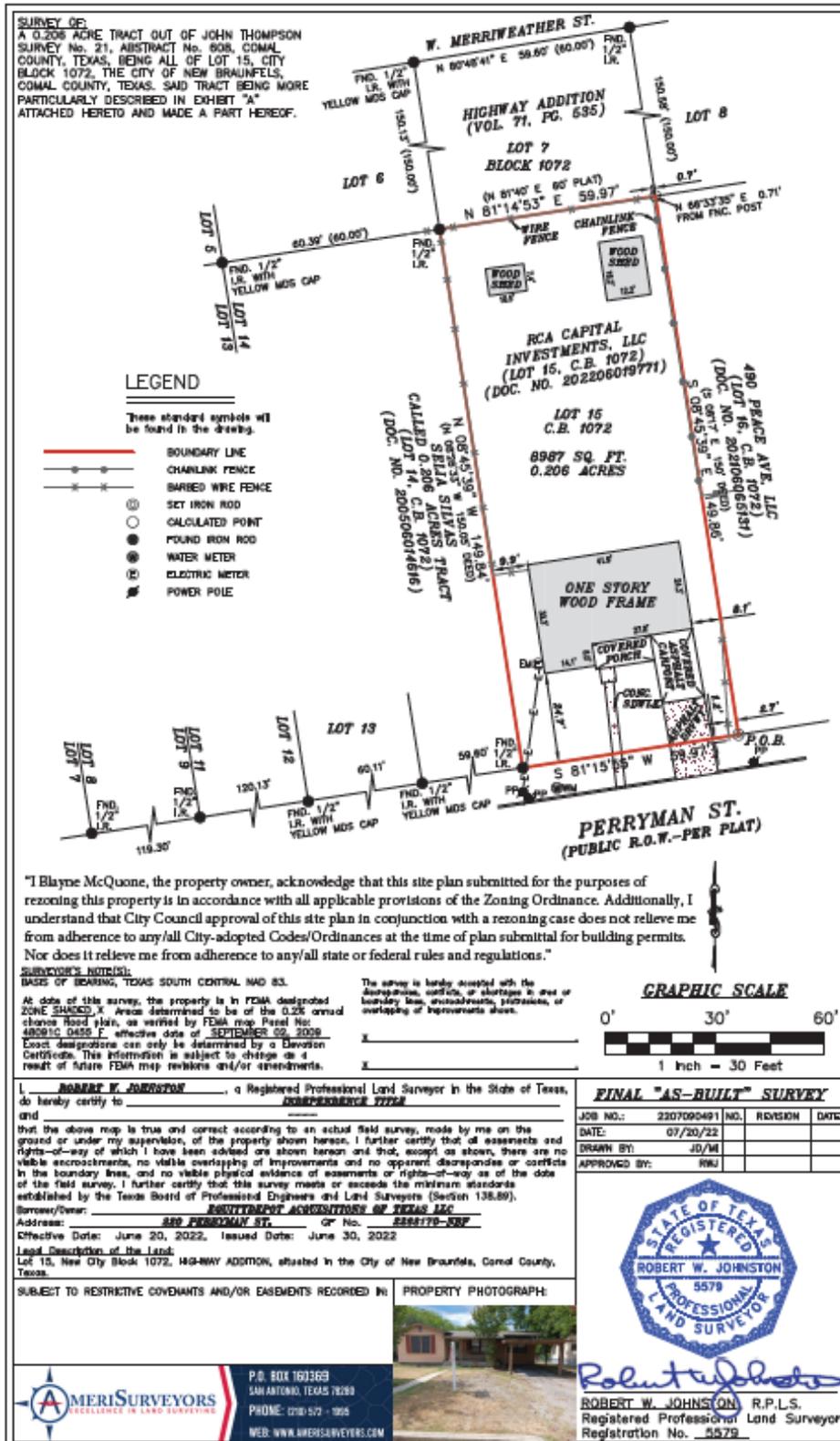
SUP22-333
SUP for STR

Source: City of New Braunfels Planning
Date: 8/23/2022



Path: P:\ZoneChange & SUP\2022\SUP22-333 - McQuore - 220 Perryman - STR

EXHIBIT "B"



"I Blayne McQuone, 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."

SURVEYOR'S NOTES:
 BASIS OF BEARING, TEXAS SOUTH CENTRAL MAG 83.
 At date of this survey, the property is in FEMA designated ZONE SHADDO. Areas determined to be of the 0.2% annual chance flood plain, as verified by FEMA map Panel No: 48081C 0455 F effective date of SEPTEMBER 22, 2009.
 Exact designations can only be determined by a Division Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

I, **ROBERT W. JOHNSTON**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **RESUBMITTAL ACQUISITION 11224** and that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that of easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Engineers and Land Surveyors (Section 138.89).
 Surveyor/Owner: **RESUBMITTAL ACQUISITION OF TEXAS LLC**
 Address: **880 PERRYMAN ST. GP No. 888170-SRP**
 Effective Date: June 20, 2022, Issued Date: June 30, 2022
Legal Description of the Land:
 Lot 15, New City Block 1072, HIGHWAY ADDITION, situated in the City of New Braunfels, Comal County, Texas.

FINAL "AS-BUILT" SURVEY

JOB NO.:	NO.	REVISION	DATE
2207090491			
DATE:	07/20/22		
DRAWN BY:	JD/M		
APPROVED BY:	RWJ		

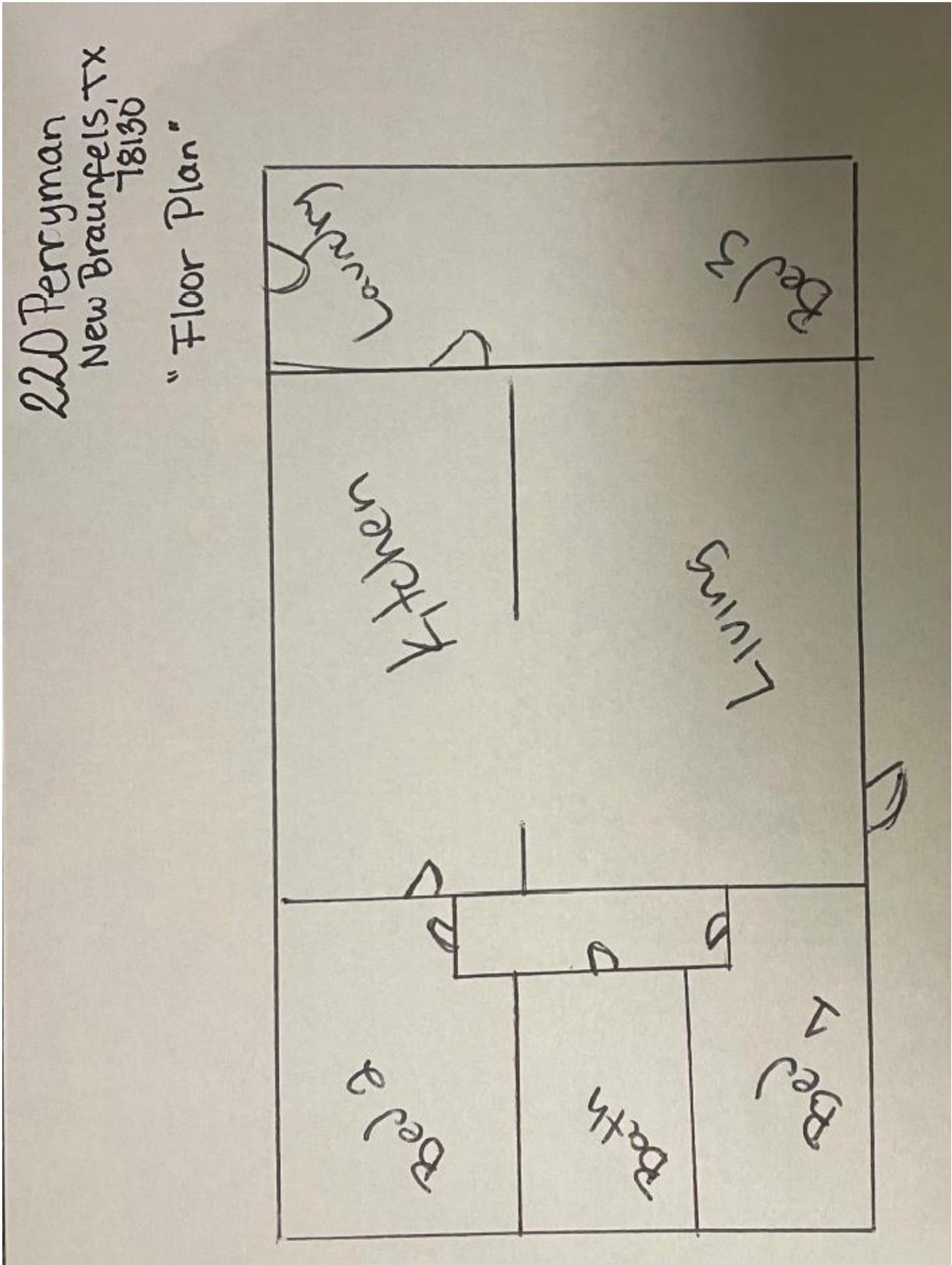


Robert W. Johnston
 ROBERT W. JOHNSTON, R.P.L.S.
 Registered Professional Land Surveyor
 Registration No. 5578

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Site Plan

EXHIBIT "C"



Floor Plan