

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.2 ACRES, BEING LOT 20, BLOCK 2, EICKENROHT ADDITION REVISED SUBDIVISION, CURRENTLY ADDRESSED AT 1241 SOUTH ACADEMY AVENUE, FROM “R-3” MULTIFAMILY DISTRICT TO “R-3 SUP” MULTIFAMILY DISTRICT WITH 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 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 1241 South Academy Avenue, to allow short term rental of a residence in the “R-3” Multifamily 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 20, Block 2, Eickenroht Addition Revised Subdivision, depicted on Exhibit “A”, delineated on Exhibit “B” and described on Exhibit “C” 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 and floor plan, Exhibit "B".
- Any significant changes to the site plan or floor 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 24th day of July, 2023.

PASSED AND APPROVED: Second reading this 14th day of August, 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

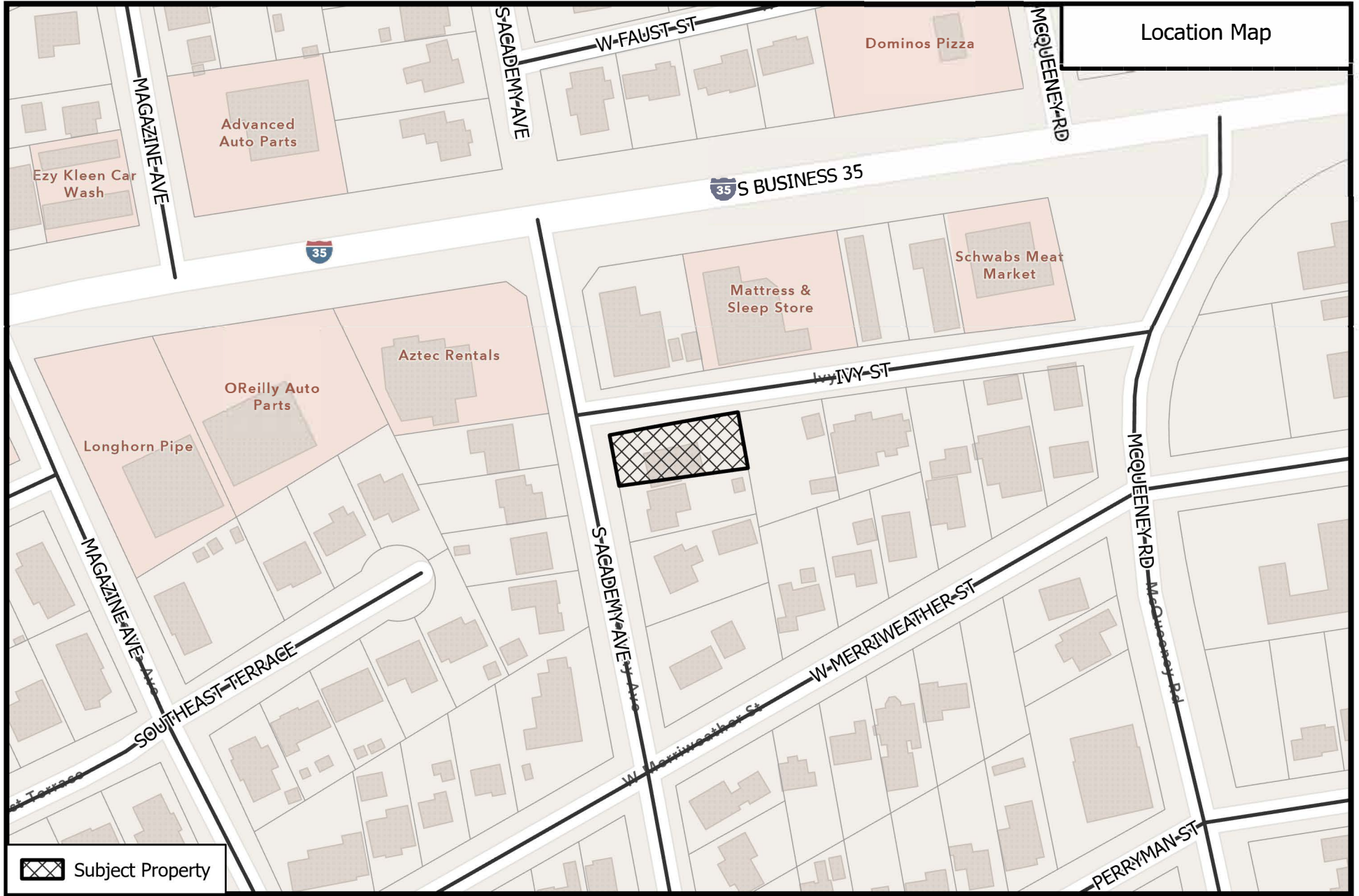
ATTEST:

GAYLE WILKINSON, City Secretary

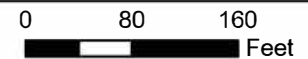
APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

Exhibit "A"



SUP23-189
SUP for STR



Path:
P:\ZoneChange & SUPs\2023\SUP23-189 - 1241 S Academy Ave - SUP

Source: City of New Braunfels Planning
Date: 7/11/2023

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.

EXHIBIT "B"

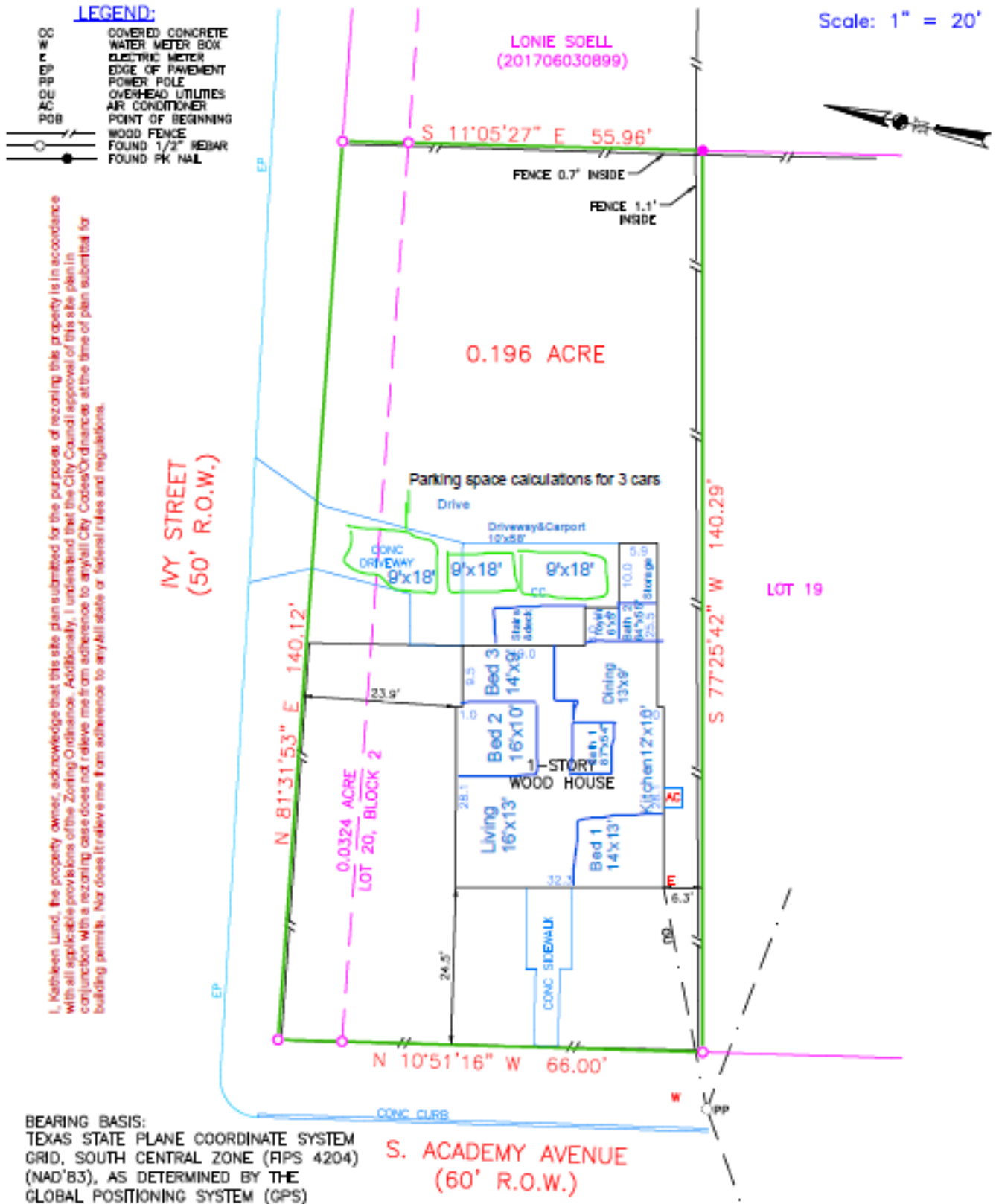


EXHIBIT "C"

BEING 0.196 acre tract of land situated in the City of New Braunfels, Comal County, Texas; being all of a called 0.195 acre tract of land described in instrument to Barbara and Patrick Lackey recorded in Document No. 201306040921 of the Official Public Records of Comal County; said 0.195 acre tract consisting of all of Lot 20, Block 2 of Eickenroht Addition, plat of which is recorded in Volume 123, Pages 345-346 of the Deed Records of Comal County, and all of a called 0.0324 acre tract of land described in Volume 989, Page 249 of the Deed Records of Comal County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the southerly right-of-way line of Ivy Street (50 feet wide) with the easterly right-of-way line of South Academy Avenue (60 feet wide);

THENCE, North 81°31'53" East, 140.12 feet along the southerly right-of-way line of said Ivy Street to a 1/2-inch iron rod found marking the northwest corner of a tract of land described in instrument to Lonie Soell recorded in Document No. 201706030899 of the Official Public Records of Comal County;

THENCE, South 11° 05'27" East, 55.96 feet departing the southerly right-of-way line of said Ivy Street and along the west line of said Soell tract to a PK nail found marking the northeast corner of Lot 19 of said Eickenroht Addition;

THENCE, South 77°25'42" West, 140.29 feet departing the west line of said Soell tract and along the north line of said Lot 19 to a 1/2-inch iron rod found on the easterly right-of-way line of said South Academy Avenue marking the northwest corner of said Lot 19;

THENCE, North 10° 51'16" West, 66.00 feet along the easterly right-of-way line of said South Academy Avenue to the POINT OF BEGINNING, and containing 0.196 acre of land in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey feet.