

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING SPECIAL USE PERMIT TO ALLOW SHORT-TERM RENTAL OF A RESIDENCE IN THE "C-3" COMMERCIAL DISTRICT BEING N. 50 LOT 11, N. 50 LOT 12, N. 26 & E. 50 LOT 13, BLOCK 9, HIGHLAND PARK ADDITION SUBDIVISION, ADDRESSED AT 149 NORTH PEACH 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 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 149 N. Peach Avenue, to allow short-term rental of a residence 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 N. 50 Lot 11, N. 50 Lot 12, N. 26 & E. 50 Lot 13, Block 9, Highland Park Addition Subdivision, addressed at 149 N. Peach Avenue, as depicted in Exhibit "A" attached, to allow short-term rental of a residence in the "C-3" Commercial District.

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. Any significant changes to the site plan will require a revision to the SUP.
3. A paved driveway with two paved parking spaces must be constructed on the subject property and available for use prior to the issuance of a Short-Term Rental Permit.

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 April 2023.

PASSED AND APPROVED: Second reading this 8th day of May 2023.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

All that certain tract or parcel of land lying and being situated in Comal County, Texas, known and designated as parts of Lot 11, and Lot 12, and part of Lot 13, Block 9, Highland Park Addition, dedication and plat recorded in Vol. 33, page 441, Deed Records of Comal County, Texas, and being the same tract described in deed of assumption dated September 23, 1974, Ignacio Guzman and wife, Victoria R. Guzman to Leonard R. Pena and wife, Elida G. Pena, recorded in Vol. 220, page 650, et seq. and further described as follows:

BEGINNING at an iron pipe for the NE corner of Lot 11, and the SE corner of Lot 10, Block 9, Highland Park Addition, said point being in the SW line of Peach Avenue;

THENCE S. $51-34-\frac{1}{2}$ ' W. 130.45 feet with the common line between Lots 8, 9, 10, 11, 12, and 13, to the NW corner of this tract;

THENCE S. 53-20' E. 50 feet to a stake;

THENCE N. $51-34-\frac{1}{2}$ ' E. 130.69 feet to a stake in the SW line of Peach Avenue;

THENCE N. 53-20' W. 50 feet with the SW line of Peach Avenue to the Place of Beginning, and being the same property conveyed by Leonard R. Pena and wife, Elida G. Pena, to Ignacio Guzman and wife, Elvia R. Guzman, by Warranty Deed dated January 14, 1976.

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