

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.18 ACRES, BEING CITY BLOCK 5026, SOUTH 130 FEET OF LOT 6, ADDRESSED AT 465 E MATHER, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) TO C-O SUP (COMMERCIAL OFFICE 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 the C-O (Commercial Office District), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 0.18 acres being out of City Block 5026, South 130 feet of Lot 6, addressed at 468 E Mather St from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence); 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 of a Residence 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 465 E Mather St, to Short Term Rental of a Residence in the C-O (Commercial Office 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 rezoning the following tract of land from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence) with conditions herein described:

Approximately 0.18 acres, being out of City Block 5026, South 130 feet of Lot 6, as depicted on Exhibit "A" and delineated on 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 "B" and floor plan Exhibit "C". Any significant changes to the site plan or floor plan will require a revision to the SUP.
3. A paved driveway with three paved parking spaces must be available for use before 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 June 2024.

PASSED AND APPROVED: Second reading this 8th day of July 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

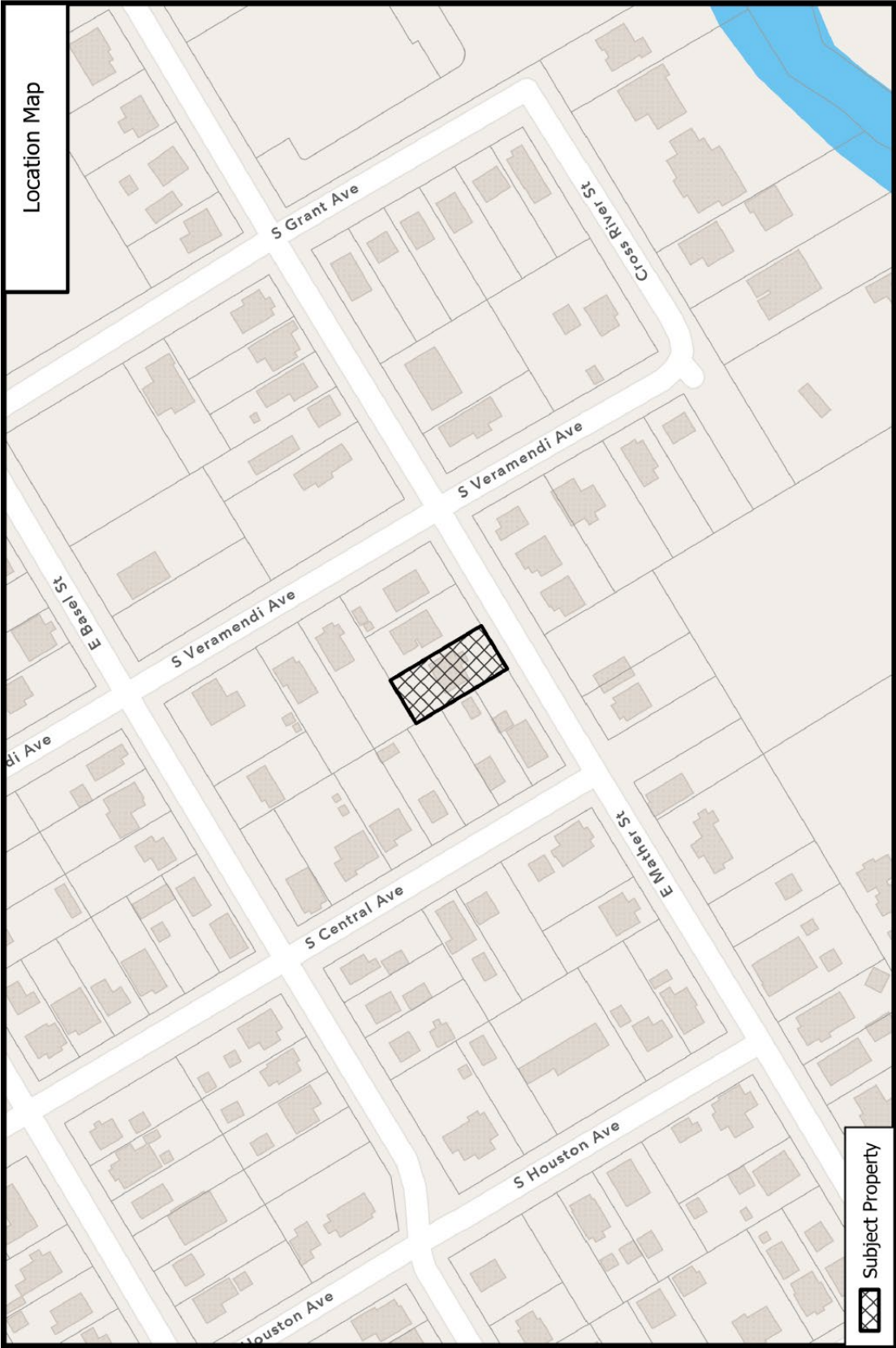
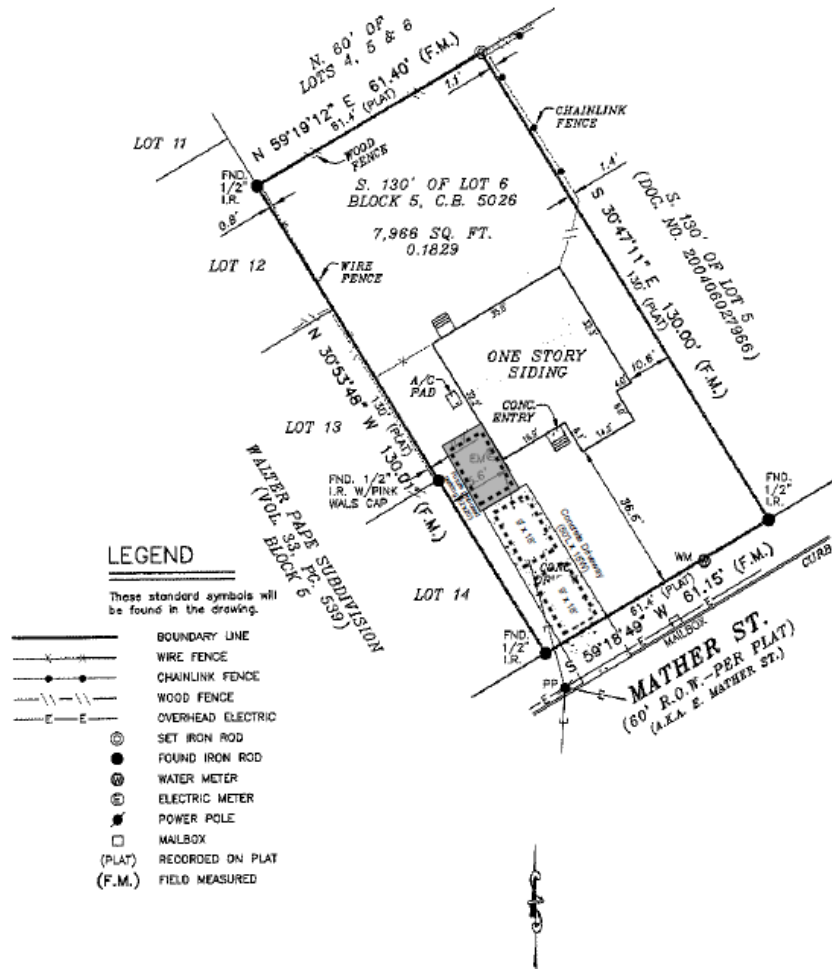


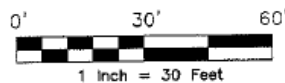
EXHIBIT "B"

SURVEYOR'S NOTE(S):
BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE, NAD83.

THE ORIGINAL PLAT RECORD IS ILLEGIBLE. THIS REPRESENTATION IS SURVEYOR'S BEST INTERPRETATION OF RECORD INFORMATION.



At date of this survey, the property is in FEMA designated ZONE AL. Areas with base Flood Elevations Determined as verified by FEMA map Panel No: 48061C-0455-E, effective date of SEPTEMBER 02, 2009. Exact designations can only be determined by a Flood Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.



The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, prohibitions, or overlapping of improvements shown.

X _____
X _____

I, ROBERT W. JOHNSTON, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to ALAMO TILES COMPANY 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 all 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).

Borrower/Owner: LAURA PANTAGUA AND DIEGO ARROYO
Address: 465 E. MATHER ST. GF No. SAT-14-4000142300094-EP

Effective Date: February 21, 2023, Issued Date: February 28, 2023

Legal Description of the Land: S. 130' OF LOT 6, Block 5, City Block 5620 of BRAUNFELS HEIGHTS, a subdivision in the City of New Braunfels, Comal County, Texas according to the plat recorded in Volume 32, Page 112 of the Deed Records of Comal County, Texas.

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN VOLUME 31, PAGE 112, DEED RECORDS, COMAL COUNTY, TEXAS

PROPERTY PHOTOGRAPH:



FINAL "AS-BUILT" SURVEY

JOB NO.:	2303094103	NO.	REVISION	DATE
DATE:	03/10/23			
DRAWN BY:	JD/LN/RD			
APPROVED BY:	RWJ			



Robert W. Johnston
ROBERT W. JOHNSTON, R.P.L.S.
Registered Professional Land Surveyor
Registration No. 5579



P.O. BOX 160369
SAN ANTONIO, TEXAS 78210
PHONE: (210) 572-1865
WEB: WWW.AMERISURVEYORS.COM

I, Diego Arroyo, 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.

LP
[Signature]

EXHIBIT "C"

