

**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.14 ACRES, BEING OUT OF CITY BLOCK 5102, LOT 9 & 10, CURRENTLY ADDRESSED AT 852 N HOUSTON AVE, FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO M-1 SUP (LIGHT INDUSTRIAL 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.**

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**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 852 N Houston Ave, to allow short term rental of a residence in the M-1 (Light Industrial 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 out of City Block 5102, Lot 9 & 10, being as described on Exhibit "A" and depicted 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 "C" and floor plan Exhibit "D". Any significant changes to the site 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 24<sup>th</sup> day of June 2024.

**PASSED AND APPROVED:** Second reading this 8<sup>th</sup> 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 "A"**

Being 0.138 of an acre tract of land situated in the City of New Braunfels, Comal County, Texas and being a portion of Lots 9 & 10, New City Block (N.C.B.) 5102, in the City of New Braunfels, Comal County, Texas, as described in Document No. 200506041823 of the Official Public Records of Comal County, Texas, and said 0.138 of an acre tract of land being more particularly described as follows:

BEGINNING at a 3/8" iron pin found in the Northeast right-of-way line of North Houston Avenue, a Westerly corner of a portion of Lot 10, N.C. B. 5102 of the City of New Braunfels as described in Document No. 201106022643 of the Official Public Records of Comal County, Texas, and being the Southerly corner of this herein described 0.138 of an acre tract of land;

THENCE with the Northeast line of North Houston Avenue, N 45° 30' 00" W, a distance of 83.54 feet to a 1/2" iron pin with cap stamped "MDS." Found for the Southerly corner of a portion of Lot 8 and Lot 9, N.C.B. 5102 of the City of New Braunfels as described in Document No. 200706032158 of the Official Records of Comal County, Texas, and being the Westerly corner of this herein described 0.138 of an acre tract of land;

THENCE departing the Northeast line of North Houston Avenue, N 44° 12' 25" E a distance of 72.12 feet to a 3/4" iron pin with cap stamped "MDS" found in the Southwesterly line of a portion of Lot 8, Lot 9, and Lot 10, N.C. B. 5102 of the City of New Braunfels as described in Document No. 201306042155 of the Official Records of Comal County and being the Northerly corner of this herein described 0.138 of an acre tract of land;

THENCE with the Southwesterly line of said portion of land containing Lots 8, 9, and 10, S 45° 25' 18" E a distance of 83.91 feet to a 1/2" iron pin found for the Northerly corner of said portion of Lot 10 as recorded in Document No. 201106022643, and being the Easterly corner of this herein described 0.138 of an acre tract of land;

THENCE departing said Easterly corner, S 44° 30' 00" W a distance of 72.00 feet to the POINT OF BEGINNING and containing 0.138 of an acre of land, more or less;

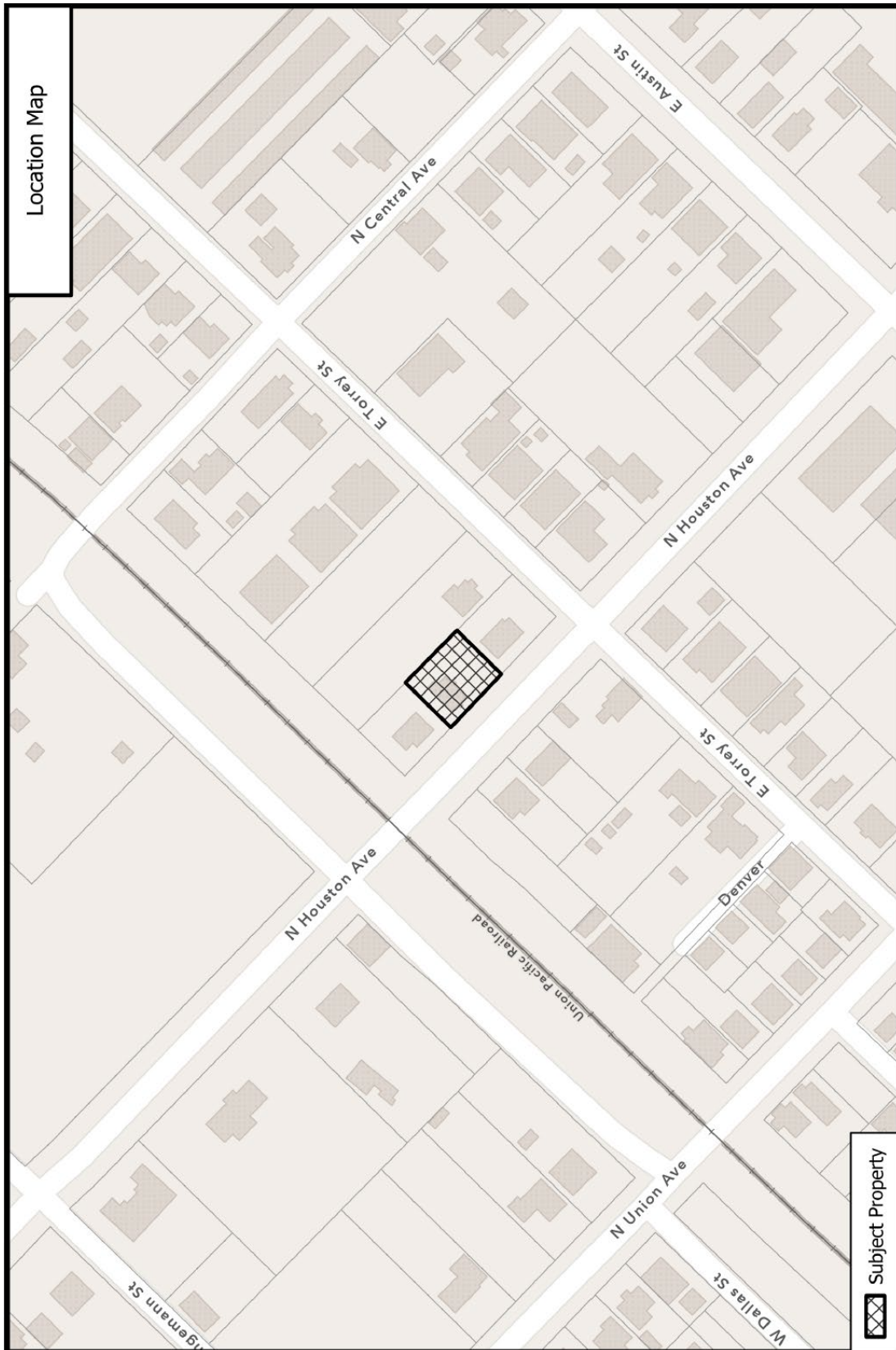
Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

**Filed and Recorded**  
**Official Public Records**  
**Bobbie Koepp, County Clerk**  
**Comal County, Texas**  
**03/07/2023 03:13:55 PM**  
**LAURA 5 Pages(s)**  
**202306006975**

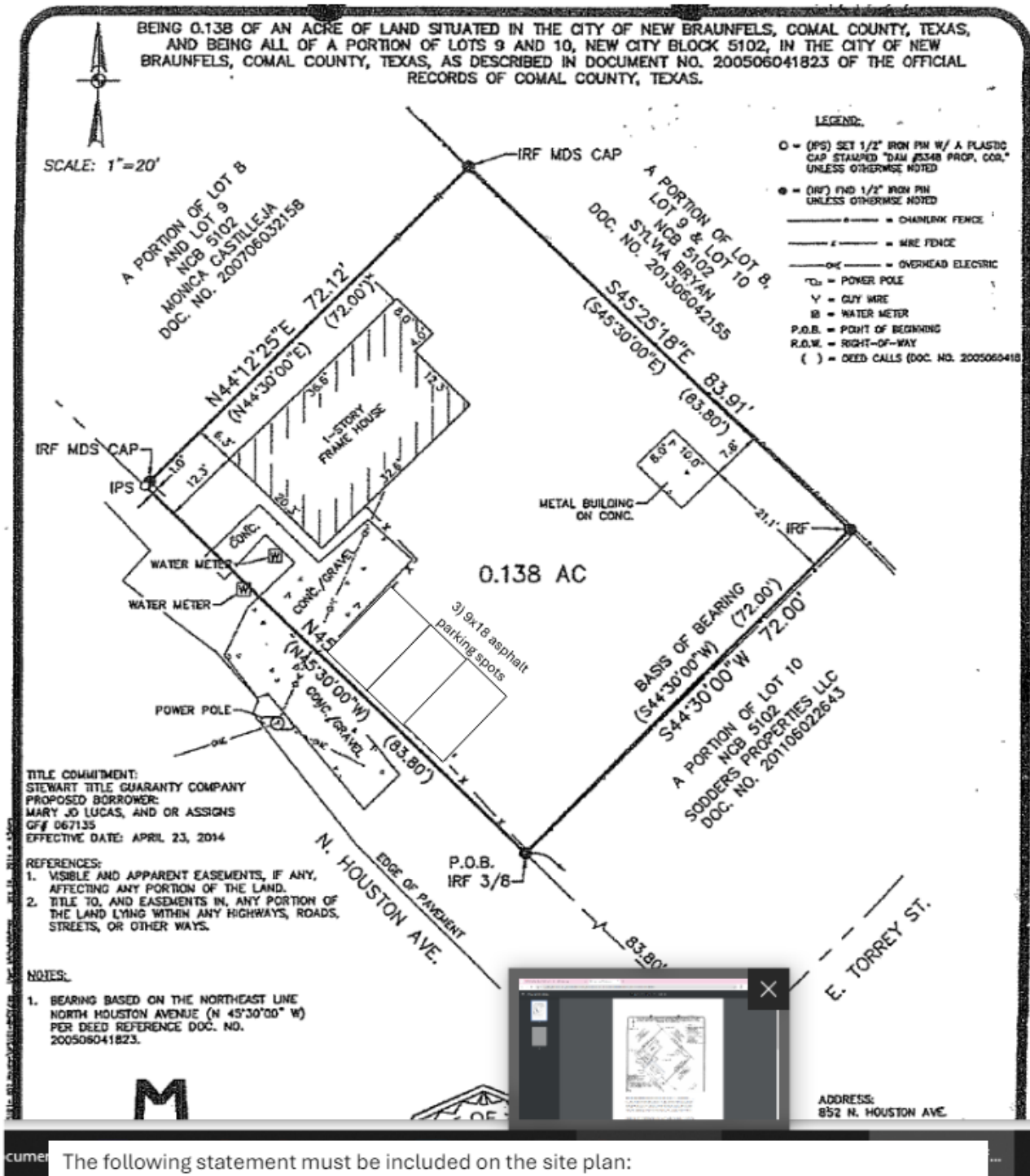


*Bobbie Koepp*

EXHIBIT "B"



# EXHIBIT "C"



The following statement must be included on the site plan:

"I \_\_Jessica Bachus\_\_, 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 Cityadopted 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."

EXHIBIT "D"

