

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.12 ACRES, BEING OUT OF CITY BLOCK 2016, NORTH 56 FEET OF LOT 38, CURRENTLY ADDRESSED AT 444 N MARKET AVE, FROM C-2 (GENERAL BUSINESS DISTRICT) TO C-2 SUP (GENERAL BUSINESS DISTRICT WITH 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 444 N Market Ave, to allow short term rental of a residence in the C-2 (General Business 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 2016, North 56 feet of Lot 38, 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 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 June, 2024.

PASSED AND APPROVED: Second reading this 22nd 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"

S. CRAIG HOLLMIG, INC.
CONSULTING ENGINEERS - SURVEYORS
410 N. BEGUIN STREET
NEW BRAUNFELS, TEXAS 78130-4015

TEXAS SOCIETY OF PROFESSIONAL ENGINEERS
AMERICAN SOCIETY OF CIVIL ENGINEERS

TEXAS SURVEYORS ASSOCIATION
TELEPHONE: (817) 615-8555 • FAX: (817) 615-8556

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**FIELD NOTES
FOR
A 0.123 ACRE TRACT**

Being a 0.123 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being part of Lot 38, New City Block 2016, being the same tract of land, called Tract II, described in Doc# 200406027756 of the Official Public Records of Comal County, Texas, and all bearings referred to in this description are referenced to a bearing of N 38° 42' 00" E along the Northwest line of the above referenced Tract II, said 0.123 acre tract of land surveyed under the supervision of Richard A. Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more particularly described as follows:

BEGINNING: At a 1/2" iron pin found in the Northeast right-of-way line of N. Market Street, for the West corner of said Lot 38, the West corner of the above referenced Tract II, the South corner of Lot 32, New City Block 2016, same being the South corner of the O'Toole tract recorded in Doc# 200606025273 of the Official Public Records of Comal County, Texas, for the West corner and Point of Beginning of this tract;

THENCE: Along the Northwest line of said Lot 38, the Southeast line of Lot 32, N 38° 42' 00" E 96.55 feet to a 1/2" iron pin set for the North corner of said Lot 38, the East corner of Lot 32, the South corner of Lot 33, the West corner of Lot 39, New City Block 2016, for the North corner of the above referenced Tract II, for the North corner of this tract;

THENCE: S 52° 40' 41" E 54.61 feet to a 2.5" fence corner post for the North corner of the Seibert Tract described in Volume 265, Page 333 of the Deed Records of Comal County, Texas, for the occupational East corner of the above referenced Tract II, for the occupational East corner of this tract;

THENCE: S 37° 52' 24" W 97.26 feet to a P.K. nail set in the Northeast right-of-way line of N. Market Street, for the West corner of the Seibert Tract; the South corner of the above referenced Tract II, for the South corner of this tract;

THENCE: Along the Northeast right-of-way line of N. Market Street, N 51° 55' 29" W 56.00 feet to the Point of Beginning and containing 0.123 acres of land, more or less.

The foregoing field notes represent the results of an on-the-ground survey made under my supervision, April 29, 2008. Reference plat prepared of this 0.123 acre tract.

Job #08-288



Richard A. Goodwin
Richard A. Goodwin, RPLS #4069

Exhibit "A"
Page 1 of 1

Filed and Recorded
Official Public Records
Bobbie Koeppe, County Clerk
Comal County, Texas
03/17/2023 03:12:28 PM
TERRI 4 Pages(s)
202306008355



EXHIBIT "B"

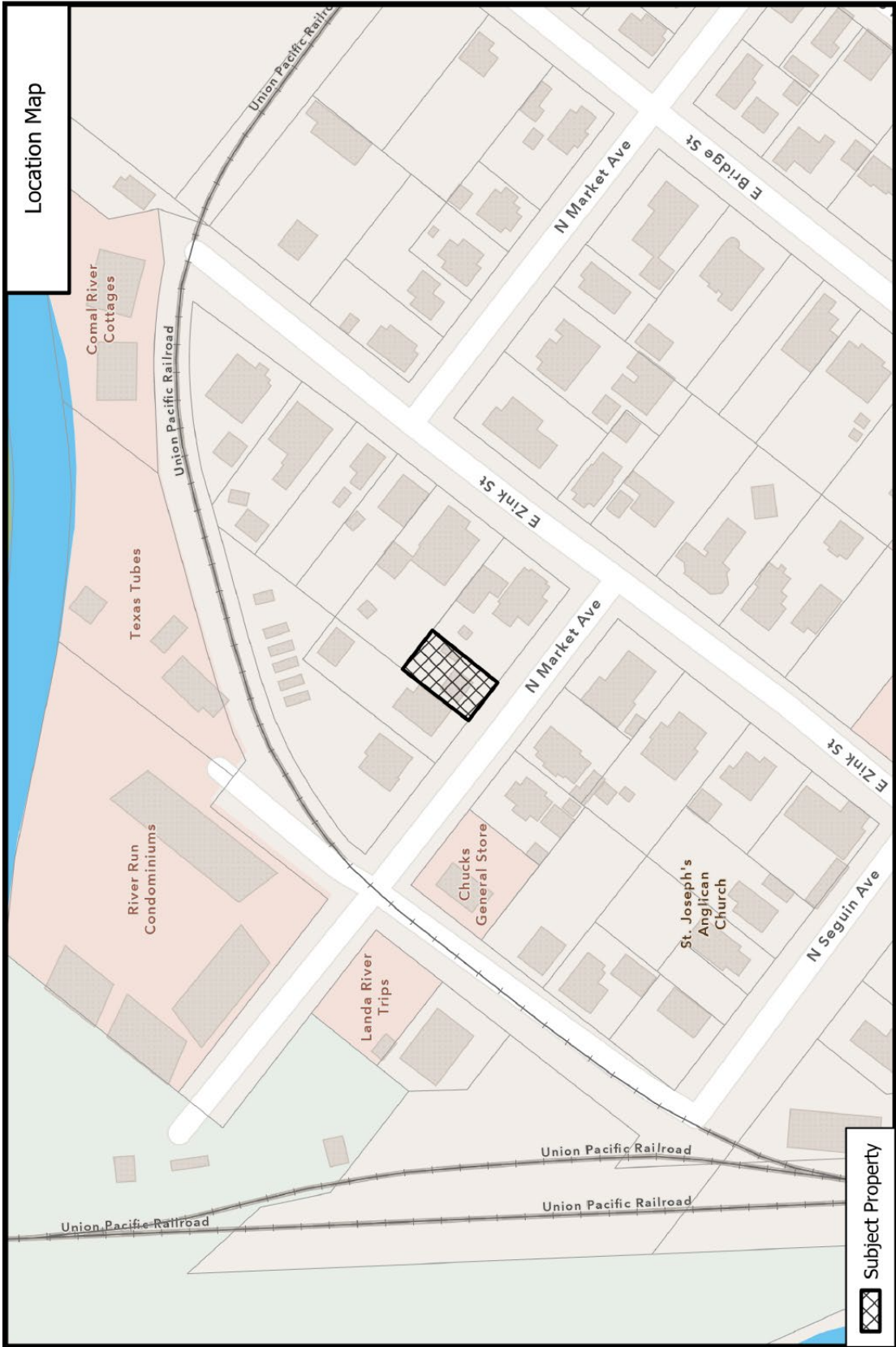


EXHIBIT "C"

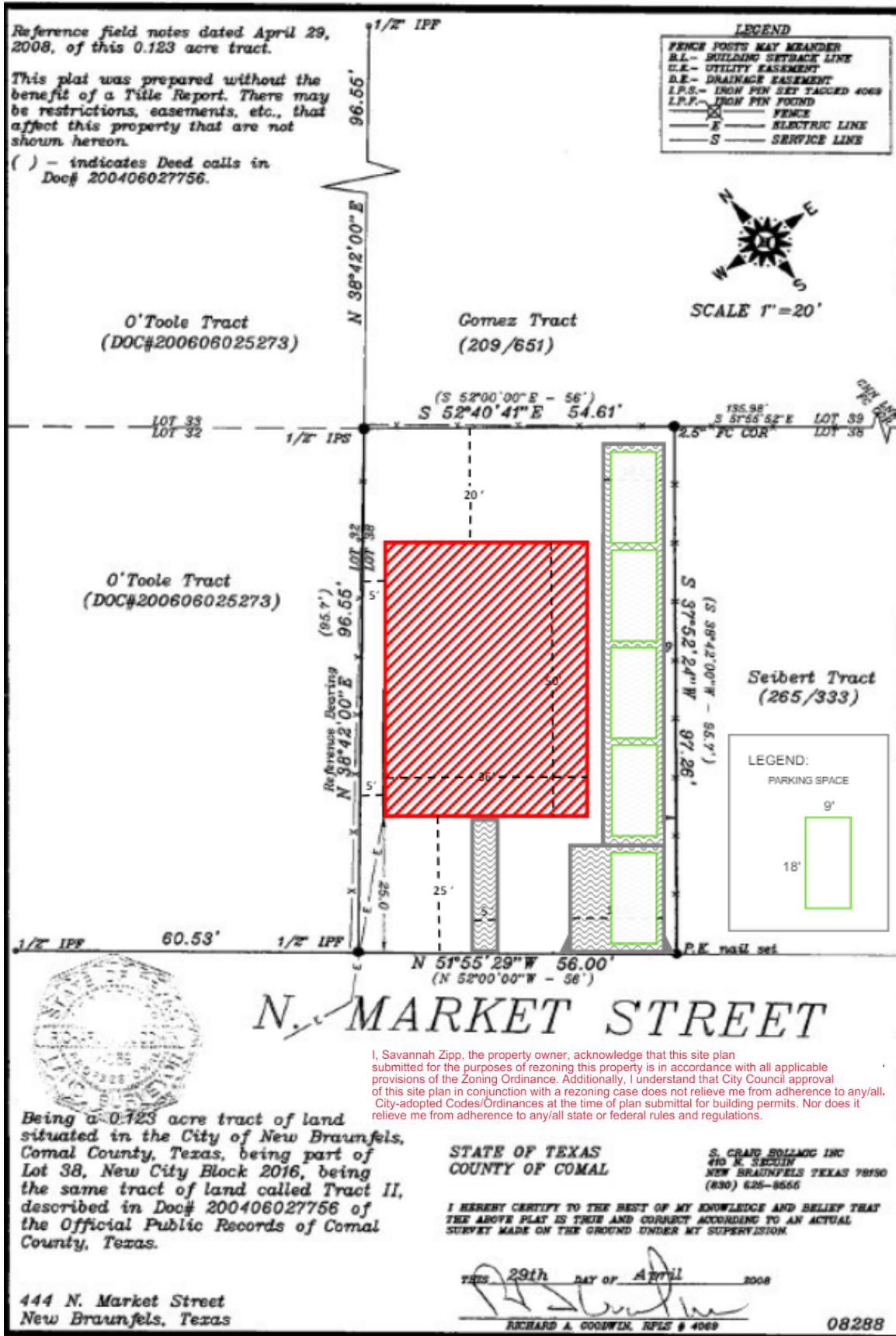


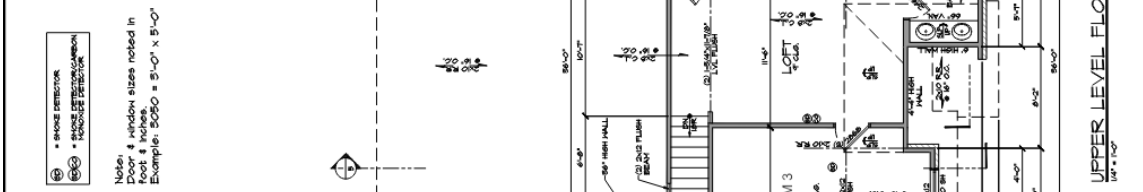
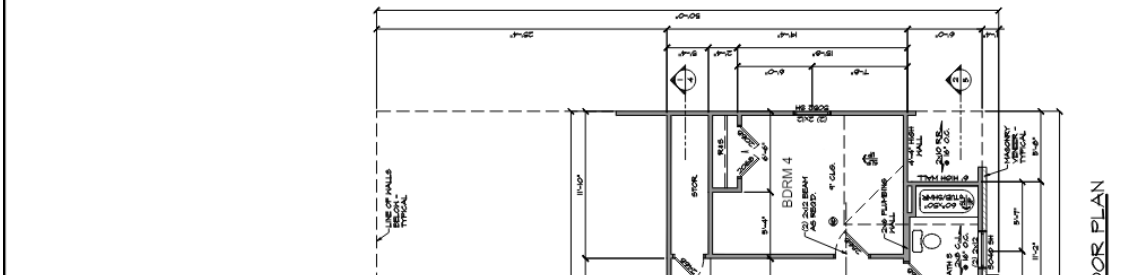
EXHIBIT "D"

444 N Market MAIN & UPPER LEVEL FLOOR PLANS	
PLAN INFORMATION ISSUED: 21 August 2020 MAIN LEVEL (K-1)	SQUARE FOOTAGE CLASS L3 UPPER LEVEL 2000 TOTAL LIVING 2000 DRAWN BY: CHECKED BY: REVISIONS: N/A SCISSOR ROOM: N/A GARAGE: N/A DISCOUNT: N/A

These plans were originally designed by Home Patterns

PROJECT NUMBER: 2020-048

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Important:
 Contractor/Builder shall verify all conditions and dimensions before beginning construction. Any discrepancies shall be reported to LIDB/SLC before proceeding with work. Contractor/Builder shall assume responsibility for all errors that are not reported. (88) 2005-1035

NOTES:

1. TYPICAL WALL CONSTRUCTION: 1/2" GYPSUM BOARD OVER 2" X 4" STUDS @ 16" O.C. (UNLESS OTHERWISE NOTED)
2. TYPICAL FLOOR CONSTRUCTION: 1/2" GYPSUM BOARD OVER 2" X 4" STUDS @ 16" O.C. (UNLESS OTHERWISE NOTED)
3. TYPICAL FLOOR CONSTRUCTION: 1/2" GYPSUM BOARD OVER 2" X 4" STUDS @ 16" O.C. (UNLESS OTHERWISE NOTED)
4. FINISHES: SEE FINISH SCHEDULE FOR DETAILS. FINISHES TO BE VERIFIED BY A LOCAL REGISTERED BUILDER TO MEET LOCAL BUILDING CODE REQUIREMENTS.
5. STRUCTURAL: ALL TRUSS AND BEAM CONNECTIONS TO BE VERIFIED BY A LOCAL REGISTERED BUILDER TO MEET LOCAL BUILDING CODE REQUIREMENTS.

ATTENTION

All material quantities and quality should be verified prior to construction by owner and contractor. Contractor shall be responsible for all utility connections and shall verify with local utility companies for all utility connections. Contractor shall be responsible for all utility connections and shall verify with local utility companies for all utility connections. Contractor shall be responsible for all utility connections and shall verify with local utility companies for all utility connections.

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