

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW THE SHORT-TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE “C-1” LOCAL BUSINESS DISTRICT, ON A PORTION OF LOTS 7, 8 AND 9 CITY BLOCK 5081, ADDRESSED AT 436 N. UNION AVENUE; 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 rentals; 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 436 N. Union Avenue, to allow short term rental of a single-family dwelling in the “C-1” Local 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 a portion of Lots 7, 8 and 9 City Block 5081, addressed at 436 N. Union Avenue, as described in Exhibit “A” and depicted in Exhibit “B” attached, to allow a short-term rental in the “C-1” Local Business District.

**SECTION 2**

**THAT** the Special Use Permit be subject to the following conditions:

1. The residential character and appearance of the property must be maintained.
2. Off-street parking will be allowed only on paved surfaces. The nonconforming “rocked” parking area must be paved (with asphalt, concrete or other material approved by the City Engineer), or physical barriers installed to prevent its use for parking.
3. The property will remain in compliance with the approved site plan illustrated on Exhibit “C”. Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy of the short-term rental is limited to five (5) guests.
5. All standards of the Zoning Ordinance will be met, and a separate Short-Term Rental Permit is required.

### **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 23rd day of November, 2020.

**PASSED AND APPROVED:** Second reading this 14th day of December, 2020.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMANN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

## EXHIBIT "A"

### METES AND BOUNDS

#### TRACT 1

Being 0.202 acres of land, more or less, being a portion of Lots 7, 8 and 9, Block I, New City Block 5081, The Town of Braunfels, Comal County, Texas, according to map or plat thereof recorded in Volume I, Page 470, Map and Plat Records, Comal County, Texas, and being that same property described in a Partition Agreement recorded in Volume 712, Page 810, Official Public Records, Comal County, Texas, said 0.202 acres being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod found for the southwest corner of Lot 1, Block I, of said New City Block 5081, same being at the intersection of the northeast Right-of-Way line of N. Union Avenue (Union Street per plat) and the northwest Right-of-Way line of a 20 foot wide alley, same also being the **POINT OF COMMENCEMENT**;

**THENCE** crossing said 20 foot alley, and along the northeast Right-of-Way line of said N. Union Avenue, South 31 degrees 00 minutes 00 seconds East, a distance of 20.00 feet to a 1/2 inch iron rod set for the West corner of this 0.202 acres, same being the West corner of said Lot 7 and on the southeast Right-of-Way line of said 20 foot wide alley and the **POINT OF BEGINNING**;

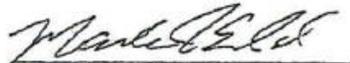
**THENCE** along the southeast Right-of-Way line of said 20 foot wide alley, North 58 degrees 57 minutes 22 seconds East (called North 59 degrees East), a distance of 125.00 feet, to an "X" cut on a concrete retaining wall for then North corner of this 0.202 acres, same being the West corner of the Glyn H. Goff tract (Volume 57, Page 213);

**THENCE** along the line common to this 0.202 acres and said Goff tract, South 31 degrees 00 minutes 00 seconds East, a distance of 70.47 feet (called 70 feet), to an "X" cut on a concrete retaining wall for the East corner of this 0.202 acres, same being the North corner of Tract 2, surveyed this same date;

**THENCE** departing the southwest line of said Goff tract and severing said Lots 7, 8 and 9, along the line common to this 0.202 acres and said Tract 2, South 58 degrees 59 minutes 39 seconds East (called South 59 degrees East), a distance of 125.00 feet to a 1/2 inch iron rod set for the South corner of this 0.202 acres, same being the North corner of said Tract 2 and on the southwest boundary of said Lot 7, same also being on the northeast Right-of-Way line of said N. Union Avenue;

**THENCE** along the northeast Right-of-Way line of said N. Union Avenue, North 31 degrees 00 minutes 00 seconds West, a distance of 70.38 feet (called 70 feet) to the **POINT OF BEGINNING**, and containing 0.202 acres of land, more or less.

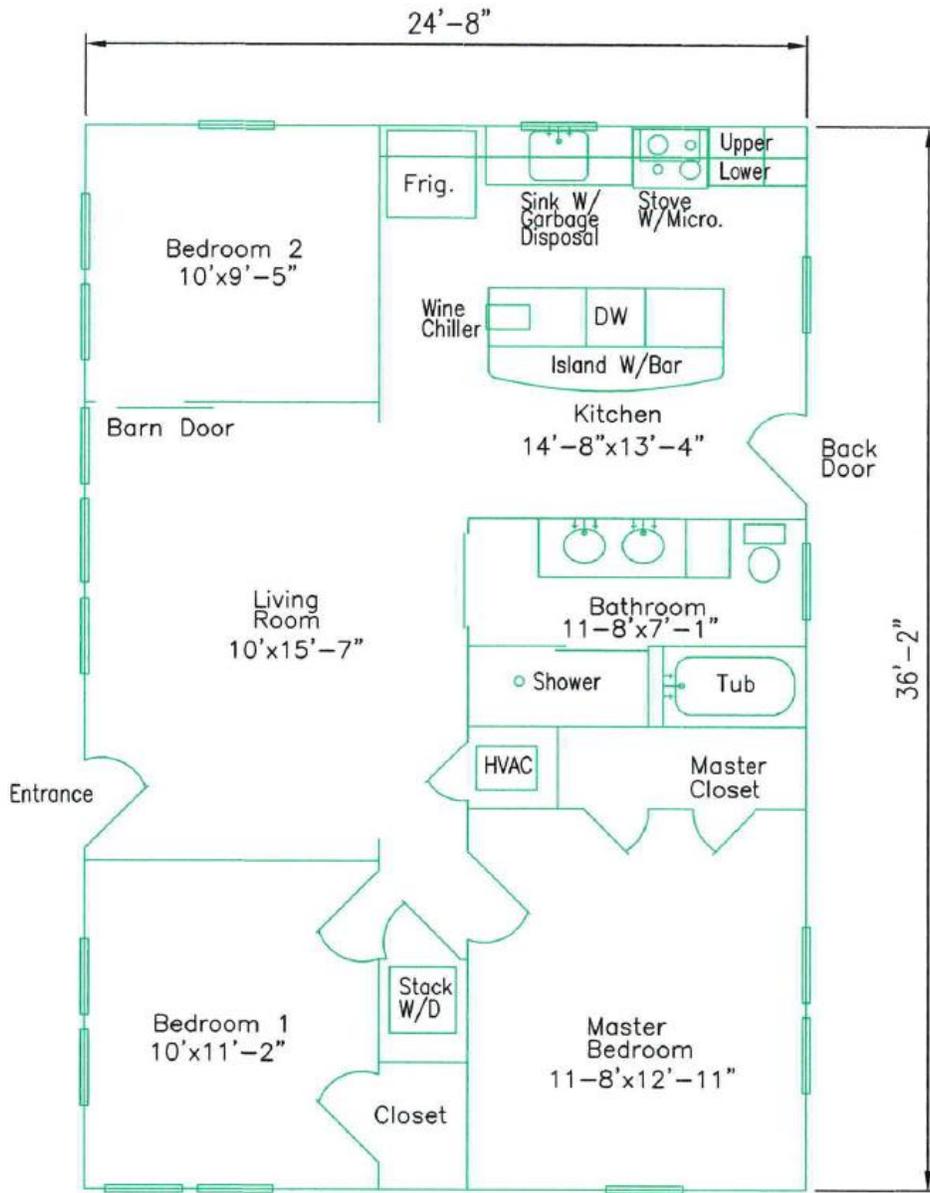
I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

  
Mark J. Ewald  
Registered Professional Land Surveyor  
Texas Registration No. 5095  
May 23, 2018



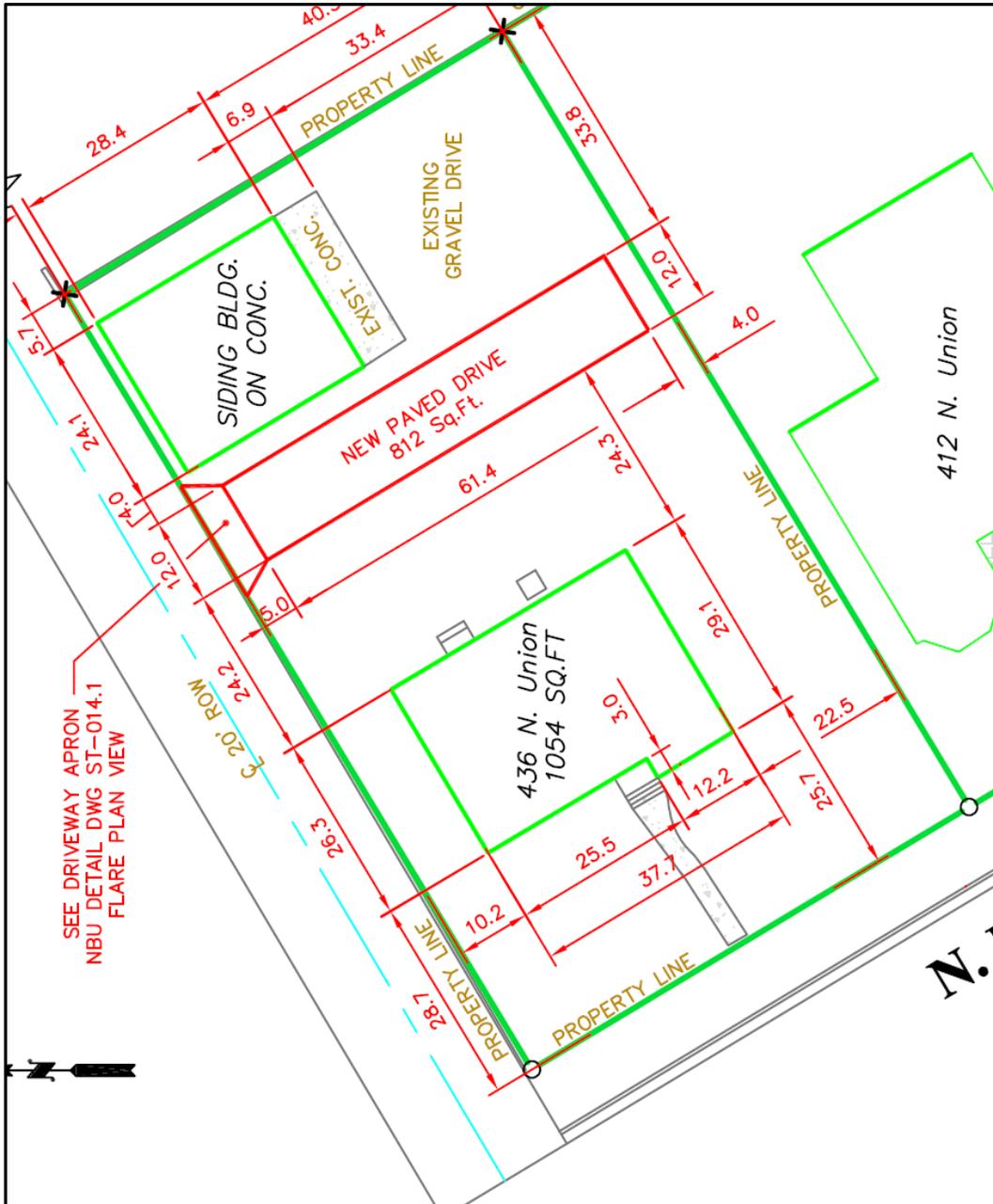


**EXHIBIT "C"**



LAYOUT

**Floor Plan**



Site Plan