

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "C-2" CENTRAL BUSINESS DISTRICT, ON A PORTION OF LOT 5, CITY BLOCK 2017, ADDRESSED AT 162 MEUSEBACH STREET; 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 also 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 compatibility 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 City Council desires to grant a Type 2 Special Use Permit for a portion of Lot 5, City Block 2017, addressed at 162 Meusebach Street, to allow the short term rental of a single family dwelling in the "C-2" Central 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 described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being a Portion of Lot 5, City Block 2017, addressed at 162 Meusebach Street, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "C-2" Central Business District."

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. *Parking.* The tenant information will state that occupants may park only in the designated area located between the residence and Meusebach Street. Signage on the subject property will clearly indicate where occupant parking is prohibited.
2. The existing residential character and appearance of the building must be maintained.
3. Exhibit 'B' shall be considered the adopted site plan. Parking on the property shall be restricted in accordance with the site plan.

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 of same.

PASSED AND APPROVED: First Reading this the 23rd day of April, 2018.

PASSED AND APPROVED: Second Reading this the 14th day of May, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, 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 within the corporate limits of the City of New Braunfels, Comal County, Texas, being known and designated as part of Town Lot No. 5 of New City Block 164A, fronting on Meusebach Street and described more particularly by metes and bounds as follows:

BEGINNING at an iron pin in the Northwest line of Lot No. 5, the Southeast line of Meusebach Street, set N. $38^{\circ} 34'$ E. 281.1 feet from the point of intersection of the Southeast line of Meusebach Street with the Northeast line of North Seguin Avenue, also set S. $38^{\circ} 34'$ W. 6.0 feet from the North corner of Lot No. 5, and set for the North corner of this Southwest part of Lot No. 5 herein described;

THENCE with the Southeast line of Meusebach Street, S. $38^{\circ} 34'$ W. 89.7 feet to an iron pin set for the West corner of Lot No. 5;

THENCE with the Southwest line of Lot No. 5, S. $52^{\circ} 00'$ E. 191.4 feet to a Cedar corner post set for the South corner of Lot No. 5;

THENCE with the Southeast line of Lot No. 5, N. $38^{\circ} 34'$ E. 89.7 feet to an iron pin set S. $38^{\circ} 34'$ W. 6.0 feet from the East corner of Lot No. 5 and for the East corner of this Southwest part of Lot No. 5;

THENCE parallel with and at a distance of 6.0 feet from the Northeast line of Lot No. 5, N. $52^{\circ} 00'$ W. 191.4 feet to the place of beginning and being the same property described in a Deed dated April 25, 1989, from Leonardo Urdiales, Jr., et al, to Kenneth J. Fiedler, et al, recorded in Volume 674, Pages 691-693 of the Official Public Records of Real Property of Comal County, Texas, reference to which is here made for all purposes.

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
03/02/2009 12:18:23 PM
CASHTHREE
200906007159



Joy Streater

EXHIBIT 'A'

BEING A 0.394 ACRE TRACT OF LAND SITUATED WITHIN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING PART OF LOT 5, NEW CITY BLOCK 2017, AND ALSO BEING THE SAME TRACT RECORDED IN DOC# 200906007159, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT

THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY

LEGEND:

- = SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "HMT PROP. COR." UNLESS OTHERWISE NOTED
- = FND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- = FENCE
- R.O.W. = RIGHT-OF-WAY
- ⊕ = POWER POLE
- () = PLAT CALLS (DOC# 200906007159) UNLESS OTHERWISE NOTED
- E — = OVERHEAD ELECTRIC
- NCB = NEW CITY BLOCK

STR
SCALE 1" = 60'
Parking
See Attached
37 x 24

MEUSEBACH STREET
(66.66' R.O.W.) (PER CITY BLOCK MAP)

MARKET STREET
REFERENCE BEARING (191.40') (PER CITY BLOCK MAP)



DOC# 200606018128

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162 MEUSEBACH STREET
NEW BRAUNFELS, TEXAS

THIS SURVEY IS CERTIFIED TO:
JOE HAYES

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SURVEY IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

THIS 14 DAY OF OCTOBER 2010

Thor Thornhill
THOR THORNHILL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6177

ASB292

EXHIBIT 'B'