

ORDINANCE NO. 2019-

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-3" COMMERCIAL DISTRICT, ON LOT 4, NEW CITY BLOCK 1051, ADDRESSED AT 358 EAST NACOGDOCHES 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 Lot 4 New City Block 1051, addressed at 358 East Nacogdoches Street, to allow the short-term rental of a single family dwelling in the "C-3" Commercial 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 Lot 4, New City Block 1051, addressed at 358 East Nacogdoches Street, as described in the attached Exhibit 'A' and delineated in the attached Exhibit 'B', to allow the short-term rental of a single family dwelling in the "C-3" Central Commercial District."

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. Occupancy shall be limited to six adults, utilizing only the two bedrooms for calculations, plus only two additional adults.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. All Supplemental Standards of Section 144-5.17-4 will be met.
5. The driveway and parking area shall be paved in accordance with the Zoning Ordinance.

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 22nd day of July, 2019.

PASSED AND APPROVED: Second Reading this the 12th day of August, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

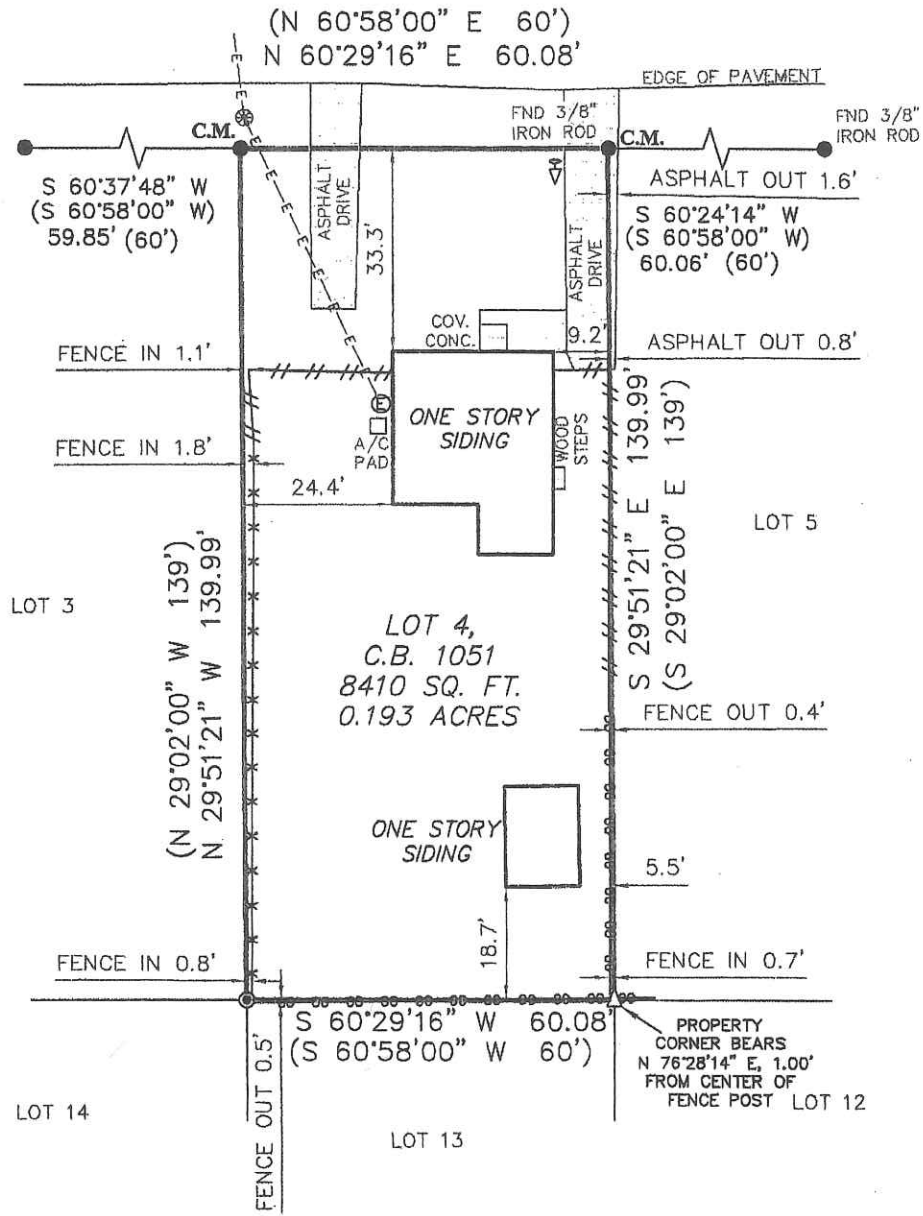
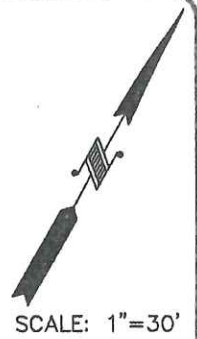
APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT 'A'

SITE PLAN

EAST NACOGDOCHES (50' R.O.W.)(NACHOGDOCHES STREET PER PLAT)



RECEIVED
MAY 20 2019
BY: _____

NOTE:
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

(X)

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091C, Panel No. 0455 E, which is Dated 9/2/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) SHD X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://mcc.fema.gov/portal>.



Property Address:
35B EAST NACOGDOCHES (NACOGDOCHES STREET PER PLAT)
Property Description:
LOT 4, CITY BLOCK 1051, KUEHLER ADDITION, SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN