

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.2 ACRES, BEING NEW CITY BLOCK 4071, SCHNEIDER ADDITION, WEST PART OF BOTH LOTS 1 AND 2, CURRENTLY ADDRESSED AT 695 SOUTH SANTA CLARA AVENUE, FROM C-3 (COMMERCIAL DISTRICT) TO C-3 SUP (COMMERCIAL 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.

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 695 South Santa Clara Avenue, to allow short term rental of a residence 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 tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being out of New City Block 4071, Schneider Addition, West part of both Lots 1 and 2, 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 and/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 July 2023.

PASSED AND APPROVED: Second reading this 14th day of August 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION FOR A 0.196 ACRE TRACT OF LAND

Being a 0.196 of an acre tract of land being the Southwest part of Lots 1 and 2, New City Block (N.C.B.) 4071, Schneider Addition, in the City of New Braunfels, plat of which is recorded in Volume 82, Page 255, Comal County, Texas, said 0.196 acre tract of land being more particularly described as follows:

BEGINNING at a found 1" pipe for the South corner of the herein described tract and being the intersection of the Northwest right-of-way line of West Nacogdoches Street (called 60-foot right-of-way) and the Northeast right-of-way line of S. Santa Clara Avenue (called 60-foot right-of-way);

THENCE N 31°59'55" W along the Northeast right-of-way line of said South Santa Clara Avenue, common with the Southwest line of the herein described tract, a distance of 99.82 feet to a 1" pipe found for the West corner of the herein described tract and being the South corner of Lot 3, N.C.B. 4071;

THENCE N 57°52'29" E along the Northwest line of the herein described tract, common with the Southeast line of said Lot 3, a distance of 85.64 feet to a 1/2" iron pin (with cap stamped "Tri County") found for the North corner of the herein described tract and being the West corner of the Northeast part of Lots 1 & 2, described in deed recorded in Document No. 200506018756, Official Public Records, Comal County, Texas, from which a 1/2" iron pin found for the North corner of said North part of Lots 1 and 2, bears N 58°00'59" E a distance of 64.89 feet;

THENCE S 31°40'23" E along the Northeast line of the herein described tract, common with the Southwest line of the Northeast part of Lots 1 and 2, a distance of 100.19 feet to a 1/2" iron pin (with cap stamped "Tri County") found for the East corner of the herein described tract, and being the South corner of the Northeast part of Lots 1 & 2, also being in the Northwest right-of-way line of the aforementioned West Nacogdoches Street, from which a 1" pipe found bears N 57°54'40" E a distance of 64.88 feet;

THENCE S 58°07'37" W along the Southeast line of the herein described tract, common with the Northwest right-of-way line of said West Nacogdoches Street, a distance of 85.07 feet to the POINT OF BEGINNING and containing 0.196 acre of land in Comal County, Texas.

**Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
10/06/2021 04:26:39 PM
CHRISTY 3 Pages(s)
202106052491**



Bobbie Koepp

EXHIBIT "B"

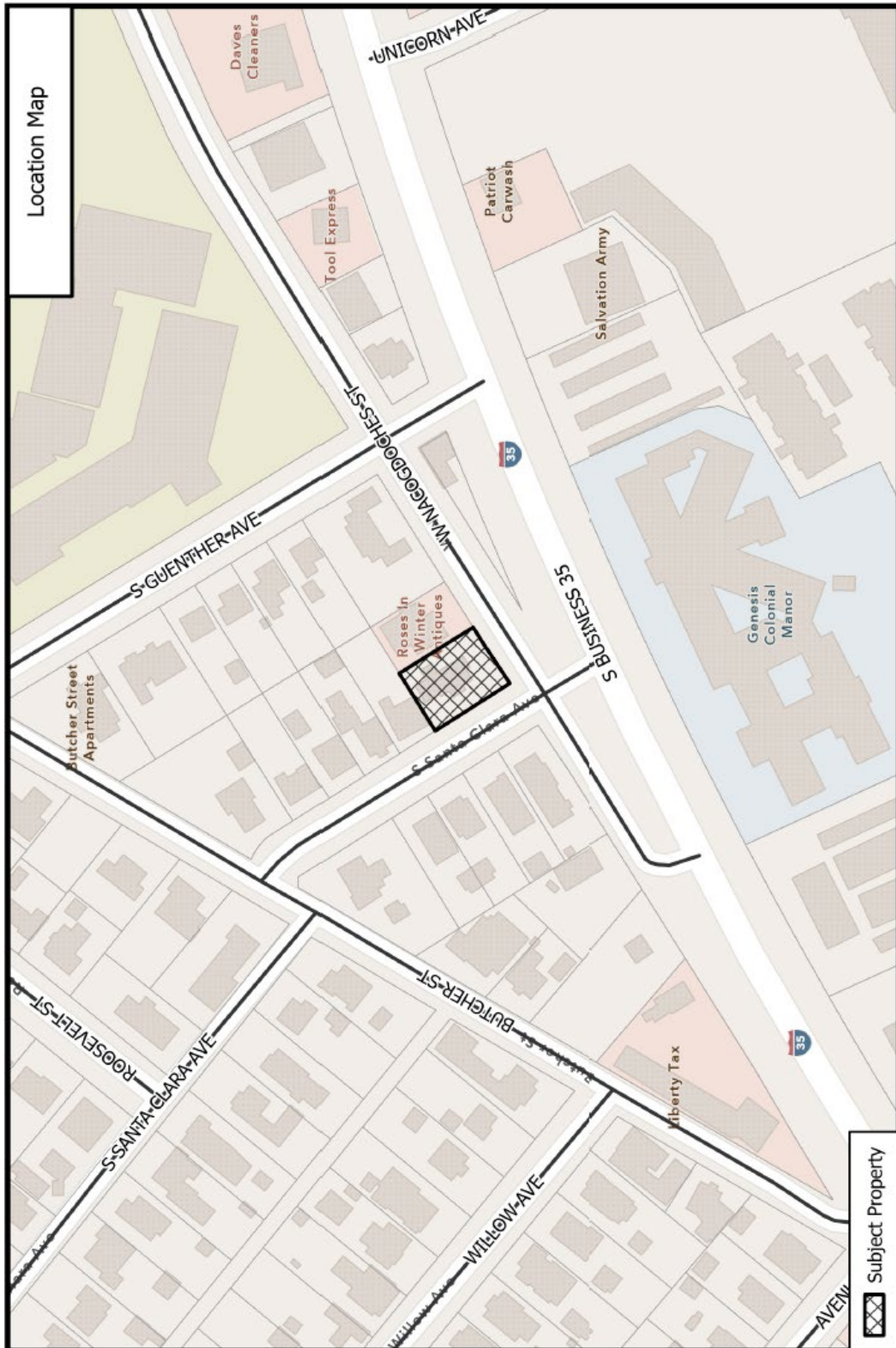


EXHIBIT "C"

SITE PLAN GENERAL NOTES	
1.	ADMINISTRATIVE: THE PROPERTY OWNER ACKNOWLEDGES THAT THIS SITE PLAN SUBMITTED FOR THE PURPOSES OF REZONING THIS PROPERTY IS IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE ZONING ORDINANCE. THE PROPERTY OWNER UNDERSTANDS THAT CITY COUNCIL APPROVAL OF THIS SITE PLAN IN CONNECTION WITH A REZONING CASE DOES NOT RELIEVE ME FROM ADHERENCE TO ANY ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS, PLAN SUBMITTAL, FOR BUILDING PERMITS. NOR DOES IT RELIEVE ME FROM ADHERENCE TO ANY STATE OR FEDERAL RULES AND REGULATIONS.

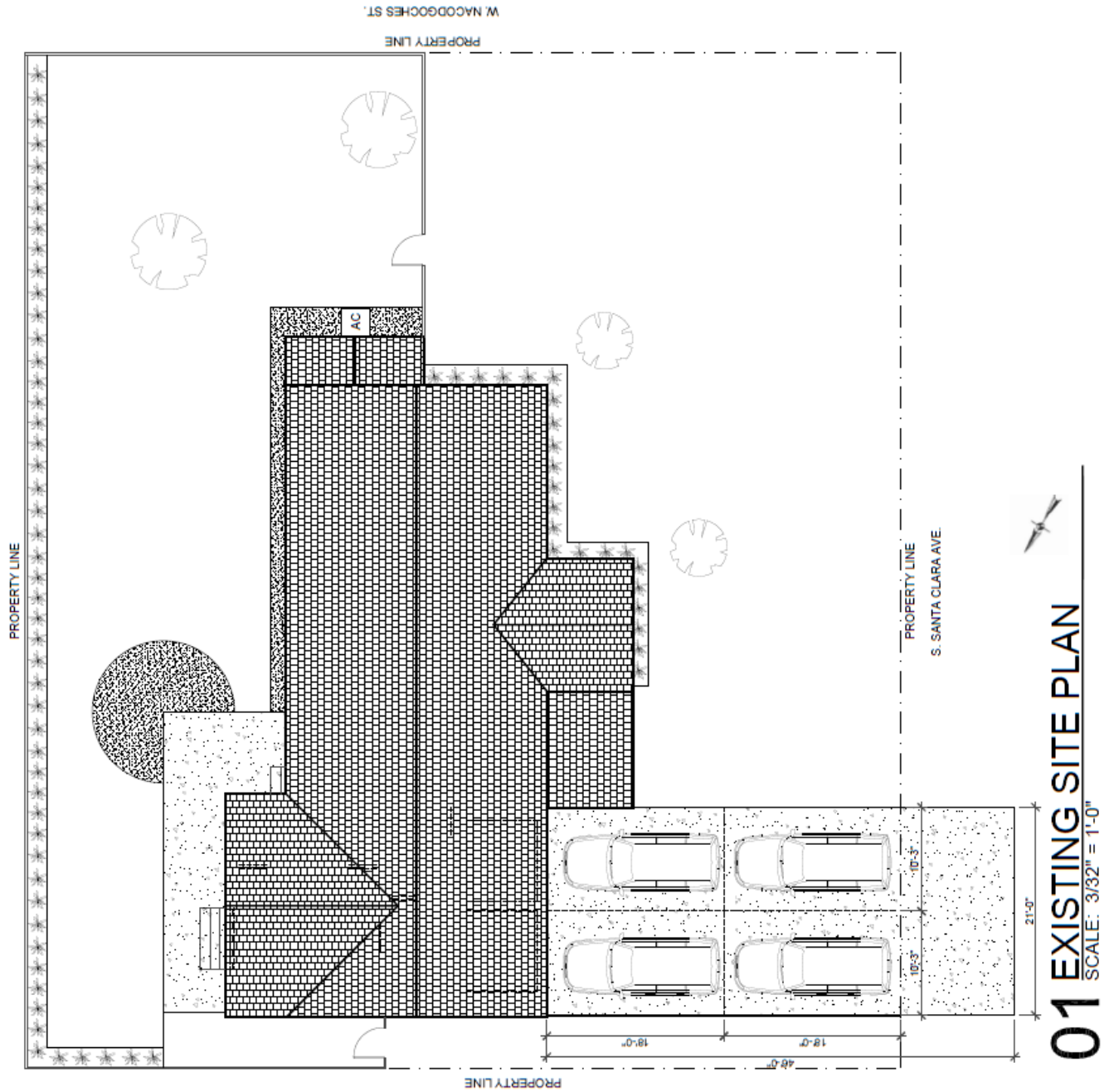
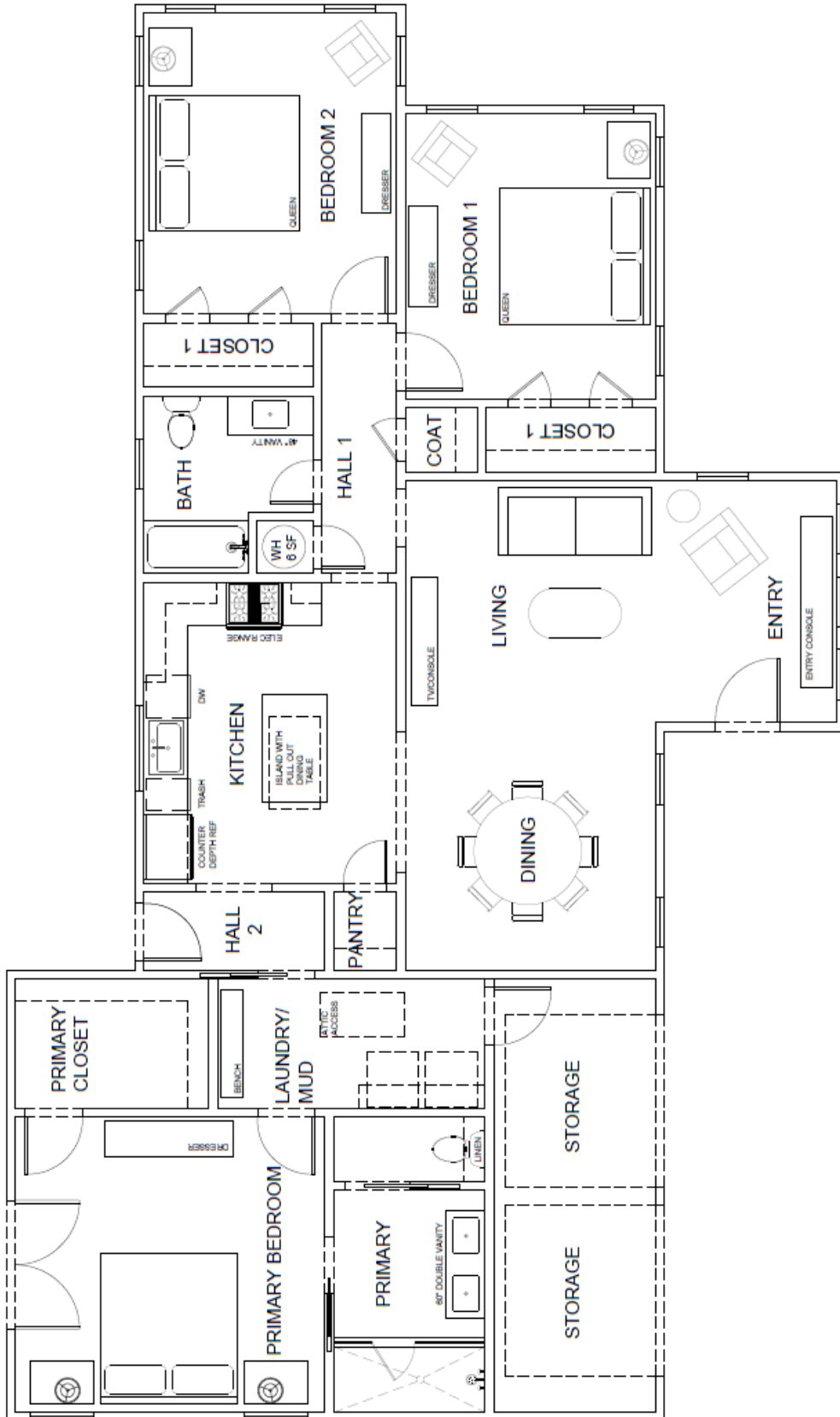


EXHIBIT "D"



01 FLOOR PLAN
SCALE: 3/16" = 1'