

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.11 ACRES, BEING OUT OF NEW CITY BLOCK 1007, SOUTHEAST PORTION OF LOT 142, CURRENTLY ADDRESSED AT 381 TOLLE ST, FROM C-2 (GENERAL BUSINESS DISTRICT) TO C-2 SUP (GENERAL BUSINESS 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 381 Tolle St, 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 New City Block 1007, southeast portion of Lot 142, 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.
3. A paved driveway with three paved parking spaces must be available for use prior to the issuance of a Short-Term Rental Permit.

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 25th day of November, 2024.

PASSED AND APPROVED: Second reading this 9th day of December, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

Being a 0.107 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being a portion of Lot 142, New City Block 1007 and being the same tract of land called 0.106 acre described in Doc# 200006040038 of the Official Public Records of Comal County, Texas, and all bearings referred to in this description are rotated to and referenced to a bearing of South 52° 00' 00" East, between iron pins found along the Northerly line of the above referenced 0.106 acre tract, said 0.107 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 for the South corner of the above referenced 0.106 acre tract, located on the Northwesterly line of Tolle Street, for the East corner of that certain tract recorded in Doc# 9806015013 of the Official Public Records of Comal County, Texas, for the South corner and Point of Beginning of this tract;

THENCE leaving said Tolle Street, North 52° 02' 43" West, 96.39 feet to a pipe found on the Northeasterly line of said tract recorded in Doc# 98906015013, for the South corner of that certain tract recorded in Volume 284, Page 817, of the Deed Records of Comal County, Texas, for the West corner of the above referenced 0.106 acre tract, for the West corner of this tract;

THENCE North 37° 26' 37" East, 48.25 feet to a 1/2" iron pin found for the North corner of the above referenced 0.106 acre tract, said point lying in the Easterly line of said tract recorded in Volume 284, Page 817, for the West corner of that certain tract described in Volume 212, Page 251 of the Deed Records of Comal County, Texas, for the North corner of this tract;

THENCE South 52° 00' 00" East, 96.64 feet to a 1/2" iron pin found in the Northwesterly line of Tolle Street, for the South corner of said tract recorded in Volume 212, Page 251, the East corner of the above referenced 0.106 acre tract, for the East corner of this tract;

THENCE with the Northwesterly line of Tolle Street, South 37° 44' 15" West, 48.17 feet to the Point of Beginning and containing 0.107 acre of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

EXHIBIT "A"

**Filed and Recorded
Official Public Records
Bobbie Koeppe, County Clerk
Comal County, Texas
10/31/2023 04:24:52 PM
LAURA 5 Pages(s)
202306034754**



Bobbie Koeppe

EXHIBIT "B"

12/27/2023
 10/13/2023
 Holly Beebe by Andrew Z. Beebe
 Attorney in Law
 I have reviewed this survey and do hereby accept and approve of said survey.
 Andrew Z. Beebe
 10-15-2023

Reference field notes dated January 30, 2002, of this 0.107 acre tract.

The undersigned hereby acknowledge that this survey has been reviewed and accepted.

[Signature]

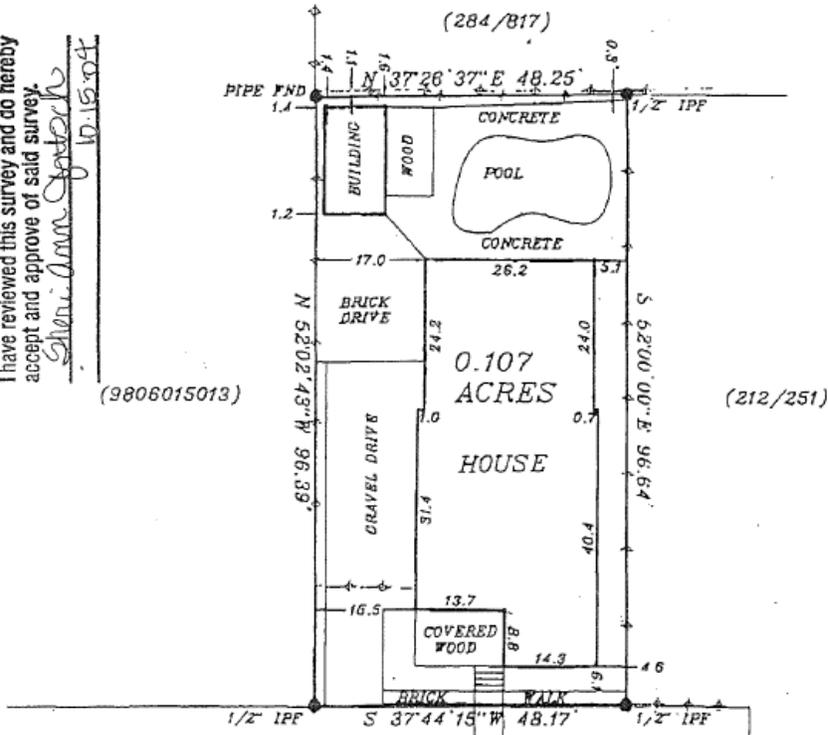


Scale: 1" = 20'

LEGEND

—	FENCE POSTS W/AT ALKANDER
—	B.L. - BUILDING SETBACK LINE
—	U.E. - UTILITY EASEMENT
—	D.E. - DRAINAGE EASEMENT
—	I.P.S. - IRON PIN SET TAGGED 4088
—	I.P.F. - IRON PIN FOUND
—	FENCE
—	E - ELECTRIC LINE
—	S - SERVICE LINE
○	INDICATES TREE

I have reviewed this survey and do hereby accept and approve of said survey.
 Andrew Z. Beebe
 10-15-2023



TOLLE STREET

Being a 0.107 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being a portion of Lot 142, New City Block 1007 and being the same tract of land called 0.106 acre described in Doc# 200006040038 of the Official Public Records of Comal County, Texas.

STATE OF TEXAS
 COUNTY OF COMAL

S. CRAIG HOLLAND INC.
 410 N. SAGEIN
 NEW BRAUNFELS TEXAS 78130
 (800) 825-8665

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE SHOWN AND ALL OBSERVABLE ABOVE GROUND EVIDENCE OF BUILDINGS STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES ARE SHOWN

381 Tolle Street
 New Braunfels, Texas



THIS 30th day of January 2002
[Signature]
 RICHARD A. GOODWIN, TPLS # 4009

02-068

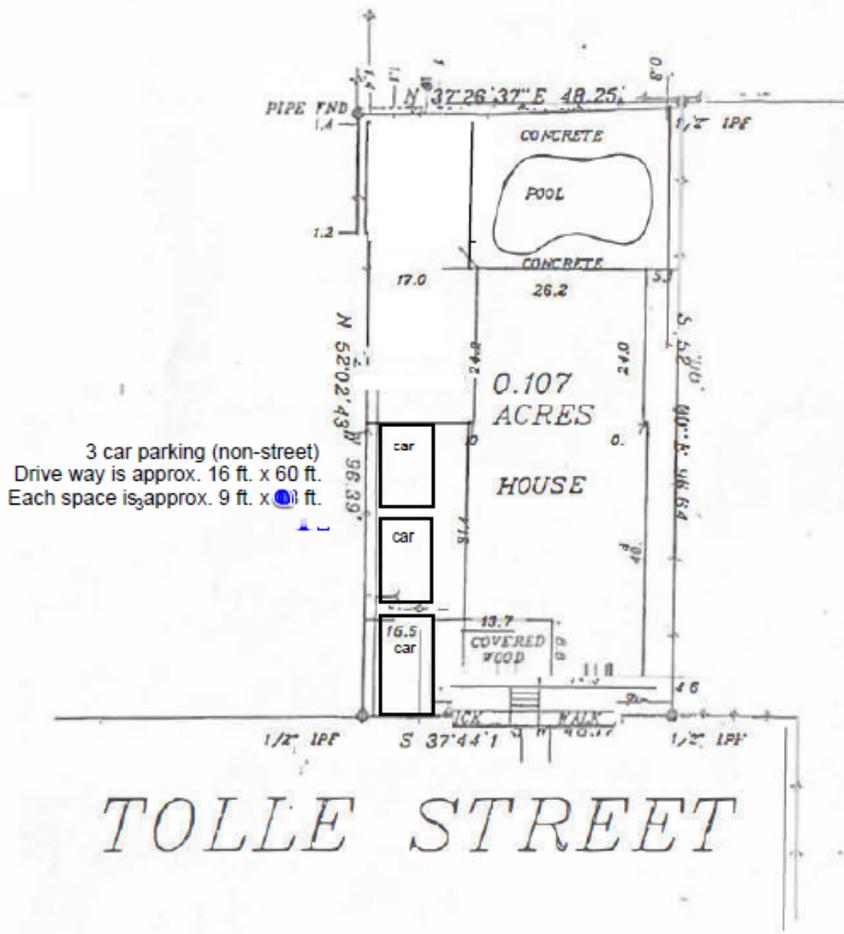
EXHIBIT "C"

We, John Buche and Holly Buche, the property owners, acknowledge that this site plan submitted for the purposes of rezoning this property is in accordance with all applicable provisions of the Zoning Ordinance. Additionally, I understand that City Council approval of this site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes/Ordinances at the time of plan submittal for building permits. Nor does it relieve me from adherence to any/all state or federal rules and regulations.



Scale: 1" = 20'

LEGEND	
—	FENCE POSTS MAY OR MANDER
—	B.L. - BUILDING SETBACK LINE
—	U.E. - UTILITY EASEMENT
—	D.E. - DRAINAGE EASEMENT
—	I.P.S. - IRON PIN SET TAGGED +000
—	I.P.F. - IRON PIN FOUND
—	FENCE
—	ELECTRIC LINE
—	SERVICE LINE
○	INDICATES TREE



3 car parking (non-street)
Drive way is approx. 16 ft. x 60 ft.
Each space is approx. 9 ft. x 10 ft.

TOLLE STREET

Being a 0.107 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being a portion of 142. New City Block 1007 and being the same tract of land called 0.106 acre described in Doc# 200006040038 of the Official Public Records of Comal County, Texas.

381 Tolle Street
New Braunfels, Texas

EXHIBIT "D"

