

**ORDINANCE NO. 2024-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.14 ACRES OUT OF NEW CITY BLOCK 4074, BAUS ADDITION, BLOCK A, LOT 9, CURRENTLY ADDRESSED AT 559 WEST NACOGDOCHES STREET, FROM C-3 (COMMERCIAL DISTRICT) TO C-3 SUP (COMMERCIAL DISTRICT WITH A SPECIAL USE PERMIT FOR SHORT-TERM RENTAL USE OF A RESIDENCE); 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 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 559 West Nacogdoches Street, 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 0.14 acres out of New City Block 4074, Baus Addition, Block A, Lot 9, being as delineated 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 will require a revision to the SUP.
3. A paved driveway with three 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 8<sup>th</sup> day of January, 2024.

**PASSED AND APPROVED:** Second reading this 22<sup>nd</sup> day of January, 2024.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEAL LINNARTZ**, Mayor

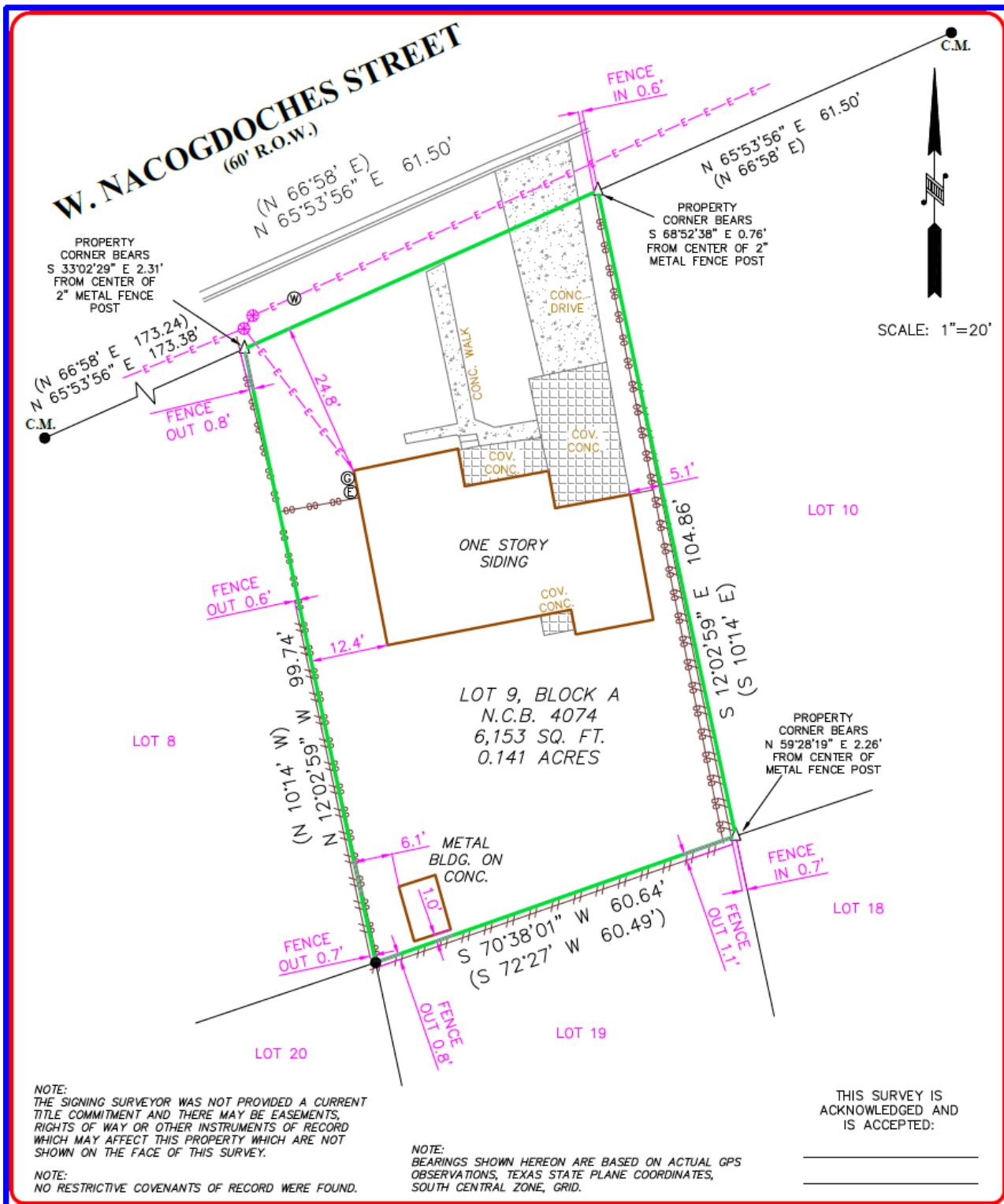
**ATTEST:**

\_\_\_\_\_  
**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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

**EXHIBIT "A"**



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 F, which is Dated 09/02/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) 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://msc.fema.gov/portal>.



**Property Address:**  
**559 W. NACOGDOCHES STREET**

**Property Description:**  
**LOT 9, BLOCK A, NEW CITY BLOCK 4074, BAUS ADDITION, IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 78, PAGE 589, DEED RECORDS, AND VOLUME 4, PAGE 42, DEED AND PLAT RECORDS, COMAL COUNTY, TEXAS.**

**Owner:**  
**T.B.D.**

FIRM REGISTRATION NO.  
10111700

**Westar**  
**Alamo**

LAND SURVEYORS, LLC.  
P.O. BOX 1645 BOERNE, TEXAS 78006  
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- △ = CALCULATED POINT
  - = FND. 1/2" IRON ROD
  - ( ) = RECORD INFORMATION
  - C.M. = CONTROLLING MONUMENT
  - ⊕ = POWER POLE
  - ⊙ = ELECTRIC METER
  - = WOOD FENCE
  - = OVERHEAD ELECTRIC
  - ⊙ = WATER METER
  - ⊙ = CHAIN LINK FENCE
  - ⊙ = GAS METER



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

*Mark J. Ewald*

MARK J. EWALD  
Registered Professional Land Surveyor  
Texas Registration No. 5095

DWG: **AJS** RVD: **CC**

G.F. NO. **N/A**

JOB NO. **115952**

TITLE COMPANY: **N/A**

DATE: **08/10/2022**

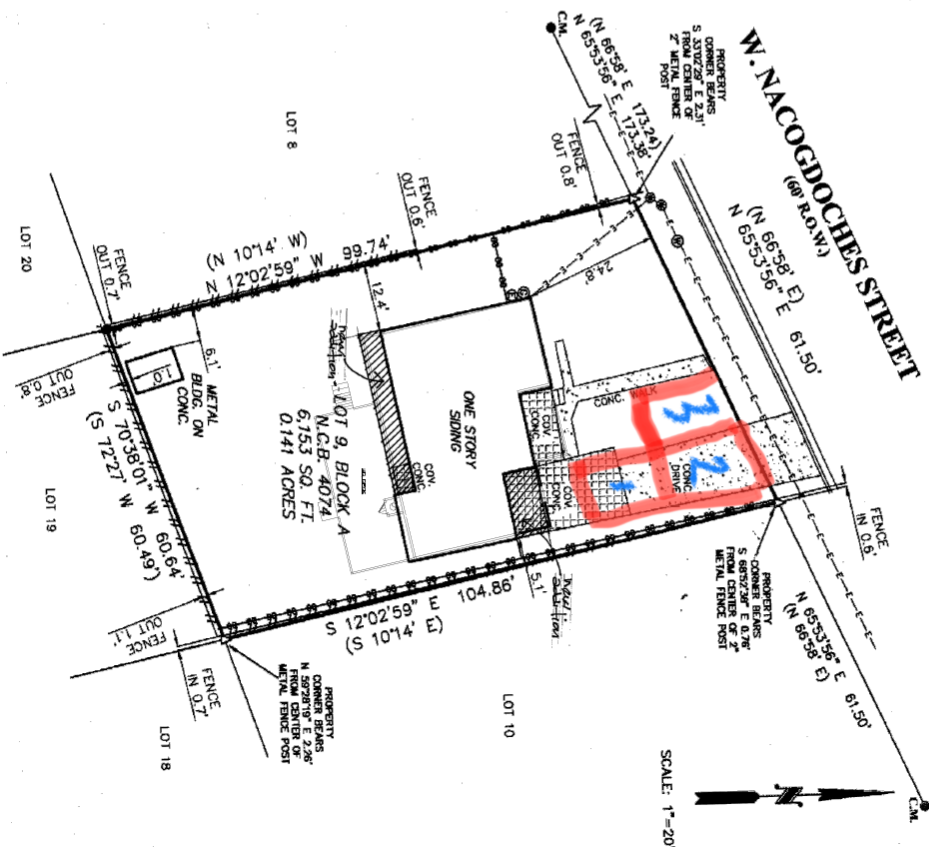


EXHIBIT "B"



## 6

1. 10x20'
2. 10x20
3. 10x20 with new approach





[illegible]

SCALE: 1/4" = 1'-0"