

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW THE SHORT TERM RENTAL OF TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS IN THE “C-2” CENTRAL BUSINESS DISTRICT, DESCRIBED AS BEING A 0.717 ACRE TRACT OF LAND, AND BEING KNOWN AS PARTS OF LOTS 32, 33, 34 AND 35, NEW CITY BLOCK 2016, ADDRESSED AT 468, 476 & 486 N. MARKET AVENUE; 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 1 Special Use Permit for 468, 476 & 486 N. Market Avenue to allow short term rental of two single family dwellings and up to eight cabins 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 Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of

Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being parts of Lots 32, 33, 34 and 35, New City Block 2016, addressed at 468, 476 & 468 N. Market Avenue, as delineated on the attached Exhibit 'A' and described in the attached Exhibit 'B' to allow short term rental of two single family dwellings and up to eight cabins in the "C-2" Central Business District."

SECTION 2

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

1. The property will be replatted, combining the two tracts of land into one platted lot prior to the issuance of a certificate of occupancy.
2. Exhibit 'C' shall be considered the adopted site plan. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
3. Residential buffer trees are not required to be planted along the property boundary only where the access driveway is adjacent to the property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls will comply with Section 5.3-2.
4. All supplemental standards for short term rentals in Section 5.17 will be observed, including obtaining the administrative Short Term Rental Permit prior to operation.
5. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
6. *Occupancy.* The maximum number of persons allowed to reside in the Short Term Rentals is two (2) adults per Sleeping Area: **Maximum of 26 adults.**
7. *Parking.* Provide Thirteen (13) paved off-street parking spaces.
8. No building additions may be constructed, other than those shown on the approved site plan, and no changes may be made to the approved site plan unless the Special Use Permit is amended through the rezoning process.

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 January, 2017.

PASSED AND APPROVED: Second Reading this the 13th day of February, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

\\chfs-1\Departments\Planning\Ordinances\Special Use Permits\2016\PZ-16-061 Batey Cabins SUP.ord.docx

BEING A 0.717 ACRE TRACT OF LAND, AND BEING KNOWN AS PARTS OF LOTS 32, 33, 34, AND 35, NEW CITY BLOCK 2016, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING THE SAME TRACT CALLED 0.718 ACRES OF LAND DESCRIBED IN DOC# 200106012045, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

REFERENCE NEW BRAUNFELS TITLE OF# 080015NBT, EFFECTIVE DATE 8/1/2011

REFERENCE ELEC. LINE RIGHT-OF-WAY AGREEMENT TO THE CITY OF NEW BRAUNFELS VOL. 871, PG. 807, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

LEGEND:

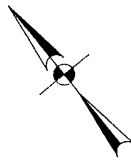
- O = SET 1/2" IRON PIN W/ A PLASTIC CAP STAMPED "HMT PROP. COR."
- = END 1/2" IRON PIN STAMPED "4089"
- = UNLESS OTHERWISE NOTED
- = RIGHT-OF-WAY
- = POWER POLE
- = OVERHEAD ELECTRIC
- P.O.B. = POINT OF BEGINNING
- () = PLAT CALLS
- Y = GUY WIRE
- DHT = OVERHEAD TELEPHONE

MEUSEBACH STREET

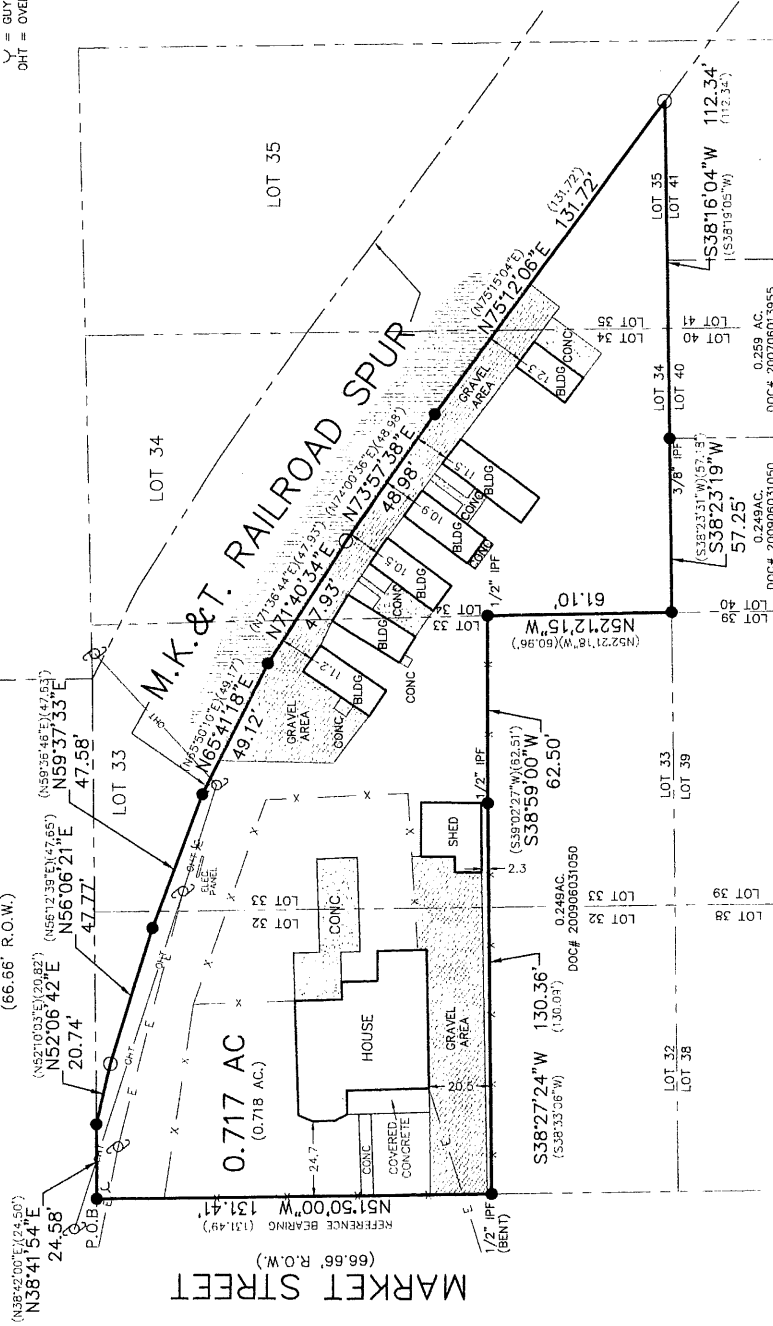
MARKET STREET

M.K.&T. RAILROAD SPUR

0.717 AC
(0.718 AC.)



SCALE 1" = 40'



HMT
ENGINEERING & SURVEYING
HOLLIG • MOELLER • THORNHILL
410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS, 78130
www.HMTNB.com
PH: (830)625-8555
FAX: (830)625-8556

476 MARKET AVENUE
NEW BRAUNFELS, TEXAS



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 AND THAT ALL OBSERVABLE EVIDENCE OF EASMENTS, ENCUMBRANCES, AND INTERESTS IN THE LAND AND EVIDENCE OF BUILDINGS, STRUCTURES, AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES ARE SHOWN

THIS 29TH DAY OF AUGUST, 2011

Thor Thornhill
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6177

AS9570

HMT
ENGINEERING & SURVEYING
PROFESSIONAL ■ REGISTERED ■ LICENSED
METES AND BOUNDS DESCRIPTION
FOR A
0.717 ACRE TRACT OF LAND

Being a 0.717 acre tract of land, and being known as parts of Lots 32, 33, 34, and 35, New City Block 2016, City of New Braunfels, Comal County, Texas, and being the same tract called 0.718 acres of land described in Doc# 200106012045, Official Public Records, Comal County, Texas, said 0.717 acre tract of land being more particularly described as follows:

Beginning at a ½" iron pin stamped "4069" found at the intersection of the Northeast line of Market Street, with the Southeast line of Meusebach Street, for the West corner of the above referenced Lot 32, for the West corner of the above referenced 0.718 acre tract of land, for the West corner and Point of Beginning of this tract;

Thence along the Southeast line of Meusebach Street, N 38°41'54" E a distance of 24.58 feet to a ½" iron pin stamped "4069" found at it's intersection with the Southerly line of the M. K. & T. Railroad Spur, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Northerly line of said 0.718 acre tract of land, the Southerly line of said M. K. & T. Railroad Spur, the following calls:

N 52°06'42" E a distance of 20.74 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 56°06'21" E a distance of 47.77 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 59°37'33" E a distance of 47.58 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 65°41'18" E a distance of 49.12 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 71°40'34" E a distance of 47.93 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 73°57'38" E a distance of 48.98 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 75°12'06" E a distance of 131.72 feet to a ½" iron pin stamped "HMT PROP. COR." set in the Southeasterly line of said Lot 35, the Northwesterly line of said lot 41, for the Northeasterly corner of said 0.718 acre tract of land, for the Northeasterly corner of this tract;

Thence along the Southeasterly line of of said Lots 34 and 35, the Northwesterly line of Lots 40 and 41, New City Block 2016, the following calls:

S 38°16'04" W a distance of 112.34 feet to a 3/8" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°23'19" W a distance of 57.25 feet to a ½" iron pin stamped "4069" found at the common corner of said Lots 33, 34, 39, and 40, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Southwest line of said Lot 34, the Northeast line of said Lot 33, N 52°12'15" W a distance of 61.10 feet to a ½" iron pin found for an interior corner of said 0.718 acre tract of land, for an interior corner of this tract;

Thence along the common line of this tract and said 0.718 acre tract, across said Lots 32 and 33, the following calls:

S 38°59'00" W a distance of 62.50 feet to a ½" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract;

S 38°27'24" W a distance of 130.36 feet to a ½" iron pin found (bent) in the Northeasterly line of Market Street, for the most Southerly corner of said 0.718 acre tract of land, for the most Southerly corner of this tract;

Thence along the Northeast line of Market Street, the Southwest line of said 0.718 acre tract of land, N 51°50'00" W a distance of 131.41 feet to the Point of Beginning and containing 0.717 acres of land.

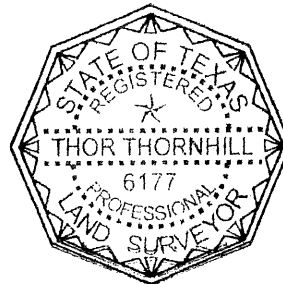
Bearings are rotated to a bearing of N 51°50'00" W between monumentation found along the Northeast line of Market Street, reference 0.718 acre tract of land, described in Doc# 200106012045, Official Public Records, Comal County, Texas.

Surveyed this the 29th day of August, 2011.

Reference survey of said 0.717 acre tract of land prepared this same date.



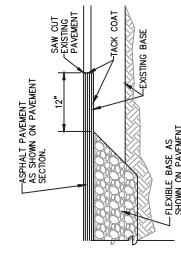
Thor Thornhill
Registered Professional Land Surveyor No. 6177



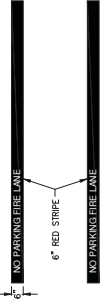
S:\Projects\Title Surveys\Ncb 2016\Lot pt of 32-33-34-35\ASB570 0.717 ac.doc

TYPICAL PAVEMENT SECTION			
PAVEMENT MATERIAL	THICKNESS (IN.)	PAVEMENT MATERIAL	THICKNESS (IN.)
TYPE "D" HMA	2.5"	HEAVY	10"
CRUSHED LIMESTONE FLEXIBLE BASE	10"	LIGHT	8"

NEW PAVEMENT TO EXISTING



FIRE LANE DETAIL

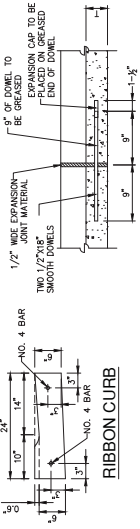


USE LANE NOTES:

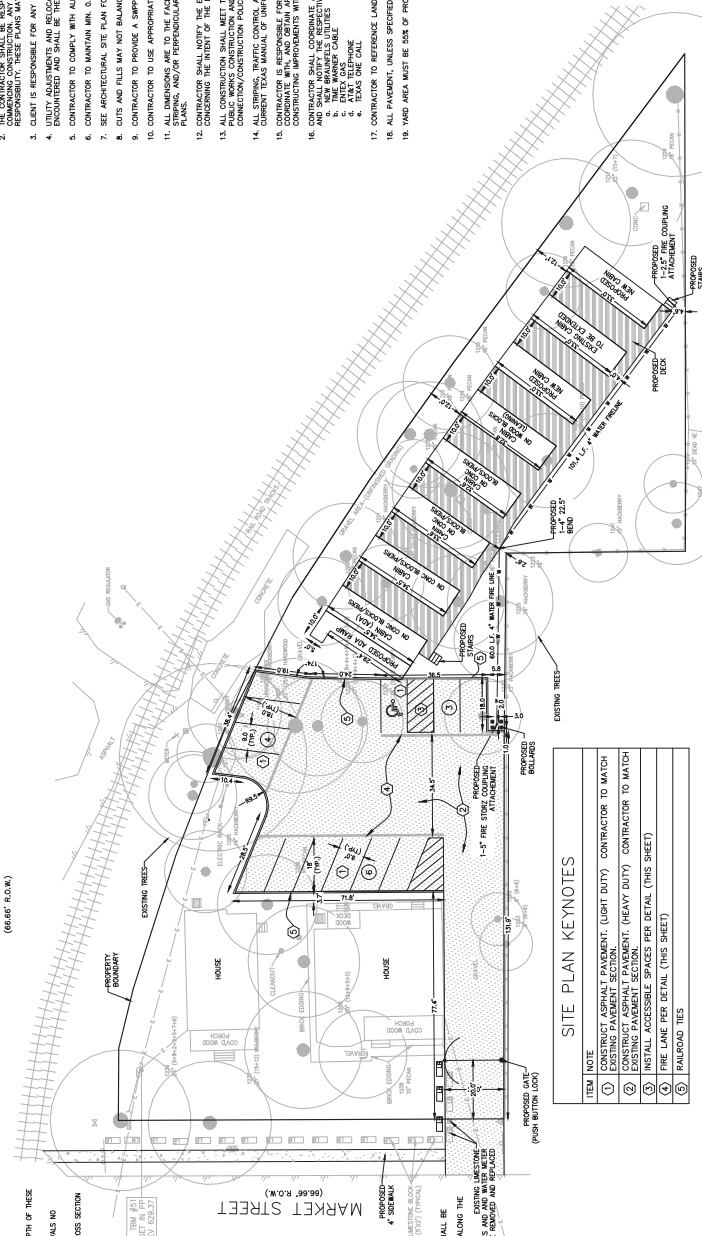
- 1. IF NO CURBS ARE PRESENT, A 24 INCH WIDE STRIP PAINTED WITH RED STRIPES SHALL BE PAINTED ALONG THE LENGTH OF THE LANE.
- 2. IF NO CURBS ARE PRESENT, A 24 INCH WIDE STRIP PAINTED WITH RED STRIPES SHALL BE PAINTED ALONG THE LENGTH OF THE LANE.
- 3. IF NO CURBS ARE PRESENT, A 24 INCH WIDE STRIP PAINTED WITH RED STRIPES SHALL BE PAINTED ALONG THE LENGTH OF THE LANE.
- 4. IF NO CURBS ARE PRESENT, A 24 INCH WIDE STRIP PAINTED WITH RED STRIPES SHALL BE PAINTED ALONG THE LENGTH OF THE LANE.
- 5. IF NO CURBS ARE PRESENT, A 24 INCH WIDE STRIP PAINTED WITH RED STRIPES SHALL BE PAINTED ALONG THE LENGTH OF THE LANE.

CURB AND GUTTER SECTIONS

- 1. REINFORCING BARS SHALL BE LAPPED A MINIMUM OF 18".
- 2. CURB AND GUTTER SHALL HAVE FORMED TOOLS OR SHARP CONTRAST JOINTS AT 10' INTERVALS.
- 3. CURB JOINTS SHALL BE SUFFICIENT TO ENSURE DRAINAGE AT THE JOINTS.
- 4. UNLESS OTHERWISE SHOWN, TRANSITIONS BETWEEN CURBS OF DIFFERING CROSS SECTIONS SHALL BE ACCOMPLISHED OVER A 10' LENGTH OR AS APPROVED BY THE DESIGN ENGINEER.
- 5. ALL CONCRETE TO BE CLASS "A" 3000 PSI CONCRETE.
- 6. ALL EXPOSED CONCRETE SURFACES TO BE FINISHED SMOOTH AND UNIFORM.



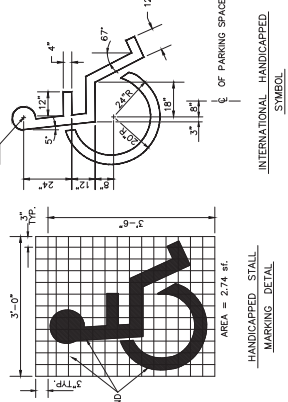
MEUSEBACH STREET



SITE PLAN KEYNOTES

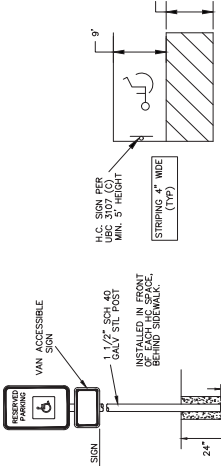
ITEM	NOTE
1	CONSTRUCT ASPHALT PAVEMENT (LIGHT DUTY) CONTRACTOR TO MATCH EXISTING PAVEMENT SECTION.
2	CONSTRUCT ASPHALT PAVEMENT (HEAVY DUTY) CONTRACTOR TO MATCH EXISTING PAVEMENT SECTION.
3	INSTALL ACCESSIBLE SPACES PER DETAIL (THIS SHEET)
4	FIRE LANE PER DETAIL (THIS SHEET)
5	RAILROAD TIES

HANDICAPPED SYMBOL DETAIL



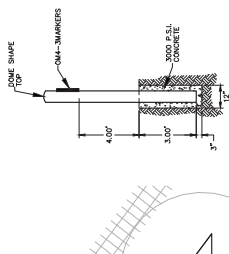
INTERNATIONAL HANDICAPPED SYMBOL

HANDICAPPED SIGN DETAIL



TYPICAL HANDICAPPED PARKING

BOLLARD DETAIL



CIVIL SITE CONSTRUCTION PLANS
AND DETAILS
SITE DIMENSIONAL
CONTROL PLAN

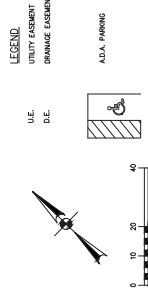


410 N. SEQUOIA AVE.
NEW BRAUNFELS, TX 78130
(830) 252-8550 • FAX: (830) 252-8556
TILE: FIRM P-10801

SHEET
C3.1

DATE: AUGUST 2016
DESIGNED BY: AM
DRAWN BY: LB
REVIEWED BY: AM
HMT PROJECT NO.: 24-001-001

NO.	REVISION DESCRIPTION	REVISION DATE



- 1. ALL DIMENSIONS ARE MEASURED TO FACE OF CURB UNLESS OTHERWISE NOTED.
- 2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THESE PLANS MAY NOT SHOW ALL EXISTING UTILITIES.
- 3. CLIENT IS RESPONSIBLE FOR ANY ADA REVIEW FOR THIS PROJECT.
- 4. CONTRACTOR SHALL MAINTAIN A MINIMUM 5% SLOPE ON ALL CONCRETE PAVING.
- 5. CONTRACTOR TO MAINTAIN MIN. 0.5% SLOPE ON ALL CONCRETE PAVING.
- 6. CONTRACTOR TO MAINTAIN MIN. 0.5% SLOPE ON ALL CONCRETE PAVING.
- 7. SEE ARCHITECTURAL SITE PLAN FOR ADDITIONAL SITE INFORMATION.
- 8. CUTS AND FILLS MAY NOT BALANCE.
- 9. CONTRACTOR TO PROVIDE A SWEEP FOR THIS SITE.
- 10. CONTRACTOR TO USE APPROPRIATE CURB BASED ON GRADING PLAN.
- 11. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- 12. CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF ANY CHANGES OR CORRECTIONS ARE REQUIRED DURING CONSTRUCTION. ANY CHANGES TO THE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- 13. ALL CONSTRUCTION SHALL MEET THE CURRENT CITY OF NEW BRAUNFELS STANDARDS FOR PUBLIC WORKS CONSTRUCTION AND/OR THE CURRENT NEW BRAUNFELS UTILITIES CURRENT TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- 14. ALL TRAFFIC CONTROL AND SIGNS SHALL MEET THE REQUIREMENTS OF THE CURRENT TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- 15. CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL ALONG ALL PUBLIC STREETS AND SHALL MAINTAIN A MINIMUM 5% SLOPE ON ALL CONCRETE PAVING.
- 16. CONTRACTOR SHALL COORDINATE ALL UTILITY WORK WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION. THE FOLLOWING ARE THE CONTACT NUMBERS FOR THE UTILITY COMPANIES:
 - a. NEW BRAUNFELS UTILITIES: 830-622-8400
 - b. TEXAS POWER & LIGHT: 800-644-4444
 - c. AT&T: 800-644-4444
 - d. TEXAS ONE CALL: 800-548-4646
- 17. CONTRACTOR TO REFERENCE LANDSCAPE PLANS FOR PROPOSED LANDSCAPE IMPROVEMENTS.
- 18. ALL PAVEMENT, UNLESS SPECIFIED AS HEAVY DUTY IS LIGHT DUTY PAVEMENT SECTION.
- 19. VMD AREA MUST BE 50% OF PROPERTY AREA.