

**ORDINANCE NO. 2018-**

**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-2" CENTRAL BUSINESS DISTRICT, ON LOT 7, CITY BLOCK 1034, ADDRESSED AT 657 SOUTH CASTELL AVENUE; 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 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 7, City Block 1034, addressed at 564 South Castell Avenue, to allow the short term rental of a single family dwelling 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** 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 Type 2 "Special Use Permit" for the uses and conditions herein described:

"Being Lot 7, City Block 1034, addressed at 657 South Castell Avenue, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "C-2" Central Business District."

## **SECTION 2**

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

1. The existing residential character and appearance of the building must be maintained.
2. Exhibit 'B' shall be the adopted Type 2 Special Use Permit site plan.
3. The Type 2 Special Use Permit will be in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the Type 2 Special Use 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 of same.

**PASSED AND APPROVED:** First Reading this the 29th day of May, 2018.

**PASSED AND APPROVED:** Second Reading this the 11th day of June, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

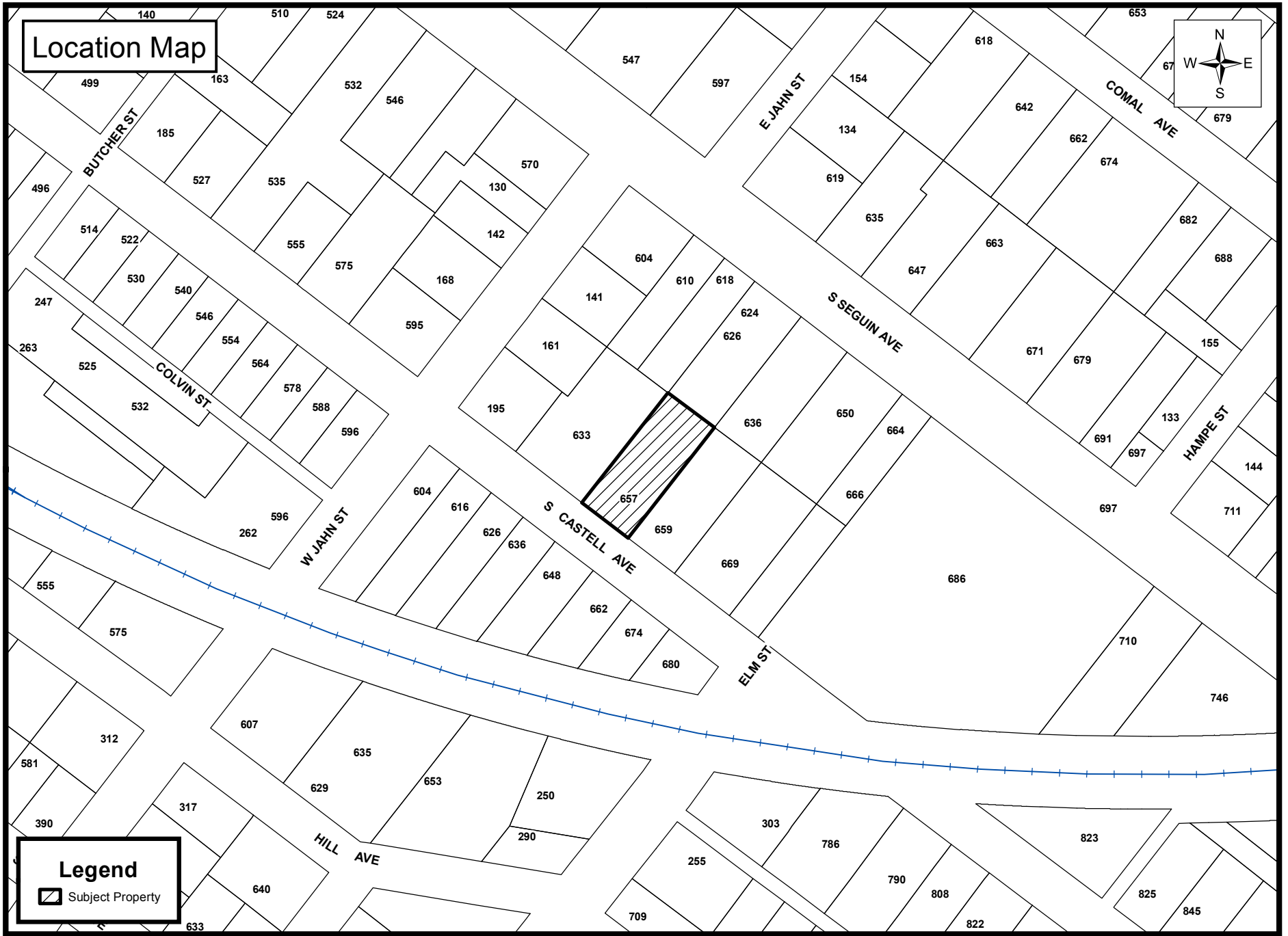
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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

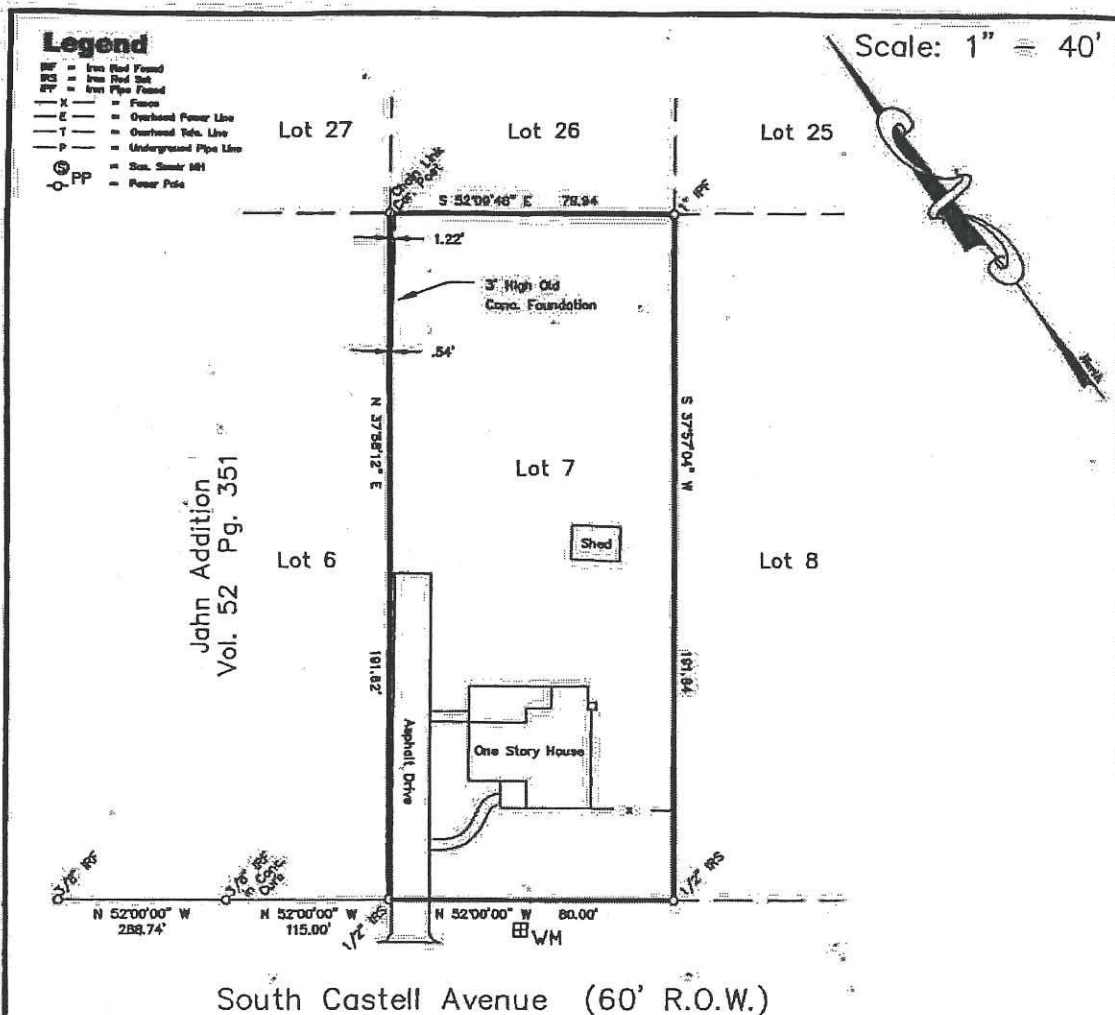
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**VALERIA M. ACEVEDO**, City Attorney



# SITE PLAN

Survey map



## PLAT SHOWING:

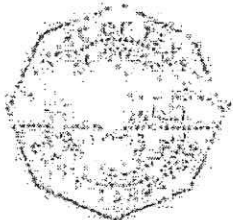
LOT SEVEN (7), NEW CITY BLOCK ONE THOUSAND THIRTY FOUR (1034), CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING THAT SAME LOT 7 CONVEYED BY JERE H. DIAL AND WIFE, PATRICIA N. DIAL TO RAY PERRY, INC. BY DEED DATED MAY 25, 2000 AND RECORDED AS DOCUMENT NO. 200006035517 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

PROPERTY ADDRESS: 657 S. CASTELL AVENUE, NEW BRAUNFELS, TEXAS 78130

## SURVEYOR'S STATEMENT:

I HEREBY STATE THAT THIS SURVEY WAS MADE ON THE GROUND AND COMPLETED ON JUNE 8, 2005 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. AN ENCROACHMENT OF AN OLD, 3 FOOT HIGH CONCRETE FOUNDATION ACROSS THE NORTHWEST BOUNDARY LINE OF THIS LOT IS AS SHOWN. ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP, NEW BRAUNFELS, TEXAS COMMUNITY-PANEL THIS PROPERTY DOES NOT LIE IN A DESIGNATED 100 YEAR FLOOD ZONE.

*Gerard S. Scholler*  
GERARD S. SCHOLLER  
TEXAS R.P.L.S. 1876



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NCB 1034