

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A BED & BREAKFAST FACILITY IN THE "R-2" SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT, ON PART OF LOT 147, NEW CITY BLOCK 1008, ADDRESSED AT 286 SOUTH 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 bed & breakfast facilities; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Part of Lot 147, New City Block 1008, addressed at 286 South Market Avenue, to allow a bed & breakfast facility in the "R-2" Single Family and Two Family 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 "Special Use Permit" for the uses and conditions herein described:

"Being Part of Lot 147, New City Block 1008, addressed at 286 South Market Avenue, as described in the attached Exhibit 'A' and delineated on the attached Exhibit 'B', to allow a bed & breakfast facility in the "R-2" Single Family and Two Family District."

SECTION 2

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

1. The existing residential character and appearance of the buildings must be maintained.
2. The property will remain in compliance with the approved site plan attached as Exhibit 'C'. Any significant changes to the site 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 of same.

PASSED AND APPROVED: First Reading this the 23rd day of July, 2018.

PASSED AND APPROVED: Second Reading this the 13th day of August, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT 'A'

Property: 286 South Market Avenue, New Braunfels, TX 78130

BEING 0.214 ACRES OF LAND, MORE OR LESS, OUT OF LOT 147, NEW CITY BLOCK 1008, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS; SAID 0.214 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A 0.214 OF AN ACRE TRACT OF LAND OUT OF LOT 147, NEW CITY BLOCK 1008, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, AND BEING COMPRISED OF THAT CERTAIN TRACT RECORDED IN VOLUME 89, PAGE 628, DEED RECORDS, AND THAT CERTAIN TRACT RECORDED IN VOLUME 694, PAGE 442, OFFICIAL PUBLIC RECORDS, BOTH OF COMAL COUNTY, TEXAS; SAID 0.214 OF AN ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A P. K. NAIL SET IN A CONCRETE CURB AT THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF S. MARKET AVE. WITH THE NORTHWEST RIGHT-OF-WAY LINE OF NAPOLEON ST. FOR THE SOUTH CORNER OF THIS TRACT;

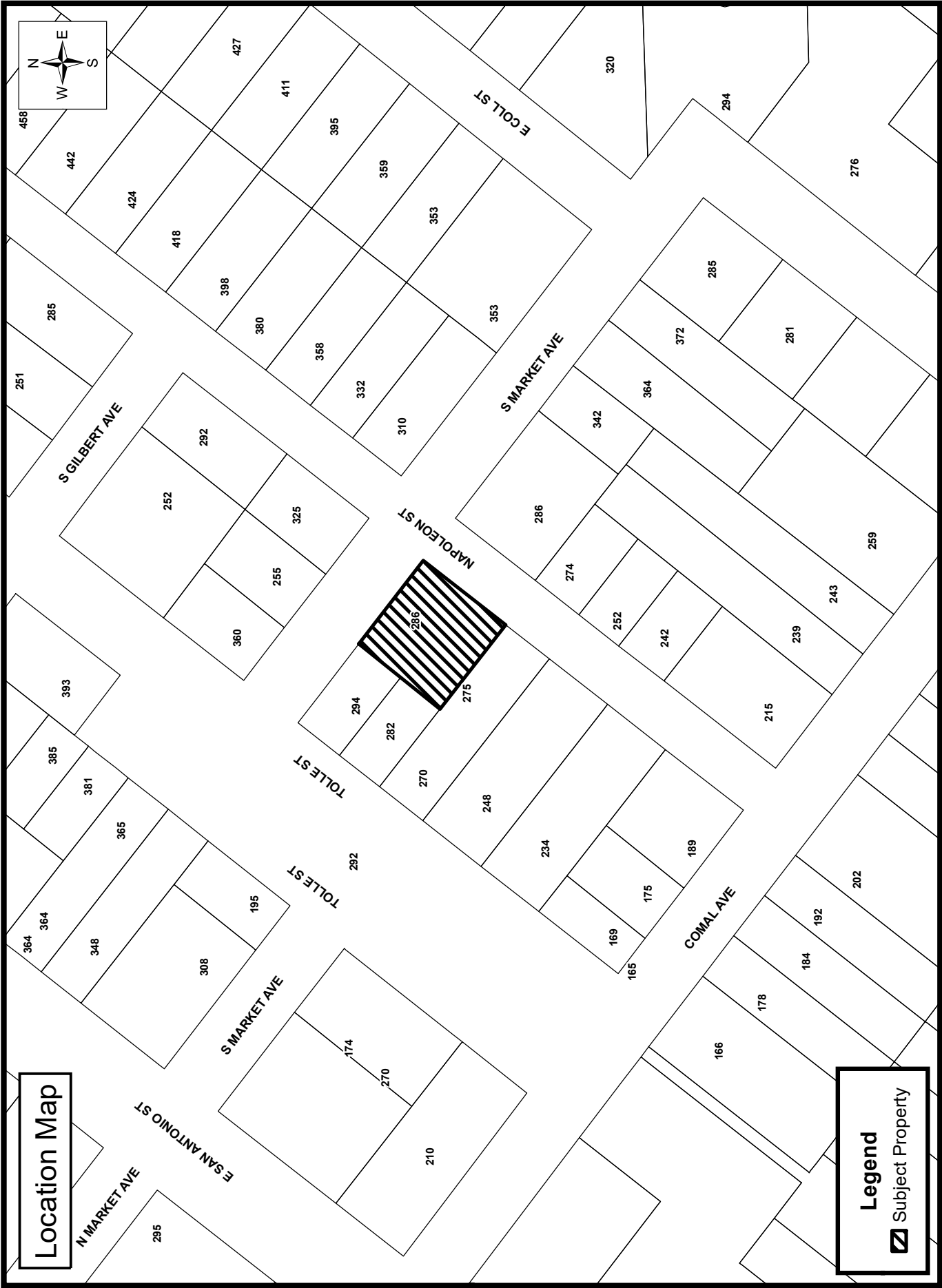
THENCE, ALONG THE COMMON LINE OF THIS TRACT AND SAID RIGHT-OF-WAY LINE OF NAPOLEON ST., S 38°42' W (BASIS OF BEARINGS), A DISTANCE OF 96.24 FEET (CALLED 38°42' W, 97.70') TO A 3/8" IRON ROD SET FOR THE SOUTH CORNER OF THIS TRACT AND THE EAST CORNER OF JERNIGAN TRACT, BEING PART OF LOT 148, RECORDED IN VOLUME 247, PAGE 603, DEED RECORDS, COMAL COUNTY, TEXAS;

THENCE, DEPARTING SAID RIGHT-OF-WAY LINE, ALONG THE COMMON LINE OF THIS TRACT AND SAID JERNIGAN TRACT, N 51°24'20" W, A DISTANCE OF 97.18 FEET (CALLED N 42° W, 96.03) TO A 1/2" IRON ROD FOUND FOR THE WEST CORNER OF THIS TRACT AND THE SOUTH CORNER OF THIS BAUGHAM/CALDERON TRACT, BEING PART OF LOT 147, RECORDED IN VOLUME 534, PAGE 265, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS;

THENCE, DEPARTING THE NORTHEAST BOUNDARY LINE OF SAID JERNIGAN TRACT, ALONG THE COMMON LINE OF THIS TRACT AND SAID BAUGHAM/CALDERON TRACT, N 39°24'08" E, A DISTANCE OF 48.07 FEET (CALLED N 38°42' E, 47.85') TO A 1/2" IRON ROD FOUND FOR THE EAST CORNER OF SAID BAUGHAM/CALDERON TRACT AND THE SOUTH CORNER OF THE WELCH TRACT, BEING PART OF LOT 147, RECORDED IN DOCUMENT NO. 9606015405, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS;

THENCE, ALONG THE COMMON LINE OF THIS TRACT, AND SAID WELCH TRACT, N 38°46'43" E, A DISTANCE OF 48.5 FEET (CALLED N 38°42' E, 47.85') TO A 1/2" IRON ROD FOUND IN THE AFOREMENTIONED SOUTHWEST RIGHT-OF-WAY LINE OF S. MARKET AVE. FOR THE NORTH CORNER OF THIS TRACT AND THE EAST CORNER OF SAID WELCH TRACT;

THENCE, ALONG THE COMMON LINE OF THIS TRACT AND SAID RIGHT-OF-WAY LINE, S 51°07'27" E, A DISTANCE OF 96.48 FEET (CALLED D 52° E 96.03') TO THE POINT-OF-BEGINNING AND CONTAINING 0.214 OF AN ACRE OF LAND.



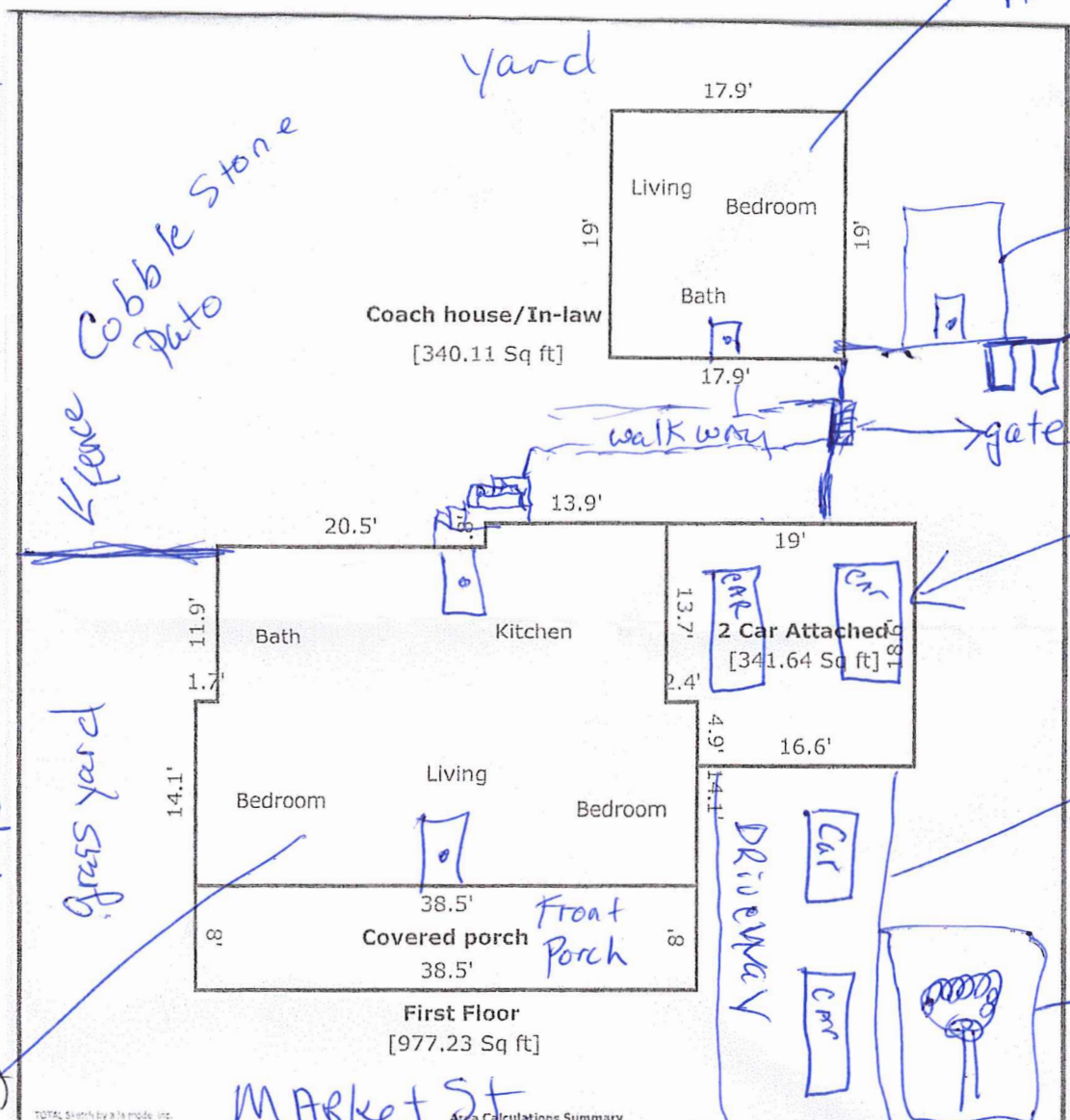
Map Created 6/5/18

PZ-18-015
286 S. Market Ave.
SUP to allow a bed and breakfast in the R-2 district



Comal Ave

Guest house



TOTAL: Smith by a/mc inc.

Area Calculations Summary		Calculation Details	
Living Area	977.2 Sq ft	38.5 x 14.1	= 542.8
First Floor		13.7 x 13.9	= 190.4
		11.9 x 20.5	= 244
Total Living Area (Rounded):	977 Sq ft		
Non-living Area	341.6 Sq ft	18.6 x 16.6	= 308.8
2 Car Attached		13.7 x 2.4	= 32.9
Coach house/In-law	340.1 Sq ft	0.5 x 19 x 0.1	= 1
		18.9 x 17.8	= 336.4
		0.5 x 0.1 x 17.8	= 0.9
		0.5 x 0.1 x 17.8	= 0.9
		0.5 x 19 x 0.1	= 1
Covered porch	308 Sq ft	38.5 x 8	= 308

Property back yard fully fenced and Private
 Can accomadate 4 cars in driveway
 286 S. Market - homes are on the
 corner of Market & Napoleon with Comal 4
 houses a way!

Exhibit 'C'