

**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 LOTS 1 & 2, NEW CITY BLOCK 5050, ADDRESSED AT 612 EAST COMMON STREET; 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 bed & breakfast facilities; and

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for Lots 1 & 2, New City Block 5050, addressed at 612 East Common Street, 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 Lots 1 & 2, New City Block 5050, addressed at 612 East Common Street, 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 27<sup>th</sup> day of August, 2018.

**PASSED AND APPROVED:** Second Reading this the 10<sup>th</sup> day of September, 2018.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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

#1  
21  
DOC# 469242

#108307CD  
LTEX  
#11.  
**WARRANTY DEED**

Date: June 30, 1995

Grantor: PATRICIA J. CANTRELL and CAROL A. GUEDRY

Grantor's Mailing Address (including county):

Grantee: RALPH WELCH and KATHRYN H. WELCH

Grantee's Mailing Address (including county):

8928 GLACIER  
TEXAS CITY, TX 77590

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

**Property (including any improvements):**

All that certain tract or parcel of land lying and being situated within the corporate limits of the City of New Braunfels, Comal County, Texas, being known and designated as Lots 1 and 2, Old City Block 28, New City Block 5050, EAST BRAUNFELS ADDITION, according to plat recorded in Volume I, Page 470, Comal County, Texas Deed Records.

**Reservations from and Exceptions to Conveyance and Warranty:**

Current ad valorem taxes on said property having been prorated, the payment of the same are hereby assumed by Grantee.

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, reservations, claims of interests, easements, rights of ways, and agreements, if any, relating to the property to the extent that the same may still be in force and effect shown of record in the Office of the County Clerk of Comal County, Texas; all zoning laws, regulations, ordinances of local, municipal, judicial, administrative, and/or other governmental authorities; any visible or apparent easements, roadways, or rights of ways on or across the property.

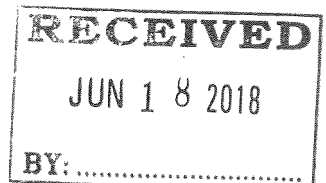



Exhibit 'A'

DOC# 469242

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS and CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

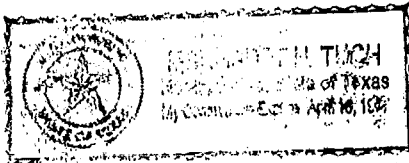
  
PATRICIA J. CANTRELL


  
CAROL A. GUEDRY

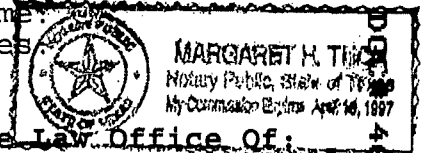
STATE OF TEXAS

COUNTY OF COMAL

This instrument was acknowledged before me on the 30 day of June, 1995, PATRICIA J. CANTRELL and CAROL A. GUEDRY.



  
Notary Public, State of Texas  
Notary's Printed Name: Margaret H. Tuck  
My Commission Expires April 16, 1997



After Recording Return To:

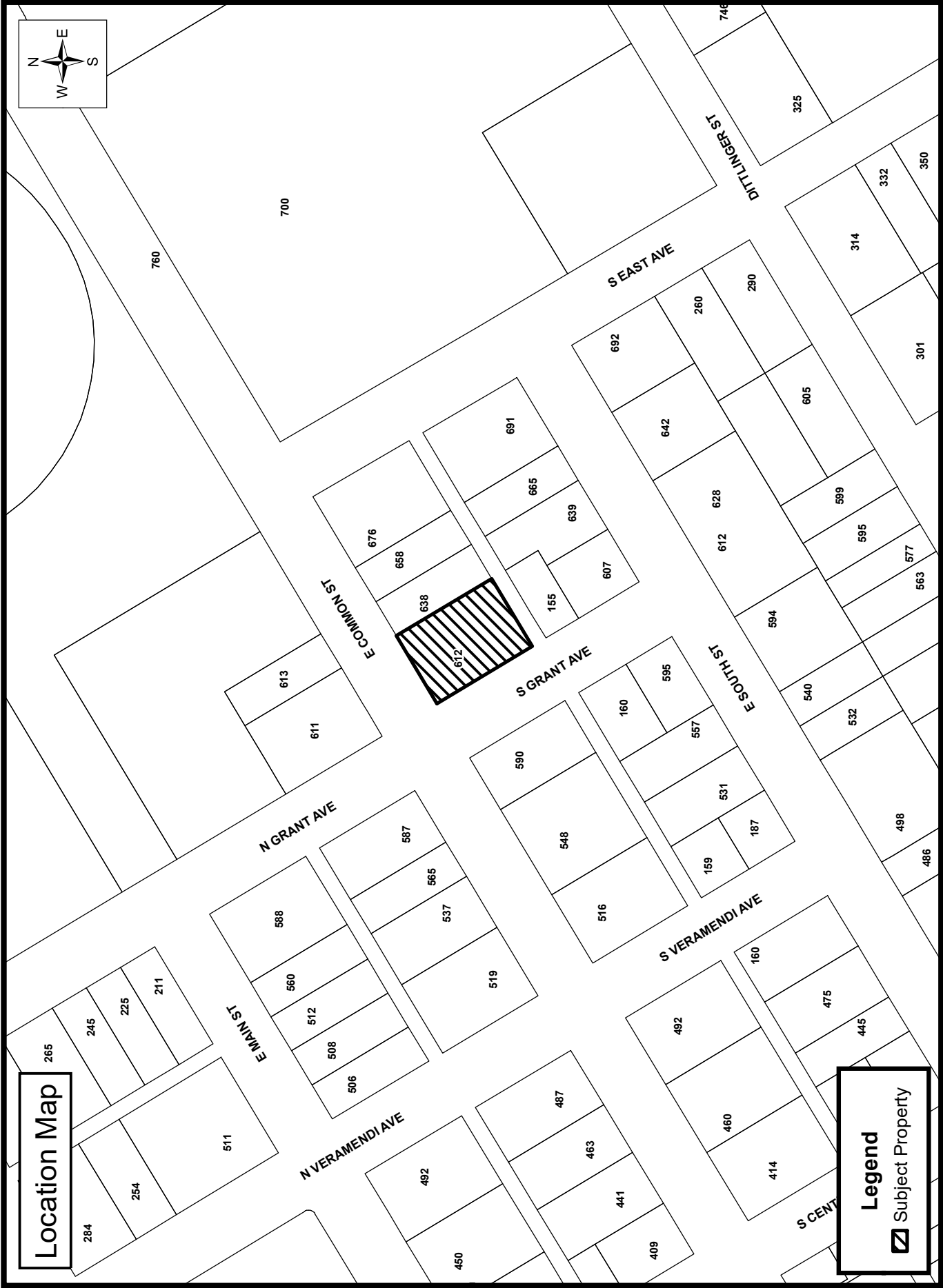
Prepared in the Law Office Of:

R. Bruce Boyer  
376-A Landa St.  
New Braunfels, Texas 78130

Doc# : 469242

# Pages: 2  
Date : 07-03-1995  
Time : 10:37:40 A.M.  
Filed & Recorded in  
Official Records  
of COMAL County, TX.  
JOY STREATER  
COUNTY CLERK  
Rec. \$ 11.00

DOC# 469242



Map Created 8/8/18

**PZ-18-021**  
**612 E. Common St.**  
**SUP to allow a bed and breakfast in the R-2 district**



# Site Plan

