

**ORDINANCE NO. 2019-**

**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" GENERAL BUSINESS DISTRICT, ON LOT 104, NEW CITY BLOCK 2010, ADDRESSED AT 352 W. MILL 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 short term rentals; and

**WHEREAS**, the City Council desires to grant a Type 2 Special Use Permit for Lot 104 New City Block 2010, addressed at 352 W. Mill Street, to allow the short term rental of a single family dwelling in the "C-2" General 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 "Special Use Permit" for the uses and conditions herein described:

"Being Lot 104, New City Block 2010, addressed at 352 W. Mill Street, as described in the attached Exhibit 'A' and delineated in the attached Exhibit 'B', to allow the short term rental of a single family dwelling in the "C-2" General Business District."

## **SECTION 2**

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

1. The applicant will complete construction of the proposed paved driveway and parking area in compliance with the adopted site plan.
2. The existing residential character of the property must be maintained.
3. Exhibit 'C' shall be considered the adopted site plan. Parking on the property shall be restricted in accordance with the site plan. The property will remain in compliance with the adopted site plan. 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 22<sup>nd</sup> day of April, 2019.

**PASSED AND APPROVED:** Second Reading this the 13<sup>th</sup> day of May, 2019.

**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

"Exhibit A"

A TRACT OR PARCEL OF LAND CONTAINING 0.2536 ACRES, (11,046 SQUARE FEET), BEING OUT OF AND A PART OF LOT 104, NEW CITY BLOCK 2010, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, SAID 0.2536 ACRE TRACT OF LAND BEING THAT CERTAIN CALLED 0.254 ACRE TRACT OF LAND AS CONVEYED TO NASH S. STONE AND SPOUSE, RUTH A. STONE BY INSTRUMENT RECORDED IN DOCUMENT NO. 200406003105 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: DOCUMENT NO. 200406003105 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS).

BEGINNING at a ½" iron rod found on the northwesterly right-of-way line of West Mill Street for the southeasterly common corner of said Lot 104 and Lot 103, of said New City Block 2010, same being the east corner of that certain called 0.144 acre tract of land as conveyed to Paul Rimmelin by instrument recorded in Document No. 201006028786 of the Official Public Records of Comal County, Texas, same being the south corner and the POINT OF BEGINNING of the herein described tract, from which a ½" iron rod found for the intersection of the northeasterly right-of-way line of North Academy Avenue with the northwesterly right-of-way line of West Mill Street bears, S 38°36'00" W, a distance of 95.70 feet;

Thence, N 51°53'31" W, along the common line of said Lots 103 and 104, same being the common line of said 0.144 Acre Tract, a distance of 115.34 feet to a calculated point for the south corner of that certain called 0.168 acre tract of land as conveyed to Thomas A. Angello and Carolyn Angello by instrument recorded in Document No. 200606033135 of the Official Public Records of Comal County, Texas, same being the west corner of the herein described tract, from which a fence corner post found for reference bears, S 04°07'24" W, a distance of 1.10 feet;

Thence, N 38°44'54" E, across said Lot 104, along the common line of said 0.168 Acre Tract, a distance of 95.77 feet to a calculated point on the common line of said Lot 104 and Lot 105, of said New City Block 2010, same being the common line of that certain called 0.209 acre tract of land as conveyed to CT Wellness Enterprises, LLC by instrument recorded in Document No. 201506036213 of the Official Public Records of Comal County, Texas, for the east corner of said 0.168 Acre Tract, same being the north corner of the herein described tract, from which a fence corner post found for reference bears, N 46°31'53" E, a distance of 1.02 feet;

Thence, S 52°00'00" E, along the common line of said Lots 104 and 105, same being the common line of said 0.209 Acre Tract, pass at a distance of 19.52 feet a calculated point for the south corner of said 0.209 Acre Tract, same being the west corner of that certain called 0.210 acre tract of land as conveyed to Theresa B. Gomez and Robert Gomez, Jr. by instrument recorded in Document No. 200306045884 of the Official Public Records of Comal County, Texas, and continuing for a total distance of 115.09 feet to a ½" iron rod found on the northwesterly right-of-way line of West Mill Street for the southeasterly common corner of said Lots 104 and 105, same being the south corner of said 0.210 Acre Tract, same being the east corner of the herein described tract;

Thence, S 38°36'00" W along the northwesterly right-of-way line of West Mill Street, a distance of 95.98 feet to the POINT OF BEGINNING and containing 0.2536 acres or 11,046 square feet of land, more or less.

Job No. SA2019-01093  
February 1, 2019

SCALE: 1" = 30'



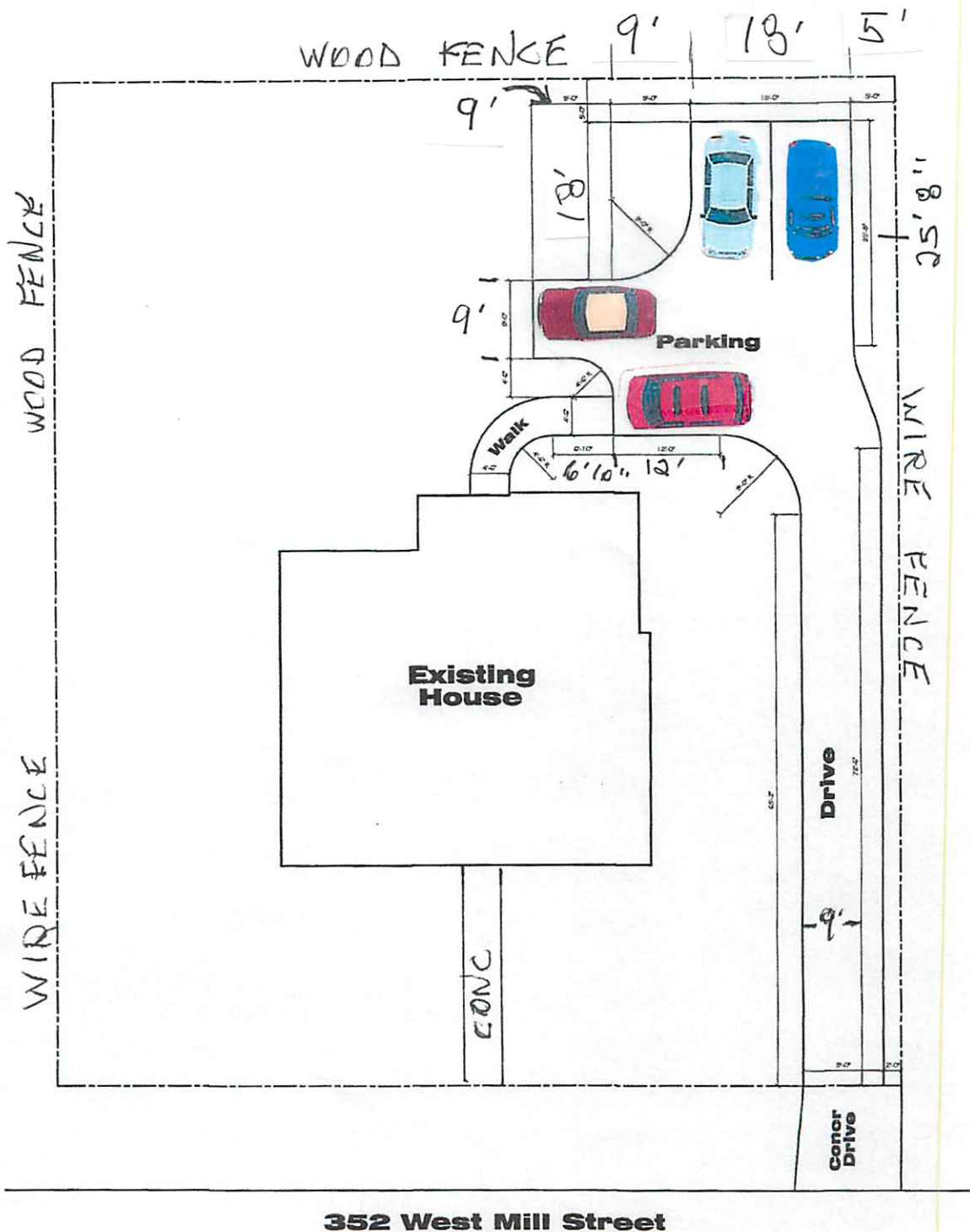
281-496-1586 FAX 281-496-1587 210-879-4641 FAX 210-879-1631  
950 THREADEBELL STREET SUITE 150 HOUSTON, TEXAS 77078 1717 N LOOP 410 SUITE 400 SAN ANTONIO, TEXAS 78211  
HRM, INC. 10062700





1" = 18'

909 sq ft of parking



352 West Mill Street

The driveway is currently broken up asphalt fading to dirt. Either asphalt or asphalt with chip seals will be poured. Chip seals are small stones embedded in asphalt.

EXHIBIT 'C'