

ORDINANCE NO. 2017- 19

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.

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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 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 23<sup>rd</sup> day of January, 2017.

**PASSED AND APPROVED:** Second Reading this the 13<sup>th</sup> 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**





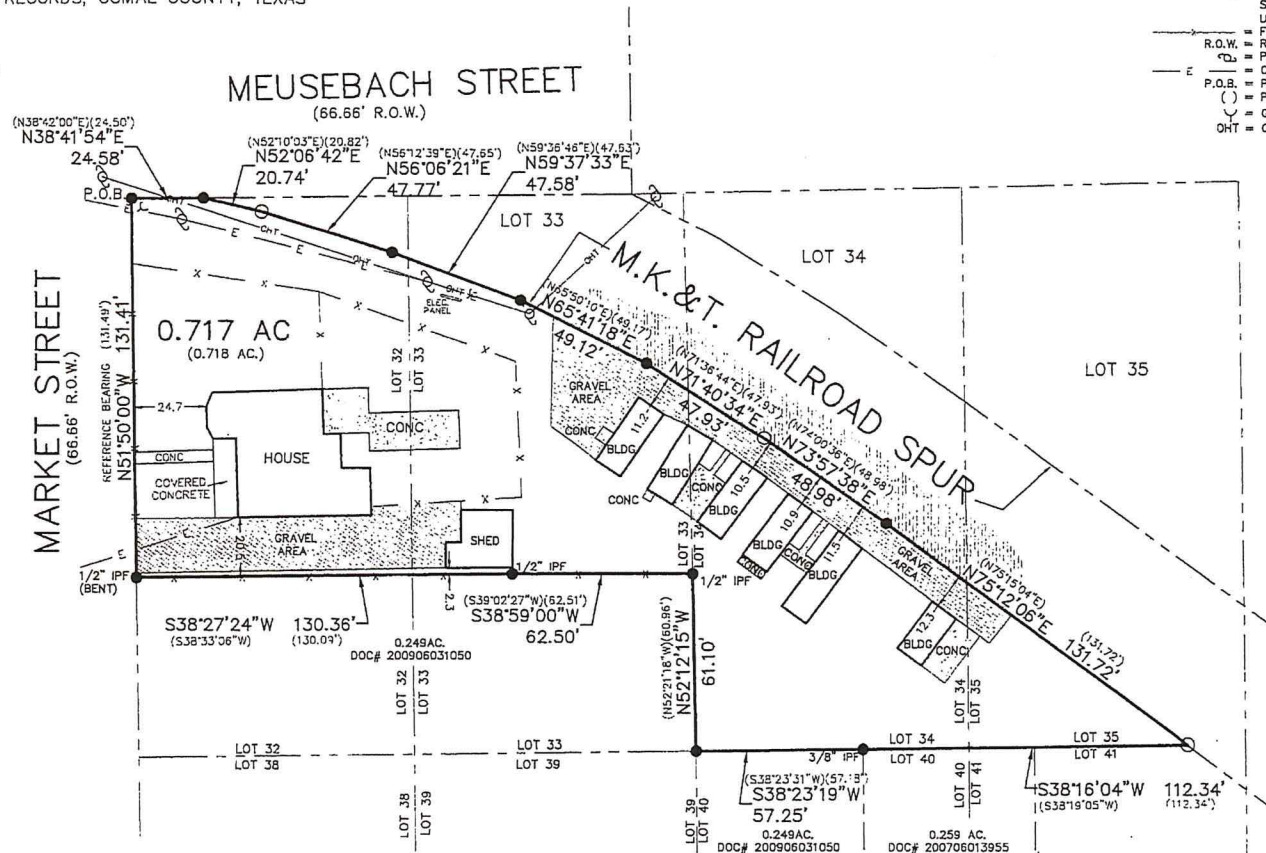
REFERENCE ELEC. LINE RIGHT-OF-WAY AGREEMENT TO  
THE CITY OF NEW BRAUNFELS VOL. 671, PG. 907.  
OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

LEGEND:

- = SET 1/2" IRON PIN W/ A PLASTIC  
 CAP STAMPED "HMT PROP. COR."  
 ■ = FND 1/2" IRON PIN  
 STAMPED "4069"  
 UNLESS OTHERWISE NOTED  
 ———→ = FENCE  
 R.O.W. = RIGHT-OF-WAY  
 ————⌞ = POWER POLE  
 ————E——— = OVERHEAD ELECTRIC  
 P.O.B. = POINT OF BEGINNING  
 ( ) = PLAT CALLS  
 ∪ = GUY WIRE  
 OHT = OVERHEAD TELEPHONE



SCALE 1"= 40'



THIS SURVEY IS CERTIFIED TO:  
TRAVIS & VERONICA BATEY, RAUL R.  
SALDIVAR AND NEW BRAUNFELS TITLE

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 EASEMENTS ON THE GROUND ARE SHOWN AND ALL OBSERVABLE EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES ARE SHOWN

THIS 29TH DAY OF AUGUST 2011

*Thor Thornhill*  
THOR THORNHILL  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6177



ASB57C

476 MARKET AVENUE  
NEW BRAUNFELS, TEXAS

**EXHIBIT 'A'**

Downloaded from <http://www.scripps.edu> on 07/20/11 at 14:54:45. See the Terms and Conditions (<http://www.scripps.edu/terms>) on Scripps Institution of Oceanography's Web site.

**HMT**  
ENGINEERING & SURVEYING  
HOLLMIG • MOELLER • THORNHILL

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NEW BRAUNFELS,  
TEXAS, 78130  
[www.HMTNB.com](http://www.HMTNB.com)  
PH: (830)625-8555  
FAX: (830)625-8556



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





LEGEND


UNITARY EXHAUST  
DRAINAGE EXHAUST


U.E.  
D.E.


ALUM. FINISH





































































































































































































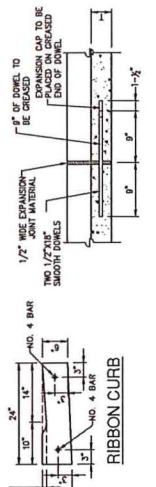






DATE: AUGUST 2016	DRAWN BY: LB	DESIGNED BY: AM
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STEEL SHALL NOT CROSS EXPANSION JOINTS. STEEL SHALL BE TERMINATED 3" ±1" FROM FACE OF THE CONCRETE. SECTION INTO CURB AND CURB OF ABUTMENT TYPICAL EXPANSION JOINT. SEE ALSO DRAWING 0001000000.



REINFORCING BARS SHALL BE LAPPED A MINIMUM OF 16".

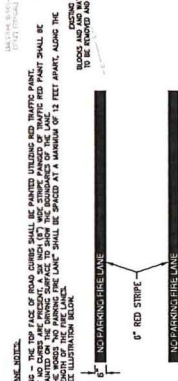
CHUBS AND CUTTER SHALL HAVE FORMS OR SAND CONSTRUCTION JOINTS AT 4' INTERVALS. THE DEPTH OF THESE JOINTS SHALL BE SUFFICIENT TO ENSURE CHOKING AT THE JOINTS.

CHUBS ON CURB AND CUTTER SHALL HAVE EMBEDMENT JOINTS AT POINTS OF CURVATURE, AT INTERVALS NO GREATER THAN 10' AND AT ALL ADJACENT STRUCTURE ANGLES.

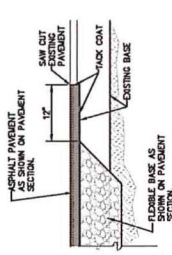
ALL MAJOR ORTHOGONAL SPOKE TRANSITIONS BETWEEN CURBS OR CHUBS AND CUTTED OFF STIFFNESS SECTION SHALL BE ACCOMPLISHED OVER A 10' LENGTH OR AS APPROVED BY THE DESIGN ENGINEER.

ALL CHOKING TO BE CLASS "A" 3000 PSI CONCRETE.

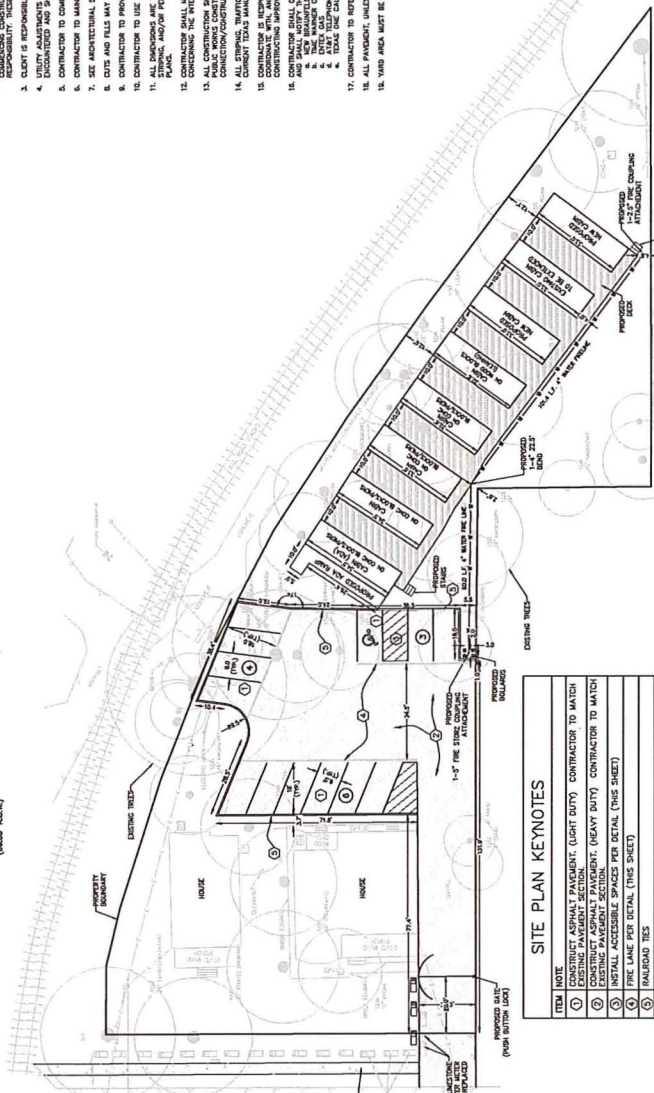
ALL EXPOSED CONCRETE SURFACES TO BE BROUGHT SMOOTH AND UNIFORM.



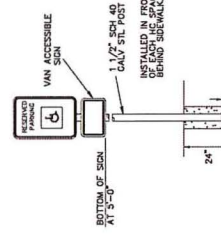
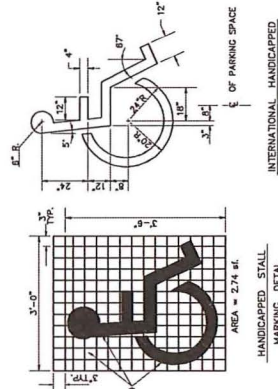
## N.T.S.



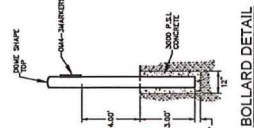
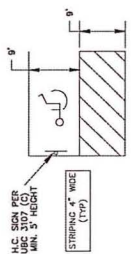
FLEXIBLE PAVEMENTS		
PAVEMENT MATERIAL	HEAVY	LIGHT
TYPE "D" HMA	2.5"	2"
CRUSHED LIMESTONE FLEXIBLE BASE, IN.	10"	8"



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



## N.T.S



1

THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATION ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES OR DAMAGES WHICH MIGHT BE INCURRED BY THEIR FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES, STRUCTURES OR FACILITIES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES 24- HOURS PRIOR TO COMMENCING CONSTRUCTION.