

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 TWO SINGLE FAMILY DWELLINGS AND UP TO EIGHT CABINS WITH AN ACCESSORY UTILITY SHED IN THE "C-2" CENTRAL BUSINESS DISTRICT, ON LOT 32R, NEW CITY BLOCK 2016, ADDRESSED AT 468. 476 AND 486 N. 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 short term rentals and Council previously approved a Type 2 Special Use Permit for short term rental per Ordinance 2017-19 on the property; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for Lot 32R New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed 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 "Special Use Permit" for the uses and conditions herein described:

"Being Lot 32R, New City Block 2016, addressed at 468, 478 and 486 N. Market Avenue, as delineated in the attached Exhibit 'A', to allow the short term rental of two single family dwellings and up to eight cabins with an accessory utility shed in the "C-2" Central

Business District.”

SECTION 2

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

1. Exhibit ‘B’ 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.
2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 5.3-7) and fences and walls (Section 5.3-2) must be met.
3. 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.
4. Signage on the property is limited to a freestanding monument sign or a low profile sign as regulated in Chapter 106, Sign Ordinance.
5. *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**.
6. *Parking*. Provide Thirteen (13) paved off-street parking spaces.
7. 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.
8. A building permit will be obtained and completed for the accessory utility shed.

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 28th day of May, 2019.

PASSED AND APPROVED: Second Reading this the 10th day of June, 2019.

CITY OF NEW BRAUNFELS

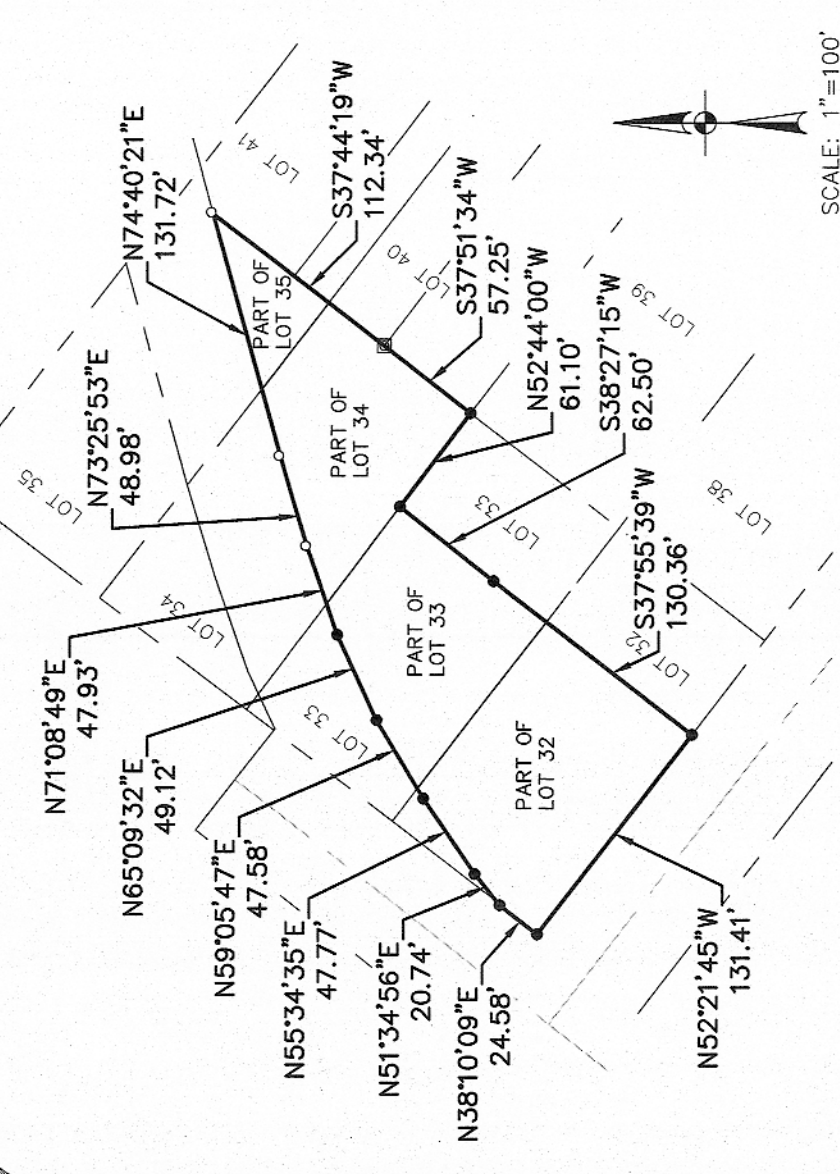
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



VACATE
PARTS OF LOTS 32, 33, 34, AND 35, NEW CITY BLOCK 2016, DESCRIBED IN DOCUMENT NUMBER
201106032037, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

- PLAT NOTES:**
1. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4200' NORTH AMERICAN DATUM 1983. GRID DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF. DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4200' NORTH AMERICAN DATUM 1983. GRID DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF. DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
 3. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS, AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAPS, STAMPED IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
 4. THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
 5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
 6. THE SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
 7. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE COMAL COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 4809100435F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 8. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENTS, AS APPROVED, SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
 9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
 10. 4" SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ADJACENT TO LOT 32R BY THE OWNER/DEVELOPER AT THE TIME OF DEVELOPMENT ALONG MARKET STREET.
 11. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION ADJACENT TO FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION. STRUCTURES MUST BE PROTECTED FROM THE ELEVATED WATER LEVELS OF THE STREET SHALL HAVE PROPERLY SLOPED GROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
 12. THIS SUBDIVISION IS SUBJECT TO THE CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE AND IS AUTHORIZED FOR 10 DWELLING UNITS. AT SUCH TIME THAT THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.

NEW BRAUNFELS UTILITIES NOTES:

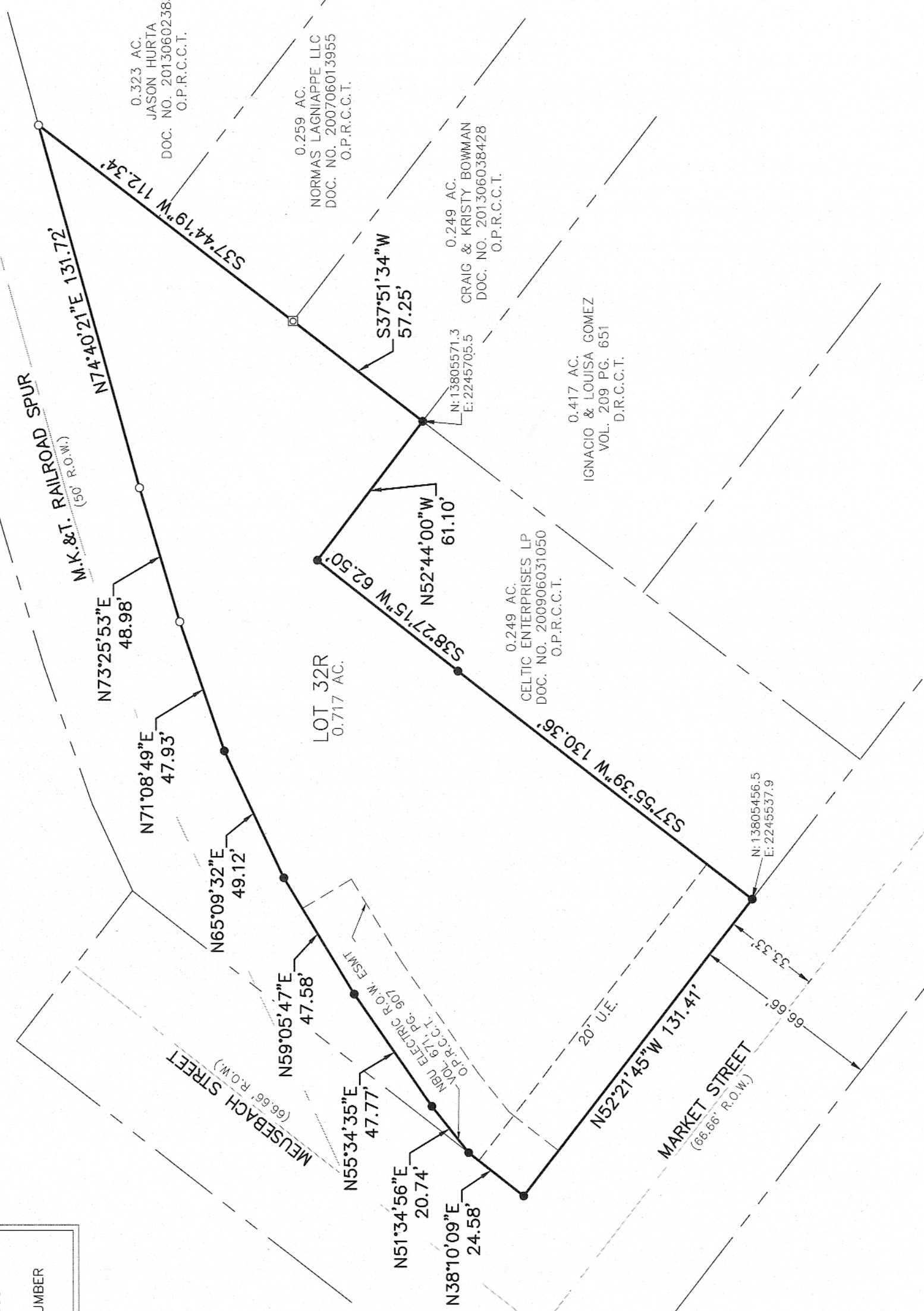
1. MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. UTILITY EASEMENTS ARE NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE DRAINAGE FEATURES. IS SUBJECT TO AND SHALL NOT INTERFERE WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE.
3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA.
4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (O.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
6. NBL IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBL EASEMENT ENCROACHMENT PROCESS. ANY UNAPPROVED IMPROVEMENTS WILL BE REMOVED AT THE ENCROACHMENT APPLICATION PROCESS.

HMT
ENGINEERING & SURVEYING

410 N. SEGUIN AVE.
NEW BRAUNFELS,
TEXAS 78130
WWW.HMTNB.COM
PH: (830)625-8555
TBPE FIRM F-10961
TBPLS FIRM 10153600

EXHIBIT 'A'

- SCALE: 1"=40'
- LEGEND:**
- = FND 1/2" IRON PIN
 - ⊠ = FND 3/8" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
 - = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS
 - D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS



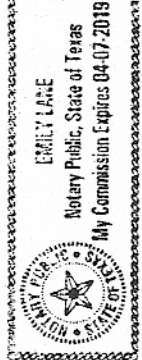
STATE OF TEXAS
COUNTY OF COMAL

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS LOT 32R, NEW CITY BLOCK 2016, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF COMAL, TEXAS, AND WHOSE NAME IS SUBSCRIBED HEREON, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE THE SAME TO THE USE OF THE PUBLIC ALL STREETS, DRAINAGE EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

TRANSILVERONICA BATEY
AUTHORIZED AGENT-TRAVIS BATEY
5645 HWY. 46 W
NEW BRAUNFELS, TEXAS 78132

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
15th DAY OF February, 2017,
BY Travis Batey
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: 4/7/19

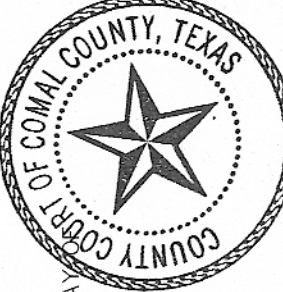


STATE OF TEXAS
COUNTY OF COMAL

I, **Bobbie Kiepp** DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# **201706014260** OF COMAL COUNTY ON THE **24** DAY OF **March**, 20**17** AT **8:11** A.M.

WITNESS MY HAND AND OFFICIAL SEAL, THIS THE **24** DAY OF **March**, 20**17**

COUNTY CLERK, COMAL COUNTY, TEXAS
Jammy Kandel
DEPUTY



KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, MARK F. CONLAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE ON THE GROUND UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

MARK F. CONLAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6342
410 N. SEGUIN AVE., NEW BRAUNFELS, TEXAS 78130



APPROVED THIS THE **7th** DAY OF **February**, 20**17**
BY THE PLANNING COMMISSION OF THE CITY OF NEW BRAUNFELS, TEXAS.

CHAIRMAN
Cory E. Lead

APPROVED FOR ACCEPTANCE

DATE **3-23-17**
DATE **3/15/17**
DATE **2/23/17**

PLANNING DIRECTOR
CITY ENGINEER
NEW BRAUNFELS UTILITIES



LOCATION MAP
NOT TO SCALE

