

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.1492 ACRES, BEING OUT OF BERGFELD SUBDIVISION, BLOCK 2, LOT 17, ADDRESSED AT 2679 KATY STREET AND 2662 SECOND STREET FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT, WITH A SPECIAL USE PERMIT FOR A DUPLEX) TO R-2 SUP (SINGLE-FAMILY AND TWO-FAMILY DISTRICT, WITH A SPECIAL USE PERMIT FOR TOWNHOMES); 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 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 compatible 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 townhome development; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 2679 Katy Street and 2662 Second Street, for Townhomes in the R-2 SUP (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 rezoning the following tract of land from R-2 (Single-Family and Two-Family District, with a Special Use Permit for a Duplex) to R-2 SUP (Single-Family and Two-Family District, with a Special Use Permit for Townhomes with conditions herein described:

0.1492 acres, being out of the Bergfeld Subdivision, Block 2, Lot 17, as delineated on Exhibit "A" and described in Exhibit "B."

SECTION 2

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

1. Existing firewall shall be maintained between the units.
2. Development of the site is to be in compliance with the attached Site Plan (Exhibit "C"). Any significant alterations to the submitted site plan will require an amendment to the SUP with a recommendation from the Planning Commission and consideration by City Council.

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 in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 25th day of September, 2023.

PASSED AND APPROVED: Second reading this 9th day of October, 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

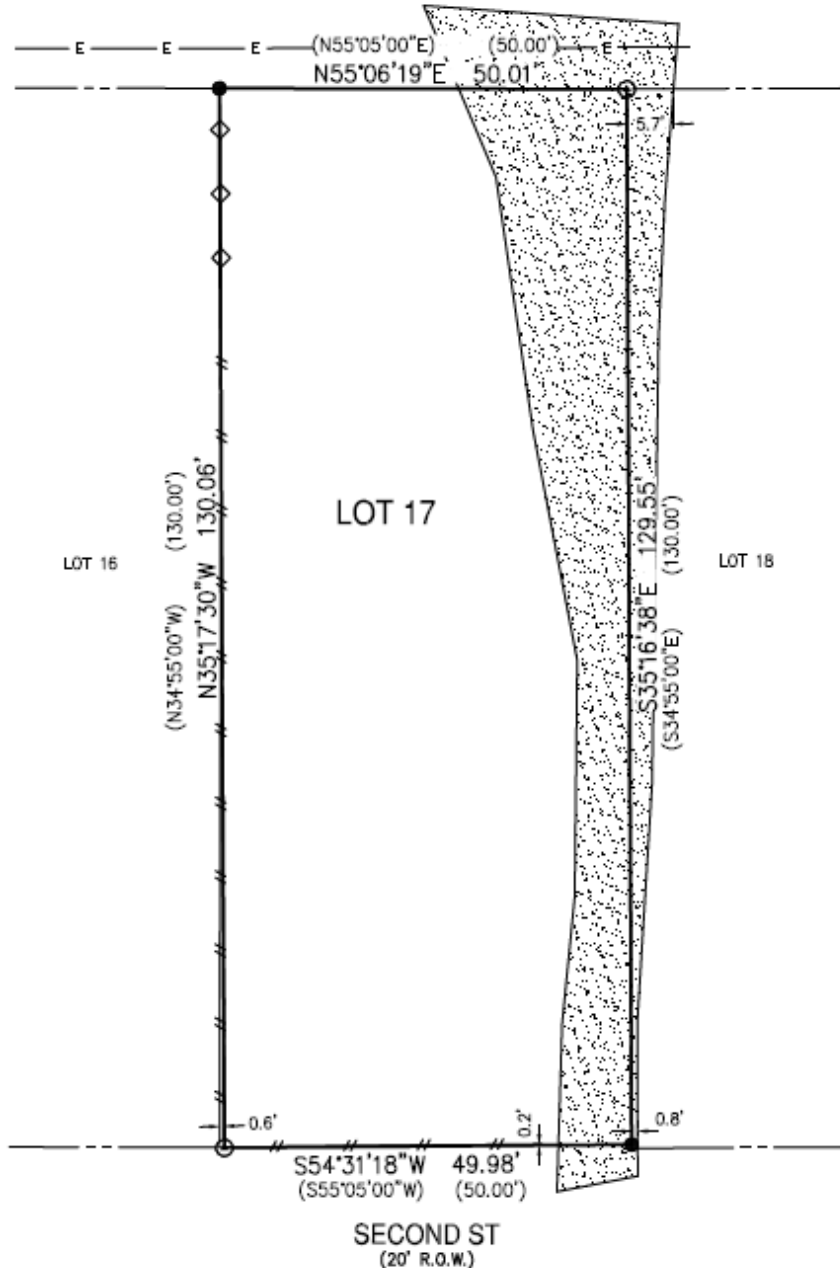
EXHIBIT "A"



EXHIBIT "B"

LOT 17, BLOCK 2, BERGFELD ADDITION SUBDIVISION, RECORDED
IN VOLUME 54, PAGE 446, DEED RECORDS, COMAL COUNTY,
TEXAS.

KATY ST.
(THIRD ST.)
(60' R.O.W.)



LEGEND:

- = FND 1/2" IRON PIN
- ⊙ = FOUND MAP SPIKE
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- () = RECORD CALLS
- //— = WOOD FENCE
- E— = OVERHEAD ELECTRIC
- ◊ = CHAIN LINK FENCE



SCALE: 1"=20'

THIS SURVEY WAS PREPARED WITHOUT
THE BENEFIT OF A TITLE REPORT.

THIS SURVEYOR HAS NOT CONDUCTED
A TITLE SEARCH TO DEPICT OTHER
MATTERS OF RECORD, SUCH AS
EASEMENTS, SETBACKS, RESTRICTIONS
OR OTHER ENCUMBRANCES THAT MAY
AFFECT THIS PROPERTY.

NO ATTEMPT HAS BEEN MADE TO
LOCATE ANY IMPROVEMENTS,
EASEMENTS, OR RIGHTS OF WAY NOT
SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED
ON THE TEXAS COORDINATE SYSTEM,
SOUTH CENTRAL ZONE (4204), NAD 83.



26 October 2020

2662 SECOND STREET
NEW BRAUNFELS, TEXAS

THIS SURVEY IS CERTIFIED TO:
COMAL COUNTY HABITAT FOR
HUMANITY

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY
SUPERVISION

THIS 23RD DAY OF OCTOBER 2020

DOUGLAS B. COTTLE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6149

20-0811



290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

EXHIBIT "C"

